

SCHEDULE 6

Powers of enforcement

Part 2

The Health and Safety Executive, the Health and Safety Executive for Northern Ireland ^[F1]^[F1], the Office of Rail Regulation^[F1]the Office of Rail and Road^[F1], the Office for Nuclear Regulation] and local (health and safety) authorities

Extent Information

- E1** This version of this provision extends to E+W+S+NI+ only. A new version of this provision has been created for

Textual Amendments

- F1** Words in Sch. 6 Pt. 2 heading inserted (16.12.2013) by [The REACH Enforcement \(Amendment\) Regulations 2013 \(S.I. 2013/2919\)](#), regs. 1(b), **12(a)**
- F1** Words in Sch. 6 Pt. 2 heading 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. 140(2)** (with Sch. 4)
- F1** Words in Sch. 6 Pt. 2 heading 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**

SECTION 2

Notices

- 11.** If an authorised person is of the opinion that—
- activities are being carried on or are likely to be carried on by or under the control of a person; and
 - the activity involves or as the case may be, will involve a risk of serious personal injury,
- the authorised person may serve on that person a prohibition notice.
- 12.** A prohibition notice must—
- state that the authorised person is of the opinion referred to in the preceding paragraph;
 - specify the matters which in the authorised person's opinion give or, as the case may be, will give rise to the said risk;
 - where in the opinion of the authorised person any of those matters involves or, as the case may be, will involve a contravention of a listed REACH provision, the authorised person must—
 - state that opinion;
 - specify the provision or provisions which relate to that opinion; and
 - give particulars of the reasons supporting that opinion;
 - direct that the activities to which the notice relates must not be carried on by or under the control of the person on whom the notice is served unless the matters specified in the notice in pursuance of sub-paragraph (b) and any associated contraventions of provisions so specified in pursuance of sub-paragraph (c) above have been remedied.

- 13.** A direction contained in a prohibition notice in pursuance of paragraph 12(d) takes effect—
- (a) at the end of the period specified in the notice; or
 - (b) if the notice so declares, immediately.

- 14.** If an authorised person is of the opinion that a person—
- (a) is contravening one or more of the listed REACH provisions; or
 - (b) has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated,

the authorised person may serve on that person an improvement notice.

- 15.** An improvement notice must—
- (a) state that the authorised person is of the opinion referred to in the preceding paragraph;
 - (b) specify the provision or provisions as to which the authorised person is of that opinion, giving particulars of the reasons supporting that opinion;
 - (c) require that the person to whom the improvement notice is addressed remedies the contravention or, as the case may be, the matters occasioning it within such period (ending not earlier than the period within which an appeal against the notice can be brought as provided by regulation 21) as may be specified in the notice.

16. If an authorised person is of the opinion that a person has contravened, is contravening or is likely to contravene a listed REACH provision, the authorised person may serve on that person an enforcement notice.

- 17.** An enforcement notice must—
- (a) state that the authorised person is of the opinion referred to in the preceding paragraph;
 - (b) specify the matters constituting the contravention or the matters making it likely that the contravention will arise, as the case may be;
 - (c) specify the steps that must be taken to remedy the contravention or to remedy the matters making it likely that the contravention will arise, as the case may be; and
 - (d) specify the period within which those steps must be taken.

18. Where a prohibition notice, an improvement notice or an enforcement notice has been served but is not to take immediate effect—

- (a) the notice may be withdrawn by an authorised person at any time before the end of the period specified therein;
- (b) the period so specified may be extended or further extended by an authorised person at any time when an appeal against the notice is not pending.

19. References in this Part to a “prohibition notice”, an “improvement notice” or an “enforcement notice” have effect only for the purposes of this Part and Part 2 of Schedule 8.

[^{F1}**20.** This section does not apply to an authorised person acting on behalf of [^{F2}the Office of Rail Regulation][^{F2}the Office of Rail and Road].]

Textual Amendments

- F1** Sch. 6 Pt. 2 para. 20 inserted (16.12.2013) by [The REACH Enforcement \(Amendment\) Regulations 2013 \(S.I. 2013/2919\)](#), regs. 1(b), **12(e)**
- F2** Words in Sch. 6 Pt. 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(g)**

Changes to legislation:

There are currently no known outstanding effects for the The REACH Enforcement Regulations 2008, Cross Heading: SECTION 2.