STATUTORY INSTRUMENTS

1967 No. 879

FACTORIES

The Carcinogenic Substances Regulations 1967

Made - - - -	*8th June* 1967
Laid before Parliament	*16th June* 1967
Coming into Operation	*9th December* 1967

The Minister of Labour—

(*a*) by virtue of the powers conferred on him by sections 76 and 180(6) and (7) of the Factories Act 1961(a) and of all other powers enabling him in that behalf; and

(*b*) after publishing, pursuant to Schedule 4 to the said Act of 1961, notice of the proposal to make the Regulations and not having received any objection to the draft in regard to which he is required by the said Schedule to direct an inquiry to be held,

hereby makes the following special Regulations:—

PART I

INTERPRETATION AND GENERAL

Citation and commencement

1. These Regulations may be cited as the Carcinogenic Substances Regulations 1967 and shall come into operation on 9th December 1967.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) For the purposes of these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"appointed doctor" as respects any factory means a fully registered medical practitioner specially appointed under section 151 of the principal Act to be appointed factory doctor for the factory for the purposes of these Regulations or the appointed factory doctor for the district in which the factory is situated;

"approved" means approved for the time being for the purposes of these Regulations by certificate of the Chief Inspector;

"controlled substance" means any compound or substance to which Part III of these Regulations applies as specified in Regulation 6(1);

"factory" includes any place to which these Regulations apply;

"national insurance number" means that series of digits and letters recorded

(a) 1961 c. 34. (b) 1889 c. 63.

on an insurance card (as defined in the National Insurance and Industrial Injuries (Collection of Contributions) Regulations 1948(a)) in the place indicated for that purpose on the said card;

"the principal Act" means the Factories Act 1961 as amended by or under any other Act; and

"prohibited substance" means any compound or substance to which Part II of these Regulations applies as specified in Regulation 4(1).

Application of Regulations

3. These Regulations shall apply to factories and to any premises, places, processes, operations and works to which the provisions of Part IV of the principal Act with respect to special Regulations for safety and health are applied by any of the following provisions of that Act, that is to say, section 123 (which relates to electrical stations), section 124 (which relates to institutions), section 125 (which relates to certain dock premises and certain warehouses), section 126 (which relates to ships) and section 127 (which relates to building operations and works of engineering construction).

PART II

Prohibited Substances

Prohibition of employment in the manufacture of certain substances and of their use

4.—(1) This Part of these Regulations shall not apply to any chemical compound to which Part III of these Regulations applies but, save as aforesaid, shall apply to the following chemical compounds, that is to say, beta-naphthylamine, benzidine, 4-aminodiphenyl, 4-nitrodiphenyl and their salts, and any substance containing any of those compounds: Provided that this Part of these Regulations shall not apply in any case where all or any one or more of the said compounds is present, as a by-product of a chemical reaction, in any other substance in a total concentration not exceeding one per cent.

(2) No person shall be employed in any factory in connection with the manufacture of any prohibited substance or in connection with any process in the course of which any prohibited substance is formed.

(3) No prohibited substance shall be brought into or used in any factory.

Exemptions

5.—(1) The Chief Inspector may (subject to such conditions, if any, as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these Regulations—

(*a*) the presence and use of any prohibited substance or any class or description of prohibited substances; or

(a) S.I. 1948/1274 (Rev. XVI, p. 148: 1948 I, p. 3037).

(*b*) the employment of any person or any class or description of persons;

as respects any one or more, or as respects any class or description of any one or more, of the following, that is to say, any factory, part of any factory, machine, plant, apparatus and process, if he is satisfied—

(i) where it is proposed to manufacture or use any prohibited substance that the proposed manufacture or use (as the case may be) will be only for the purpose of or in the course of research, investigation or testing (the research, investigation or testing being medical or scientific) and that the manufacture or use has been certified in writing by the director or other person in charge of the laboratory or other place where the said research, investigation or testing (as the case may be) is to be carried on to be necessary for such purpose or in such course;

(ii) where in the course of any process of manufacture (other than the manufacture of any prohibited substance) any prohibited substance is formed at any stage of the process, that the said process will be carried out in a totally enclosed system in such a manner that no prohibited substance is removed from the said system except for the purposes of, and in no greater quantity and no more frequently than is necessary for, control of the process and such analysis as is necessary to secure that the product will be free from prohibited substances and that no prohibited substance escapes from the said system;

(iii) where it is proposed to manufacture benzidine monohydrochloride, benzidine dihydrochloride or a mixture containing either or both of those substances or to use the said substances or either of them in any process of manufacture, that the said manufacture or use will be carried out in a totally enclosed system in such a manner that no prohibited substance is allowed to escape from the said system, that no prohibited substance (other than any benzidine hydrochloride) is removed therefrom except for the purposes of, and in no greater quantity and no more frequently than is necessary for, control of the process and such analysis as is necessary to secure that the product will be free from prohibited substances and that adequate steps will be taken to ensure that the benzidine hydrochlorides are at all times, except while they are in the totally enclosed system, kept wet so that the proportion by weight of water to benzidine hydrochlorides is not less than one part of water to two parts of benzidine hydrochlorides;

(iv) where it is proposed to bring any prohibited substance within any dock, wharf or quay (including any warehouse therein or thereon and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) to which section 125 of the principal Act applies, that the sole purpose of bringing the said substance within the said dock, wharf or quay will be that of exporting the said substance from Great Britain;

and if he is further satisfied in each of the cases mentioned in sub-paragraphs (i) to (iii) of this paragraph that the requirements of Regulations 7 and 8 of these Regulations will be complied with in the case of any manufacture or use

(as the case may be) mentioned in those sub-paragraphs, as if it were a case to which the said Regulations 7 and 8 apply and as if references therein to controlled substances included references to prohibited substances.

