

---

STATUTORY INSTRUMENTS

---

**2016 No. 1091**

**The Electromagnetic Compatibility Regulations 2016**

**PART 5**

**Enforcement and market surveillance**

**Action by enforcing authority**

**67.**—(1) An enforcing authority may itself take any action which an economic operator could have been required to take by a notice served under these Regulations where the conditions for serving such a notice are met and either—

- (a) the enforcing authority has been unable to identify any economic operator on whom to serve such a notice; or
- (b) the economic operator on whom such a notice has been served has failed to comply with it.

(2) If the enforcing authority has taken action as a result of the condition in paragraph (1)(b) being met, the authority may recover from that person, as a civil debt, any costs or expenses reasonably incurred by the enforcing authority in taking the action.

(3) A civil debt recoverable under paragraph (2) may be recovered summarily—

- (a) in England and Wales by way of a complaint pursuant to section 58 of the Magistrates' Courts Act 1980<sup>(1)</sup>;
- (b) in Northern Ireland in proceedings under article 62 of the Magistrates' Courts (Northern Ireland) Order 1981<sup>(2)</sup>.

---

<sup>(1)</sup> 1980 c.43; section 58 was amended by the Crime and Courts Act 2013 (c.22), Schedule 10 paragraph 40.

<sup>(2)</sup> S.I. 1981/1675 (NI 26).