
STATUTORY INSTRUMENTS

2008 No. 2852

The REACH Enforcement Regulations 2008

PART 2

Enforcement

Enforcement **E+W+S**

3.—(1) An enforcing authority must enforce a listed REACH provision where it is named against that provision in the [^{F1}relevant REACH table].

(2) The duty in paragraph (1) is subject to the following provisions of this regulation and [^{F2}regulations 3A and 6].

(3) The enforcement duty commences—

- (a) except for Article 67 of REACH, on 1st December 2008;
- (b) for Article 67, on 1st June 2009.

(4) Except in relation to—

- (a) an offshore installation; or
- (b) a local (consumer safety) authority or a local (health and safety) authority,

the enforcement duty applies to an enforcing authority in the relevant part or parts of the United Kingdom shown at the head of the column in which the enforcing authority is named in the [^{F1}relevant REACH table].

(5) In relation to an offshore installation, the enforcement duty applies—

- (a) for an installation in relevant waters (except such waters [^{F3}within the seaward limits of the territorial sea adjacent to Northern Ireland])—
 - (i) to the Health and Safety Executive; and
 - (ii) except in Scottish controlled waters, to the Secretary of State,

where they are named under the column heading “Offshore Installations” in the [^{F1}relevant REACH table];

^{F4}(b)

- (c) for an installation in Scottish controlled waters, to the Scottish Environment Protection Agency, where that Agency is named under the column heading “Scotland” in the [^{F1}relevant REACH table].

(6) For a local (consumer safety) authority or a local (health and safety) authority, the enforcement duty applies to the area of that authority.

(7) The enforcement duty applies to an enforcing authority where enforcement of the listed REACH provision is a function of that authority.

(8) The functions of an enforcing authority for the purposes of these Regulations are set out in Schedule 2 (functions of enforcing authorities).

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The REACH Enforcement Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in reg. 3 substituted (E.W.S.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), [Sch. 10 para. 1\(2\)\(a\)](#) (as amended by S.I. 2020/1577, regs. 1(1)(a), [3\(1\)](#), 10(3)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F2** Words in reg. 3(2) substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), [Sch. 3 para. 133](#) (with Sch. 4)
- F3** Words in reg. 3(5)(a) substituted (E.W.S.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), [Sch. 10 para. 1\(2\)\(c\)\(i\)](#) (as amended by S.I. 2020/1577, regs. 1(1)(a), [3\(1\)](#), 10(3)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F4** Reg. 3(5)(b) omitted (E.W.S.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), [Sch. 10 para. 1\(2\)\(c\)\(ii\)](#) (as amended by S.I. 2020/1577, regs. 1(1)(a), [3\(1\)](#), 10(4)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Enforcement **N.I.**

3.—(1) An enforcing authority must enforce a listed REACH provision where it is named against that provision in the [^{F15}relevant REACH table].

(2) The duty in paragraph (1) is subject to the following provisions of this regulation and [^{F16}regulations 3A and 6].

(3) The enforcement duty commences—

- (a) except for Article 67 of REACH, on 1st December 2008;
- (b) for Article 67, on 1st June 2009.

(4) Except in relation to—

- (a) an offshore installation; or
- (b) a local (consumer safety) authority or a local (health and safety) authority,

the enforcement duty applies to an enforcing authority in the relevant part or parts of the United Kingdom shown at the head of the column in which the enforcing authority is named in the [^{F15}relevant REACH table].

(5) In relation to an offshore installation, the enforcement duty applies—

^{F17}(a)

(b) for an installation [^{F18}within the seaward limits of the territorial sea] adjacent to Northern Ireland—

- (i) to the Health and Safety Executive for Northern Ireland; and
- (ii) to the Secretary of State,

where they are named under the column heading “Offshore Installations” in the [^{F15}relevant REACH table];

^{F19}(c)

(6) For a local (consumer safety) authority or a local (health and safety) authority, the enforcement duty applies to the area of that authority.

(7) The enforcement duty applies to an enforcing authority where enforcement of the listed REACH provision is a function of that authority.

(8) The functions of an enforcing authority for the purposes of these Regulations are set out in Schedule 2 (functions of enforcing authorities).

