
STATUTORY INSTRUMENTS

2012 No. 1102

**The Textile Products (Labelling and
Fibre Composition) Regulations 2012**

Citation and commencement

1. These Regulations may be cited as the Textile Products (Labelling and Fibre Composition) Regulations 2012 and they come into force on 8th May 2012.

Revocation and transitional provision

- 2.—(1) The Regulations in Schedule 1 are revoked.
- (2) An offence will not be committed under regulation 5 in respect of a product which—
- (a) was placed on the market in the United Kingdom before 8th May 2012,
 - (b) continues to be made available on the market in the United Kingdom until 9th November 2014, and
 - (c) complies with the Regulations listed in Schedule 1.

Interpretation

- 3.—(1) In these Regulations—
- “business” includes a trade, craft or profession;
- “enforcement authority” means a local weights and measures authority in Great Britain (within the meaning of section 69 of the Weights and Measures Act 1985 ^{M1}) and the Department of Enterprise, Trade and Investment in Northern Ireland;
- “EU Regulation” means Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27th September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council ^{M2} and a reference in these Regulations to Annex I and Annexes III to IX to that EU Regulation is to be construed as a reference to those Annexes as amended from time to time.
- “product” means any textile product (defined in Article 3(1)(a) of the EU Regulation) and includes the products listed in Article 2(2) of the EU Regulation.

(2) Any expression used both in these Regulations and in the EU Regulation has the meaning that it bears in the EU Regulation.

Marginal Citations

- M1** 1985 c.72 section 69 was amended by paragraph 75 of Schedule 16 to the [Local Government \(Wales\) Act 1994 \(c.19\)](#) and by paragraph 144 of Schedule 13 of the [Local Government etc \(Scotland\) Act 1994 \(c.39\)](#).
- M2** OJ No L272, 18.10.2011, p.1.

Market surveillance of the EU Regulation

4.—(1) An enforcement authority is a market surveillance authority for the purposes of the EU Regulation.

(2) The market surveillance checks to be carried out by a market surveillance authority, referred to in Article 18 of the EU Regulation, are to be carried out in accordance with Articles 19 and 20 and Annexes VII, VIII and IX to the EU Regulation.

Offence

5.—(1) A person who makes a product available on the market in the United Kingdom in breach of one or more of the provisions of the EU Regulation described in Schedule 2, is guilty of an offence.

(2) Paragraph 1 does not apply to—

- (a) persons described in Article 2(3) of the EU Regulation (persons working in their homes, to whom products are contracted out or independent firms that carry out work from materials supplied without property being transferred for consideration),
- (b) persons described in Article 2(4) of the EU Regulation (self employed tailors making up customised products).

Penalty for offences

6. A person guilty of an offence under regulation 5 is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

Time limit for prosecutions

7.—(1) No proceedings for an offence under these Regulations are to be commenced after—

- (a) the end of the period of three years beginning with the date of the commission of the offence; or
- (b) the end of the period of one year beginning with the date of discovery of the offence by the prosecutor,

whichever is earlier.

(2) For the purpose of paragraph 1(b), a certificate signed by or on behalf of the prosecutor and stating the date on which the offence was discovered by the prosecutor is to be conclusive evidence of that fact and a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.

(3) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980^{M3} (limitation of time), an information relating to an offence under these Regulations which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time before the end of the period of twelve months beginning with the date of the commission of the offence.

(4) Notwithstanding anything in section 136 of the Criminal Procedure (Scotland) Act 1995^{M4} (time limit for certain offences) summary proceedings in Scotland for an offence under these Regulations may be commenced at any time before the end of the period of twelve months beginning with the date of the commission of the offence.

(5) For the purposes of paragraph (4) section 136(3) of the Criminal Procedure (Scotland) Act 1995 shall apply as it applies for the purposes of that subsection.

(6) Notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981^{M5} (time within which complaint charging offence must be made to give jurisdiction),

a complaint charging an offence under these Regulations which is triable by a magistrates court in Northern Ireland may be so tried if it is made at any time before the end of the period of twelve months beginning with the date of the commission of the offence.

Marginal Citations

- M3** 1980 c 43.
- M4** 1995 c 46.
- M5** [S.I. 1981/1675 \(N.I. 26\)](#).

Offences committed by bodies of persons

- 8.**—(1) Where an offence under these Regulations committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer of the body, or
 - (b) to be attributable to any neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

- (2) In paragraph (1) a reference to an officer of a body corporate includes a reference to—
- (a) a director, manager, secretary or other similar officer; and
 - (b) a person purporting to act as a director, manager, secretary or other similar officer.

- (3) Where an offence under these Regulations committed by a Scottish partnership is proved—
- (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to any neglect on his part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

- (4) In paragraph (3) a reference to a partner includes a person purporting to act as a partner.

