

SCHEDULE 5

Regulation 8

Marketing and use of leaded paints

PART 1

Permitted marketing and use

1. A person may market leaded paint if it is marketed with a view to its use as set out in paragraph 2.
2. Subject to paragraph 3, a person may use leaded paint if the paint is used in the restoration or maintenance of—
 - (a) historic buildings or their interiors;
 - (b) scheduled monuments; or
 - (c) fine or decorative works of art,where it is required to restore or maintain historic textures or finishes.
3. A person who intends to use leaded paint must—
 - (a) where that person intends to obtain the paint from a supplier of such paint, provide to that supplier a relevant declaration; or
 - (b) in any other case, provide to the competent body a relevant declaration and comply with paragraph 6.
4. A person may supply leaded paint if that person complies with paragraph 5.
5. A person who receives a relevant declaration pursuant to paragraph 3(a) and agrees to supply leaded paint to the intended user stated in the declaration—
 - (a) must send the declaration to the competent body with a notification; and
 - (b) must not supply the paint—
 - (i) earlier than 3 weeks after providing the relevant declaration and notification to the competent body; or
 - (ii) if that person receives a notice under paragraph 7(a) from the competent body.
6. A person who provides a relevant declaration under paragraph 3(b) must not use the paint—
 - (a) earlier than 3 weeks after providing the relevant declaration to the competent body; or
 - (b) if that person receives a notice under paragraph 7(a) from the competent body.
7. If a competent body is not satisfied with the content of a relevant declaration or notification, it must—
 - (a) within 2 weeks of receipt, give notice to that effect in writing to the person from whom it was received with reasons for its decision; and
 - (b) as soon as possible, provide a copy of that notice to such enforcing authorities as the competent body believes are appropriate.
8. For the purposes of this Schedule—

“competent body” means—

 - (a) English Heritage if the historic building, scheduled monument or work of art is in England;
 - (b) Cadw if the historic building, scheduled monument or work of art is in Wales;

Status: This is the original version (as it was originally made).

- (c) the Scottish Ministers if the historic building, scheduled monument or work of art is in Scotland;
- (d) the Department of the Environment if the historic building, scheduled monument or work of art is in Northern Ireland;

“historic building” means—

- (e) in relation to England and Wales, a listed building within the meaning of section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽¹⁾ which is classified as Grade I or Grade II (starred);
- (f) in relation to Scotland, a listed building within the meaning of section 1(4) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997⁽²⁾ which is classified as category A;
- (g) in relation to Northern Ireland, a listed building within the meaning of article 42(7) of the Planning (Northern Ireland) Order 1991⁽³⁾;

“lead paint” means paint containing lead carbons or lead sulphates listed at points 16 and 17 of Annex XVII of REACH;

“notification” means a written notification that contains the matters in Part 3 of this Schedule;

“relevant declaration” means a written declaration that contains the matters in Part 2 of this Schedule ;

“scheduled monument” has the same meaning—

- (h) in England, Wales and Scotland, as it has in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979⁽⁴⁾;
- (i) in Northern Ireland, as it has in article 3(2) of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995⁽⁵⁾.

PART 2

Contents of a relevant declaration

1. The name, address and telephone number of the intended user of the paint.
2. The quantity, trade name and manufacturer of the paint intended to be used.
3. In the case of a listed building, the name, address and owner of the building and, where appropriate, its listing category.
4. In the case of a scheduled monument, the name, location and owner (if known) of the monument.
5. In the case of a listed building or scheduled monument, details of the parts of the building or monument where the paint is to be applied.
6. In the case of a work of art, its name, date, author, location, the name and address of the owner and details of how the paint is intended to be used.
7. The date the declaration is made and the signature and name of the person making it.

(1) 1990 c.9.
(2) 1997 c.9.
(3) S.I.1991/1220 (N.I.11).
(4) 1979 c.46.
(5) S.I.1995/1625 (N.I.9).

PART 3

Contents of a notification

1. The name, address and telephone number of the intended supplier of the paint.
2. A statement that the intended supplier agrees to supply to the intended user paint of the quantity and type stated in the relevant declaration.
3. The date the notification is made and the signature and name of the person making it.