
STATUTORY INSTRUMENTS

2009 No. 716

**The Chemicals (Hazard Information and
Packaging for Supply) Regulations 2009**

PART 3

MISCELLANEOUS

Enforcement

14.—(1) To the extent that they would not otherwise do so, sections—

- (a) 16 to 28 (approval of codes of practice; enforcement; indemnification of inspectors; power to obtain information and restrictions on disclosure of information);
- (b) 33 to 42 (provisions as to offences); and
- (c) 47(2) (civil liability),

of the 1974 Act shall apply to these Regulations and the CLP Regulation as if these Regulations and the CLP Regulation were health and safety Regulations for the purposes of that Act except that those sections shall not apply to duties placed by the CLP Regulation on the competent authority or the Member State.

(2) Any function of the Health and Safety Executive under any other provision of the 1974 Act under or in respect of health and safety Regulations (including their enforcement) shall be exercisable as if these Regulations and the CLP Regulation were health and safety Regulations for the purposes of that Act to the extent that they would not otherwise do so.

(3) Notwithstanding regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1998⁽¹⁾ and subject to paragraphs (4) and (5), the enforcing authority for these Regulations and the CLP Regulation shall be the Executive.

(4) Subject to paragraph (5), where a substance or preparation is supplied, or a substance, mixture or article falling within the meaning of and the provisions of the CLP Regulation is placed on the market within the meaning of the CLP Regulation in or from premises which are registered under section 75 of the Medicines Act 1968⁽²⁾, the enforcing authority shall be the Royal Pharmaceutical Society.

(5) The enforcing authority for these Regulations and the CLP Regulation shall be the local weights and measures authority—

- (a) where a substance or preparation is supplied or a substance, mixture or article falling within the meaning of and the provisions of the CLP Regulation is placed on the market within the meaning of the CLP Regulation other than in the circumstances referred to in paragraph (4)
 - (i) in or from any shop, mobile vehicle, market stall or other retail outlet, or

(1) S.I. 1998/494, to which there are amendments not relevant to these Regulations.

(2) 1968 c. 67.

- (ii) otherwise to members of the public, including by way of free sample, prize or mail order;
- (b) for regulation 11;
- (c) for Articles 35(2) and 48 of the CLP Regulation.

(6) In every case where, by virtue of this regulation and the CLP Regulation, these Regulations and the CLP Regulation are enforced by the Royal Pharmaceutical Society or the local weights and measures authority, they shall be enforced as if they were safety regulations made under section 11 of the Consumer Protection Act 1987⁽³⁾ and the provisions of section 12 of that Act shall apply to these Regulations and the CLP Regulation as if they were safety regulations for the purposes of that Act and as if the maximum period of imprisonment on summary conviction specified in subsection (5) thereof were 3 months instead of 6 months.

Defence

15. In any proceedings for an offence for a contravention of any of the provisions of these regulations and the CLP Regulation it shall be a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Extension outside Great Britain

16. These Regulations and the CLP Regulation shall apply to any activity outside Great Britain to which sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001⁽⁴⁾ as they apply to activities within Great Britain.

Revocations and amendments

17. The Regulations specified in the Table in Schedule 6 are amended in accordance with the provisions of that Table.

18. The Regulations specified in the Table in Schedule 7 are revoked to the extent specified in that Table.

⁽³⁾ 1987 c. 43 to which there amendments not relevant to these Regulations.

⁽⁴⁾ S.I. 2001/2127.