

STATUTORY INSTRUMENTS

2008 No. 2852

The REACH Enforcement Regulations 2008

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the REACH Enforcement Regulations 2008 and come into force on 1st December 2008.

[^{F1}Application **E+W+S**]

1A. These Regulations apply to—

- (a) England and Wales and Scotland; and
- (b) offshore installations in relevant waters, other than such waters within the seaward limits of the territorial sea adjacent to Northern Ireland.]

Textual Amendments

F1 Reg. 1A inserted (E.W.S) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 10 para. 1A** (as inserted by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), **10(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(1)

[^{F20}Application **N.I.**]

1A. These Regulations apply to Northern Ireland, including offshore installations in relevant waters within the seaward limits of the territorial sea adjacent to Northern Ireland.]

Textual Amendments

F20 Reg. 1A inserted (N.I.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(1)**

Interpretation **E+W+S**

2.—(1) In these Regulations—

“a listed REACH provision” means a provision of REACH listed in [^{F2}a REACH table];

[^{F3}“REACH” means Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals as amended from time to time;]

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[^{F4}“a REACH table” means—

- (a) the table in Schedule 1 to these Regulations,
- (b) the table in Schedule 1A to these Regulations, or
- (c) the table in Schedule 1B to these Regulations;

“the relevant REACH table” means—

- (a) in relation to a listed REACH provision, the REACH table in which that REACH provision is listed;
- (b) in relation to an enforcement duty, the REACH table under which that enforcement duty arises.]

(2) In these Regulations—

[^{F5}“asbestos-containing article” means an article in its entirety containing any of the asbestos fibres listed at point 6 of Annex XVII to REACH;

“asbestos exemption certificate” has the meaning given in paragraph 2 of Schedule 5A;]

“authorised person” means a person authorised by an enforcing authority under regulation 10;

[^{F6} ...

“devolved administration or the Assembly” means the Scottish Ministers, the Welsh Ministers or the Northern Ireland Assembly;

[^{F7}“district council” has the meaning given by section 44 of the Interpretation Act (Northern Ireland) 1954;]

“enforcement duty” means a duty placed on an enforcing authority under regulation 3;

“enforcing authority” means—

- (a) the Department of the Environment;
- (b) the Environment Agency;
- (c) the Health and Safety Executive;
- (d) the Health and Safety Executive for Northern Ireland;
- (e) a local (consumer safety) authority;
- (f) a local (health and safety) authority;
- (fa) [^{F8}[^{F9}the Office of Rail Regulation]] [^{F9}the Office of Rail and Road];]
- (fb) [^{F10}the Office for Nuclear Regulation;]
- (g) the Scottish Environment Protection Agency;
- (h) the Secretary of State;
- (i) [^{F11}the Natural Resources Body for Wales;]

[^{F12}“the Executive” means—

- (a) in Great Britain, the Health and Safety Executive;
- (b) in Northern Ireland, the Health and Safety Executive for Northern Ireland;]

“a local (consumer safety) authority” means—

- (a) in Greater London, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple;

- (b) in England outside Greater London, a county council or, in relation to an area for which there is a district council but no county council, the district council, and the Council of the Isles of Scilly;
- (c) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972⁽²⁾;
- (d) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽³⁾;
- (e) in Wales, a county council or county borough council;

“a local (health and safety) authority” means—

- (a) in Greater London, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple;
- (b) in England, outside Greater London, a district council or, in relation to an area for which there is a county council but no district council, the county council, and the Council of the Isles of Scilly;
- (c) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972;
- (d) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- (e) in Wales, a county council or county borough council;

[^{F13}“offshore installation” means—

- (a) an offshore installation within the meaning of section 44(1) of the Petroleum Act 1998; or
- (b) a carbon storage installation within the meaning of section 30(5) of the Energy Act 2008;]

[^{F14}“paint stripper” means material that, when applied to a coated substrate, softens the coating so that it can be removed easily, and “paint stripping” is to be construed accordingly;

“paint stripper containing dichloromethane” means any paint stripper containing dichloromethane in a concentration equal to or greater than 0.1% by weight;

“professional” means any person undertaking paint stripping in the course of their professional activity other than within an industrial installation⁽¹⁾ where the conditions set out in entry 59 paragraph 4 of Annex XVII to REACH are complied with.]

