
STATUTORY INSTRUMENTS

2008 No. 2852

**CONSUMER PROTECTION
ENVIRONMENTAL PROTECTION
HEALTH AND SAFETY**

The REACH Enforcement Regulations 2008

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THE REACH ENFORCEMENT REGULATIONS 2008

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8. For the purposes of this Schedule— “competent body” means— English...

PART 2 — Contents of a relevant declaration

Status: This is the original version (as it was originally made).

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2. The quantity, trade name and manufacturer of the paint intended...
3. In the case of a listed building, the name, address...
4. In the case of a scheduled monument, the name, location...
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7. No answer given by a person in pursuance of a...
8. Nothing in paragraph 1 compels the production by any person...
9. Section 2 of Part 1 of this Schedule has effect...
10. In this section— “emergency” means a case in which it...

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12. The conditions mentioned in paragraph 11 are—
13. In a case where paragraph 12 applies, a justice of...
14. Every warrant under paragraph 11 continues in force until the...
15. An authorised person must produce evidence of that person’s authorisation...
16. Information obtained in consequence of the exercise of the powers...
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18. A person who, in exercise of the powers in paragraph...
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SECTION 1

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1. The powers of an authorised person are—
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3. Before exercising the power conferred by paragraph 1(h), an authorised...
4. Where under the power conferred by paragraph 1(i) an authorised...
5. No answer given by a person in pursuance of a...
6. Before the power in paragraph 1(m) to render harmless any...
7. As soon as may be after any thing has been...
8. Nothing in this Part compels the production by any person...
9. Where— (a) an action has been brought against an authorised...
10. For the purposes of this section, the Executive means—

SECTION 2

Notices

11. If an authorised person is of the opinion that—
12. A prohibition notice must— (a) state that the authorised person...
13. A direction contained in a prohibition notice in pursuance of...
14. If an authorised person is of the opinion that a...
15. An improvement notice must— (a) state that the authorised person...
16. If an authorised person is of the opinion that a...
17. An enforcement notice must— (a) state that the authorised person...
18. Where a prohibition notice, an improvement notice or an enforcement...
19. References in this Part to a “prohibition notice”, an “improvement...
PART 3 — Local (consumer safety) authorities

SECTION 1

Powers of entry

1. An authorised person may at any reasonable hour and on...

Status: This is the original version (as it was originally made).

2. An authorised person may, for the purposes of ascertaining whether...
3. An authorised person may, for the purpose of ascertaining whether...
4. If an authorised person has reasonable grounds for suspecting that...
5. An authorised person may seize and detain any goods or...
6. If and to the extent that it is reasonably necessary...
7. An authorised person seizing any goods or records under this...
8. If a justice of the peace— (a) is satisfied by...
9. An authorised person entering any premises by virtue of this...
10. On leaving any premises which an authorised person is authorised...
11. Where any goods seized by an authorised person under this...
12. In the application of this section to Scotland, the reference...
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SECTION 2

Notices

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15. A suspension notice may prohibit the person on whom it...
16. A suspension notice served by an authorised person in respect...
17. A suspension notice may require a person to keep the...
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25. A court may infer for the purposes of this section...
26. Any person aggrieved by an order made under this section...
27. Subject to paragraph 28, where any goods are forfeited under...
28. On making an order under this section a magistrates' court...
29. In Scotland a sheriff may make an order for forfeiture...
30. The procurator-fiscal making an application under paragraph 29 must serve...
31. Service under paragraph 30 must be carried out, and such...
32. Any person upon whom notice is served under paragraph 30...
33. The sheriff must not make an order following an application...
34. An order under this section may be made only if...
35. The sheriff may infer for the purposes of this section...
36. Where an order for the forfeiture of any goods is...
37. An order following an application under paragraph 29 does not...
38. An order under paragraph 29 does not take effect—
39. Subject to paragraph 40, goods forfeited under this section must...
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Powers of entry

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6. A person to whom an enforcement notice is addressed must...
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8. An authorised person may serve on a person a notice...
9. A prohibition notice must— (a) state that the authorised person...
10. An authorised person may by notice withdraw a prohibition notice...
11. It is the duty of the person to whom the...

