

STATUTORY INSTRUMENTS

2008 No. 2852

The REACH Enforcement Regulations 2008

PART 5

Offences and penalties

CHAPTER 4

Matters in relation to criminal proceedings

Appearance of authorised persons before a court of summary jurisdiction

17.—(1) Where an authorised person is authorised in that behalf by—

- (a) the Health and Safety Executive;^{F1}...
- (b) the Health and Safety Executive for Northern Ireland; [^{F2}or
- (c) the Office for Nuclear Regulation.]

that person may, although not of counsel or a solicitor, prosecute before a court of summary jurisdiction proceedings for an offence committed under regulation 11 or 13.

(2) Paragraph (1) does not apply in Scotland.

Textual Amendments

- F1** Word in reg. 17(1)(a) omitted (1.4.2014) by virtue of [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 3 para. 136\(a\)](#) (with Sch. 4)
- F2** Reg. 17(1)(c) and word inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 3 para. 136\(b\)](#) (with Sch. 4)

Criminal proceedings under regulation 11 or 13

18.—(1) No criminal proceedings for an offence under regulation 11 or 13 may, in England and Wales, be instituted except—

- (a) by an enforcing authority; or
- (b) by or with the consent of the Director of Public Prosecutions.

(2) No criminal proceedings for an offence under regulation 11 or 13 may be instituted in Northern Ireland except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Criminal proceedings against the Crown

19.—(1) No contravention by the Crown of these Regulations makes the Crown criminally liable but the High Court or, in Scotland, the Court of Session, may on the application of an enforcing

authority declare unlawful any act or omission of the Crown which constitutes a contravention of these Regulations.

(2) Notwithstanding paragraph (1), these Regulations apply to persons in the public service of the Crown as they apply to other persons.

Changes to legislation:

There are currently no known outstanding effects for the The REACH Enforcement Regulations 2008, CHAPTER 4.