[^{F15}“relevant nuclear site” means a site which is—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).]

[^{F16}“railway” means—

- (a) except in Northern Ireland, any system of transport the operation of which is specified in regulation 3(2) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006;

(2) 1972 c.9 as amended by S.I. 1985/454.

(3) 1994 c.39.

(1) The appointment of the competent authorities, except in relation to Scotland, was made under S.I. 2007/1742. By administrative arrangements, the competent authorities have delegated the Health and Safety Executive to act on their behalf.

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- (b) in relation to Northern Ireland, any railway or tramway which in either case is used for the carriage of persons or goods;]
- [^{F17}“relevant waters”, in relation to an offshore installation, has the meaning given in section 44(4) of the Petroleum Act 1998;]
- [^{F18}“Scotland” includes Scottish controlled waters;]
- [^{F19}“Scottish controlled waters” means—
- (a) in relation to an offshore installation which is maintained (or intended to be established) for the purposes of the exploration for, or exploitation of, petroleum (within the meaning of section 1 of the Petroleum Act 1998), any waters which are controlled waters within the meaning of section 30A(1) of the Control of Pollution Act 1974; and
- (b) in relation to any other offshore installation, waters within the seaward limits of the territorial sea adjacent to Scotland.]
- (3) Other expressions used in these Regulations which are used in REACH have the meaning they bear in REACH.

Textual Amendments

- F2** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 10 para. 1(1)(a)** (as amended by S.I. 2020/1577, regs. 1(1)(a), 3(1)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 2(1) substituted (16.12.2013) by [The REACH Enforcement \(Amendment\) Regulations 2013 \(S.I. 2013/2919\)](#), regs. 1(b), **3(1)**
- F4** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 10 para. 1(1)(b)** (as amended by S.I. 2020/1577, regs. 1(1)(a), 3(1), 10(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 2(2) inserted (16.12.2013) by [The REACH Enforcement \(Amendment\) Regulations 2013 \(S.I. 2013/2919\)](#), regs. 1(b), **3(2)(a)**
- F6** Words in reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 10 para. 2** (as amended by S.I. 2020/1577, regs. 1(1)(a), 3(1)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 2(2) inserted (N.I.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(3)(b)**
- F8** Words in reg. 2(2) inserted (16.12.2013) by [The REACH Enforcement \(Amendment\) Regulations 2013 \(S.I. 2013/2919\)](#), regs. 1(b), **3(2)(b)**
- F9** Words in reg. 2(2) substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 8(a)**
- F10** Words in reg. 2(2) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 132(a)** (with Sch. 4)
- F11** Words in reg. 2(2)(i) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 4 para. 303** (with Sch. 7)
- F12** Words in reg. 2(2) inserted (16.12.2013) by [The REACH Enforcement \(Amendment\) Regulations 2013 \(S.I. 2013/2919\)](#), regs. 1(b), **3(2)(c)**
- F13** Words in reg. 2(2) substituted (1.7.2010) by [The Energy Act 2008 \(Consequential Modifications\) \(Offshore Environmental Protection\) Order 2010 \(S.I. 2010/1513\)](#), arts. 1(1), **10(a)**
- F14** Words in reg. 2(2) inserted (1.12.2014) by [The REACH Enforcement \(Amendment\) Regulations 2014 \(S.I. 2014/2882\)](#), regs. 1, **2(2)**
- F15** Words in reg. 2(2) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 132(b)** (with Sch. 4)

- F16** Words in reg. 2(2) inserted (16.12.2013) by The REACH Enforcement (Amendment) Regulations 2013 (S.I. 2013/2919), regs. 1(b), **3(2)(d)**
- F17** Words in reg. 2(2) inserted (1.7.2010) by The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513), arts. 1(1), **10(b)**
- F18** Words in reg. 2(2) inserted (1.7.2010) by The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513), arts. 1(1), **10(c)**
- F19** Words in reg. 2(2) substituted (1.7.2010) by The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513), arts. 1(1), **10(d)**

