
STATUTORY INSTRUMENTS

2021 No. 858

The Market Surveillance (Northern Ireland) Regulations 2021

Enforcer's legislation

6. The duties and powers of an enforcer are those arising under any of the following provisions—
- (a) section 40(1)(b) of the Trade Descriptions Act 1968(1) (including as applied by—
 - (i) regulation 8(3) of the Crystal Glass (Descriptions) Regulations 1973(2) and
 - (ii) regulation 10(2) of the Footwear (Indication of Composition) Labelling Regulations 1995(3));
 - (b) Article 39 of the Weights and Measures (Northern Ireland) Order 1981(4);
 - (c) section 27(1) of the 1987 Act;
 - (d) regulation 5C of the Motor Fuel (Composition and Content) Regulations 1999(5);
 - (e) paragraph 1 of Schedule 13 to the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001(6);
 - (f) regulation 61 of the Medical Devices Regulations 2002(7);
 - (g) regulation 11(1) of the EC Fertilisers Regulations (Northern Ireland) 2006(8);
 - (h) regulation 3(1)(b) of the Persistent Organic Pollutants Regulations 2007(9);
 - (i) regulation 3(1) of, and the table at Schedule 1 to, the REACH Enforcement Regulations 2008 as they apply in Northern Ireland(10);
 - (j) paragraphs 4 and 5 of Schedule 5 to the Supply of Machinery (Safety) Regulations 2008(11);
 - (k) regulation 8 of the Batteries and Accumulators (Placing on the Market) Regulations 2008(12);

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- (1) 1968 c. 29. There are amendments to section 40 but none are relevant.
- (2) S.I. 1973/1952. Regulation 8(3) was substituted by paragraph 2 of Schedule 2 to the Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015/1630. The substitution has effect subject to transitional and saving provisions specified in article 8 of SI 2015/1630.
- (3) S.I. 1995/2489. Regulation 10(2) was substituted by paragraph 23 of Schedule 2 to the Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015/1630. The substitution has effect subject to transitional and saving provisions specified in article 8 of SI 2015/1630.
- (4) S.I. 1981/231 (NI 10). Article 39 was amended by paragraph 1(3) of the Schedule to the Consumer Rights (Enforcement and Amendments) Order 2016 (S.I. 2016/1259).
- (5) S.I. 1999/3107; regulation 5C was inserted and regulations 5A-5C substituted for regulation 5A by regulation 7 of the Motor Fuel (Composition and Content) and Merchant Shipping (Prevention of Air Pollution from Ships) (Amendment) Regulations 2010/3035.
- (6) S.I. 2001/1701; paragraph 1 was amended by regulation 2(3) of the Noise Emission in the Environment by Equipment for use Outdoors (Amendment) Regulations 2015/98.
- (7) S.I. 2002/618; regulation 61 was replaced by section 41 of the Medicines and Medical Devices Act 2021 (c. 3). There are other amending instruments but none is relevant.
- (8) S.R. 2006 No. 503.
- (9) S.I. 2007/3106; as amended by S.I. 2018/1405, S.I. 2019/1099 and S.I. 2020/1358.
- (10) S.I. 2008/2852. Regulation 3(1) was amended in respect of Northern Ireland by regulations 4 and 15(5)(a) of S.I. 2020/1577. Schedule 1 was amended in respect of Northern Ireland by S.I. 2013/2919, S.I. 2019/758 and S.I. 2020/1577.
- (11) S.I. 2008/1597.
- (12) S.I. 2008/2164.

- (l) regulation 4(4) and 5 of the Detergents Regulations 2010(13);
- (m) regulations 10 and 12 of the Ecodesign for Energy-Related Products Regulations 2010(14);
- (n) regulation 28 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010(15);
- (o) regulation 4 of the Energy Information Regulations 2011(16);
- (p) regulation 7 of the Ozone-Depleting Substances (Qualifications) Regulations (Northern Ireland) 2011(17);
- (q) regulation 10(1) of the 2011 Regulations;
- (r) regulation 11 of the Textile Products (Labelling and Fibre Composition) Regulations 2012(18);
- (s) regulation 6(1)(c) of, and Schedule 4 to, the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012(19);
- (t) regulation 36 of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(20);
- (u) regulations 8 and 17 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013(21);
- (v) regulation 6(1) of the Cosmetic Products Enforcement Regulations 2013(22);
- (w) regulation 53 of the Pyrotechnic Articles (Safety) Regulations 2015(23);
- (x) regulation 6 of the Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015(24);
- (y) regulation 18 of the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015(25);
- (z) regulation 7(1)(b) of the Packaging (Essential Requirements) Regulations 2015(26);
- (aa) regulation 52 of the Electromagnetic Compatibility Regulations 2016(27);
- (bb) regulation 55 of the Simple Pressure Vessels (Safety) Regulations 2016(28);
- (cc) regulation 61 of the Lifts Regulations 2016(29);
- (dd) regulation 41 of the Electrical Equipment (Safety) Regulations 2016(30);
- (ee) regulation 67 of the Pressure Equipment (Safety) Regulations 2016(31);