PART III

CONTROLLED SUBSTANCES

Control of certain substances and of their use and of employment in their manufacture

6.—(1) This Part of these Regulations shall apply to the following chemical compounds, that is to say, alpha-naphthylamine (other than alpha-naphthylamine containing, as a by-product of a chemical reaction, more than one per cent of beta-naphthylamine), ortho-tolidine, dianisidine, dichlorbenzidine and their salts and auramine and magenta.

(2) Where any person is employed in any factory in connection with the manufacture of any controlled substance or in connection with any process in the course of which any controlled substance is formed, or in the course of which any controlled substance (other than auramine and magenta) is used, the requirements of the following Regulations shall be complied with.

Protection of persons employed in connection with controlled substances

7.—(1) All practicable steps shall be taken to prevent persons employed in any manufacture or process to which Regulation 6(2) of these Regulations applies, or in the storage or movement within a factory of any controlled substance in connection with any such manufacture or process, or in the maintenance or cleaning of plant or the cleaning of containers, stores or workrooms in connection with any such manufacture or process, being exposed to the risk of inhaling, ingesting or otherwise absorbing any of the said substances.

(2) A copy of the approved cautionary card relating to controlled substances shall be given free of charge on the termination of his employment in that factory to every person who is employed in a factory in any manufacture, process or work referred to in the foregoing paragraph of this Regulation at the date of the coming into operation of these Regulations or who enters upon any such employment after that date.

(3) Every controlled substance in a factory shall (except when in course of manufacture or use) be kept in a closed receptacle legibly marked with the name of the controlled substance or the names of the controlled substances it contains and every receptacle containing any controlled substance being a receptacle in which the controlled substance is received in a factory or in which it is to be despatched from a factory shall be a closed receptacle so marked.

Medical examinations

8.—(1) Every person who is or has been employed in any manufacture, process or work referred to in paragraph (1) of the last foregoing Regulation shall be medically examined by the appointed doctor within six months of being first so employed in a factory and be so examined again at intervals of not more than six months so long as his employment in the factory continues:

Provided that where at the date of the coming into operation of these Regulations a period of six months has elapsed since a person was first so employed in a factory his first medical examination under this Regulation shall be within six months of the said date.

(2) Every medical examination under the foregoing paragraph of this Regulation shall include exfoliative cytology of the urine.

(3) Except where otherwise authorised or directed in writing by the inspector for the district, any medical examination by the appointed doctor for the purposes of these Regulations shall take place at the factory and due notice of the examination shall be given to those concerned.

(4) It shall be the duty of the persons employed in a factory who are or have been employed there in any manufacture, process or work referred to in paragraph (1) of the last foregoing Regulation to submit themselves for medical examination by the appointed doctor at the appointed time and to provide samples of urine as necessary so that the requirements of paragraph (2) of this Regulation may be complied with.

(5) A register shall be kept in the factory in which there shall be entered, in the case of each person medically examined for the purposes of these Regulations, his name, address, date of birth and national insurance number, the dates of the periods of his employment in the factory in any manufacture, process or work referred to in paragraph (1) of the last foregoing Regulation and the dates when he was so medically examined.

(6) For the purpose of medical examinations conducted at a factory for the purposes of these Regulations, the occupier shall provide for the exclusive use of the appointed doctor on the occasion of the examination a room properly cleaned and adequately warmed and lighted and furnished with a screen, a table with writing materials, chairs, an examination couch, and a wash basin with a supply of clean running hot and cold or warm water.

8th June 1967.

R. J. Gunter,
Minister of Labour.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations prohibit, subject to the power of the Chief Inspector of Factories to grant exemptions in certain cases, the presence and use, and the employment of persons in connection with the making, in factories and in other premises and places to which the Factories Act 1961 applies, of certain carcinogenic compounds, namely beta-naphthylamine, benzidine, 4-aminodiphenyl, 4-nitrodiphenyl and their salts, and substances containing any of those compounds other than in very small concentrations.

The Regulations also control the employment of persons in connection with the making, in factories and other premises and places to which the said Act of 1961 applies, of alpha-naphthylamine, ortho-tolidine, dianisidine, dichlorbenzidine and their salts and auramine and magenta, and (except in the case of the last two substances mentioned) control the use of the said substances in such factories and places, so as to make provision for the safety and health of the persons employed. Provision is also made for the medical examination of persons employed in such factories and places in connection with the making or use of any of the said substances or who have been so employed.

Printed in England by St. Clements Fosh & Cross Ltd., London
and published by
HER MAJESTY'S STATIONERY OFFICE: 1967

(8/2988) (J.53) K64 6/67 SCF&C Ltd.

ISBN 0 11 100401 2