

## SCHEDULES

### SCHEDULE 5

#### INVESTIGATORY POWERS ETC.

#### PART 2

#### THE ENFORCER'S LEGISLATION

##### *Enforcer's legislation*

- 9 (1) In this Schedule “the enforcer’s legislation”, in relation to a domestic enforcer, means—
- (a) legislation or notices which, by virtue of a provision listed in paragraph 10, the domestic enforcer has a duty or power to enforce, and
  - (b) where the domestic enforcer is listed in an entry in the first column of the table in paragraph 11, the legislation listed in the corresponding entry in the second column of that table.
- (2) References in this Schedule to a breach of or compliance with the enforcer’s legislation include a breach of or compliance with a notice issued under—
- (a) the enforcer’s legislation, or
  - (b) legislation under which the enforcer’s legislation is made.
- (3) References in this Schedule to a breach of or compliance with the enforcer’s legislation are to be read, in relation to the Lifts Regulations 1997 (SI 1997/831), as references to a breach of or compliance with the Regulations as they apply to relevant products (within the meaning of Schedule 15 to the Regulations) for private use or consumption.

##### *Enforcer's legislation: duties and powers mentioned in paragraph 9(1)(a)*

- 10 The duties and powers mentioned in paragraph 9(1)(a) are those arising under any of the following provisions—
- “section 26(1) or 40(1)(b) of the Trade Descriptions Act 1968 (including as applied by regulation 8(3) of the Crystal Glass (Descriptions) Regulations 1973 (SI 1973/1952) and regulation 10(2) of the Footwear (Indication of Composition) Labelling Regulations 1995 (SI 1995/2489));
  - section 9(1) or (6) of the Hallmarking Act 1973;
  - paragraph 6 of the Schedule to the Prices Act 1974 (including as read with paragraph 14(1) of that Schedule);
  - section 161(1) of the Consumer Credit Act 1974;
  - section 26(1) of the Estate Agents Act 1979;
  - Article 39 of the Weights and Measures (Northern Ireland) Order 1981 (SI 1981/231 (NI 10));

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section 16A(1) or (4) of the Video Recordings Act 1984;  
section 27(1) of the Consumer Protection Act 1987 (including as applied by section 12(1) of the Fireworks Act 2003 to fireworks regulations under that Act);  
section 215(1) of the Education Reform Act 1988;  
section 107A(1) or (3) or 198A(1) or (3) of the Copyright, Designs and Patents Act 1988;  
paragraph 3(a) of Schedule 5 to the Simple Pressure Vessels (Safety) Regulations 1991 ([SI 1991/2749](#));  
paragraph 1 of Schedule 3 to the Package Travel, Package Holidays and Package Tours Regulations 1992 ([SI 1992/3288](#));  
section 30(4) or (7) or 31(4)(a) of the Clean Air Act 1993;  
paragraph 1 of Schedule 2 to the Sunday Trading Act 1994;  
section 93(1) or (3) of the Trade Marks Act 1994;  
section 8A(1) or (3) of the Olympic Symbol etc (Protection) Act 1995;  
paragraph 2(a) or 3(1) of Schedule 15 to the Lifts Regulations 1997 ([SI 1997/831](#));  
paragraph 2(a) or 3(3)(a) of Schedule 8 to the Pressure Equipment Regulations 1999 ([SI 1999/2001](#));  
regulation 5C(5) of the Motor Fuel (Composition and Content) Regulations 1999 ([SI 1999/3107](#));  
paragraph 1(1)(b) or (2)(b) or 2 of Schedule 9 to the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 ([SI 2000/730](#));  
paragraph 1(a) of Schedule 10 to the Personal Protective Equipment Regulations 2002 ([SI 2002/1144](#));  
paragraph 1 of Schedule 4 to the Packaging (Essential Requirements) Regulations 2003 ([SI 2003/1941](#));  
section 3(1) of the Christmas Day Trading Act 2004;  
regulation 10(1) of the General Product Safety Regulations 2005 ([SI 2005/1803](#));  
regulation 10(1) of the Weights and Measures (Packaged Goods) Regulations 2006 ([SI 2006/659](#));  
regulation 17 of the Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006 ([SI 2006/1255](#));  
regulation 18 of the Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006 ([SI 2006/1256](#));  
regulation 20 of the Measuring Instruments (Automatic Catchweighers) Regulations 2006 ([SI 2006/1257](#));  
regulation 18 of the Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006 ([SI 2006/1258](#));  
regulation 18 of the Measuring Instruments (Beltweighers) Regulations 2006 ([SI 2006/1259](#));  
regulation 16 of the Measuring Instruments (Capacity Serving Measures) Regulations 2006 ([SI 2006/1264](#));  
regulation 17 of the Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006 ([SI 2006/1266](#));  
regulation 16 of the Measuring Instruments (Material Measures of Length) Regulations 2006 ([SI 2006/1267](#));

