
STATUTORY INSTRUMENTS

2000 No. 730

**The Radio Equipment and Telecommunications
Terminal Equipment Regulations 2000**

PART IV

ENFORCEMENT

Enforcement Notices

18.—(1) Subject to paragraph (2), Schedule 9 shall have effect for the purposes of providing for the enforcement of these Regulations and for matters incidental thereto.

(2) Except in the case of apparatus which, in the opinion of an enforcement authority, is liable to endanger the safety of persons and, where appropriate, of property, where an enforcement authority has reasonable grounds for suspecting that the CE marking has been affixed to apparatus in relation to which any provision of these Regulations has not been complied with, it may serve notice in writing on—

- (a) the manufacturer of the apparatus or his authorised representative established within the Community; or
- (b) in a case where neither the manufacturer of the apparatus nor his authorised representative established within the Community has placed the apparatus on the market, the person who places it on the market in the United Kingdom;

and subject to paragraph (3), no other action pursuant to Schedule 9 may be taken in respect of apparatus until such notice has been given and the person to whom it is given has failed to comply with its requirements.

(3) Notwithstanding the provisions of paragraph (2), for the purpose of ascertaining whether or not the CE marking has been correctly affixed, action may be taken pursuant to section 29 of the Consumer Protection Act 1987(1) as it is applied by Schedule 9.

(4) A notice which is given under paragraph (2) shall—

- (a) state that the enforcement authority suspects that the CE marking has not been correctly affixed to the apparatus;
- (b) specify the respect in which it is so suspected and give particulars thereof;
- (c) require the person to whom the notice is given—
 - (i) to secure that any apparatus to which the notice relates conforms as regards the provisions concerning the correct affixation of the CE marking within such period as may be specified in the notice; or
 - (ii) to provide evidence within that period, to the satisfaction of the enforcement authority, that the CE marking has been correctly affixed; and

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- (d) warn that person that if the non-conformity continues after, or if satisfactory evidence has not been provided within, the period specified in the notice, further action may be taken under the Regulations in respect of that apparatus or apparatus of the same type placed on the market by that person.