SECTION 3

Miscellaneous

12. An answer given by a person in compliance with a...
13. In criminal proceedings in which such person as is mentioned...
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15. Nothing in this Part compels the production by any person...
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The Environment Agency and the Scottish Environment Protection Agency

1. In respect of the Environment Agency or the Scottish Environment...

SECTION 2

The Department of the Environment

2. In respect of the Department of the Environment, an authorisation...

SECTION 3

The Health and Safety Executive and local (health and safety) authorities in Great Britain

3. In respect of— (a) the Health and Safety Executive; or...

Status: This is the original version (as it was originally made).

SECTION 4

The Health and Safety Executive for Northern Ireland and local (health and safety) authorities in Northern Ireland

4. In respect of— (a) the Health and Safety Executive for...

SECTION 5

Local (consumer safety) authorities

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SECTION 6

The Secretary of State

6. In respect of the Secretary of State, an authorisation made...

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3. The appeal body may consider an appeal received after the...
4. Where an appeal is brought, this does not have the...
5. On the determination of an appeal, the appeal body may...
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PART 2 — Notices served by the Health and Safety Executive, the Health and Safety Executive for Northern Ireland or local (health and safety) authorities

1. An appeal may be made to a tribunal.
2. Schedule 4 to the Employment Tribunals (Constitution and Rules of...
3. Under paragraph 2, an enforcement notice is to be treated...
4. Schedule 5 to the Industrial Tribunals (Constitution and Rules of...
5. Under paragraph 4, an enforcement notice is to be treated...
6. The tribunal may cancel or affirm the notice and, if...
7. In the case of an improvement notice, the bringing of...
8. In the case of a prohibition notice or an enforcement...
9. One or more assessors may be appointed in respect of...
10. In this Part— (a) “assessor” has the same meaning as...

PART 3 — Notices served by local (consumer safety) authorities

1. An appeal may be brought by a person having an...
2. In England and Wales or Northern Ireland, an appeal may...
3. In Scotland, an appeal may be made to the sheriff...
4. A magistrates’ court must not make an order setting aside...
5. A sheriff must not make an order setting aside a...
6. A person aggrieved by an order made by a magistrates’...
7. An order made by a magistrates’ court under this Part...

PART 4 — Notices served by the Secretary of State

1. An appeal may be made to the court.
2. An appeal must be brought within 28 days of the...
3. Unless the court otherwise directs, an appeal does not have...

4. In this section, “the court” means, in respect of a...
5. Where a notice relates to more than one area referred...
6. Reference in paragraph 4 to— “the English area”; “the Scottish...

SCHEDULE 9 — Service of documents

1. The provisions of this Schedule apply to the service of...
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3. A document may be served on or given to a...
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5. In the case of a partnership, a document may be...
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PART 2 — Revocations to Regulations that extend to Great Britain

PART 3 — Amendments to Regulations that extend to Great Britain

1. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002
2. In paragraph (1) of regulation 2 (interpretation)—
3. In paragraph (3) of regulation 4 (classification of dangerous substances...
4. For regulation 5 (safety data sheets for dangerous substances, dangerous...
5. The Control of Substances Hazardous to Health Regulations 2002
6. Omit paragraph (2)(a) of regulation 4 (prohibitions relating to certain...
7. The Control of Asbestos Regulations 2006
8. In paragraph (1) of regulation 25 (interpretation of prohibitions) omit...
9. In paragraph (1) of regulation 32 (exemption certificates) omit...
10. In regulation 33 (exemptions relating to the Ministry of Defence)...
11. In paragraph (2) of regulation 35 (existing licences and exemption...
 - PART 4 — Revocations to Statutory Rules of Northern Ireland
 - PART 5 — Amendments to Statutory Rules of Northern Ireland
1. The Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002
2. In paragraph (1) of regulation 2 (interpretation)—
3. In paragraph (3) of regulation 4 (classification of dangerous substances...
4. For regulation 5 (safety data sheets for dangerous substances, dangerous...
5. The Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003
6. Omit paragraph (2)(a) of regulation 4 (prohibitions relating to certain...
7. The Control of Asbestos Regulations (Northern Ireland) 2007
8. In paragraph (1) of regulation 25 (interpretation of prohibitions) omit...
9. In regulation 32 (exemptions relating to the Ministry of Defence)...
10. In paragraph (2) of regulation 34 (existing licences and exemption...

Explanatory Note