
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to the United Kingdom and provide for the enforcement of Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)(OJ No L 396, 30.12.2006, p1).

Under regulation 2, the enforcing authorities are: (a) the Department of the Environment (b) the Environment Agency (c) the Health and Safety Executive (d) the Health and Safety Executive for Northern Ireland (e) a local (consumer safety) authority (f) a local (health and safety) authority (g) the Scottish Environment Protection Agency and (h) the Secretary of State.

Regulation 3 imposes enforcement duties on enforcing authorities to enforce those provisions of REACH listed in Schedule 1.

Regulation 4 requires enforcing authorities to cooperate and share information with other bodies connected to REACH enforcement and provides for information sharing by the Commissioners for Revenue and Customs.

Regulation 5 provides for agreements between enforcing authorities under which one authority may act on behalf of another authority.

Regulation 6 provides for arrangements between enforcing authorities responsible for the enforcement of health and safety aspects of REACH.

Regulation 7 provides for defence exemption certificates.

Regulation 8 makes provision for an exemption from Article 67 of REACH for the marketing and use of leaded paint.

Regulation 9 provides for the powers of enforcing authorities as set out in Schedule 6 and regulation 10 provides for those persons authorised to act as authorised persons for those authorities.

Regulation 11 creates criminal offences and regulation 12 provides for penalties in respect of those offences. Further criminal offences are created under regulation 13 and penalties in respect of those offences are set out in regulation 14.

Regulation 15 provides for the liability of corporate bodies.

Under regulation 16 a court may require persons convicted of an offence under these Regulations to remedy those matters for which they were convicted.

Under regulation 17 persons authorised by the Health and Safety Executive or the Health and Safety Executive for Northern Ireland may, except in Scotland, prosecute an offence under these Regulations.

Regulation 18 provides that no criminal proceedings for an offence under these Regulations may be instituted in England and Wales except by an enforcing authority or by or with the consent of the Director of Public Prosecutions and in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Regulation 19 provides that the Crown will not be criminally liable for any contravention of these Regulations.

Under regulation 20 enforcing authorities may institute civil proceedings against a person where criminal proceedings are unlikely to result in an effective remedy.

Regulation 21 provides for appeals against notices issued by enforcing authorities.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The REACH Enforcement Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Regulation 22 and Schedule 9 provide for service of documents.

Regulation 23 and Schedule 10, provide for revocations and amendments of enactments.

Schedule 1 contains a table listing provisions of REACH which enforcing authorities must enforce.

Schedule 2 sets out the functions of enforcing authorities.

Schedule 3 provides for arrangements between enforcing authorities responsible for the enforcement of health and safety aspects of REACH.

Schedule 4 provides for matters in connection with defence exemption certificates.

Schedule 5 provides for matters in relation to leaded paint.

Schedule 6 sets out the powers of enforcing authorities.

Schedule 7 sets out those provisions under other enactments which enable a person to act as an authorised person of an enforcing authority under these Regulations.

Schedule 8 contains provisions relating to appeals against notices issued by enforcing authorities.

Schedule 9 contains provisions concerning service of documents.

Schedule 10 lists enactments amended or revoked under these Regulations.

A transposition note and an Impact Assessment of the effect of this instrument on the costs to business have been prepared. They may be obtained from the Chemicals and Nanotechnology team, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and at www.defra.gov.uk. Copies have been placed in the library of each House of Parliament.

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Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 49](#)
- reg. 3 words substituted by [S.I. 2019/758 Sch. 10 para. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 10 para. 1(2) substituted immediately before IP completion day by S.I. 2020/1577, regs. 1(1)(b), reg. 10(3))