
STATUTORY INSTRUMENTS

2008 No. 2852

**CONSUMER PROTECTION
ENVIRONMENTAL PROTECTION
HEALTH AND SAFETY**

The REACH Enforcement Regulations 2008

Made - - - - 1st November 2008
Laid before Parliament 10th November 2008
Coming into force 1st December 2008

THE REACH ENFORCEMENT REGULATIONS 2008

PART 1

Introduction

1. Citation and commencement
- 1A Application
2. Interpretation

PART 2

Enforcement

3. Enforcement
- 3A Enforcement: relevant nuclear sites
4. Co-operation and information sharing
5. Enforcement agreements
6. Health and safety enforcement

PART 3

Exemptions

7. Defence
8. Marketing and use of leaded paint
- 8A Placing asbestos-containing articles on the market
- 8B Placing on the market and use of paint stripper containing dichloromethane

Changes to legislation: There are currently no known outstanding effects for the
The REACH Enforcement Regulations 2008. (See end of Document for details)

PART 4

- 9. Enforcement powers
- 10. Authorised persons

PART 5

CHAPTER 1

REACH

- 11. Offences
- 12. Penalties

CHAPTER 2

- 13. Offences
- 14. Penalties

CHAPTER 3

- 15. Bodies corporate and Scottish partnerships
- 16. Power of court to order cause of offence to be remedied

CHAPTER 4

- 17. Appearance of authorised persons before a court of summary jurisdiction
- 18. Criminal proceedings under regulation 11 or 13
- 19. Criminal proceedings against the Crown

CHAPTER 5

- 20. Proceedings before a civil court

PART 6

- 21. Appeals against notices
- 22. Service of documents

PART 7

- 23. Revocations and amendments

PART 8

Review

- 24. Review of these Regulations
Signature

SCHEDULE 1 — Table of REACH provisions

SCHEDULE 1A — Table of REACH transitional provisions relating to EU exit

SCHEDULE 1A — Table of retained REACH provisions

SCHEDULE 1B — Table of REACH provisions relating to protected NI imports

SCHEDULE 2 — Functions of enforcing authorities

1. The functions of the Environment Agency, the Natural Resources Body...
2. Subject to paragraph 3, the functions of the Health and...
3. In Northern Ireland, paragraph 2 does not apply in respect...
4. The function of a local (consumer safety) authority is to...
5. The function of the Secretary of State is to control...
6. (1) Subject to sub-paragraph (2), the functions of the Office...

SCHEDULE 3 — Health and safety enforcement

PART 1 — Definitions

1. For the purposes of this Schedule— (a) “agricultural activities”—

PART 2 — Local (health and safety) authorities

1. Subject to Part 4, a local (health and safety) authority...
2. The main activity referred to in paragraph 1 is—
3. For the purposes of paragraph 2— (a) where a vehicle...

PART 3 — The Executive

1. Subject to Part 4, the Executive must perform the joint...
2. In relation to paragraph 1(d)(iii)— (a) reference to a physically...
3. In paragraph 1, “ionising radiations” and “medical exposure” in relation...
4. Subject to Part 4, the Executive must perform the joint...
5. In Great Britain, the bodies referred to in paragraph 4...
6. In Northern Ireland, the bodies referred to in paragraph 4...
7. Subject to Part 4, the Executive must perform the joint...

PART 4 — Local (health and safety) authorities and the Executive

1. Subject to paragraph 3, paragraph 2 applies to the common...
2. Where this paragraph applies— (a) to the extent the Executive...
3. In relation to land within the perimeter of an airport...

PART 5 — The Office of Rail and Road

1. The Office of Rail Regulation the Office of Rail and...

SCHEDULE 4 — Defence exemption certificates

1. The Secretary of State may decide that it is necessary...
2. The Secretary of State may decide to apply the exemption—...
3. A decision of the Secretary of State to apply the...
4. A certificate— (a) must contain sufficient particulars of the persons...
5. The Secretary of State may provide to a person who...
6. A person who claims the benefit of a certificate must...
7. The persons referred to in paragraph 6—
- 7A The persons referred to in paragraph 6 in respect of...
8. Unless the contrary is proved— (a) a certificate;

SCHEDULE 5 — Marketing and use of leaded paints

PART 1 — Permitted marketing and use

*Changes to legislation: There are currently no known outstanding effects for the
The REACH Enforcement Regulations 2008. (See end of Document for details)*

1. A person may market leaded paint if it is marketed...
2. Subject to paragraph 3, a person may use leaded paint...
3. A person who intends to use leaded paint must—
4. A person may supply leaded paint if that person complies...
5. A person who receives a relevant declaration pursuant to paragraph...
6. A person who provides a relevant declaration under paragraph 3(b)...
7. If a competent body is not satisfied with the content...
8. For the purposes of this Schedule— “competent body” means— English...

