

## STATUTORY INSTRUMENTS

# 2010 No. 740

## The Detergents Regulations 2010

### Enforcement notices **E+W+S**

**11.**—(1) This regulation applies where an authorised officer has come to the opinion on reasonable grounds that there has been a contravention of [<sup>F1</sup>regulation 7 or a] provision of Regulation 648/2004 in relation to a controlled product.

(2) The authorised officer may serve a notice in writing on one or more of the following persons—

- (a) the manufacturer of the controlled product;
- (b) the owner of the controlled product;
- (c) any person appearing to be in possession or charge of the controlled product.

(3) A notice served under paragraph (2) must specify—

- (a) the basis upon which the authorised officer has reached the opinion;
- (b) the action required to be taken by the person upon whom the notice is served; and
- (c) the period within which such action must be taken.

(4) The action specified in accordance with paragraph (3)(b)—

- (a) must be action that will either—
  - (i) remedy the failure to comply, where the failure is capable of being remedied; or
  - (ii) permit the controlled product to be made available to third parties in such a state and manner that there would have been no contravention of these Regulations had it been placed on the market in that state and manner; and
- (b) may include one or more of the following—

- (i) recovery of the controlled product from the market in [<sup>F2</sup>Great Britain];
- (ii) where the controlled product had been imported into [<sup>F2</sup>Great Britain], exportation of the controlled product from [<sup>F2</sup>Great Britain];
- (iii) disposal of the controlled product; and
- (iv) disposal of anything treated with the controlled product.

(5) The period specified in accordance with paragraph (3)(c) must not be less than 14 days, except in an emergency.

(6) Any person who fails to comply with the provisions of a notice served under paragraph (2) (or who causes or permits another person to do so) is guilty of an offence.

### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent*  
*Changes to legislation: There are currently no known outstanding effects for the*  
*The Detergents Regulations 2010, Section 11. (See end of Document for details)*

### Textual Amendments

- F1** Words in [reg. 11\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Detergents \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1617\)](#), regs. 1(3), **4(8)(a)**
- F2** Words in [reg. 11\(4\)\(b\)](#) substituted (E.W.S.) (31.12.2020) by [The Detergents \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1617\)](#), regs. 1(3), **4(8)(b)**

### Enforcement notices **N.I.**

**11.—(1)** This regulation applies where an authorised officer has come to the opinion on reasonable grounds that there has been a contravention of regulation [<sup>F3</sup>6 or 7] or of a directly applicable provision of Regulation 648/2004 in relation to a controlled product.

(2) The authorised officer may serve a notice in writing on one or more of the following persons—

- (a) the manufacturer of the controlled product;
- (b) the owner of the controlled product;
- (c) any person appearing to be in possession or charge of the controlled product.

(3) A notice served under paragraph (2) must specify—

- (a) the basis upon which the authorised officer has reached the opinion;
- (b) the action required to be taken by the person upon whom the notice is served; and
- (c) the period within which such action must be taken.

(4) The action specified in accordance with paragraph (3)(b)—

- (a) must be action that will either—
  - (i) remedy the failure to comply, where the failure is capable of being remedied; or
  - (ii) permit the controlled product to be made available to third parties in such a state and manner that there would have been no contravention of these Regulations had it been placed on the market in that state and manner; and
- (b) may include one or more of the following—
  - (i) recovery of the controlled product from the market in [<sup>F4</sup>Northern Ireland];
  - (ii) where the controlled product had been imported into [<sup>F4</sup>Northern Ireland], exportation of the controlled product from [<sup>F4</sup>Northern Ireland];
  - (iii) disposal of the controlled product; and
  - (iv) disposal of anything treated with the controlled product.

(5) The period specified in accordance with paragraph (3)(c) must not be less than 14 days, except in an emergency.

(6) Any person who fails to comply with the provisions of a notice served under paragraph (2) (or who causes or permits another person to do so) is guilty of an offence.

### Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

### Textual Amendments

- F3** Words in [reg. 11\(1\)](#) substituted (30.6.2013) by [The Detergents \(Amendment\) Regulations 2013 \(S.I. 2013/1244\)](#), regs. 1(b), **2(5)**

**Status:** *There are multiple versions of this provision on screen. These apply to different geographical extents.*  
**Skip to:** *E+W+S - England, Wales and Scotland extent*  
*N.I. - Northern Ireland extent*  
**Changes to legislation:** *There are currently no known outstanding effects for the*  
*The Detergents Regulations 2010, Section 11. (See end of Document for details)*

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**F4** Words in [reg. 11\(4\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Detergents \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1617\)](#), regs. 1(3), **5(6)**

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

**Changes to legislation:**

There are currently no known outstanding effects for the The Detergents Regulations 2010, Section 11.