
STATUTORY INSTRUMENTS

1994 No. 2326

The Personal Protective Equipment (EC Directive) (Amendment) Regulations 1994

4.—(1) In a case in which Article 13(4) of the Directive (CE marking affixed unduly) applies and Article 7 thereof (safety) does not, an enforcement authority, in performance of the duty imposed by regulation 3(2)(c) of the principal Regulations, may give to the appropriate person a notice—

- (a) stating that the enforcement authority suspects that the CE marking has been affixed to PPE unduly within the meaning of Article 13(4) of the Directive,
- (b) specifying the respect in which it is so suspected and giving particulars thereof,
- (c) requiring the appropriate person—
 - (i) to secure that the PPE conforms as regards the provisions of the Directive concerning 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 the enforcement authority, that the CE marking has been properly affixed, and
- (d) warning the appropriate person that if the non-conformity continues or satisfactory evidence is not provided within that period, action may be taken in accordance with section 14, 16 or 17 of the Consumer Protection Act 1987(1);

and in such a case sections 14, 16 and 17 of the Consumer Protection Act 1987 (applied by regulation 3(2)(b) of the principal Regulations) shall not be applied until such a notice has so been served and the appropriate person upon whom it has been served has failed to comply with its requirements.

(2) In paragraph (1) above—

“appropriate person” means the manufacturer of the PPE in question or any authorised representative of his established within the European Economic Area;

“enforcement authority” means a weights and measures authority in Great Britain or a district council in Northern Ireland;

“PPE” means a product to which the Directive applies.