
STATUTORY INSTRUMENTS

2011 No. 3066

The Railways (Interoperability) Regulations 2011

PART 6

Appeals and Enforcement

Notice of improper drawing up of the EC declaration of conformity or suitability for use for an interoperability constituent

42.—(1) Where the Office of Rail Regulation or the Health and Safety Executive for Northern Ireland has reasonable grounds for suspecting that the EC declaration of conformity or suitability for use has not been drawn up in accordance with the requirements of regulation 25, it may give notice in writing to any person who made the declaration.

(2) A notice which is given under paragraph (1) must—

- (a) state that the Office of Rail Regulation or the Health and Safety Executive for Northern Ireland considers that the EC declaration of conformity or suitability for use has not been properly drawn up in accordance with regulation 25;
- (b) specify the respect in which it is so considered and give particulars;
- (c) require the person who made the declaration to—
 - (i) secure that any interoperability constituent to which the notice relates conforms as regards the provisions concerning the proper drawing up of the declaration within such period as may be specified in the notice; and
 - (ii) provide evidence within that period, to the satisfaction of the Office of Rail Regulation or the Health and Safety Executive for Northern Ireland, as the case may be, that the declaration has been properly drawn up; and
- (d) inform the relevant person that if the non-conformity continues (or if satisfactory evidence of conformity has not been provided) within the period specified in the notice, further action may be taken in respect of that non-conformity under these Regulations.

(3) Where a notice has been served under this regulation on a person, the person served must comply or secure compliance with the notice.