Textual Amendments

- F15** Words in reg. 3 substituted (N.I.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(5)(a)**
- F16** Words in reg. 3(2) substituted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 133** (with Sch. 4)
- F17** Reg. 3(5)(a) omitted (N.I.) (31.12.2020) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(5)(b)(i)**
- F18** Words in reg. 3(5)(b) substituted (N.I.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(5)(b)(ii)**
- F19** Reg. 3(5)(c) omitted (N.I.) (31.12.2020) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(5)(b)(iii)**

^{F5}Enforcement: relevant nuclear sites **E+W+S**

3A.—(1) This regulation applies where the Office for Nuclear Regulation is named [^{F6}against any listed REACH provision in any column of the relevant REACH table].

(2) The enforcement duty, so far as it relates to that provision of REACH, in relation to anything done or omitted to be done, on a relevant nuclear site—

- (a) applies to the Office for Nuclear Regulation;
- (b) does not apply to any other enforcing authority.

(3) No enforcement duty applies to the Office for Nuclear Regulation except as provided by this regulation.

(4) Paragraph (5) applies where there is uncertainty as to what are the respective responsibilities of the Office for Nuclear Regulation and any other enforcing authority or enforcing authorities for the enforcement of any listed REACH provision in respect of any particular circumstances.

(5) The responsibility for enforcing the relevant listed REACH provision in that respect may be assigned by the Office for Nuclear Regulation and the other enforcing authority or enforcing authorities to—

- (a) the Office for Nuclear Regulation; or
- (b) any other enforcing authority or enforcing authorities.

(6) An assignment may only be made under paragraph (5)—

- (a) by the Office for Nuclear Regulation and the other enforcing authority or all the other enforcing authorities acting jointly;
- (b) where the Office for Nuclear Regulation and the other enforcing authority or all the other enforcing authorities agree—
 - (i) that there is uncertainty in the particular circumstances as to what are their respective responsibilities in relation to enforcement of the listed REACH provision in question; and
 - (ii) which authority is, or authorities are (as the case may be), more appropriate to be responsible for the enforcement in those circumstances.

(7) Where such an assignment is made, the authority or authorities to which responsibility is assigned must give notice of the assignment to persons affected by it.

(8) Nothing in this regulation affects the power of the Office for Nuclear Regulation and any other enforcing authority to agree arrangements under regulation 5(2).]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The REACH Enforcement Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F5** Reg. 3A inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 134** (with Sch. 4)
- F6** Words in reg. 3A(1) substituted (E.W.S.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 10 para. 1(3)** (as amended by S.I. 2020/1577, regs. 1(1)(a), 3(1)); 2020 c. 1, Sch. 5 para. 1(1)

Enforcement: relevant nuclear sites **N.I.**

^{F20}**3A.**

Textual Amendments

- F20** Reg. 3A omitted (N.I.) (31.12.2020) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(6)**

Co-operation and information sharing **E+W+S**

4.—(1) An enforcing authority must co-operate with—

- [^{F7}(za) the Agency;
- (zb) the appropriate authorities; and]
- (a) other enforcing authorities;
- ^{F8}(b)
- ^{F8}(c)
- ^{F8}(d)

where this will facilitate compliance with, or the effective enforcement of, REACH ^{F9}....

(2) An enforcing authority must disclose to a person referred to in paragraph (1) information it holds in relation to compliance with, or the enforcement of, REACH where it believes—

- (a) it is reasonable for it to make that disclosure; and
- (b) the disclosure will facilitate compliance with, or the effective enforcement of, REACH ^{F10}....

(3) The Commissioners for Revenue and Customs may disclose to an enforcing authority information obtained or held by the Commissioners in exercise of their functions in relation to imports—

- (a) where the Commissioners believe it is appropriate to do so to facilitate the exercise of the duty of an enforcing authority under these Regulations; and
- (b) whether or not the information has been requested by the enforcing authority.

Textual Amendments

- F7** Reg. 4(1)(za)(zb) inserted (E.W.S.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 10 para. 3(2)(a)** (as amended by S.I. 2020/1577, regs. 1(1)(a), 3(1)); 2020 c. 1, Sch. 5 para. 1(1)

- F8** Reg. 4(1)(b)-(d) omitted (E.W.S.) (31.12.2020) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 10 para. 3(2)(b)** (as amended by [S.I. 2020/1577](#), regs. 1(1)(a), 3(1)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 4(1) omitted (E.W.S.) (31.12.2020) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 10 para. 3(2)(c)** (as amended by [S.I. 2020/1577](#), regs. 1(1)(a), 3(1)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 4(2)(b) omitted (E.W.S.) (31.12.2020) by virtue of [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/758\)](#), reg. 1(1), **Sch. 10 para. 3(3)** (as amended by [S.I. 2020/1577](#), regs. 1(1)(a), 3(1)); 2020 c. 1, Sch. 5 para. 1(1)

Co-operation and information sharing **N.I.**

4.—(1) An enforcing authority must co-operate with—

- (a) other enforcing authorities;
- (b) a competent authority;
- (c) the equivalent of an enforcing authority in [^{F21}a member State]; and
- (d) the European Chemicals Agency,

where this will facilitate compliance with, or the effective enforcement of, [^{F22}EU REACH in Northern Ireland or the European Union].

