

---

STATUTORY INSTRUMENTS

---

**2008 No. 2164**

**The Batteries and Accumulators (Placing  
on the Market) Regulations 2008**

**PART 2**

**Prohibitions and labelling requirements**

**Prohibitions on mercury and cadmium**

- 4.—(1) No person shall place on the market—
- (a) a battery that contains more than 0.0005% of mercury by weight;
  - (b) a portable battery that contains more than 0.002% of cadmium by weight.
- (2) The prohibition in paragraph (1)(a) shall not apply to a button cell with a mercury content of no more than 2% by weight.
- (3) The prohibition in paragraph (1)(b) shall not apply to a portable battery intended for use in—
- (a) emergency and alarm systems, including emergency lighting;
  - (b) medical equipment; or
  - (c) a cordless power tool.
- (4) This regulation does not apply to a battery which is a component of a vehicle for the purposes of regulation 6 of the End-of-Life Vehicles Regulations 2003<sup>(1)</sup>.
- (5) In this regulation—
- “portable battery” means any battery or battery pack which is—
- (a) sealed,
  - (b) can be hand-carried by an average natural person without difficulty, and
  - (c) is neither an automotive battery nor an industrial battery;
- “automotive battery” means any battery used for automotive starter, lighting or ignition power;
- “industrial battery” means any battery or battery pack which is—
- (a) designed exclusively for industrial or professional uses,
  - (b) used as a source of power for propulsion in an electric vehicle,
  - (c) unsealed but is not an automotive battery, or
  - (d) sealed but is not a portable battery;
- “electric vehicle” means a vehicle which uses electricity as a source of power for propulsion and includes a vehicle which in addition uses, or is capable of using, other sources of power for this purpose; and

---

(1) [S.I. 2003/2635](#) to which there are amendments not relevant to these Regulations. This instrument implements Directive [2000/53/EC](#) of the European Parliament and of the Council on end-of life vehicles (OJNo. L269, 21.10.2000, p.34).

“cordless power tool” means a hand-held appliance powered by a battery and intended for maintenance, construction or gardening activities.