

SCHEDULE 2

Regulation 18(2)

Defence Exemption Certificates

1. The Secretary of State may decide that it is necessary in the interests of defence for a person to be exempt from compliance with a requirement or prohibition in the Biocides Regulation or the CLP Regulation.
2. The Secretary of State may decide to apply the exemption—
 - (a) to a person, including the Secretary of State, or a category of persons;
 - (b) to one or more requirement or prohibition at the same time;
 - (c) prospectively;
 - (d) for a limited or unlimited period;
 - (e) generally or to a particular case;
 - (f) subject to such limitations and conditions as the Secretary of State sees fit.
3. A decision by the Secretary of State to apply the exemption must be evidenced in writing by a certificate.
4. A certificate—
 - (a) must contain sufficient particulars of the persons to whom, and the matters to which, it relates; and
 - (b) may be varied or revoked in writing.
5. The Secretary of State may provide to a person who has the benefit of a certificate—
 - (a) the certificate;
 - (b) a copy of it; or
 - (c) a copy of a relevant extract of the certificate.
6. A person who claims the benefit of a certificate must produce to the person listed in paragraph 7, when reasonably requested to do so—
 - (a) the certificate;
 - (b) a copy of it made by the Secretary of State; or
 - (c) a copy made by the Secretary of State of a relevant extract of the certificate.
7. The persons referred to in paragraph 6 are—
 - (a) an enforcing authority;
 - (b) a competent authority;
 - (c) the equivalent of an enforcing authority of another Member State;
 - (d) the European Chemicals Agency.
8. Unless the contrary is proved—
 - (a) a certificate;
 - (b) a copy of it made by the Secretary of State; or
 - (c) a copy made by the Secretary of State of a relevant extract of the certificate,is conclusive evidence of the matters to which it relates.
9. A person who fails to comply with paragraph 6 shall not be exempt from compliance with a requirement or prohibition in the Biocides Regulation or the CLP Regulation in the interests of defence.