
STATUTORY INSTRUMENTS

2013 No. 1506

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

PART 3

CHAPTER 1

CHAPTER 2

CLASSIFICATION, LABELLING AND PACKAGING OF SUBSTANCES AND MIXTURES

Application of the 1974 Act

17.—(1) The following provisions of the 1974 Act apply to the CLP Regulation as if it were health and safety regulations for the purposes of that Act, except that those sections shall not apply to duties placed by the CLP Regulation on the competent authority or the Member State—

- (a) sections 18 to 28 (in relation to enforcement); and
- (b) subject to regulations 32 and 33(1), sections 33 to 42 (in relation to offences).

(2) Any function of the Health and Safety Executive under any other provision of the 1974 Act in respect of health and safety regulations (including their enforcement) shall be exercisable as if the CLP Regulation were health and safety regulations for the purposes of that Act.

Allocation of enforcement responsibility

18.—(1) Notwithstanding the 1998 Regulations and subject to paragraphs (2) to (4), the enforcing authority for the CLP Regulation is the Health and Safety Executive or the Office of Rail Regulation, determined in accordance with the provisions of the 2006 Regulations.

(2) The enforcing authority for the CLP Regulation is the local weights and measures authority—

- (a) where a substance, mixture or article is placed on the market within the meaning of the CLP Regulation (other than in the circumstances referred to in paragraph (3))—
 - (i) in or from any shop, mobile vehicle, market stall or other retail outlet; or
 - (ii) otherwise to members of the public, including by way of free sample, prize or by mail order; and
- (b) for Articles 35(2) and 48 of the CLP Regulation.

(3) Subject to paragraph (4), where a substance, mixture or article is placed on the market in or from premises which are registered under sections 74A to 74L of the Medicines Act 1968⁽¹⁾, the enforcing authority shall be the General Pharmaceutical Council.

(4) In every case where, by virtue of this regulation and the CLP Regulation, the CLP Regulation is enforced by the General Pharmaceutical Council or the local weights and measures authority, it

(1) 1968 c. as amended by [S.I. 2010/231](#), art 68, Sch. 4.

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shall be enforced as if it were a safety regulation made under section 11 of the Consumer Protection Act 1987⁽²⁾.

(5) The provisions of section 12 of the Consumer Protection Act 1987 shall apply to the CLP Regulation as if it were a safety regulation for the purposes of that Act and as if the maximum period of imprisonment on summary conviction specified in subsection (5) of section 12 of that Act were 3 months instead of 6 months.

(2) 1987 c. 43, as amended by SI 2005/1803, reg 46(1), (3). Amendments made to section 11 by other instruments are not relevant for these purposes.