
STATUTORY INSTRUMENTS

2008 No. 2164

**The Batteries and Accumulators (Placing
on the Market) Regulations 2008**

PART 3

Enforcement

Enforcement notice

14.—(1) Where the Secretary of State serves a compliance notice on a person and, at the end of the period specified in the notice under regulation 13(2)(d)—

- (a) it appears to the Secretary of State that that person has failed to take, or to refrain from taking, the action specified in the compliance notice under regulation 13(2)(c); and
- (b) the Secretary of State has reasonable grounds for considering that the specified goods are infringing goods,

the Secretary of State may serve a further notice on that person.

(2) A notice served under paragraph (1) (an “enforcement notice”) shall—

- (a) identify the specified goods;
- (b) state why the conditions in paragraph (1) are satisfied in relation to the specified goods;
- (c) specify the period ending not less than twenty-one days from the date of the notice, within which the person on whom the notice is served is required to take, or to refrain from taking, such action as is specified in the notice;
- (d) state that, if that person does not take, or refrain from taking, such action within the period specified in the notice, and the Secretary of State considers that the specified goods continue to be infringing goods, the Secretary of State may commence proceedings under regulation 15(1); and
- (e) state the judicial remedies available to that person and the time limits to which those remedies are subject.

(3) An enforcement notice may—

- (a) require the specified goods to be modified so as to cease to be infringing goods;
- (b) require the specified goods to be withdrawn from the market;
- (c) prohibit or restrict the specified goods from being supplied or made available in the United Kingdom in the course of business; or
- (d) prohibit or restrict the placing on the market of the specified goods.

(4) No proceedings shall be commenced against a person under regulation 15(1) in connection with any specified goods which it is alleged are infringing goods where—

- (a) an enforcement notice relating them has been served on that person in respect of those specified goods; and

- (b) the period specified under paragraph (2)(c) in that notice has not come to an end.
- (5) In this regulation “specified goods” means the alleged infringing goods that have been identified in a compliance notice in accordance with regulation 13(2)(a).