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STATUTORY INSTRUMENTS

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**2005 No. 281**

**The Electromagnetic Compatibility Regulations 2005**

**PART V**

**THE TECHNICAL CONSTRUCTION FILE ROUTE TO COMPLIANCE**

*United Kingdom competent bodies*

**Termination of appointment and transfer of functions**

**50.**—(1) The Secretary of State, by notice in writing (a “notice of termination”)—

(a) shall terminate the appointment of a United Kingdom competent body where—

(i) the body so requests; or

(ii) it appears to the Secretary of State that—

(aa) the body no longer satisfies the minimum criteria; or

(bb) it is necessary in the interests of manufacturers, suppliers or end users of relevant apparatus to terminate the body’s appointment; and

(b) may terminate such appointment if the body is in breach of a condition of appointment.

(2) Where the Secretary of State exercises the power conferred by paragraph (1) above—

(a) the notice of termination shall take effect on such date as shall be specified therein; and

(b) the Secretary of State shall inform the appropriate authorities of the other member States and the Commission.

(3) Where the Secretary of State—

(a) withdraws the authorisation of a United Kingdom competent body to exercise functions in relation to any description of apparatus pursuant to regulation 48(3) above; or

(b) terminates the appointment of such a body pursuant to paragraph (1) of this regulation,

she may give such directions (either to the body the subject of the withdrawal or termination, as the case may be, or to another authorised United Kingdom competent body) for the purposes of making such arrangements for the determination of outstanding applications as she considers appropriate.

(4) Without prejudice to the generality of the power conferred by paragraph (3) above, such directions may include the manner in which fees already received pursuant to regulation 51 below in respect of outstanding applications by the body the subject of the withdrawal or termination, as the case may be, are to be disposed of, having regard to the work already done on such applications by that body.

(5) The Secretary of State shall, where she takes an action referred to in paragraph (3)(a) or (b) above in relation to a United Kingdom competent body, give such directions as she considers appropriate to provide for the exercise by another United Kingdom competent body or herself of the powers conferred by regulations 56(3) and 57 below exercisable by the first mentioned United Kingdom competent body, and where such directions have been given, a reference in those

provisions to the United Kingdom competent body which issued a technical certificate or technical report shall be construed as a reference to that other United Kingdom competent body or to the Secretary of State, as the case may be.