
STATUTORY INSTRUMENTS

2016 No. 1101

The Electrical Equipment (Safety) Regulations 2016

PART 4

Market surveillance and enforcement

Action by enforcing authority

57.—(1) An enforcing authority may itself take action which an economic operator could have been required to take by a notice served under regulation 42 (enforcement powers) where the conditions for serving such a notice are met and either—

- (a) the enforcing authority has been unable to identify any economic operator on whom to serve such a notice; or
- (b) the economic operator on whom such a notice has been served has failed to comply with it.

(2) If the enforcing authority has taken action under paragraph (1) following the failure of an economic operator to comply with a notice, the authority may recover from that person as a civil debt any costs or expenses reasonably incurred by the enforcing authority in taking the action.

(3) A civil debt recoverable under paragraph (2) may be recovered summarily—

- (a) in England and Wales by way of a complaint pursuant to section 58 of the Magistrates' Courts Act 1980⁽¹⁾;
- (b) in Northern Ireland in proceedings under Article 62 of the Magistrates' Court (Northern Ireland) Order 1981⁽²⁾.

⁽¹⁾ 1980 c.43; section 58 was amended by the Crime and Courts Act 2013 (c.22), Schedule 10 paragraph 40.

⁽²⁾ S.I. 1981/1675 (N.I. 26).