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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 206**

**The Biocidal Products and Chemicals  
(Appointment of Authorities and Enforcement)  
Regulations (Northern Ireland) 2013**

**PART 3**

**CHAPTER 1**

**BIOCIDAL PRODUCTS**

**Application of the 1978 Order**

7.—(1) The following provisions of the 1978 Order shall apply to regulations 11 and 12(2) of these Regulations and the Biocides Regulation as if they were health and safety regulations for the purposes of that Order, subject to the following provisions of this Chapter and to the extent that they would not otherwise do so—

- (a) Articles 20 to 28 (in relation to enforcement);
- (b) subject to regulations 20 and 21, Articles 31 to 39 (in relation to offences); and
- (c) Article 43(2) (in relation to civil liability).

(2) The Articles of the 1978 Order referred to in paragraph (1) shall not apply to duties placed by the Biocides Regulation on the competent authority or Member State.

(3) A failure by any person to discharge a duty referred to in paragraph (4) shall not constitute an offence under Article 31(1)(c) of the 1978 Order.

(4) The duties referred to in paragraph (3) are those contained in Articles 6(1), 7(1), 13(1), (2)(b) and (3), 20(1) and (3), 26(1), 29(1), 31(1), 33(1), 34(1) and (2), the second and third sub-paragraphs of 39(1), 43(1), 45(1), (2)(b) and (3), 50(2), the second and third sub-paragraphs of 53(1), 53(4), 54(1) and (2), 59(2), 62(1), 63(1), (2) and (3), 64(2), 71(3), the second sub-paragraph of 79, the second sub-paragraph of 89(3), 93(1) and 95(1) of the Biocides Regulation.

(5) Any function of the Executive or the Department concerned under any provision of the 1978 Order in respect of health and safety regulations (including their enforcement) shall be exercisable as if this Chapter and the Biocides Regulation were, to the extent that they would not otherwise be so, health and safety regulations for the purposes of that Order.

(6) The Articles of the 1978 Order which are applied to the Biocides Regulation by paragraph (1) shall apply to the Biocides Regulation as if any reference to—

- (a) danger, or danger to health and safety, were a reference to danger to the health or safety of humans or animals or to danger to the environment; and
- (b) harm were a reference to harm to humans, animals or the environment.

(7) Articles 24 and 27 of the 1978 Order shall apply to the Biocides Regulation as if the reference to serious personal injury in those Articles were a reference to—

- (a) serious personal injury to humans;
- (b) a breach of the Biocides Regulation and serious injury to animals; or
- (c) a breach of the Biocides Regulation and serious harm to the environment.