
STATUTORY INSTRUMENTS

1992 No. 2006

CONSUMER PROTECTION

**The Child Resistant Packaging and Tactile
Danger Warnings (Safety) Regulations 1992**

<i>Made</i>	- - - -	<i>13th August 1992</i>
<i>Laid before Parliament</i>		<i>21st August 1992</i>
<i>Coming into force</i>	- -	<i>1st November 1992</i>

Whereas the Secretary of State is a Minister designated⁽¹⁾ for the purposes of section 2 of the European Communities Act 1972⁽²⁾ in relation to regulation and control of classification, packaging and labelling of dangerous substances and preparations:

Now, therefore, the Secretary of State in exercise of powers conferred on him by section 2 of the said Act of 1972 hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Child Resistant Packaging and Tactile Danger Warnings (Safety) Regulations 1992 and shall come into force on 1st November 1992.

(2) Subject to paragraph (3) below, the Child Resistant Packaging (Safety) Regulations 1986⁽³⁾ (“the 1986 Regulations”) are hereby revoked in so far as they apply to preparations classified at 28th April 1986 by the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984⁽⁴⁾ as “very toxic”, “toxic” or “corrosive” and in so far as they apply to products containing, in concentrations of 25% or more by weight, methylene chloride, toluene or xylene, and products containing methanol in concentrations of 4% or more by weight.

(3) The 1986 Regulations are revoked by paragraph (2) only in relation to the supply in reclosable packaging of the preparations and products mentioned in that paragraph.

2.—(1) In these Regulations—

“aerosol” means an article which consists of a non-reusable container containing a gas compressed, liquified or dissolved under pressure, with or without liquid, paste or powder, and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder, or in a liquid state;

(1) S.I. 1976/897.

(2) 1972 c. 68.

(3) S.I. 1986/758, amended by S.I. 1990/1736.

(4) S.I. 1984/1244.

“approved test house” means a laboratory which conforms with British Standard BS 7501⁽⁵⁾;

“BS 7501” means British Standard 7501: 1989 published by the British Standards Institution and which came into effect on 31st October 1989;

“BS 2782”⁽⁶⁾ means the British Standard Specification for determination of the viscosity of polymers in the liquid, emulsified or dispersed state using a rotational viscometer working at defined shear rate, BS 2782: 1978 (1991) published by the British Standards Institution and which came into effect on 31st October 1978;

“BS 7280”⁽⁷⁾ means the British Standard Specification for requirements for tactile danger warnings for packaging BS 7280: 1990 published by the British Standards Institution and which came into effect on 28th February 1990;

“ISO 8317”⁽⁸⁾ means the International Standard child-resistant packaging-requirements and testing procedures for reclosable packages published by the International Standards Organisation and which came into effect on 20th August 1989;

“listed product” means anything specified in Schedule 1;

“reclosable packaging” means any packaging which, after it has been initially opened, is capable of being reclosed with a similar degree of security and capable of being used a sufficient number of times to dispense the total contents without loss of security;

“regulated product” means anything specified in Schedule 2;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly.

(2) References in these Regulations to Schedules 1, 2 and 3 are references to Schedules 1, 2 and 3 to these Regulations.

3.—(1) Subject to paragraph (2) below, no person shall supply in any packaging any listed product unless the packaging carries a tactile warning of danger which is in accordance with BS 7280.

(2) Paragraph (1) does not apply in any case—

- (a) where the person supplying the listed product reasonably believes that it will be used exclusively for the purposes of a business or profession; or
- (b) where the product is mentioned in paragraphs (b), (c) or (d) of Schedule 2.

4.—(1) Subject to paragraphs (2) and (3) below no person shall supply in any reclosable packaging any regulated product unless the packaging complies with the requirements of ISO 8317.

(2) Paragraph (1) does not apply in any case—

- (a) where the person supplying the regulated product reasonably believes that it will be used exclusively for the purposes of a business or profession; or
- (b) where the regulated product is supplied in packaging which can only be opened (whether for the first time or subsequently) with the use of a tool.

