

SCHEDULE 5

Regulation 56(1)

Enforcement powers of weights and measures authorities,
district councils and the Secretary of State under the 1987 Act

Enforcement powers under the 1987 Act

1. For the purposes of enforcing these Regulations, the following sections of the 1987 Act apply subject to the modifications in paragraph 2—

- (a) section 13 (prohibition notices and notices to warn);
- (b) section 14 (suspension notices);
- (c) section 16 (forfeiture: England and Wales and Northern Ireland);
- (d) section 17 (forfeiture: Scotland);
- (e) section 18 (power to obtain information);
- (f) section 19 (interpretation of Part II);
- (g) section 29 (powers of search etc);
- (h) section 30 (provisions supplemental to s 29);
- (i) section 31 (powers of customs officer to detain goods);
- (j) section 33 (appeals against detention of goods);
- (k) section 34 (compensation for seizure and detention);
- (l) section 35 (recovery of expenses of enforcement);
- (m) section 37 (power of Commissioners for Revenue and Customs);
- (n) section 45 (interpretation);
- (o) section 46(1) (meaning of “supply”); and
- (p) Schedule 2 (prohibition notices and notices to warn).

Modifications to the 1987 Act

2. The sections of the 1987 Act referred to in paragraph 1 are to apply as if—

- (a) in section 13—
 - (i) in subsection (1), “relevant” were omitted on each occasion that it appears;
 - (ii) for “unsafe”, on each occasion that it appears, there were substituted “ non-compliant ”;
 - (iii) in subsection (2), the words from “; and the Secretary of State may” to the end were omitted; and
 - (iv) subsections (4) to (7) were omitted;
- (b) in section 14—
 - (i) in subsection (1), after “any safety provision has been contravened in relation to any goods”, there were inserted “ or that such goods present a risk to the health or safety of persons, to domestic animals or to property ”;
 - (ii) in subsection 2(b), after “a safety provision has been contravened in relation to the goods”, there were inserted “ or that such goods present a risk to the health or safety of persons, to domestic animals or to property ”;
 - (iii) in subsection (2)(c), “under section 15 below” were omitted; and

- (iv) subsections (6) to (8) were omitted;
- (c) in section 16—
 - (i) in subsection (1), after “a contravention in relation to the goods of a safety provision”, there were inserted “ or that such goods present a risk to the health or safety of persons, to domestic animals or to property ”;
 - (ii) for subsection 2(b) there were substituted—
 - “(b) where an application with respect to some or all of the goods has been made to a magistrates' court under regulation 72 (appeals against notices) of the 2016 Regulations or section 33, to that court; and”;
 - (iii) in subsection (3), after “a contravention in relation to the goods of a safety provision”, there were inserted “ or that such goods present a risk to the health or safety of persons, to domestic animals or to property ”;
 - (iv) after subsection (4), there were inserted—
 - “(4A) A court may infer for the purposes of this section that any goods present a risk to the health or safety of persons, to domestic animals or to property, if it is satisfied that such a risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
 - (v) in subsection (6), the words “Subject to subsection (6) below,” were omitted; and
 - (vi) subsection (7) were omitted;
- (d) in section 17—
 - (i) in subsection (1), after “a contravention of a safety provision”, there were inserted “ or where the goods present a risk to the health or safety of persons, to domestic animals or to property ”;
 - (ii) in subsection (6), after “a contravention in relation to those goods of a safety provision”, there were inserted “ or that those goods present a risk to the health or safety of persons, to domestic animals or to property ”; and
 - (iii) after subsection (7), there were inserted—
 - “(7A) The Sheriff may infer for the purposes of this section that any goods present a risk to the health or safety of persons, to domestic animals or to property, if satisfied that such a risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
- (e) in section 18, subsections (3) and (4) were omitted;
- (f) in section 29—
 - (i) in subsection 4(a), after “any contravention of any safety provision in relation to the goods”, there were inserted “ or whether the goods present a risk to the health or safety of persons, to domestic animals or to property ”; and
 - (ii) in subsection 4(b), after “any such contravention”, there were inserted “ or whether the goods present a risk to the health or safety of persons, to domestic animals or to property ”.
- (g) in section 30—
 - (i) at the end of subsection (2)(a)(ii), for “and” there were substituted “ or ”;
 - (ii) after subsection (2)(a)(ii), there were inserted—

Changes to legislation:

There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, SCHEDULE 5.