

2009 No. 3145

ENVIRONMENTAL PROTECTION, ENGLAND

**The Volatile Organic Compounds in Paints, Varnishes and
Vehicle Refinishing Products (Amendment) (England)
Regulations 2009**

<i>Made</i> - - - -	<i>26th November 2009</i>
<i>Laid before Parliament</i>	<i>2nd December 2009</i>
<i>Coming into force</i> - -	<i>23rd December 2009</i>

The Secretary of State, having been designated in relation to the environment^(a), makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^(b).

Citation, application and commencement

1. These Regulations may be cited as the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products (Amendment) (England) Regulations 2009, they apply in England only and come into force on 23rd December 2009.

Amendment to the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005

2. In regulation 7 (monitoring and enforcement) of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005^(c), after paragraph (4) insert—

“(4A) Where under paragraph (4) the Secretary of State delegates any function to a local authority in England, sections 108 and 110 of the Environment Act 1995^(d) apply as if that local authority were an enforcing authority for the purposes of section 108.

(4B) In paragraph (4A) “local authority” means—

- (a) a county or a district council;
- (b) a London borough council;
- (c) the Common Council of the City of London;
- (d) the Council of the Isles of Scilly.”.

(a) S.I. 2008/301.

(b) 1972 c. 68.

(c) S.I. 2005/2773 to which there are amendments not relevant to these Regulations.

(d) 1995 c. 25, as amended by section 6 of and Schedule 3 to the Pollution Prevention and Control Act 1999 (1999 c. 24), S.I. 2000/1973, section 55 of the Anti-social Behaviour Act 2003 (2003 c. 38), and section 53 of the Clean Neighbourhoods and Environment Act 2005 (2005 c. 16).

26th November 2009

Jim Fitzpatrick
Minister of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 7 of the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 (S.I. 2005/2773) which implement Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints, varnishes and vehicle refinishing products and amending Directive 1999/13/EC. Regulation 7 of those Regulations enables the Secretary of State to delegate enforcement functions. These amending Regulations provide that where there is a delegation of functions to a local authority, then section 108 of the Environment Act 1995 will apply to that local authority. The offences in section 110 of the same Act will also apply insofar as relevant.

A full regulatory impact assessment was produced in relation to the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 and a further impact assessment has not been produced for this instrument as no further impact on business, the private or voluntary sectors is foreseen.

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