Interpretation **N.I.**

2.—(1) In these Regulations—

“a listed REACH provision” means a provision of REACH listed in [^{F21}a REACH table];

[^{F22}“REACH” means—

- (a) in respect of the listed REACH provisions in Schedule 1, Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals as it has effect in EU law as amended from time to time (“EU REACH”),
- (b) in respect of the listed REACH provisions in Schedule 1A, Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals as it forms part of retained EU law as amended from time to time (“retained REACH”)]

[^{F23}“a REACH table” means—

- (a) the table in Schedule 1 to these Regulations, or
- (b) the table in Schedule 1A to these Regulations;

“the relevant REACH table” means—

- (a) in relation to a listed REACH provision, the REACH table in which that REACH provision is listed;
- (b) in relation to an enforcement duty, the REACH table under which that enforcement duty arises.]

(2) In these Regulations—

[^{F24}“asbestos-containing article” means an article in its entirety containing any of the asbestos fibres listed at point 6 of Annex XVII to REACH;

“asbestos exemption certificate” has the meaning given in paragraph 2 of Schedule 5A;]

“authorised person” means a person authorised by an enforcing authority under regulation 10;

“competent authority” has the same meaning it has in REACH and in respect of the United Kingdom the authorities are—

- (a) in England, the Secretary of State;
- (b) in Scotland, the Scottish Ministers;
- (c) in Wales, the Welsh Ministers;
- (d) in Northern Ireland, the [^{F25}Department for the Economy] and the [^{F26}Department of Agriculture, Environment and Rural Affairs] acting alone or jointly; and
- (e) in relation to matters outside the competence of a devolved administration or the Assembly, the Secretary of State;

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“devolved administration or the Assembly” means the Scottish Ministers, the Welsh Ministers or the Northern Ireland Assembly;

[^{F27}“district council” has the meaning given by section 44 of the Interpretation Act (Northern Ireland) 1954;]

“enforcement duty” means a duty placed on an enforcing authority under regulation 3;

“enforcing authority” means—

- (a) the [^{F28}Department of Agriculture, Environment and Rural Affairs];
- (b) the Environment Agency;
- (c) the Health and Safety Executive;
- (d) the Health and Safety Executive for Northern Ireland;
- (e) a local (consumer safety) authority;
- (f) a local (health and safety) authority;
- (fa) [^{F29}the Office of Rail Regulation;
- (fb) [^{F30}the Office for Nuclear Regulation;]
- (g) the Scottish Environment Protection Agency;
- (h) the Secretary of State;
- (i) [^{F31}the Natural Resources Body for Wales;]
- (j) [^{F32}a district council;]

[^{F33}“the Executive” means—

- (a) in Great Britain, the Health and Safety Executive;
- (b) in Northern Ireland, the Health and Safety Executive for Northern Ireland;]

“a local (consumer safety) authority” means—

- (a) in Greater London, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple;
- (b) in England outside Greater London, a county council or, in relation to an area for which there is a district council but no county council, the district council, and the Council of the Isles of Scilly;
- (c) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972;
- (d) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- (e) in Wales, a county council or county borough council;

“a local (health and safety) authority” means—

- (a) in Greater London, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple;
- (b) in England, outside Greater London, a district council or, in relation to an area for which there is a county council but no district council, the county council, and the Council of the Isles of Scilly;
- (c) in Northern Ireland, a district council established under section 1 of the Local Government Act (Northern Ireland) 1972;

(d) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(e) in Wales, a county council or county borough council;

[^{F34}“offshore installation” means—

(a) an offshore installation within the meaning of section 44(1) of the Petroleum Act 1998; or

(b) a carbon storage installation within the meaning of section 30(5) of the Energy Act 2008;]

[^{F35}“paint stripper” means material that, when applied to a coated substrate, softens the coating so that it can be removed easily, and “paint stripping” is to be construed accordingly;

“paint stripper containing dichloromethane” means any paint stripper containing dichloromethane in a concentration equal to or greater than 0.1% by weight;

“professional” means any person undertaking paint stripping in the course of their professional activity other than within an industrial installation where the conditions set out in entry 59 paragraph 4 of Annex XVII to REACH are complied with.]

