

## SCHEDULE 5

### ENFORCEMENT

#### *Powers of other enforcement authorities*

**11.** In relation to the enforcement of these Regulations by local weights and measures authorities, Northern Ireland district councils or the Secretary of State—

- (a) sections 14, 15, 28 to 35, 37(1), 44 and 47(2) of the 1987 Act shall apply as provided in paragraph 12;
- (b) sections 39(3) and 40 shall apply in relation to offences under section 32 as applied in relation to these Regulations and modified by paragraph 12.

**12.** For the purposes of the enforcement of these Regulations by local weights and measures authorities, Northern Ireland district councils or the Secretary of State, and in respect of any related proceedings for contravention of these Regulations, the provisions specified in paragraph 11 shall apply as if—

- (a) references to safety provisions were references to these Regulations;
- (b) references to goods were references to machinery or partly completed machinery, or a machine or partly completed machine, as the context may require;
- (c) references to an “enforcement authority” were to the local weights and measures authority or Northern Ireland district council concerned, or to the Secretary of State, as appropriate;
- (d) in section 14, in subsection (6), for “six months” there were substituted “three months”;
- (e) in sections 28, 29, 30, 33, 34 and 35, the words “or of any provision made by or under Part III of this Act”, or “or any provision made by or under Part III of this Act”, on each occasion that they occur, were omitted;
- (f) in section 28, subsections (3), (4) and (5) were omitted;
- (g) in section 29, subsection (4) were omitted; and
- (h) in section 30, subsections (7) and (8) were omitted.

**13.** In relation to proceedings for an offence in relation to machinery or partly completed machinery which is not for use at work—

- (a) in Great Britain, section 34 of the 1974 Act shall apply as if—
  - (i) paragraphs (a) and (b) of subsection (1) were omitted;
  - (ii) references to an “enforcing authority” were references to local weights and measures authorities and the Secretary of State, and “responsible enforcing authority” were construed accordingly;
  - (iii) references to “relevant statutory provisions” were references to these Regulations; and
  - (iv) in subsection (3), for “six months” there were substituted “twelve months”; and
- (b) in Northern Ireland, Article 32 of the 1978 Order shall apply as if—
  - (i) sub-paragraphs (a) and (b) of paragraph (1) were omitted;
  - (ii) references to an “enforcing authority” were references to Northern Ireland district councils, and “responsible enforcing authority” were construed accordingly;

(1) Section 37 was amended by the Commissioners for Revenue and Customs Act 2005 (c.11), Schedule 4, paragraph 36.

(2) Section 47(2) was amended by the Civil Partnerships Act 2004 (c.33), Schedule 27, paragraph 126.

(3) Section 39(5) was amended by S.I. 2005/1803.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (iii) references to “relevant statutory provisions” were references to these Regulations;  
and
- (iv) in paragraph (3), for “six months” there were substituted “twelve months”.