PART 2 — Contents of a relevant declaration

1. The name, address and telephone number of the intended user...
2. The quantity, trade name and manufacturer of the paint intended...
3. In the case of a listed building, the name, address...
4. In the case of a scheduled monument, the name, location...
5. In the case of a listed building or scheduled monument,...
6. In the case of a work of art, its name,...
7. The date the declaration is made and the signature and...

PART 3 — Contents of a notification

1. The name, address and telephone number of the intended supplier...
2. A statement that the intended supplier agrees to supply to...
3. The date the notification is made and the signature and...

SCHEDULE 5A — Placing asbestos-containing articles on the market

1. For the purposes of this Schedule “exempting authority” means—
2. An exempting authority may issue a certificate in writing exempting...
3. An asbestos exemption certificate— (a) must include conditions ensuring a...
4. An exempting authority must not issue an asbestos exemption certificate...

SCHEDULE 5B — Placing on the market and use of paint stripper containing dichloromethane

1. A person (“P”) may place on the market paint stripper...
2. A professional may use paint stripper containing dichloromethane where that...
3. A professional may only demonstrate proper training and competence in...
4. A certificate issued under paragraph 3(b) may be revoked in...
5. In this Schedule “legal requirement” means any requirement of the...

SCHEDULE 6 — Powers of enforcement

PART 1 — The Environment Agency, the Natural Resources Body for Wales,
the Scottish Environment Protection Agency and the Department of
the Environment

SECTION 1

Powers of entry and warrants

1. The powers of any authorised person are—
2. Except in an emergency, in any case where it is...
3. Except in an emergency, where an authorised person proposes to...
4. In relation to any premises belonging to or used for...
5. Where an authorised person proposes to exercise the power conferred...
6. Before exercising the power conferred by paragraph 1(g), an authorised...
7. No answer given by a person in pursuance of a...

8. Nothing in paragraph 1 compels the production by any person...
9. Section 2 of Part 1 of this Schedule has effect...
10. In this section— “emergency” means a case in which it...

SECTION 2

Warrants, evidence and compensation

11. If it is shown to the satisfaction, in England and...
12. The conditions mentioned in paragraph 11 are—
13. In a case where paragraph 12 applies, a justice of...
14. Every warrant under paragraph 11 continues in force until the...
15. An authorised person must produce evidence of that person’s
authorisation...
16. Information obtained in consequence of the exercise of the powers...
17. Without prejudice to the generality of paragraph 16, information obtained...
18. A person who, in exercise of the powers in paragraph...
19. Where any person exercises any power conferred by paragraph 1(a)...
20. Compensation is not payable by virtue of paragraph 19 in...
21. Any dispute as to a person’s entitlement to compensation under...
22. An authorised person is not to be liable in any...

SECTION 3

Seizure in cases of imminent danger of serious pollution

23. If an authorised person has entered any premises and has...
24. An authorised person who exercises the power in paragraph 23...
25. If the authorised person cannot after reasonable inquiry ascertain the...
26. Where the powers under paragraph 23 are exercised, the enforcing...

SECTION 4

Notices

27. An authorised person may, by a notice served on any...
28. If an authorised person is of the opinion that a...
29. An enforcement notice must— (a) state that the authorised person...
30. An enforcement notice may be withdrawn at any time.
31. If an authorised person is of the opinion that the...
32. A prohibition notice must— (a) state that the authorised person...
33. A prohibition notice may be withdrawn at any time.
34. If a person fails to comply with an enforcement notice...
35. References in this Part to an “enforcement notice” or a...
Part 2 — The Health and Safety Executive, the Health and Safety Executive
for Northern Ireland the Office of Rail and Road , the Office for
Nuclear Regulation and local (health and safety) authorities

SECTION 1

Powers of entry

1. The powers of an authorised person are—
2. Where an authorised person proposes to exercise the power conferred...
3. Before exercising the power conferred by paragraph 1(h), an authorised...

Changes to legislation: There are currently no known outstanding effects for the REACH Enforcement Regulations 2008. (See end of Document for details)

- 4. Where under the power conferred by paragraph 1(i) an authorised...
- 5. No answer given by a person in pursuance of a...
- 6. Before the power in paragraph 1(m) to render harmless any...
- 7. As soon as may be after any thing has been...
- 8. Nothing in this Part compels the production by any person...
- 9. Where— (a) an action has been brought against an authorised...
- 9A The powers of an authorised person acting on behalf of...
- 9B For the purposes of this section of this Schedule “the...
- 10.

