STATUTORY RULES OF NORTHERN IRELAND

2002 No. 300

EUROPEAN COMMUNITIES ENVIRONMENTAL PROTECTION

The Batteries and Accumulators (Containing Dangerous Substances) (Amendment) Regulations (Northern Ireland) 2002

Made - - - -	*27th September 2002*
Coming into operation	*8th November 2002*

The Department of the Environment, being a department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to batteries and accumulators containing dangerous substances, in exercise of the powers conferred on it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Batteries and Accumulators (Containing Dangerous Substances) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 8th November 2002.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Batteries and Accumulators (Containing Dangerous Substances) Regulations (Northern Ireland) 1995

3.—(1) The Batteries and Accumulators (Containing Dangerous Substances) Regulations (Northern Ireland) 1995(**4**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (interpretation) –

(a) in paragraph (2) the words from "containing" to the end shall be omitted;

(b) in paragraph (3) –

(**1**) S.I. 1993/595
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1995 No. 122

(i) for the definition of "the Directive" there shall be substituted –

""the Directive" means Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances(**5**) as amended by Commission Directive 98/101/EC(**6**);";

(ii) for the definition of "prohibited battery" there shall be substituted –

""prohibited battery" and "prohibited accumulator" have the meanings given by regulation 3(2);".

(3) After regulation 2 there shall be inserted –

"**Application**

2A. These Regulations apply on and after 8th November 2002 to –

(a) batteries and accumulators put on the market as from 1st January 1999 containing more than 0.0005% of mercury by weight;

(b) batteries and accumulators put on the market as from 18th September 1992 and containing: –

(i) more than 25mg of mercury per cell, except alkaline manganese batteries;

(ii) more than 0.025% of cadmium by weight;

(iii) more than 0.4% of lead by weight;

(c) alkaline manganese batteries containing more than 0.025% of mercury by weight placed on the market as from 18th September 1992.".

(4) For regulation 3 there shall be substituted –

"**Prohibition on marketing of certain types of batteries and accumulators**

3.—(1) No person shall market a prohibited battery or prohibited accumulator.

(2) In these Regulations, "prohibited battery" and "prohibited accumulator" refer respectively to batteries and accumulators (whether incorporated into appliances or otherwise) containing more than 0.0005% of mercury by weight, other than button cells and batteries composed of button cells with a mercury content of no more than 2% by weight.".

(5) For regulation 7(1) (offences) there shall be substituted –

"(1) Subject to paragraphs (2) and (3), any person who without reasonable excuse contravenes or fails to comply with any of the provisions of regulation 3 above, or any notice served pursuant to regulation 6 above within the period specified in that notice, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.".

(**5**) O.J. No. L78, 26.3.91, p. 38. The application of the Directive was extended to the EEA by Article 23 of, and paragraph 11 of section XI (Dangerous Substances) of Annex II to, the EEA Agreement.

(**6**) O.J. No. L1, 5.1.99, p. 1