
STATUTORY INSTRUMENTS

2013 No. 1506

The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013

PART 1

INTRODUCTION

Citation, commencement and extent

1. These Regulations may be cited as the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013.

2.—(1) Except as provided by paragraphs (2) to (5), these Regulations come into force on 1st September 2013.

(2) Chapter 2 of Part 3 of these Regulations comes into force on 1st June 2015.

(3) In so far as they apply to Chapter 2 of Part 3 of these Regulations or the CLP Regulation, regulations 4, 30 to 32 and 33(1) and Schedule 3 come into force on 1st June 2015.

(4) Chapter 3 of Part 3 of these Regulations, regulations 7, 33(2) and 34(f) and Part 1 of Schedule 4 come into force on 1st March 2014.

(5) In so far as they apply to Chapter 3 of Part 3 of these Regulations or the PIC Regulation, regulations 4, 31, 32 and 33(1) come into force on 1st March 2014.

3.—(1) These Regulations shall not extend to Northern Ireland except as provided by paragraphs (2) and (3).

(2) Regulations 1, 2(1), (4) and (5), 7, 33(2) and 34(f) and Chapter 3 of Part 3 of these Regulations shall extend to Northern Ireland.

(3) In so far as regulations 4, 31, 32 and 38 apply to Chapter 3 of Part 3 of these Regulations or the PIC Regulation, they shall extend to Northern Ireland.

(4) Except for the regulations listed in paragraph (5), these Regulations apply outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013(1).

(5) The regulations referred to in paragraph (4) are—

(a) regulation 7;

(b) Chapter 3 of Part 3; and

(c) regulations 4, 31, 32 and 33 in so far as they apply to Chapter 3 of Part 3 or to the PIC Regulation.

Interpretation

4.—(1) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978⁽²⁾;

“the Great Britain Executive” means, for the purposes of regulation 7 and Chapter 3 of Part 3, the Health and Safety Executive established under section 10⁽³⁾ of the 1974 Act;

“the 1998 Regulations” means the Health and Safety (Enforcing Authority) Regulations 1998⁽⁴⁾;

“the 2006 Regulations” means the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006⁽⁵⁾;

“the 2009 Regulations” means the Chemicals (Hazard Information and Packaging for Supply) Regulations 2009⁽⁶⁾;

“the Biocides Regulation” means Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products, of which Annexes I to IV are to be read as amended from time to time;

“the CLP Regulation” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time;

“the Commission” means the Commission of the European Union;

“competent authority” means the authority or authorities appointed in a Member State for the purpose of carrying out the duties of a competent authority under the Biocides Regulation or the CLP Regulation;

“contravention” includes a failure to comply and “contravene” has a corresponding meaning;

“devolved administration” means the Scottish Ministers or the Welsh Ministers;

“inspector” means—

- (a) a person appointed under section 19 of the 1974 Act; or
- (b) for the purposes of Chapter 3 of Part 3, a person falling within paragraph (a) or a person appointed under Article 21 of the 1978 Order;

“local authority” means—

- (a) in relation to England, a county council so far as it is the council for an area for which there are no district councils, a district council, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple, the Under-Treasurer of the Middle Temple, or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or county borough council; and
- (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽⁷⁾;

(2) S.I. 1978/1039 (N.I. 9).

(3) Section 10 was amended by S.I. 2008/960.

(4) S.I. 1998/494, to which there are amendments not relevant to these Regulations.

(5) S.I. 2006/557, as amended by S.I. 2006/2739, 2007/320, 2007/1573 and 2008/2323.

(6) S.I. 2009/716, as amended by S.S.I. 2011/228; S.I. 2011/1043 and 2011/2131.

(7) 1994 c.39.

“local weights and measures authority” has the meaning in section 69 of the Weights and Measures Act 1985⁽⁸⁾;

“the Northern Ireland Executive” means the Health and Safety Executive for Northern Ireland established under Article 12 of the 1978 Order;

“the PIC Regulation” means Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals, of which Annexes I, II, V and VI are to be read as amended from time to time;

“work” shall be construed in accordance with section 52 of the 1974 Act.

(2) Expressions used in both—

- (a) Chapter 1 of Part 3 of, or Schedule 2 to, these Regulations; and
- (b) the Biocides Regulation,

have the same meaning in these Regulations as they have in the Biocides Regulation.

(3) Expressions used in both—

- (a) Chapter 2 of Part 3 of these Regulations; and
- (b) the CLP Regulation,

have the same meaning in these Regulations as they have in the CLP Regulation.

(4) Expressions used in both—

- (a) regulation 7 or Chapter 3 of Part 3 of these Regulations; and
- (b) the PIC Regulation,

have the same meaning in these Regulations as they have in the PIC Regulation.

⁽⁸⁾ 1985 c.72; as amended by the Local Government (Wales) Act 1994, s.66(6), Sch 16, para 75 and the Local Government (Scotland) Act 1973, s.149(6) Sch 1, para 144.