
STATUTORY INSTRUMENTS

2005 No. 1803

The General Product Safety Regulations 2005

PART 3

ENFORCEMENT

Enforcement

10.—(1) It shall be the duty of every authority to which paragraph (4) applies to enforce within its area these Regulations and safety notices.

(2) An authority in England or Wales to which paragraph (4) applies shall have the power to investigate and prosecute for an alleged contravention of any provision imposed by or under these Regulations which was committed outside its area in any part of England and Wales.

(3) A district council in Northern Ireland shall have the power to investigate and prosecute for an alleged contravention of any provision imposed by or under these Regulations which was committed outside its area in any part of Northern Ireland.

(4) The authorities to which this paragraph applies are:

- (a) in England, a county council, district council, London Borough Council, the Common Council of the City of London in its capacity as a local authority and the Council of the Isles of Scilly,
- (b) in Wales, a county council or a county borough council,
- (c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽¹⁾,
- (d) in Northern Ireland any district council.

(5) An enforcement authority shall in enforcing these Regulations act in a manner proportionate to the seriousness of the risk and shall take due account of the precautionary principle. In this context, it shall encourage and promote voluntary action by producers and distributors. Notwithstanding the foregoing, an enforcement authority may take any action under these Regulations urgently and without first encouraging and promoting voluntary action if a product poses a serious risk.