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STATUTORY INSTRUMENTS

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**1992 No. 711**

**The Gas Appliances (Safety) Regulations 1992**

**Enforcement**

**Proceedings**

**28.**—(1) A magistrates' court,—

- (a) in England and Wales, may try an information, and
- (b) in Northern Ireland, may try a complaint,

in respect of an offence committed under—

- (i) section 12 of the 1987 Act in relation to a contravention of these Regulations, or
- (ii) regulation 27,

if the information is laid or the complaint is made, as the case may require, within twelve months from the time when the offence is committed.

(2) In Scotland, summary proceedings for such an offence may be begun at any time within twelve months from the time when the offence is committed.

(3) Without prejudice to the provisions of paragraphs (1) and (2) above, regulation 30 and the provisions of Part IV of the 1987 Act, in so far as these Regulations apply in relation to such appliances as are mentioned in paragraph (4) below—

- (a) the Executive (or, for Northern Ireland, the Department) may make arrangements for the enforcement of these Regulations; and
- (b) the provisions of the 1974 Act or the Health and Safety at Work (Northern Ireland) Order 1978(1)(“the 1978 Order”) mentioned in paragraph (5) below shall apply as if—
  - (i) subject to paragraph (6) below, these Regulations were health and safety regulations and, accordingly, relevant statutory provisions within the meaning of the 1974 Act (or the 1978 Order),
  - (ii) any reference therein to an enforcing authority were a reference to the Executive (or the Department),
  - (iii) any reference therein to any provision of the 1974 Act (or the 1978 Order) were a reference to that provision as, and so far as, it is applied by this paragraph,

and section 34(3) of the 1974 Act and article 32(3) of the 1978 Order shall have effect with the substitution for the words “six months” of the words “twelve months”.

(4) The appliances referred to in paragraph (3) above are—

- (a) appliances or fittings designed for use or operation, whether exclusively or not, by persons at work; and
- (b) appliances or fittings designed for use, otherwise than at work, in non-domestic premises made available to persons as a place where they may use the appliances or fittings provided for their use there.

(5) The provisions referred to in paragraph (3) above are—

- (a) subsections (6) and (7)(b) of section 18, sections 19 to 28, subsections (1)(e) to (o), (2), (3), (4)(d) and (e) and (5) of section 33, subsection (3), (4) and (5) of section 34 and sections 35 to 39, 41 and 42 of the 1974 Act; and
- (b) paragraph (3) of article 2, articles 21 to 30, paragraphs (1)(e) to (o), (2), (4), (5)(d) and (e) and (6) of article 31, paragraphs (3) and (4) of article 32 and articles 33 to 36, 38 and 39 of the 1978 Order.

(6) Any criminal proceedings for a contravention of these Regulations brought by virtue of paragraphs (3) to (5) above shall be brought under section 12 of the 1987 Act or, where appropriate, under that section taken with regulation 27(1).

(7) The Executive or the Department shall, where action has been taken by it to prohibit or restrict the supply of any appliance which bears the EC mark or of any fitting in respect of which a fitting certificate has been issued, forthwith inform the Secretary of State of the action taken, and the reason for it, with a view to this information being passed by him to the Commission.