
STATUTORY INSTRUMENTS

2005 No. 1803

The General Product Safety Regulations 2005

PART 3

ENFORCEMENT

Power of Secretary of State to obtain information

28.—(1) If the Secretary of State considers that, for the purposes of deciding whether to serve a safety notice, or to vary or revoke a safety notice which he has already served, he requires information or a sample of a product he may serve on a person a notice requiring him:

- (a) to furnish to the Secretary of State, within a period specified in the notice, such information as is specified;
 - (b) to produce such records as are specified in the notice at a time and place so specified (and to produce any such records which are stored in any electronic form in a form in which they are visible and legible) and to permit a person appointed by the Secretary of State for that purpose to take copies of the records at that time and place;
 - (c) to produce such samples of a product as are specified in the notice at a time and place so specified.
- (2) A person shall be guilty of an offence if he—
- (a) fails, without reasonable cause, to comply with a notice served on him under paragraph (1); or
 - (b) in purporting to comply with a requirement which by virtue of paragraph (1)(a) or (b) is contained in such a notice—
 - (i) furnishes information or records which he knows are false in a material particular, or
 - (ii) recklessly furnishes information or records which are false in a material particular.
- (3) A person guilty of an offence under paragraph (2) shall—
- (a) in the case of an offence under sub-paragraph (a) of that paragraph, be liable on summary conviction to a fine not exceeding level 5 on the standard scale; and
 - (b) in the case of an offence under sub-paragraph (b) of that paragraph, be liable—
 - (i) on conviction on indictment, to a fine;
 - (ii) on summary conviction, to a fine not exceeding the statutory maximum.