
STATUTORY INSTRUMENTS

2009 No. 716

The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009

PART 3

MISCELLANEOUS

Enforcement

14.—(1) To the extent that they would not otherwise do so, sections—

- (a) 16 to 28 (approval of codes of practice; enforcement; indemnification of inspectors; power to obtain information and restrictions on disclosure of information);
- (b) 33 to 42 (provisions as to offences); and
- (c) 47(2) (civil liability),

of the 1974 Act shall apply to these Regulations and the CLP Regulation as if these Regulations and the CLP Regulation were health and safety Regulations for the purposes of that Act except that those sections shall not apply to duties placed by the CLP Regulation on the competent authority or the Member State.

[^{F1}(1A) The maximum penalty for an offence under this regulation is—

- (a) on summary conviction—
 - (i) in England and Wales, imprisonment for a term not exceeding three months or a fine not exceeding the statutory maximum, or both;
 - (ii) in Scotland, imprisonment for a term not exceeding twelve months or a fine not exceeding the statutory maximum, or both; and
- (b) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine, or both.]

(2) Any function of the Health and Safety Executive under any other provision of the 1974 Act under or in respect of health and safety Regulations (including their enforcement) shall be exercisable as if these Regulations and the CLP Regulation were health and safety Regulations for the purposes of that Act to the extent that they would not otherwise do so.

(3) Notwithstanding regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1998^{M1} and subject to paragraphs (4) and (5), the enforcing authority for these Regulations and the CLP Regulation shall be the Executive.

(4) Subject to paragraph (5), where a substance or preparation is supplied, or a substance, mixture or article falling within the meaning of and the provisions of the CLP Regulation is placed on the market within the meaning of the CLP Regulation in or from premises which are registered under section 75 of the Medicines Act 1968^{M2}, the enforcing authority shall be the Royal Pharmaceutical Society.

Status: Point in time view as at 01/09/2013. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009, Section 14. (See end of Document for details)

(5) The enforcing authority for these Regulations and the CLP Regulation shall be the local weights and measures authority—

(a) where a substance or preparation is supplied or a substance, mixture or article falling within the meaning of and the provisions of the CLP Regulation is placed on the market within the meaning of the CLP Regulation other than in the circumstances referred to in paragraph (4)

—
(i) in or from any shop, mobile vehicle, market stall or other retail outlet, or

(ii) otherwise to members of the public, including by way of free sample, prize or mail order;

(b) for regulation 11;

(c) for Articles 35(2) and 48 of the CLP Regulation.

(6) In every case where, by virtue of this regulation and the CLP Regulation, these Regulations and the CLP Regulation are enforced by the Royal Pharmaceutical Society or the local weights and measures authority, they shall be enforced as if they were safety regulations made under section 11 of the Consumer Protection Act 1987^{M3} and the provisions of section 12 of that Act shall apply to these Regulations and the CLP Regulation as if they were safety regulations for the purposes of that Act and as if the maximum period of imprisonment on summary conviction specified in subsection (5) thereof were 3 months instead of 6 months.

Textual Amendments

F1 Reg. 14(1A) inserted (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations 2013 \(S.I. 2013/1506\)](#), reg. 2(1), **Sch. 4 para. 4** (with reg. 3(4)(5), 31)

Marginal Citations

M1 [S.I. 1998/494](#), to which there are amendments not relevant to these Regulations.

M2 [1968 c. 67](#).

M3 [1987 c. 43](#) to which there amendments not relevant to these Regulations.

Status:

Point in time view as at 01/09/2013. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Chemicals (Hazard Information and Packaging for Supply) Regulations 2009, Section 14.