STATUTORY INSTRUMENTS

1984 No. 1369

PUBLIC HEALTH, ENGLAND AND WALES
PUBLIC HEALTH, SCOTLAND
PUBLIC HEALTH, NORTHERN IRELAND

The Detergents (Composition) (Amendment) Regulations 1984

Made - - - -	23*rd August* 1984
Laid before Parliament	4*th September* 1984
Coming into Operation	26*th September* 1984

The Secretary of State, in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972 (**a**) and by the European Communities (Designation) Order 1972 (**b**), hereby makes the following regulations:—

Citation, commencement and extent

1.—(1) These regulations may be cited as the Detergents (Composition) (Amendment) Regulations 1984 and shall come into operation on 26th September 1984.

(2) These regulations shall extend to all parts of the United Kingdom.

Amendment of the Detergents (Composition) Regulations 1978

2.—The Detergents (Composition) Regulations 1978 (**c**) shall be amended as follows:—

(a) for regulation 2(1) (Interpretation) there shall be substituted—

"**2.**—(1) In these regulations, unless the context otherwise requires—

"approved analyst" means the Chief Executive of the Water Research Centre and any other person for the time being appointed by the Secretary of State as an approved analyst;

"the confirmatory test procedure" means a test carried out in accordance with the "Porous Pot Test" as described in Technical Report No. 70 (1978) of the Water Research Centre;

"detergent" means a substance, other than soap, which contains one or more surface active agents and which is used, or intended to be used, for the purpose of cleaning articles, surfaces or other things; and "contravening detergent" has the meaning assigned to it in regulation 3(1);

"entitled person" has the meaning assigned to it in regulation 4(8);

"level of biodegradability", in relation to a surface active agent, means the figure which represents the degree to which that surface active agent is capable of being eliminated under laboratory conditions, being a figure ascertained by a test carried out in

(a) 1972 c.68. (b) S.I. 1972/1811. (c) S.I. 1978/564.

accordance with the confirmatory test procedure and expressed as a percentage in the manner set out in that procedure;

"premises" includes land;

"sample" includes a part of a sample;

"sampling officer" has the meaning assigned to it in regulation 4(1);

"the screening test procedure" means a test carried out in accordance with that part of the method of testing published in the technical report of the Organisation for Economic Co-operation and Development of 11th June 1976 on the "Proposed Method for the Determination of the Biodegradability of Surfactants used in Synthetic Detergents" referred to therein as "Static Test Procedure (Screening Test)";

"substance" includes a preparation;

"surface active agent" includes any chemical compound which in dilute aqueous solution wets surfaces, removes dirt, disperses solid particles and emulsifies oil and grease;

"use" has the meaning assigned to it in regulation 3(1).";

(b) in regulations 3(1)*(a)*, 6(1)*(a)* and 6(2)*(b)* for the words "anionic surface active agent" there shall, in all cases, be substituted the words "anionic or non-ionic surface active agent";

(c) for regulation 3(2), there shall be substituted—

"(2) Subject to paragraph (3), no person shall use any contravening detergent in the United Kingdom or sell any such detergent for use in the United Kingdom:

Provided that until 31st March 1986, temporarily exempted detergents (as hereafter defined) shall not be regarded as contravening detergents within this regulation—

(a) if they first came on to the market before 1st October 1983 and but for this paragraph would be contravening detergents only by virtue of containing such non-ionic surface active agents as are mentioned in paragraph (4); or

(b) if they first came on to the market after that date, such of the said non-ionic surface active agents that they contain have a higher level of biodegradability than those contained in existing products marketed for substantially the same use.";

(d) there shall be added as regulation 3(4)—

"(4) In paragraph (2) "temporarily exempted detergents" means—

(a) detergents intended for use in dish washing machines and utilizing low foaming alkene oxide additives on alcohols, alkylphenols, glycols, polyols, fatty acids, amides or amines; and

(b) detergents intended for use in connection with the commercial preparation of food or beverages or in connection with the working of metals utilizing alkali resistant terminally blocked alkyl and alkyl-aryl polyglycol ethers or such low foaming additives as are mentioned in sub-paragraph *(a)*.."; and

(e) in the regulations mentioned in the Schedule hereto for the current maximum fines specified therein there shall be substituted the relevant increased maximum fine so specified.

Revocation

3. The Detergents (Composition) (Amendment) Regulations 1978 (**a**) are hereby revoked.

THE SCHEDULE

Regulation 2*(e)*

NEW MAXIMUM FINES

Regulation	Present maximum	New maximum
Regulation 5(7)	£50	£200
Regulation 10(1)	£400	£1000
Regulation 10(2)	£200	£500

Signed by authority of the Secretary of State.
15th August 1984.

Bellwin,
Minister of State for Local Government, Department of the Environment.

21st August 1984.

Nicholas Edwards,
Secretary of State for Wales.

21st August 1984.

George Younger,
Secretary of State for Scotland.

23rd August 1984.

James Prior,
Secretary of State for Northern Ireland.

(**a**) S.I. 1978/1546.

EXPLANATORY NOTE

(This note is not part of the regulations.)

These regulations further amend the Detergents (Composition) Regulations 1978.

The 1978 Regulations, which implement Council Directives 73/404/EEC and 73/405/EEC, prohibit the use or sale for use in the United Kingdom of detergents containing anionic surface active agents with a biodegradability of less than 80% as calculated by tests specified in the regulations. They also impose requirements as to the labelling of detergents, make provision for the testing of detergents and prescribe offences.

These amending regulations implement further Community legislation, namely, Council Directives 82/242/EEC and 82/243/EEC which extend the provisions of Council Directive 73/404/EEC to non-ionic surface active agents in detergents and authorise the use of additional methods of testing the biodegradability of surface active agents.

The 1978 Regulations are amended to prohibit the use or sale for use of non-ionic detergents with a biodegradability of less than 80%. New provision is made as respects the testing of both anionic and non-ionic surface active agents. In particular the "Porous Pot Test" is specified as the final method in the United Kingdom for determining the biodegradability of surface active agents.

The new regulations also—

(i) substitute a new definition of "approved analyst";

(ii) increase the maximum fines payable for breaches of the regulations (S.I. 1978/1546). (The old and the new figures are set out in the Schedule.); and

(iii) revoke the Detergents (Composition) (Amendment) Regulations 1978 the effect of which is taken into account in the substituted regulation 2(1).

Copies of the documents mentioned in connection with the test procedures defined in the substituted regulation 2(1) may be obtained from the Department of the Environment (Water Directorate), 43 Marsham Street, London, SW1P 3PY.

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