[^{F36}“relevant nuclear site” means a site which is—

(a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);

(b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or

(c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations).]

[^{F37}“railway” means—

(a) except in Northern Ireland, any system of transport the operation of which is specified in regulation 3(2) of the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006;

(b) in relation to Northern Ireland, any railway or tramway which in either case is used for the carriage of persons or goods;]

[^{F38}“relevant waters”, in relation to an offshore installation, has the meaning given in section 44(4) of the Petroleum Act 1998;]

[^{F39}“retained REACH Agency” means the Agency as defined in Article 2A of retained REACH;]

[^{F40}“Scotland” includes Scottish controlled waters;]

[^{F41}“Scottish controlled waters” means—

(a) in relation to an offshore installation which is maintained (or intended to be established) for the purposes of the exploration for, or exploitation of, petroleum (within the meaning of section 1 of the Petroleum Act 1998), any waters which are controlled waters within the meaning of section 30A(1) of the Control of Pollution Act 1974; and

(b) in relation to any other offshore installation, waters within the seaward limits of the territorial sea adjacent to Scotland.]

(3) Other expressions used in these Regulations which are used in [^{F42}EU REACH] have the meaning they bear in [^{F42}EU REACH].]

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Textual Amendments

- F21** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(c), **15(2)(a)**
- F22** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(c), **15(2)(b)**
- F23** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(c), **15(2)(c)**
- F24** Words in reg. 2(2) inserted (16.12.2013) by The REACH Enforcement (Amendment) Regulations 2013 (S.I. 2013/2919), regs. 1(b), **3(2)(a)**
- F25** Words in reg. 2(2) substituted (N.I.) (31.12.2020) by The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(c), **15(3)(a)(i)**
- F26** Words in reg. 2(2) substituted (N.I.) (31.12.2020) by The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(c), **15(3)(a)(ii)**
- F27** Words in reg. 2(2) inserted (N.I.) (31.12.2020) by The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(c), **15(3)(b)**
- F28** Words in reg. 2(2) substituted (N.I.) (31.12.2020) by The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(c), **15(3)(c)(i)**
- F29** Words in reg. 2(2) inserted (16.12.2013) by The REACH Enforcement (Amendment) Regulations 2013 (S.I. 2013/2919), regs. 1(b), **3(2)(b)**
- F30** Words in reg. 2(2) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 132(a)** (with Sch. 4)
- F31** Words in reg. 2(2)(i) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 4 para. 303** (with Sch. 7)
- F32** Words in reg. 2(2) inserted (N.I.) (31.12.2020) by The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(c), **15(3)(c)(ii)**
- F33** Words in reg. 2(2) inserted (16.12.2013) by The REACH Enforcement (Amendment) Regulations 2013 (S.I. 2013/2919), regs. 1(b), **3(2)(c)**
- F34** Words in reg. 2(2) substituted (1.7.2010) by The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513), arts. 1(1), **10(a)**
- F35** Words in reg. 2(2) inserted (1.12.2014) by The REACH Enforcement (Amendment) Regulations 2014 (S.I. 2014/2882), regs. 1, **2(2)**
- F36** Words in reg. 2(2) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 132(b)** (with Sch. 4)
- F37** Words in reg. 2(2) inserted (16.12.2013) by The REACH Enforcement (Amendment) Regulations 2013 (S.I. 2013/2919), regs. 1(b), **3(2)(d)**
- F38** Words in reg. 2(2) inserted (1.7.2010) by The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513), arts. 1(1), **10(b)**
- F39** Words in reg. 2(2) inserted (N.I.) (31.12.2020) by The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(c), **15(3)(d)**
- F40** Words in reg. 2(2) inserted (1.7.2010) by The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513), arts. 1(1), **10(c)**
- F41** Words in reg. 2(2) substituted (1.7.2010) by The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513), arts. 1(1), **10(d)**
- F42** Words in reg. 2(3) substituted (N.I.) (31.12.2020) by The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(c), **15(4)**

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 49](#)