

SCHEDULE 6

ENFORCEMENT

Enforcement in relation to relevant machinery as goods for private use or consumption

3. In relation to relevant machinery as goods for private use or consumption—
- (a) it shall be the duty of—
 - (i) every weights and measures authority in Great Britain; and
 - (ii) every district council in Northern Ireland,to enforce these Regulations within their area;
 - (b) a reference in the provisions applied to these Regulations by sub-paragraph (c) below to an “enforcement authority” shall be construed as a reference to each of the following authorities—
 - (i) the bodies mentioned in sub-paragraph (a) above; and
 - (ii) the Secretary of State;
 - (c) sections 14, 15, 28 to 35, 37, 38, 44 and 47 of the 1987 Act shall apply for the purposes of providing for the enforcement of these Regulations and in respect of proceedings for contravention thereof as if—
 - (i) references to safety provisions were references to these Regulations;
 - (ii) references to goods were references to relevant machinery or items of relevant machinery as the context may require;
 - (iii) in section 14, in subsection (6), for “six months” there were substituted “three months”;
 - (iv) in sections 28, 29, 30, 33, 34 and 35, the words “or any provision made by or under Part III of this Act”, on each occasion that they occur, were omitted;
 - (v) in section 28, subsections (3), (4) and (5) were omitted;
 - (vi) in section 29, subsection (4) were omitted;
 - (vii) in section 30, subsections (7) and (8) were omitted; and
 - (viii) in section 38(1), paragraphs (a) to (c) were omitted;
 - (d) sections 39 and 40 shall apply to offences under section 32 as it is applied to these Regulations by sub-paragraph (c) above; and
 - (e) in relation to proceedings for an offence under these Regulations—
 - (i) in Great Britain, section 34 of the 1974 Act shall apply as if—
 - (aa) paragraphs (a) and (b) of subsection (1) were omitted;
 - (bb) references to an “enforcing authority” were references to each of the authorities referred to in sub-paragraph (a)(i) and (b)(ii) of this paragraph, and “responsible enforcing authority” were construed accordingly;
 - (cc) references to “relevant statutory provisions” were references to these Regulations; and
 - (dd) in subsection (3), for “six months” there were substituted “twelve months”;and
 - (ii) in Northern Ireland, Article 32 of the Order shall apply as if—
 - (aa) sub-paragraphs (a) and (b) of paragraph (1) were omitted;

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- (bb) references to an “enforcing authority” were references to each of the authorities referred to in sub-paragraph (a)(ii) and (b)(ii) of this paragraph, and “responsible enforcing authority” were construed accordingly;
- (cc) references to “relevant statutory provisions” were references to these Regulations; and
- (dd) in paragraph (3), for “six months” there were substituted “twelve months”.