Offence due to fault of another person

- 9.**—(1) This regulation applies where a person ““X”” —

- (a) commits an offence under regulation 5, or
- (b) would have committed an offence under that regulation but for the defence under regulation 10,

and the commission of the offence, or of what would have been an offence but for X being able to rely on a defence under regulation 10, is due to the act or default of some other person ““Y””.

- (2) Where this regulation applies Y is guilty of the offence, subject to regulation 10.

(3) Y may be charged with and convicted of the offence by virtue of paragraph (2) whether or not proceedings are taken against X.

Due diligence defence

10.—(1) In any proceedings against a person for an offence under regulation 5 it is a defence for that person to prove—

- (a) that the commission of the offence was due to—
 - (i) a mistake;
 - (ii) reliance on information supplied to him by another person;

- (iii) the act or default of another person;
 - (iv) an accident; or
 - (v) another cause beyond his control; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.
- (2) A person shall not be entitled to rely on the defence provided by paragraph (1) by reason of the matters referred to in paragraph (ii) or (iii) of paragraph (1)(a) without leave of the court unless—
- (a) he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was in his possession; and
 - (b) the notice is served on the prosecutor at least seven clear days before the date of the hearing.

Duty to enforce

11.—(1) It shall be the duty of every enforcement authority to enforce the EU Regulation or these Regulations.

(2) Where the enforcement authority is a local weights and measures authority the duty to enforce applies to the enforcement of the EU Regulation or these Regulations within the authority's area.

(3) Where the enforcement authority is the Department of Enterprise, Trade and Investment in Northern Ireland the duty to enforce applies to the enforcement of the EU Regulation or these Regulations within Northern Ireland.

(4) Nothing in this regulation authorises any enforcement authority to bring proceedings in Scotland for an offence.

Power to make test purchases

^{F1}**12.**

Textual Amendments

F1 Regs. 12-18 revoked (1.10.2015) by [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\)](#), art. 1, [Sch. 2 para. 130](#) (with art. 8)

Power of entry and investigation, etc

^{F1}**13.**

Textual Amendments

F1 Regs. 12-18 revoked (1.10.2015) by [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\)](#), art. 1, [Sch. 2 para. 130](#) (with art. 8)

Notice

^{F1}**14.**

Textual Amendments

F1 Regs. 12-18 revoked (1.10.2015) by The Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 (S.I. 2015/1630), art. 1, **Sch. 2 para. 130** (with art. 8)

Power to enter premises with a warrant

F115.

Textual Amendments

F1 Regs. 12-18 revoked (1.10.2015) by The Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 (S.I. 2015/1630), art. 1, **Sch. 2 para. 130** (with art. 8)

Obstruction of authorised officers

F116.

Textual Amendments

F1 Regs. 12-18 revoked (1.10.2015) by The Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 (S.I. 2015/1630), art. 1, **Sch. 2 para. 130** (with art. 8)

Notice of test and intended proceedings

F117.

Textual Amendments

F1 Regs. 12-18 revoked (1.10.2015) by The Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 (S.I. 2015/1630), art. 1, **Sch. 2 para. 130** (with art. 8)

Compensation

F118.

Textual Amendments

F1 Regs. 12-18 revoked (1.10.2015) by The Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 (S.I. 2015/1630), art. 1, **Sch. 2 para. 130** (with art. 8)

Crown

19.—^{F2}(1)

(2) The Crown is not criminally liable as a result of any provision of these Regulations.

(3) Paragraph (2) does not affect the application of any provision of these Regulations in relation to a person in the public service of the Crown.

Textual Amendments

F2 Reg. 19(1) omitted (1.10.2015) by virtue of [The Consumer Rights Act 2015 \(Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments\) Order 2015 \(S.I. 2015/1630\)](#), art. 1, [Sch. 2 para. 131](#) (with art. 8)

Review

20.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of regulations 1 to 19,
- (b) set out the conclusions of the review in a report, and
- (c) lay the report before Parliament.

^{F3}(2)

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the rules on penalties applicable to infringements of the provisions of the EU Regulation established by those regulations and the measures taken to implement them,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether these objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) ““Review period”” means—

- (a) the period of five years beginning with the day on which regulations 1 to 19 come into force, and
- (b) subject to paragraph 5, each successive period of five years.

(5) If a report under this regulation is laid before Parliament before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is laid.

Textual Amendments

F3 Reg. 20(2) omitted (31.12.2020) by virtue of [The Textile Products \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1398\)](#), regs. 1, [2\(2\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Norman Lamb
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Employment Relations, Consumer and Postal
Affairs

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Changes to legislation:

There are currently no known outstanding effects for the The Textile Products (Labelling and Fibre Composition) Regulations 2012.