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STATUTORY INSTRUMENTS

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**2018 No. 390**

**The Personal Protective Equipment  
(Enforcement) Regulations 2018**

**PART 2**

**Market Surveillance and Enforcement**

**Designation of market surveillance authorities**

- 3.**—(1) The market surveillance authority is—
- (a) in the case of PPE for private use or consumption (other than that referred to in paragraph (2)(b))—
    - (i) in Great Britain, within its area, a weights and measures authority; and
    - (ii) in Northern Ireland, within its area, a district council;
  - (b) in the case of PPE for use or operation in the circumstances set out in paragraph (2)—
    - (i) subject to paragraph (3), in Great Britain, the Health and Safety Executive; and
    - (ii) in Northern Ireland, the Health and Safety Executive for Northern Ireland.
- (2) The circumstances referred to in paragraphs (1)(b) are where the PPE is designed—
- (a) for use or operation, whether exclusively or not, by persons at work; or
  - (b) for use, otherwise than at work, in non-domestic premises made available to persons at a place where they may use the PPE provided for their own use there.
- (3) In so far as these Regulations apply to PPE intended exclusively or primarily for use on relevant nuclear sites, the market surveillance authority is the Office for Nuclear Regulation.
- (4) In paragraph (3) “relevant nuclear site” means a site which is—
- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013<sup>(1)</sup>);
  - (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998<sup>(2)</sup>); or
  - (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations<sup>(3)</sup>).

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<sup>(1)</sup> 2013 c.32.

<sup>(2)</sup> S.I. 1998/494 amended by S.I. 2014/469. There are other amendments not relevant to these Regulations.

<sup>(3)</sup> Regulation 2A was inserted by S.I. 2014/469 and amended by S.I. 2015/51 (regulation 38, Schedule 5).