
STATUTORY INSTRUMENTS

2002 No. 1144

The Personal Protective Equipment Regulations 2002

Application of Schedule 10 on Enforcement

16.—(1) Subject to paragraph (2), Schedule 10 shall have effect for the purposes of providing for enforcement of these Regulations, and for matters incidental thereto.

(2) Except in the case of PPE which when used in accordance with its intended purpose, in the opinion of an enforcement authority, may endanger the safety of persons and, where appropriate, domestic animals or property, where an enforcement authority has reasonable grounds for suspecting that the CE marking has been affixed to the PPE, or its packaging, and in relation to which any provision of these Regulations has not been complied with, it may serve notice in writing on the responsible person and, subject to paragraph (3), no other action pursuant to Schedule 10 may be taken, and no proceedings may be brought pursuant to regulation 17, in respect of that PPE 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 purposes of ascertaining whether or not the CE marking has been correctly affixed, action may be taken pursuant to section 29 of the 1987 Act, as it is applied by Schedule 10.

(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 PPE or its packaging;
- (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 PPE 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 an enforcement authority, that the CE marking has been correctly affixed; and
- (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 these Regulations in respect of that PPE or PPE of the same type placed on the market by that person.