SECTION 2

Notices

- 11. If an authorised person is of the opinion that—
- 12. A prohibition notice must— (a) state that the authorised person...
- 13. A direction contained in a prohibition notice in pursuance of...
- 14. If an authorised person is of the opinion that a...
- 15. An improvement notice must— (a) state that the authorised person...
- 16. If an authorised person is of the opinion that a...
- 17. An enforcement notice must— (a) state that the authorised person...
- 18. Where a prohibition notice, an improvement notice or an enforcement...
- 19. References in this Part to a “prohibition notice”, an “improvement...
- 20. This section does not apply to an authorised person acting...
PART 3 — Local (consumer safety) authorities

SECTION 1

Powers of entry

- 1. An authorised person may at any reasonable hour and on...
- 2. An authorised person may, for the purposes of ascertaining whether...
- 3. An authorised person may, for the purpose of ascertaining whether...
- 4. If an authorised person has reasonable grounds for suspecting that...
- 5. An authorised person may seize and detain any goods or...
- 6. If and to the extent that it is reasonably necessary...
- 7. An authorised person seizing any goods or records under this...
- 8. If a justice of the peace— (a) is satisfied by...
- 9. An authorised person entering any premises by virtue of this...
- 10. On leaving any premises which an authorised person is authorised...
- 11. Where any goods seized by an authorised person under this...
- 12. In the application of this section to Scotland, the reference...
- 13. In the application of this section to Northern Ireland, the...

SECTION 2

Notices

- 14. Where an authorised person has reasonable grounds for suspecting that...
- 15. A suspension notice may prohibit the person on whom it...
- 16. A suspension notice served by an authorised person in respect...
- 17. A suspension notice may require a person to keep the...
- 18. Where a suspension notice has been served on any person...
- 19. A consent given by an authorised person for the purposes...

20. Where an authorised person serves a suspension notice in respect...
21. Any disputed question as to the right to or the...

SECTION 3

Forfeiture

22. An authorised person in England and Wales or Northern Ireland...
23. An application under this section may be made—
24. On an application under this section the court may make...
25. A court may infer for the purposes of this section...
26. Any person aggrieved by an order made under this section...
27. Subject to paragraph 28, where any goods are forfeited under...
28. On making an order under this section a magistrates' court...
29. In Scotland a sheriff may make an order for forfeiture...
30. The procurator-fiscal making an application under paragraph 29 must serve...
31. Service under paragraph 30 must be carried out, and such...
32. Any person upon whom notice is served under paragraph 30...
33. The sheriff must not make an order following an application...
34. An order under this section may be made only if...
35. The sheriff may infer for the purposes of this section...
36. Where an order for the forfeiture of any goods is...
37. An order following an application under paragraph 29 does not...
38. An order under paragraph 29 does not take effect—
39. Subject to paragraph 40, goods forfeited under this section must...
40. The sheriff may direct that the goods be released, to...

PART 4 — The Secretary of State

SECTION 1

Powers of entry

1. An authorised person may on producing evidence of that person's...

SECTION 2

Notices

2. An authorised person may serve on a person a notice...
3. An enforcement notice must— (a) state that the authorised person...
4. The steps mentioned in paragraph 3(c) include steps that must...
5. Where a person to whom an enforcement notice is addressed...
6. A person to whom an enforcement notice is addressed must...
7. An authorised person may revoke an enforcement notice.
8. An authorised person may serve on a person a notice...
9. A prohibition notice must— (a) state that the authorised person...
10. An authorised person may by notice withdraw a prohibition notice...
11. It is the duty of the person to whom the...

SECTION 3

Miscellaneous

12. An answer given by a person in compliance with a...

Changes to legislation: There are currently no known outstanding effects for the
The REACH Enforcement Regulations 2008. (See end of Document for details)

13. In criminal proceedings in which such person as is mentioned...
14. Paragraph 13 applies to any offence other than one—...
15. Nothing in this Part compels the production by any person...
16. References in this Part to an “information notice” or a...

SCHEDULE 7 — Authorisations

SECTION 1

*The Environment Agency , the Natural Resources Body
for Wales and the Scottish Environment Protection Agency*

1. In respect of the Environment Agency , the Natural Resources...

SECTION 2

The Department of the Environment

2. In respect of the Department of the Environment, an authorisation...

SECTION 3

*The Health and Safety Executive , the Office of Rail and Road , the Office for
Nuclear Regulation and local (health and safety) authorities in Great Britain*

3. In respect of— (a) the Health and Safety Executive;...

SECTION 4

*The Health and Safety Executive for Northern Ireland and
local (health and safety) authorities in Northern Ireland*

4. In respect of— (a) the Health and Safety Executive for...

SECTION 5

Local (consumer safety) authorities

5. In respect of— (a) a local (consumer safety) authority in...

SECTION 6

The Secretary of State

6. In respect of the Secretary of State, an authorisation made...

SCHEDULE 8 — Appeals

PART 1 — Notices served by the Environment Agency, the Natural Resources
Body for Wales, the Scottish Environment Protection Agency or the
Department of the Environment

1. The appeal body means, where the notice is served by—...
2. An appeal must be received by the appeal body no...
3. The appeal body may consider an appeal received after the...
4. Where an appeal is brought, this does not have the...
5. On the determination of an appeal, the appeal body may...
6. In relation to the making and determination of appeals under...

