

## STATUTORY INSTRUMENTS

# 2013 No. 1478

## The Cosmetic Products Enforcement Regulations 2013

### PART 2

#### Offences, Penalties and Enforcement

##### Compensation for seizure and detention etc **E+W+S**

17.—(1) Where an enforcement authority takes, or requires a responsible person or distributor to take, certain measures in accordance with Articles 25 (Non-compliance by the responsible person), 26 (Non-compliance by distributors) or 27 (Safeguard clause) of the <sup>F1</sup>... Cosmetics Regulation, or RAMS, the authority shall be liable to pay compensation to any person having an interest in the goods in respect of any loss or damage caused by reason of the taking of those measures if—

- (a) no contravention of the <sup>F1</sup>... Cosmetics Regulation has occurred or is likely to occur; and
- (b) the exercise of the power is not attributable to any neglect or default by that person.

(2) Where an officer of an enforcement authority exercises any power under paragraph 4 of Schedule 2 to seize and detain goods the enforcement authority shall be liable to pay compensation to any person having an interest in the goods in respect of any loss or damage caused by reason of the taking of those measures if—

- (a) no contravention of the <sup>F1</sup>... Cosmetics Regulation has occurred or is likely to occur; and
- (b) the exercise of the power is not attributable to any neglect or default by that person.

(3) Any disputed question as to the right to or the amount of any compensation payable under this section shall be determined by arbitration or, in Scotland, by a single arbiter appointed, failing agreement between the parties, by the sheriff.

##### Extent Information

**E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

**F1** Word in [reg. 17](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 34 para. 38](#) (with regs. 2, 3) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 3](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#))

##### Compensation for seizure and detention etc **N.I.**

17.—(1) Where an enforcement authority takes, or requires a responsible person or distributor to take, certain measures in accordance with Articles 25 (Non-compliance by the responsible person), 26 (Non-compliance by distributors) or 27 (Safeguard clause) of the EU Cosmetics Regulation, or RAMS, the authority shall be liable to pay compensation to any person having an interest in the goods in respect of any loss or damage caused by reason of the taking of those measures if—

- (a) no contravention of the EU Cosmetics Regulation has occurred or is likely to occur; and

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**Status:** There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent  
**Changes to legislation:** There are currently no known outstanding effects for the The Cosmetic Products Enforcement Regulations 2013, Section 17. (See end of Document for details)

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(b) the exercise of the power is not attributable to any neglect or default by that person.

(2) Where an officer of an enforcement authority exercises any power under paragraph 4 of Schedule 2 to seize and detain goods the enforcement authority shall be liable to pay compensation to any person having an interest in the goods in respect of any loss or damage caused by reason of the taking of those measures if—

(a) no contravention of the EU Cosmetics Regulation has occurred or is likely to occur; and

(b) the exercise of the power is not attributable to any neglect or default by that person.

<sup>F2</sup>(3) .....

**Extent Information**

**E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

**F2** [Reg. 17\(3\) omitted \(N.I.\) \(31.12.2020\) by virtue of The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\), reg. 1\(b\), Sch. 6 para. 1\(6\)](#)

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

**Changes to legislation:**

There are currently no known outstanding effects for the The Cosmetic Products Enforcement Regulations 2013, Section 17.