

2018 No. 29

CONSUMER PROTECTION

The Aerosol Dispensers (Amendment) Regulations 2018

<i>Made</i> - - - -	<i>11th January 2018</i>
<i>Laid before Parliament</i>	<i>12th January 2018</i>
<i>Coming into force</i> - -	<i>12th February 2018</i>

The Secretary of State, in exercise of the powers conferred by section 11 of the Consumer Protection Act 1987(a), makes the following Regulations.

In accordance with section 11(5) of the Consumer Protection Act 1987(b), the Secretary of State has consulted with representative organisations, other appropriate persons and the Health and Safety Executive.

Citation and Commencement

1.—(1) These Regulations may be cited as the Aerosol Dispensers (Amendment) Regulations 2018.

(2) These Regulations come into force on 12th February 2018.

Amendments to the Aerosol Dispensers Regulations 2009

2. The Aerosol Dispensers Regulations 2009(c) are amended as follows.

3. In regulation 2(1), for the definition of “Directive” substitute—

““Directive” means Council Directive 75/324/EEC on the approximation of the laws of the Member States relating to aerosol dispensers;”(d).

4. After regulation 8, insert—

“Review

9.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provisions contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 12th February 2023.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(a) 1987 c.43; section 11(1) was amended by S.I. 2005/1803, regulations 46(1) and (3).

(b) Section 11(5) was amended by S.I. 2008/960, Schedule 3.

(c) S.I. 2009/2824, to which there are amendments not relevant to these Regulations.

(d) OJ L 147, 9.6.1975, p. 40-47; as last amended by Commission Directive (EU) 2016/2037, OJ L 314, 22.11.2016, p.11-13.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015^(a) (“the 2015 Act”) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the Directive is implemented in other member States.

(5) Section 30(4) of the 2015 Act requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in sub-paragraph (1)(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the 2015 Act (see section 32 of that Act).”

Andrew Griffiths

Parliamentary Under Secretary of State, Minister for Small Business,
Consumers and Corporate Responsibility
Department for Business, Energy and Industrial Strategy

11th January 2018

(a) 2015 c.26. Section 30(3) was amended by the Enterprise Act 2016 (c.12), section 19.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Aerosol Dispensers Regulations 2009 (“the 2009 Regulations”).

The 2009 Regulations transposed Council Directive 75/324/EEC on the approximation of laws of the Member States relating to aerosol dispensers (“the Directive”).

The Directive has been amended by Commission Directive (EU) 2016/2037 (“the 2016 Directive”). These amendments increase the maximum allowable pressure of certain aerosol dispensers, and align the labelling requirements for aerosols dispensers with the requirements in Regulation (EC) No 1272/2008 on the classification, labelling and packaging of substances and mixtures.

Regulation 3 implements these amendments made by updating the definition of the Directive in the 2009 Regulations. By virtue of the effect of section 20A of the Interpretation Act 1978 (c.30), this updated definition refers to the Directive as amended by the 2016 Directive.

Regulation 4 amends the 2009 Regulations so as to require the Secretary of State to review the 2009 Regulations before 12 February 2023 and at subsequent intervals not exceeding 5 years.

A full regulatory impact assessment has not been produced for this instrument as its impact on the costs of business and the voluntary sector is negligible.

A transposition note setting out how the Government has transposed the Directive into UK law has been placed in the libraries of both Houses of Parliament and is also available with the Explanatory Memorandum alongside this instrument on the www.legislation.gov.uk website. A hard copy of either document can be obtained from Regulatory Delivery, Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET.