
STATUTORY INSTRUMENTS

2013 No. 1478

The Cosmetic Products Enforcement Regulations 2013

PART 2

Offences, Penalties and Enforcement

Forfeiture: England, Wales and Northern Ireland **E+W+S**

20.—(1) An enforcement authority in England and Wales or Northern Ireland may apply for an order for the forfeiture of any cosmetic product on the grounds that a breach of Article 3 (Safety) of the ^{F1}... Cosmetics Regulation (“Article 3”) has occurred.

(2) An application under this regulation may be made to a magistrates' court—

- (a) where proceedings have been brought in that court in respect of an offence in relation to the cosmetic product under regulation 12;
- (b) where an application with respect to the cosmetic product has been made to that court under regulations 14 or 15; or
- (c) by way of complaint, where no application for the forfeiture of the cosmetic product has been made under sub-paragraph (a) or (b).

(3) On an application under this regulation the court may make an order for the forfeiture of the cosmetic product only if satisfied that a breach of Article 3 has occurred.

(4) A court may infer for the purposes of this regulation that a cosmetic product is in breach of Article 3 in relation to any cosmetic product if satisfied that a breach of Article 3 has occurred in relation to a cosmetic product which is representative of that cosmetic product (whether by reason of its being part of the same batch or otherwise).

(5) Any person aggrieved by an order made under this regulation by a magistrates' court, or by a decision of such court not to make such an order, may appeal against that order or decision—

- (a) in England and Wales, to the Crown Court;
- (b) in Northern Ireland, to the county court,

and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of an order pending the making and determination of any appeal (including any application under section 111 of the Magistrates' Courts Act 1980, or Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 ^{M1} (statement of case)).

(6) Where any cosmetic product is forfeited under this regulation it shall be destroyed in accordance with such directions as the court may give.

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 Cosmetic Products Enforcement Regulations 2013, Section 20. (See end of Document for details)

F1 Word in regs. 19-21 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 34 para. 38** (with regs. 2, 3) (as amended by [S.I. 2020/676](#), regs. 1(1), 2, 3); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M1 [S.I. 1675/1981](#) (NI 26).

Forfeiture: England, Wales and Northern Ireland **N.I.**

20.—(1) An enforcement authority in ^{F2}... Northern Ireland may apply for an order for the forfeiture of any cosmetic product on the grounds that a breach of Article 3 (Safety) of the EU Cosmetics Regulation (“Article 3”) has occurred.

- (2) An application under this regulation may be made to a magistrates' court—
 - (a) where proceedings have been brought in that court in respect of an offence in relation to the cosmetic product under regulation 12;
 - (b) where an application with respect to the cosmetic product has been made to that court under regulations 14 or 15; or
 - (c) by way of complaint, where no application for the forfeiture of the cosmetic product has been made under sub-paragraph (a) or (b).

(3) On an application under this regulation the court may make an order for the forfeiture of the cosmetic product only if satisfied that a breach of Article 3 has occurred.

(4) A court may infer for the purposes of this regulation that a cosmetic product is in breach of Article 3 in relation to any cosmetic product if satisfied that a breach of Article 3 has occurred in relation to a cosmetic product which is representative of that cosmetic product (whether by reason of its being part of the same batch or otherwise).

(5) Any person aggrieved by an order made under this regulation by a magistrates' court, or by a decision of such court not to make such an order, may appeal against that order or decision—

- ^{F3}(a)
- (b) in Northern Ireland, to the county court,

and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of an order pending the making and determination of any appeal (including any application under ^{F4}... Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 ^{F5} (statement of case)).

(6) Where any cosmetic product is forfeited under this regulation it shall be destroyed in accordance with such directions as the court may give.

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
- F2** Words in [reg. 20\(1\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 6 para. 1(6A)(a)** (as inserted by [S.I. 2020/1486](#), regs. 1(3), **3(a)**)
- F3** [Reg. 20\(5\)\(a\)](#) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 6 para. 1(6A)(b)** (as inserted by [S.I. 2020/1486](#), regs. 1(3), **3(a)**)

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Changes to legislation: There are currently no known outstanding effects for the The Cosmetic Products Enforcement Regulations 2013, Section 20. (See end of Document for details)

- F4** Words in reg. 20(5) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 6 para. 1(6A)(c)** (as inserted by S.I. 2020/1486, regs. 1(3), **3(a)**)
- F5** S.I. 1675/1981 (NI 26).

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 Cosmetic Products Enforcement Regulations 2013, Section 20.