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STATUTORY INSTRUMENTS

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**2008 No. 2164**

**The Batteries and Accumulators (Placing  
on the Market) Regulations 2008**

**PART 3**

**Enforcement**

**Further powers to obtain evidence**

**11.**—(1) The powers specified in paragraphs (3) and (4) may be exercised where the Secretary of State reasonably believes that their exercise will enable the Secretary of State to obtain evidence as to whether or not batteries or appliances are infringing goods.

(2) Before exercising any of the powers specified in paragraph (3) or (4), enforcement officers shall, if so requested, produce a copy of their authorisations to act as enforcement officers.

(3) Enforcement officers may—

- (a) enter at any reasonable time any premises other than premises occupied only as a person's residence;
- (b) examine and investigate—
  - (i) any process of assembly or manufacture; or
  - (ii) any other aspect of the supply,  
of a battery or an appliance, or the component parts of any such battery or appliance, taking place on, or organised from, such premises;
- (c) take such measurements and photographs and make such recordings as are necessary for the purpose of any examination or investigation under sub-paragraph (b)(i); and
- (d) require any person on such premises to afford them such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable them to exercise any of the powers conferred on them by sub-paragraphs (b) and (c) with due regard to the health and safety of themselves and others.

(4) When enforcement officers have exercised the power of entry under paragraph (3)(a), or when, with a view to ascertaining whether or not batteries or appliances are infringing goods, they have agreed to meet, at a specified time and place, a person in whose possession they reasonably believe there is evidence of the kind referred to in paragraph (1), they may—

- (a) take samples of any articles or substances found on or in the vicinity of the premises they have entered or which are in that person's possession;
- (b) require any person on the premises or at the meeting to produce, or, where the information is recorded in computerised form, furnish extracts in legible form from, any records to which that person has access—
  - (i) which it is necessary for the enforcement officers to see for the purposes of an examination or investigation under paragraph (3)(b); or

- (ii) which take the form of existing documents which the Secretary of State could require to be produced under regulation 10,  
and inspect and take copies of, or of any entry in, the records; and
- (c) take possession of articles or substances of the kind referred to in sub-paragraph (a) or records of the kind referred to in sub-paragraph (b), and detain them for so long as is necessary to—
  - (i) examine them, or cause them to be examined;
  - (ii) ensure that they are not tampered with before examination of them is completed; and
  - (iii) ensure that they are available for use in evidence in any proceedings for an offence under regulation 15(1) or (3).
- (5) Where enforcement officers exercise a power conferred by paragraph (4)(a) or (b), instead of immediately—
  - (a) taking the samples of articles or substances; or
  - (b) requiring the production of the records,they may require them (or, in the case of records, copies of them) to be produced at such time and place and by such means as they may reasonably specify.

**Changes to legislation:**

There are currently no known outstanding effects for the The Batteries and Accumulators (Placing on the Market) Regulations 2008, Section 11.