

SCHEDULE 2

PART 2

Appeals against suspension notices

7. On an application under this Part of this Schedule to a magistrates' court in England and Wales or Northern Ireland the court may make an order setting aside the suspension notice only if the court is satisfied that—

- (a) no offence under regulation 4, 5 or 6 has been committed in relation to the products;
- (b) none of the grounds for service of a suspension notice in Schedule 1 has been made out in relation to the products; and
- (c) no procedures are pending in relation to the products involving other Member States or the Commission under Article 56 (procedure to deal at national level with construction products presenting a risk), 57 (Union safeguard procedure) or 58 (complying construction products which nevertheless present a risk to health and safety) of the 2011 Regulation.