
STATUTORY INSTRUMENTS

2005 No. 263

**The End-of-Life Vehicles (Producer
Responsibility) Regulations 2005**

The Secretary of State's decision to ascribe responsibility to a producer in respect of vehicles placed on the market

8.—(1) In the circumstances where vehicles have been placed on the market but no producer has made a declaration of responsibility in accordance with the requirements of regulation 7, the Secretary of State may ascribe responsibility in respect of any of those vehicles to a producer.

(2) Where the Secretary of State makes a decision to ascribe responsibility to a producer under paragraph (1), she shall send to the producer a notice in writing of her decision within 14 days of having made that decision.

(3) In reaching her decision under paragraph (2) the Secretary of State may take into account the matters referred to in Schedule 2.

(4) The notice referred to in paragraph (2) shall include the following—

- (a) a description of the vehicle to which it relates;
- (b) if available, information indicating when the vehicle referred to in sub-paragraph (a) was placed on the market;
- (c) the reasons for the Secretary of State's decision to ascribe responsibility;
- (d) a statement notifying the producer of his obligations under these Regulations.

(5) Where the Secretary of State makes a decision to ascribe responsibility under paragraph (1), she shall notify the producer that he may make representations to her within a period of 28 days of the date of the notice referred to in paragraph (2) if he objects to the decision.

(6) If the Secretary of State considers it appropriate to do so, whether in consequence of any representations or proposals made to her under paragraph (5), or otherwise, she may —

- (a) revoke the decision which she has made under paragraph (1);
- (b) without revoking her decision, at any time modify the terms of the notice referred to in paragraph (2), in such manner as she considers appropriate.

(7) Where a vehicle is placed on the market and no producer makes a declaration of responsibility under regulation 7, and the Secretary of State does not ascribe responsibility to a producer under paragraph (1), that vehicle may be subject to an agreement as referred to in regulation 26.