

SCHEDULE 11

ENFORCEMENT, OFFENCES AND CIVIL LIABILITY

Allocation of enforcement responsibility

5.—(1) Notwithstanding the 1998 Regulations, and subject to sub-paragraphs (2) to (7), the enforcing authority for these Regulations shall be the Health and Safety Executive.

(2) Where an active substance is placed on the market—

(a) in or from any shop, mobile vehicle, market stall or other retail outlet; or

(b) otherwise to members of the public, including by way of free sample, prize or mail order,

the enforcing authority for regulation 4 shall be the local weights and measures authority.

(3) Where a biocidal product is placed on the market—

(a) in or from any shop, mobile vehicle, market stall or other retail outlet; or

(b) otherwise to members of the public, including by way of free sample, prize or mail order,

the enforcing authority for regulations 8(1), 30 and 31 shall be the local weights and measures authority.

(4) Where a biocidal product is sold—

(a) in or from any shop, mobile vehicle, market stall or other retail outlet; or

(b) otherwise to members of the public, including by way of free sample, prize or mail order,

the enforcing authority for regulation 22(3) shall be the local weights and measures authority.

(5) The enforcing authority for regulation 33 shall be the local weights and measures authority.

(6) The 1998 Regulations shall apply to the enforcement of regulations 8(2), 8(5) and 22(4).

(7) The enforcing authority for regulations 8(2), 8(5) and 22(4)—

(a) in respect of any use not related to an activity involving work; or

(b) in respect of any use by a domestic servant in a private household,

shall be the local authority for the area in which the use occurs.