
STATUTORY INSTRUMENTS

2013 No. 1478

The Cosmetic Products Enforcement Regulations 2013

PART 2

Offences, Penalties and Enforcement

Notice of requests made and measures required under Articles 25, 26 and 27 of the EU Cosmetics Regulations

8.—(1) An enforcement authority must provide written notice when requiring measures to be taken under Articles 25 (non-compliance by the responsible person), 26 (non-compliance by distributors) and 27 (safeguard clause) of the EU Cosmetics Regulation.

(2) The notice referred to in paragraph (1) must meet the requirements set out in Article 28 of the EU Cosmetics Regulation.

(3) A request made by an enforcement authority under Article 5(3) (obligations of responsible persons) or Article 6(5) (obligations of distributors) of the EU Cosmetics Regulation must be in writing.

(4) Any notice may be served by:

- (a) delivering it to the person in person;
- (b) leaving it at the person's proper address or;
- (c) sending it by post or electronic means to that person's proper address.

(5) In the case of a body corporate, a document may be served on a director of that body.

(6) In the case of a partnership, a document may be served on a partner or a person having control or management of the partnership business.

(7) For the purposes of this regulations, "proper address" means—

- (a) in the case of a body corporate or its director—
 - (i) the registered or principal office of that body; or
 - (ii) the email address of the secretary or clerk of that body;
- (b) in the case of a partnership, including a Scottish partnership, a partner or person having control or management of the partnership business—
 - (i) the principal office of the partnership; or
 - (ii) the email address of a partner or a person having that control or management;
- (c) in any other case, a person's last known address, which includes an email address.

(8) If a person has specified an address in the United Kingdom (other than that person's proper address) at which that person or someone on that person's behalf will accept service, that address must also be treated as that person's proper address.