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regulation 17 of the Measuring Instruments (Cold-water Meters) Regulations 2006 ([SI 2006/1268](#));  
regulation 18 of the Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006 ([SI 2006/1269](#));  
regulation 37(1)(a)(ii) or (b)(ii) of the Electromagnetic Compatibility Regulations 2006 ([SI 2006/3418](#));  
regulation 13(1) or (1A) of the Business Protection from Misleading Marketing Regulations 2008 ([SI 2008/1276](#));  
regulation 19(1) or (1A) of the Consumer Protection from Unfair Trading Regulations 2008 ([SI 2008/1277](#));  
paragraph 2 or 5 of Schedule 5 to the Supply of Machinery (Safety) Regulations 2008 ([SI 2008/1597](#));  
regulation 32(2) or (3) of the Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 ([SI 2010/2960](#));  
regulation 10(1) of the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 ([SR 2011/331](#));  
regulation 11 of the Textile Products (Labelling and Fibre Composition) Regulations 2012 ([SI 2012/1102](#));  
regulation 6(1) of the Cosmetic Products Enforcement Regulations 2013 ([SI 2013/1478](#));  
section 87(1) of this Act;  
section 93(1) or (2) of this Act.”

*Enforcer’s legislation: legislation mentioned in paragraph 9(1)(b)*

11 Here is the table mentioned in paragraph 9(1)(b)—

<i>Enforcer</i>	<i>Legislation</i>
A local weights and measures authority in Great Britain or the Department of Enterprise, Trade and Investment in Northern Ireland	Section 35ZA of the Registered Designs Act 1949
A local weights and measures authority in Great Britain or the Department of Enterprise, Trade and Investment in Northern Ireland	The Measuring Container Bottles (EEC Requirements) Regulations 1977 ( <a href="#">SI 1977/932</a> )
The Secretary of State	The Alcoholometers and Alcohol Hydrometers (EEC Requirements) Regulations 1977 ( <a href="#">SI 1977/1753</a> )
A local weights and measures authority in Great Britain	The Weights and Measures Act 1985 and regulations and orders made under that Act
A local weights and measures authority in Great Britain or the Department of Enterprise, Trade and Investment in Northern Ireland	The Measuring Instruments (EEC Requirements) Regulations 1988 ( <a href="#">SI 1988/186</a> )

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<i>Enforcer</i>	<i>Legislation</i>
A local weights and measures authority in Great Britain or the Department of Enterprise, Trade and Investment in Northern Ireland	The Financial Services and Markets Act 2000 so far as it relates to a relevant regulated activity within the meaning of section 107(4)(a) of the Financial Services Act 2012
A local weights and measures authority in Great Britain or the Department of Enterprise, Trade and Investment in Northern Ireland	The Non-Automatic Weighing Instruments Regulations 2000 (SI 2000/3236)

*Powers to amend paragraph 10 or 11*

- 12 (1) The Secretary of State may by order made by statutory instrument—
- (a) amend paragraph 10 or the table in paragraph 11 by adding, modifying or removing any entry in it;
  - (b) in consequence of provision made under paragraph (a), amend, repeal or revoke any other legislation (including this Act) whenever passed or made.
- (2) The Secretary of State may not make an order under this paragraph that has the effect that a power of entry, or an associated power, contained in legislation other than this Act is replaced by a power of entry, or an associated power, contained in this Schedule unless the Secretary of State thinks that the condition in sub-paragraph (3) is met.
- (3) That condition is that, on and after the changes made by the order, the safeguards applicable to the new power, taken together, provide a greater level of protection than any safeguards applicable to the old power.
- (4) In sub-paragraph (2) “power of entry” and “associated power” have the meanings given by section 46 of the Protection of Freedoms Act 2012.
- (5) An order under this paragraph may contain transitional or transitory provision or savings.
- (6) A statutory instrument containing an order under this paragraph that amends or repeals primary legislation may not be made unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (7) Any other statutory instrument containing an order under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this paragraph “primary legislation” means—
- (a) an Act of Parliament,
  - (b) an Act of the Scottish Parliament,
  - (c) an Act or Measure of the National Assembly for Wales, or
  - (d) Northern Ireland legislation.