(3) The requirements of this regulation are to be read subject to the notes in Schedule 3.

5.—(1) Subject to paragraph (2) below these Regulations shall be treated for all purposes as if they were safety regulations within the meaning of the Consumer Protection Act 1987⁽⁹⁾.

(5) ISBN 0 580 17939 7.

(6) ISBN 0 580 103382.

(7) ISBN 0 580 18175 8.

(8) UDC 621 798-78-053.4.

(9) 1987 c. 43.

(2) A person who contravenes regulation 3 or 4 shall be guilty of an offence punishable on summary conviction with imprisonment for not more than 3 months or with a fine not exceeding level five on the standard scale.

13th August 1992

Denton of Wakefield
Parliamentary Under Secretary of State,
Department of Trade and Industry

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SCHEDULE 1

Regulation 3

The following are listed products:—

- (a) all regulated products; and
- (b) preparations classified at the time of making of these Regulations by the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984⁽¹⁰⁾ as “harmful”, “extremely flammable” or “highly flammable”.

SCHEDULE 2

Regulation 4

The following are regulated products:—

- (a) preparations classified at the time of making of these Regulations by the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984, as “very toxic”, “toxic” or “corrosive”;
- (b) preparations containing methanol in a concentration equal to or greater than 3%;
- (c) preparations containing dichloromethane in a concentration equal to or greater than 1%; and
- (d) liquid preparations having a kinematic viscosity measured by rotative viscosity in accordance with BS 2782: Part 7, Method 730B of less than 7×10^{-6} m²/sec at 40°C and containing aliphatic and/or aromatic hydrocarbons in a total concentration equal to or greater than 10% except when such products are supplied in aerosols.

SCHEDULE 3

Regulation 4

NOTES

In any case of doubt as to compliance with regulation 4, a duly authorised officer of an enforcement authority may require the person supplying to provide him with a certificate from an approved test house that either:

- (a) the type of closure is such that it is not necessary to test to ISO 8317, or
- (b) the closure has been tested and found to conform with the standard referred to above.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations implement Article 6.2 and 6.3 of Council Directive [88/379/EEC](#) (OJNo. L187, 16.7.88, p.1), Commission Directive [90/35/EEC](#) (OJ No. L19, 24.1.90, p.14) and Commission Directive [91/410/EEC](#) (OJ No. L288, 17.8.91, p.67) in that they require reclosable packaging

⁽¹⁰⁾ S.I. 1984/1244, amended by S.I. 1986/1922, S.I.1986/1951, S.I. 1988/766, S.I. 1989/2208 and S.I. 1990/1255.

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in which certain preparations are supplied to comply with the requirements of ISO Standard 8317 (which deals with child-resistant reclosable packaging) and any packaging in which certain preparations are supplied to carry a tactile warning of danger in accordance with British Standard 7280. BS 7280 is the English language version of EN 272 “Packaging: Tactile Danger Warnings: Requirements” published by the European Committee for Standardization.

The Regulations implement Commission Directive [91/442/EEC](#) (OJ No.L242, 30.8.91, p.1) in that they require packaging in which preparations containing certain concentrations of methanol and dichloromethane are supplied to conform to ISO Standard 8317. The Regulations also extend to certain liquid preparations containing aliphatic and/or aromatic hydrocarbons and save for these last mentioned preparations extend to preparations supplied in aerosols.

The provisions of the Child Resistant Packaging (Safety) Regulations 1986 are revoked in relation to the supply in reclosable packaging of the preparations and products mentioned in regulation 1(2).

The Regulations do not apply to products supplied exclusively for business or professional purposes.

Copies of the British Standards and the International Standards referred to in the Regulations may be obtained from any of the sales outlets operated by the British Standards Institution or by post from the Institution at Linford Wood, Milton Keynes MK14 LE11.