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STATUTORY INSTRUMENTS

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**2010 No. 265**

**The Mercury Export and Data (Enforcement) Regulations 2010**

**PART 4**

**Enforcement**

**Enforcement authority**

**10.**—(1) These Regulations are enforced by the competent authority.

(2) Nothing in these Regulations authorises a competent authority to bring proceedings in Scotland for an offence.

**Authorised person**

**11.**—(1) A competent authority may authorise in writing such persons as they consider appropriate to act for the purpose of enforcing these Regulations.

(2) In England, Scotland and Wales an authorisation under section 108 of the Environment Act 1995 (powers of enforcing authorities and persons authorised by them)<sup>(1)</sup> is an authorisation for the purposes of these Regulations.

(3) In Northern Ireland, an authorisation under article 72 (powers of enforcing authorities and persons authorised by them) of the Waste and Contaminated Land (Northern Ireland) Order 1997<sup>(2)</sup> is an authorisation for the purposes of these Regulations.

(4) In these Regulations, a person authorised under paragraph (1) is an “authorised person”.

**Power to seize and detain**

**12.**—(1) A customs official may seize and detain—

- (a) any material that is exported in contravention of Article 1(1) of the EU Regulation from the United Kingdom; or
- (b) any material that is to be mixed or has been mixed for the sole purpose of export in contravention of Article 1(3) of the EU Regulation,

if requested to do so by a competent authority or an authorised person.

(2) Anything seized and detained under paragraph (1) may be detained for no longer than 5 working days and must be dealt with during the period of its detention in such manner as the Secretary of State may direct under section 5 of the Borders, Citizenship and Immigration Act 2009<sup>(3)</sup>.

(3) In this regulation, “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(4)</sup> in any part of the United Kingdom.

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(1) 1995 c. 25.

(2) S.I. 1997/2778 (N.I.19).

(3) 2009 c. 11.

(4) 1971 c. 80.

**Power to share information for enforcement purposes**

**13.**—(1) Information sent to a competent authority in compliance or purported compliance with the obligations of the EU Regulation, or acquired by a competent authority as a result of enforcing these Regulations, may be shared—

(a) by a competent authority or an authorised person with—

(i) a competent authority;

(ii) a customs official; or

(b) by a customs official with a competent authority or authorised person,

for the purpose of enforcing the EU Regulation.

(2) Information shared as a result of paragraph (1) must only be used for the purposes of enforcing these Regulations.