
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 238

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

PART 3

MISCELLANEOUS

Enforcement

14.—^[F1](1) To the extent that they would not otherwise do so, Articles—

- (a) 18 to 30 (approval of codes of practice; enforcement; indemnification of inspectors; power to obtain information and restrictions on disclosure of information);
- (b) 31 to 39 (provisions as to offences); and
- (c) 43(2) (civil liability),

of the 1978 Order 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 Order, except that those Articles shall not apply to duties placed by the CLP Regulation on the competent authority or the Member State.

^[F2](1A) The maximum penalty for an offence under this regulation is—

- (a) on summary conviction, imprisonment for a term not exceeding three 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 for Northern Ireland under any other provision of the 1978 Order 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 Order to the extent that they would not otherwise do so.

(3) Notwithstanding regulation 4 of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999(1) 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(2), the enforcing authority shall be the Department of Health, Social Services and Public Safety.

(1) S.R. 1999 No. 90, as amended by S.R. 2000 No. 375, S.R. 2003 No. 33, S.R. 2006 No. 205, S.R. 2006 No. 425, S.R. 2007 No. 31 and S.R. 2007 No. 291

(2) 1968 c. 67; section 75(8) was amended by S.I. 1968/1699

(5) The enforcing authority for these Regulations and the CLP Regulation shall be the district council for the area in which are situated the premises in or from which such substance or preparation is supplied or such a substance, mixture or article is placed on the market—

(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 Department of Health, Social Services and Public Safety or by a district council, they shall be enforced as if they were safety regulations made under section 11 of the Consumer Protection Act 1987(3) 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 Regs. 14-18 revoked with savings (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **24(c)** (with regs. 3, 19)

F2 Reg. 14(1A) inserted (1.9.2013) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), 23, **Sch. 3 para. 4** (with regs. 3, 19)

Defence

15. [^{F1}In any proceedings for an offence for a contravention of any of the provisions of these Regulations and the CLP Regulation it shall be a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.]

Textual Amendments

F1 Regs. 14-18 revoked with savings (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **24(c)** (with regs. 3, 19)

Application within the territorial sea

16. [^{F1}Within the territorial sea these Regulations and the CLP Regulation shall apply only to and in relation to an activity to which any of paragraphs 2 to 6 of Schedule 6 applies.]

Textual Amendments

- F1** Regs. 14-18 revoked with savings (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **24(c)** (with regs. 3, 19)

Revocations and amendments

17. [^{F1}The Regulations specified in the Table in Schedule 7 are amended in accordance with the provisions of that Table.]

18. [^{F1}The Regulations specified in the Tables in Schedule 8 shall be revoked to the extent specified in those Tables.]

Textual Amendments

- F1** Regs. 14-18 revoked with savings (1.6.2015) by [The Biocidal Products and Chemicals \(Appointment of Authorities and Enforcement\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/206\)](#), regs. 2(1), **24(c)** (with regs. 3, 19)

Changes to legislation:

There are currently no known outstanding effects for the The Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2009, PART 3.