
STATUTORY INSTRUMENTS

2015 No. 168

The Ozone-Depleting Substances Regulations 2015

PART 3

Offences, penalties and enforcement

Enforcement

12.—(1) Part 2 of these Regulations is enforced by the appropriate agency, the local authority or the port health authority.

(2) In relation to—

- (a) cases of a particular description; or
- (b) a particular case,

the Secretary of State, as regards England, the Welsh Ministers, as regards Wales, or the Scottish Ministers as regards Scotland may direct that Part 2 of these Regulations is enforced by them instead.

(3) The appropriate agency and the local authority enforce the EU Regulation and are each an enforcing authority for the purpose of these Regulations.

(4) In relation to—

- (a) cases of a particular description; or
- (b) a particular case,

the Secretary of State, as regards England, the Welsh Ministers, as regards Wales, the Scottish Ministers as regards Scotland or the Department of the Environment as regards Northern Ireland may direct that the EU Regulation is enforced by them instead and a person or body making such a direction is to that extent an enforcing authority for the purposes of these Regulations.

(5) Where the Secretary of State makes a direction under paragraph (2) or (4), the Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of offences under these Regulations.

(6) The Secretary of State enforces the EU Regulation in relation to offshore installations and to that extent is an enforcing authority for the purposes of these Regulations.

(7) Nothing in these Regulations authorises an enforcing authority to bring proceedings in Scotland for an offence.

(8) In this Regulation—

- (a) “the appropriate agency” means—
 - (i) as regards England, the Environment Agency;
 - (ii) as regards Wales, the Natural Resources Body for Wales; and
 - (iii) as regards Scotland, the Scottish Environment Protection Agency;
- (b) “local authority” means—

- (i) in England, where there is, within the meaning of the Local Government Changes for England Regulations 1994⁽¹⁾, a unitary authority, that authority;
 - (ii) otherwise in England—
 - (aa) a district Council,
 - (bb) a London borough Council,
 - (cc) the Common Council of the City of London, or
 - (dd) the Council of the Isles of Scilly;
 - (iii) in relation to Wales—
 - (aa) a county council, or
 - (bb) a county borough council;
 - (iv) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽²⁾;
 - (v) in relation to Northern Ireland, a district council;
- (c) “port health authority” means—
- (i) in relation to London port health district (within the meaning given by section 7(1) of the Public Health (Control of Disease) Act 1984⁽³⁾), the Common Council of the City of London; and
 - (ii) in relation to any port health district constituted by order under section 2(3) of that Act, the port health authority for that district constituted by order under section 2(4) of that Act.

⁽¹⁾ S.I. 1994/867.
⁽²⁾ 1994 c. 39.
⁽³⁾ 1984 c. 22.