[^{F23}(1A) An enforcing authority must co-operate with—

- (a) the retained REACH Agency;
- (b) the appropriate authorities; and
- (c) other enforcing authorities,

where this will facilitate compliance with, or the effective enforcement of, retained REACH.]

(2) An enforcing authority must disclose to a person referred to in [^{F24}paragraph (1) or (1A)] information it holds in relation to compliance with, or the enforcement of, REACH where it believes—

- (a) it is reasonable for it to make that disclosure; and
- (b) the disclosure will facilitate compliance with, or the effective enforcement of, REACH [^{F25}Northern Ireland or] in the European Union.

(3) The Commissioners for Revenue and Customs may disclose to an enforcing authority information obtained or held by the Commissioners in exercise of their functions in relation to imports—

- (a) where the Commissioners believe it is appropriate to do so to facilitate the exercise of the duty of an enforcing authority under these Regulations; and
- (b) whether or not the information has been requested by the enforcing authority.

Textual Amendments

- F21** Words in reg. 4(1)(c) substituted (N.I.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(7)(a)**
- F22** Words in reg. 4(1) substituted (N.I.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(7)(b)**
- F23** Reg. 4(1A) inserted (N.I.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(7)(c)**

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The REACH Enforcement Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F24** Words in reg. 4(2) substituted (N.I.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(7)(d)(i)**
- F25** Words in reg. 4(2)(b) inserted (N.I.) (31.12.2020) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(c), **15(7)(d)(ii)**

Enforcement agreements

5.—(1) This regulation applies to agreements between an enforcing authority (“A”) and another enforcing authority (“B”) intended to facilitate the carrying out of an enforcement duty, or part of it.

(2) A may agree arrangements with B for B to carry out on A’s behalf any matters in relation to an enforcement duty that applies to A.

(3) Where an enforcement duty applies to both A and B, they may agree arrangements for performance of that duty to be divided between them in such a way as they consider to be administratively convenient.

(4) An agreement in respect of the matters in paragraph (2) or (3)—

- (a) may deal with more than one listed REACH provision;
- (b) must be in writing;
- (c) must give sufficient particulars of the matters to which it relates; and
- (d) may be made subject to limitations and conditions.

(5) Such an agreement—

- (a) may be varied in writing by the parties, acting jointly;
- (b) may be revoked by any party on sixty days notice in writing to the other party or parties to the agreement.

Health and safety enforcement

6.—^{F11}(1) This regulation applies where the Executive is jointly under an enforcement duty with any of the following enforcing authorities, whether or not any other enforcing authority is also under an enforcement duty in respect of the same listed REACH provision—

- (a) a local (health and safety) authority;
- (b) ^{F12}[the Office of Rail Regulation]^{F12}[the Office of Rail and Road] .]

(2) Schedule 3 (health and safety enforcement) has effect.

(3) In circumstances not provided for under Schedule 3, the Executive must perform the joint duty on behalf of a local (health and safety) authority.

(4) The arrangements under Schedule 3 and the arrangement under paragraph (3) may be varied by ^{F13}[an assignment made in accordance with regulation 3A or] an enforcement agreement made in accordance with regulation 5.

^{F14}(5)

- Textual Amendments**
- F11** Reg. 6(1) substituted (16.12.2013) by [The REACH Enforcement \(Amendment\) Regulations 2013 \(S.I. 2013/2919\)](#), regs. 1(b), **4(a)**
 - F12** Words in reg. 6(1)(b) substituted (E.W.S.) (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 8(b)**

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The REACH Enforcement Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F13** Words in reg. 6(4) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 135** (with Sch. 4)
- F14** Reg. 6(5) omitted (16.12.2013) by virtue of The REACH Enforcement (Amendment) Regulations 2013 (S.I. 2013/2919), regs. 1(b), **4(b)**

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The REACH Enforcement Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 49](#)