

SCHEDULE 3

Health and safety enforcement

PART 2

Local (health and safety) authorities

1. Subject to Part 4, a local (health and safety) authority must perform the joint enforcement duty on behalf of the Executive where the main activity carried on in non-domestic premises is referred to in paragraph 2.

2. The main activity referred to in paragraph 1 is—

- (a) the sale of goods, or the storage of goods for retail or wholesale distribution, except—
 - (i) at container depots where the main activity is the storage of goods in the course of transit to or from dock premises, an airport or a railway;
 - (ii) where the main activity is the sale or storage for wholesale distribution of any [^Fhazardous substance or mixture];
 - (iii) where the main activity is the sale or storage of water or sewage or their by-products or natural or town gas.
- (b) the display or demonstration of goods at an exhibition for the purposes of offer or advertisement for sale;
- (c) office activities;
- (d) catering services;
- (e) the provision of permanent or temporary residential accommodation including the provision of a site for caravans or campers;
- (f) consumer services provided in a shop except dry cleaning or radio and television repairs;
- (g) cleaning (wet or dry) in coin operated units in launderettes and similar premises;
- (h) the use of a bath, sauna or solarium, massaging, hair transplanting, skin piercing, manicuring or other cosmetic services and therapeutic treatments, except where they are carried out under the supervision or control of a registered medical practitioner, a dentist registered under the Dentists Act 1984(1), a physiotherapist, an osteopath or a chiropractor;
- (i) the practice or presentation of the arts, sports, games, entertainment or other cultural or recreational activities except where the main activity is the exhibition of a cave to the public;
- (j) the hiring out of pleasure craft for use on inland waters;
- (k) the care, treatment, accommodation or exhibition of animals, birds or other creatures, except where the main activity is horse breeding or horse training at a stable, or is an agricultural activity or veterinary surgery;
- (l) the activities of an undertaker, except where the main activity is embalming or the making of coffins;
- (m) church worship or religious meetings;
- (n) the provision of car parking facilities within the perimeter of an airport;
- (o) the provision of child care, or playgroup or nursery facilities.

(1) 1984 c.24; relevant amending instruments are S.I. 1996/1496, 1998/811 and 2007/3101.

Changes to legislation: There are currently no known outstanding effects for the The REACH Enforcement Regulations 2008, PART 2. (See end of Document for details)

Textual Amendments

F1 Sch. 3 Pt. 2 para. 2(a)(ii) inserted (1.6.2015) by [The Classification, Labelling and Packaging of Chemicals \(Amendments to Secondary Legislation\) Regulations 2015 \(S.I. 2015/21\)](#), regs. 1(3), **18(3)**

3. For the purposes of paragraph 2—

(a) where a vehicle is parked in connection with the sale of—

(i) food;

(ii) drink; or

(iii) other articles,

the vehicle, including its pitch, must be regarded as separate premises for the purposes of paragraph 2;

(b) where any non-domestic premises are occupied by more than one occupier each part separately occupied must be regarded as being separate premises;

(c) where the main activity carried on in premises is the sale and fitting of motor vehicle tyres, exhausts, windscreens or sunroofs, the main activity must be regarded as the sale of goods.

Changes to legislation:

There are currently no known outstanding effects for the The REACH Enforcement Regulations 2008, PART 2.