(13) S.I. 2010/740, regulation 4 was amended by regulation 5(4) of S.I. 2020/1617 as it applies in Northern Ireland.

(14) S.I. 2010/2617, amended by S.I. 2019/539.

(15) S.R. 2010 No. 160; regulation 28 was amended by S.R. 2020 No. 222.

(16) S.I. 2011/1524; regulation 4 was amended by S.I. 2019/539 and S.I. 2018/255.

(17) S. R. 2011 No. 240.

(18) S.I. 2012/1102.

(19) S.I. 2012/1715.

(20) S.I. 2012/3032.

(21) S.R. 2013 No. 206.

(22) S.I. 2013/1478.

(23) S.I. 2015/1553.

(24) S.R. 2015 No. 236 as amended by S.R. 2021 No. 37.

(25) S.R. 2015 No. 425; regulation 18 was amended by the Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018 No. 206). There are other amending instruments but none is relevant.

(26) S.I. 2015/1640, regulation 7 is amended by S.I. 2020/1647; there are other amending instruments but none is relevant.

(27) S.I. 2016/1091. Amended by S.I. 2017/1206; there are other amending instruments but none is relevant.

(28) S.I. 2016/1092, to which there are amendments not relevant to these Regulations.

(29) S.I. 2016/1093, to which there are amendments not relevant to these Regulations.

(30) S.I. 2016/1101, to which there are amendments not relevant to these Regulations.

(31) S.I. 2016/1105, to which there are amendments not relevant to these Regulations.

- (ff) regulation 62 of the Non-automatic Weighing Instruments Regulations 2016**(32)**;
- (gg) regulation 67 of the Measuring Instruments Regulations 2016**(33)**;
- (hh) regulation 44 of, and Schedule 2 to, the Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016**(34)**;
- (ii) regulation 66 of the Recreational Craft Regulations 2017**(35)**;
- (jj) regulation 5 and Part 3 (enforcement specific to Northern Ireland) of the Control of Mercury (Enforcement) Regulations 2017**(36)**;
- (kk) regulation 56 of the Radio Equipment Regulations 2017**(37)**;
- (ll) regulation 52 of the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 2017**(38)**;
- (mm) regulation 4 of the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018**(39)**;
- (nn) regulation 4 of the Personal Protective Equipment (Enforcement) Regulations 2018**(40)**;
- (oo) regulation 22 of the Cableway Installation Regulations 2018**(41)**;
- (pp) paragraph 17 of Schedule 3 to the Construction Products (Amendment etc.) (EU Exit) Regulations 2020**(42)**;
- (qq) regulation 3 of the Motor Vehicle Tyres (Labelling) (Enforcement) (Amendment) (EU Exit) Regulations 2020**(43)**.

(32) S.I. 2016/1152, to which there are amendments not relevant to these Regulations.

(33) S.I. 2016/1153, to which there are amendments not relevant to these Regulations.

(34) S.R. 2016 No. 366, to which there are amendments not relevant to these Regulations.

(35) S.I. 2017/737, to which there are amendments not relevant to these Regulations.

(36) S.I. 2017/1200, to which there are amendments not relevant to these Regulations.

(37) S.I. 2017/1206, to which there are amendments not relevant to these Regulations.

(38) S.R. 2017 No. 90, to which there are amendments not relevant to these Regulations.

(39) S.I. 2018/389, to which there are amendments not relevant to these Regulations.

(40) S.I. 2018/390, to which there are amendments not relevant to these Regulations.

(41) S.I. 2018/816, to which there are amendments not relevant to these Regulations.

(42) S.I. 2020/1359.

(43) S.I. 2020/1509.