

SCHEDULE 1

Amendment of Titles 1 to 15

PART 1

Amendment of Title 1: General issues

Chapter 2 of Title 1

3. In Chapter 2 of Title 1, before Article 3 insert—

“Article 2A

The Agency

1. The functions and powers of the Agency under the REACH legislation are to be functions and powers of the HSE.

Accordingly, any reference to the Agency in the REACH legislation must be read as meaning the HSE.

2. The general incidental powers of the HSE are to be exercisable for the purpose of carrying out the functions of the Agency under the REACH legislation.

But that does not limit the powers which the HSE has under the REACH legislation.

3. The non-REACH functions of the HSE are not limited by the functions of the Agency under the REACH legislation.

Accordingly, the HSE is not prevented from carrying out non-REACH functions in relation to a matter just because any of the functions of the Agency under the REACH legislation is also exercisable, or has been exercised, in relation to that matter.

4. The power of the Secretary of State under section 12(2)(a) of HASWA 1974 to give directions (as read with section 12(4) of HASWA 1974) is to be exercisable with respect to the functions of the Agency under the REACH legislation.

The Secretary of State may not give any such directions with regard to the enforcement of the REACH legislation in any particular case.

The Secretary of State must consider any request made by any of the other appropriate authorities for the Secretary of State to give a direction by virtue of this paragraph.

The function of giving directions by virtue of this section is subject to the consent requirement in Article 4A (whether or not there has been a request under the previous subparagraph).

5. In this Article—“general incidental powers” means the powers which the HSE has under—

- (a) section 13 of HASWA 1974, and
- (b) Schedule 2 to HASWA 1974;

“HASWA 1974” means the Health and Safety at Work etc. Act 1974^{M1}; “HSE” means the Health and Safety Executive; “non-REACH function” means any function which arises otherwise than under the REACH legislation; “REACH legislation” means—

- (a) this Regulation,

Changes to legislation: There are currently no known outstanding effects for the *The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 3.* (See end of Document for details)

- (b) any instrument made under this Regulation, and
- (c) any retained direct EU legislation that was originally made under EU REACH.

Article 2B

Advice from Environment Agency or other environmental regulators to Agency

1. The Agency must comply with paragraph 2 when exercising—
 - (a) its functions under—
 - (i) Article 7(5),
 - (ii) Article 9(4), (7) and (8),
 - (iii) Article 21,
 - (iv) Articles 40(1) and (3), 41(1), (3) and (5), 42(1), 43, 44, 45, 46(1) and (3), 48, 49, 51 and 52,
 - (v) Articles 58(3) and (4) and 59(1), (2), (3), (6) and (7),
 - (vi) Article 64(1), (3), (4), (5) and (6),
 - (vii) Articles 69, 70 and 71, and
 - (b) any of its other functions under this Regulation,

if, and to the extent that, the exercise of the function involves consideration of any relevant environmental issues.

2. The Agency must—
 - (a) obtain the advice of the Environment Agency before exercising the function concerned, and
 - (b) use the advice obtained when exercising the function concerned.

3. Whenever the advice of the Environment Agency is sought by the Agency under this Article, the Environment Agency must collaborate with the other environmental regulators when formulating the advice.

4. If, as part of a collaboration under paragraph 3, one of the other environmental regulators gives advice to the Environment Agency, the Environment Agency must pass that advice on to the Agency if that other environmental regulator requires it to do so.

5. In this Article—“other environmental regulator” means—
 - (a) in relation to Wales, the Natural Resources Body for Wales;
 - (b) in relation to Scotland, the Scottish Environment Protection Agency;
 - ^{F1}(c)

“relevant environmental issue” means—

- (a) exposure of the environment to chemicals;
- (b) exposure of humans to chemicals in the environment;
- (c) assessment of the potential effect of chemicals on the environment;
- (d) measures aimed at controlling the release of chemicals into the environment.”.

<p>F1 Words in Sch. 1 para. 3 omitted (31.12.2020 immediately before IP completion day) by virtue of The REACH etc. (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1577), regs. 1(1)(b), 4(5)</p>

Changes to legislation: *There are currently no known outstanding effects for the The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 3. (See end of Document for details)*

Commencement Information

I1 Sch. 1 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

Marginal Citations

M1 1974 c. 37. Section 12 was substituted by **S.I. 2008/960**. Section 13 was substituted by **S.I. 2008/960** and amended by section 116 of the **Energy Act 2013 (c. 32)**.

Changes to legislation:

There are currently no known outstanding effects for the The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 3.