7. The appeal body may— (a) appoint a person, with or...
PART 2 — Notices served by the Health and Safety Executive, the Health
and Safety Executive for Northern Ireland, the Office for Nuclear
Regulation or local (health and safety) authorities
 1. An appeal may be made to a tribunal.
 2. Schedule 4 to the Employment Tribunals (Constitution and Rules of...
 3. Under paragraph 2, an enforcement notice is to be treated...
 4. Rule 102 of Schedule 1 to the Industrial Tribunals and...
 5. Under paragraph 4, an enforcement notice is to be treated...
 6. The tribunal may cancel or affirm the notice and, if...
 7. In the case of an improvement notice, the bringing of...
 8. In the case of a prohibition notice or an enforcement...
 9. One or more assessors may be appointed in respect of...
10. In this Part— (a) “assessor” has the same meaning as...
PART 3 — Notices served by local (consumer safety) authorities
 1. An appeal may be brought by a person having an...
 2. In England and Wales or Northern Ireland, an appeal may...
 3. In Scotland, an appeal may be made to the sheriff...
 4. A magistrates’ court must not make an order setting aside...
 5. A sheriff must not make an order setting aside a...
 6. A person aggrieved by an order made by a magistrates’...
 7. An order made by a magistrates’ court under this Part...
PART 4 — Notices served by the Secretary of State
 1. An appeal may be made to the court.
 2. An appeal must be brought within 28 days of the...
 3. Unless the court otherwise directs, an appeal does not have...
 4. In this section, “the court” means, in respect of a...
 5. Where a notice relates to more than one area referred...
 6. Reference in paragraph 4 to— “the English area”; “the Scottish...

SCHEDULE 9 — Service of documents

1. The provisions of this Schedule apply to the service of...
2. A document must be in writing.
3. A document may be served on or given to a...
4. In the case of a body corporate, a document may...
5. In the case of a partnership, a document may be...
6. If a person to be served with or given a...
7. For the purposes of this Schedule, “proper address” means—
8. For the purposes of paragraph 7, the principal office of...
9. Where an enforcing authority specifies an electronic address for
submission...

SCHEDULE 10 — Revocations and amendments

PART 1 — Revocations to Regulations that extend to the United Kingdom

PART 2 — Revocations to Regulations that extend to Great Britain

PART 3 — Amendments to Regulations that extend to Great Britain

1. The Chemicals (Hazard Information and Packaging for Supply)
Regulations 2002
2. In paragraph (1) of regulation 2 (interpretation)—
3. In paragraph (3) of regulation 4 (classification of dangerous substances...
4. For regulation 5 (safety data sheets for dangerous substances, dangerous...
5. The Control of Substances Hazardous to Health Regulations 2002
6. Omit paragraph (2)(a) of regulation 4 (prohibitions relating to certain...

Changes to legislation: There are currently no known outstanding effects for the
The REACH Enforcement Regulations 2008. (See end of Document for details)

7. The Control of Asbestos Regulations 2006
8. In paragraph (1) of regulation 25 (interpretation of prohibitions) omit...
9. In paragraph (1) of regulation 32 (exemption certificates) omit...
10. In regulation 33 (exemptions relating to the Ministry of Defence)...
11. In paragraph (2) of regulation 35 (existing licences and exemption...
 - PART 4 — Revocations to Statutory Rules of Northern Ireland
 - PART 5 — Amendments to Statutory Rules of Northern Ireland
1. The Chemicals (Hazard Information and Packaging for Supply)
Regulations (Northern Ireland) 2002
2. In paragraph (1) of regulation 2 (interpretation)—
3. In paragraph (3) of regulation 4 (classification of dangerous substances...
4. For regulation 5 (safety data sheets for dangerous substances, dangerous...
5. The Control of Substances Hazardous to Health Regulations (Northern
Ireland) 2003
6. Omit paragraph (2)(a) of regulation 4 (prohibitions relating to certain...
7. The Control of Asbestos Regulations (Northern Ireland) 2007
8. In paragraph (1) of regulation 25 (interpretation of prohibitions) omit...
9. In regulation 32 (exemptions relating to the Ministry of Defence)...
10. In paragraph (2) of regulation 34 (existing licences and exemption...

Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The REACH Enforcement Regulations 2008.