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STATUTORY INSTRUMENTS

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**2013 No. 1506**

**The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013**

PROSPECTIVE

PART 3

CHAPTER 1

CHAPTER 2

CLASSIFICATION, LABELLING AND PACKAGING OF SUBSTANCES AND MIXTURES

**Allocation of enforcement responsibility**

**18.**—(1) Notwithstanding the 1998 Regulations and subject to paragraphs (2) to (4), the enforcing authority for the CLP Regulation is the Health and Safety Executive or the Office of Rail Regulation, determined in accordance with the provisions of the 2006 Regulations.

(2) The enforcing authority for the CLP Regulation is the local weights and measures authority—

(a) where a substance, mixture or article is placed on the market within the meaning of the CLP Regulation (other than in the circumstances referred to in paragraph (3))—

(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 by mail order; and

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

(3) Subject to paragraph (4), where a substance, mixture or article is placed on the market in or from premises which are registered under sections 74A to 74L of the Medicines Act 1968<sup>(1)</sup>, the enforcing authority shall be the General Pharmaceutical Council.

(4) In every case where, by virtue of this regulation and the CLP Regulation, the CLP Regulation is enforced by the General Pharmaceutical Council or the local weights and measures authority, it shall be enforced as if it were a safety regulation made under section 11 of the Consumer Protection Act 1987<sup>(2)</sup>.

(5) The provisions of section 12 of the Consumer Protection Act 1987 shall apply to the CLP Regulation as if it were a safety regulation for the purposes of that Act and as if the maximum period of imprisonment on summary conviction specified in subsection (5) of section 12 of that Act were 3 months instead of 6 months.

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<sup>(1)</sup> 1968 c. as amended by S.I. 2010/231, art 68, Sch. 4.

<sup>(2)</sup> 1987 c. 43, as amended by SI 2005/1803, reg 46(1), (3). Amendments made to section 11 by other instruments are not relevant for these purposes.

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**Status:** *This version of this provision is prospective.*

**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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### Commencement Information

**II** Reg. 18 in force at 1.6.2015, see [reg. 2\(2\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- reg. 18 coming into force by [S.I. 2013/1506 reg. 2\(2\)](#)
- reg. 18(1) words substituted by [S.I. 2015/1682 Sch. para. 10\(jj\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 11 inserted by [S.I. 2019/720 Sch. 1 para. 28\(b\)](#)
- Sch. 2 para. 11 words substituted by [S.I. 2022/1037 reg. 13\(4\)](#)
- reg. 7(2) substituted in earlier amending provision [S.I. 2019/720](#), Sch. 1 para. 20 by [S.I. 2020/1567 Sch. 1 para. 14\(a\)](#)
- reg. 7(3) substituted in earlier amending provision [S.I. 2019/720](#), Sch. 1 para. 20 by [S.I. 2020/1567 Sch. 1 para. 14\(b\)](#)
- reg. 9(7) inserted by [S.I. 2014/469 Sch. 3 para. 147\(4\)](#)
- reg. 14(2)(aza) inserted by [S.I. 2019/720](#), Sch. 1 para. 23(3)(b) (as substituted) by [S.I. 2020/1567 Sch. 1 para. 17](#)
- reg. 14(2)(la)-(lc) inserted by [S.I. 2019/720 Sch. 1 para. 23\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 23 substituted immediately before IP completion day by [S.I. 2020/1567](#), reg. 1(2), Sch. 1 para. 17)
- reg. 14(2)(la)-(lc) inserted by [S.I. 2019/720](#), Sch. 1 para. 23(3)(d) (as substituted) by [S.I. 2020/1567 Sch. 1 para. 17](#)
- reg. 14(2)(na) inserted by [S.I. 2019/720 Sch. 1 para. 23\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 23 substituted immediately before IP completion day by [S.I. 2020/1567](#), reg. 1(2), Sch. 1 para. 17)
- reg. 14(2)(na)(nb) inserted by [S.I. 2019/720](#), Sch. 1 para. 23(3)(e) (as substituted) by [S.I. 2020/1567 Sch. 1 para. 17](#)
- reg. 14(2)(oa) inserted by [S.I. 2019/720](#), Sch. 1 para. 23(3)(f) (as substituted) by [S.I. 2020/1567 Sch. 1 para. 17](#)
- reg. 14(2A) inserted by [S.I. 2019/720](#), Sch. 1 para. 23(4) (as substituted) by [S.I. 2020/1567 Sch. 1 para. 17](#)
- reg. 14(4)(e)(f) inserted by [S.I. 2019/720](#), Sch. 1 para. 23(6)(d) (as substituted) by [S.I. 2020/1567 Sch. 1 para. 17](#)
- reg. 36(e) inserted by [S.I. 2015/21 reg. 22\(2\)\(b\)](#)