
STATUTORY INSTRUMENTS

1998 No. 1165

The Packaging (Essential Requirements) Regulations 1998

**PART IV
ENFORCEMENT**

Enforcement Authorities

13.—(1) It shall be the duty of the following authorities to enforce these Regulations within their area—

- (a) in Great Britain, weights and measures authorities; and
- (b) in Northern Ireland, the Department of Economic Development.

(2) For the purposes of providing for the enforcement of these Regulations—

- (a) sections 14, 15, 28 to 35, 37, 38, 44 and 47 of the 1987 Act shall apply and in respect of proceedings for contravention thereof as if—
 - (i) references to safety provisions were references to these Regulations;
 - (ii) references to goods were references to packaging as the context may require;
 - (iii) in section 14, in sub-section (6), for “six months” there were substituted “three months”;
 - (iv) in sections 28, 29, 30, 33, 34 and 35, the words “or any provision made by or under Part III of this Act” on each occasion that they occur were omitted;
 - (v) in section 28, sub-sections (3), (4) and (5) were omitted;
 - (vi) in section 29, sub-section (4) was omitted;
 - (vii) in section 30, sub-sections (7) and (8) were omitted; and
 - (viii) in section 38(1), paragraphs (a) and (b) were omitted;
- (b) sections 39 and 40 of the 1987 Act shall apply to offences under section 32 of that Act as it is applied to these Regulations by sub-paragraph (a) above; and
- (c) in England and Wales, a magistrates' court may try an information in respect of an offence committed under these Regulations if the information is laid within twelve months from the time when the offence is committed, and in Scotland summary proceedings for such an offence may be begun at any time within twelve months from the time when the offence is committed.

(3) Nothing in this regulation shall authorise any enforcement authority to bring proceedings in Scotland for an offence.

(4) No action shall be taken by virtue of paragraphs (1) and (2) above before 1 January 1999 unless it could have been taken otherwise than by virtue of these Regulations.

(5) An enforcement authority shall, whenever the Secretary of State so directs, make a report to the Secretary of State on the exercise of the functions exercisable by that authority under these Regulations.