
STATUTORY INSTRUMENTS

1994 No. 3247

The Chemicals (Hazard Information and Packaging for Supply) Regulations 1994

Child resistant fastenings and tactile warning devices

12.—(1) The British and International Standards referred to in this regulation are further described in Schedule 7.

(2) This regulation shall not apply in relation to a pesticide.

(3) Subject to paragraph (5), a person shall not supply a substance or preparation referred to in paragraph (4) in a receptacle of any size fitted with a replaceable closure unless the packaging complies with the requirements of BS EN 28317 or ISO 8317.

(4) Paragraph (3) shall apply to—

- (a) substances and preparations dangerous for supply which are required to be labelled with the indication of danger “very toxic”, “toxic”, or “corrosive”;
- (b) preparations containing methanol in a concentration equal to or more than 3% by weight;
- (c) preparations containing dichloromethane in a concentration equal to or more than 1% by weight;
- (d) liquid preparations having a kinematic viscosity measured by rotative viscometry in accordance with BS 2782 method 730 B or ISO 3291 of less than $7 \times 10^{-6} \text{m}^2 \text{s}^{-1}$ at 40°C and containing aliphatic or aromatic hydrocarbons or both in a total concentration equal to or more than 10% by weight, except where such a preparation is supplied in an aerosol dispenser.

(5) Paragraph (3) shall not apply if the person supplying it can show that it is obvious that the packaging in which the substance or preparation is supplied is sufficiently safe for children because they cannot obtain access to the contents without the help of a tool.

(6) If the packaging in which the substance or preparation is supplied was approved on or before 31 May 1993 by the British Standards Institution as complying with the requirements of the British Standards Specification BS 6652: 1989 it shall be treated in all respects as complying with the requirements of BS EN 28317.

(7) A person shall not supply a preparation dangerous for supply if the packaging in which the preparation is supplied has—

- (a) a shape or designation or both likely to attract or arouse the active curiosity of children or to mislead consumers; or
- (b) a presentation or a designation or both used for human or animal foodstuffs, medicinal or cosmetic products.

(8) A person shall not supply a substance or preparation referred to in paragraph (9) in a receptacle of any size, unless the packaging carries a tactile warning of danger in accordance with BS 7280 or EN Standard 272.

(9) Paragraph (8) shall apply to substances and preparations dangerous for supply which are required to be labelled with the indication of danger “very toxic”, “toxic”, “corrosive”, “harmful”, “extremely flammable” or “highly flammable”.

(10) A duly authorised officer of the enforcing authority, for the purpose of ascertaining whether there has been a contravention of paragraph (3) may require the person supplying a substance or preparation to which that paragraph applies to provide him with a certificate from a qualified test house stating that—

- (a) the closure is such that it is not necessary to test to BS EN 28317 or ISO 8317; or
- (b) the closure has been tested and found to conform to that standard.

(11) For the purpose of paragraph (10) a “qualified test house” means a laboratory that conforms to BS 7501 or EN 45 000.

(12) In this regulation, “supply” means offer for sale, sell or otherwise make available to the general public.