
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 366

**The Making Available on the Market and Supervision of
Transfers of Explosives Regulations (Northern Ireland) 2016**

PART 3

**SUB-PART A: MAKING AVAILABLE ON THE MARKET – OBLIGATIONS
OF ECONOMIC OPERATORS, SUB-PART B: CONFORMITY ASSESSMENT,
SUB-PART C: NOTIFICATION OF CONFORMITY ASSESSMENT BODIES**

SUB-PART C: NOTIFICATION OF CONFORMITY ASSESSMENT BODIES

Changes to notifications

41.—(1) Where the Secretary of State determines that a notified body no longer meets a notified body requirement, or that it is failing to fulfil any of its obligations under these Regulations other than conditions set out in accordance with regulation 36(6)(b), the Secretary of State must restrict, suspend or withdraw the body's status as a notified body under regulation 35.

(2) With the consent of a notified body, or where the Secretary of State determines that a notified body no longer meets a condition set in accordance with regulation 36(6)(b), the Secretary of State may restrict, suspend or withdraw the body's status as a notified body under regulation 35.

(3) In deciding what action is required under paragraph (1) or (2), the Secretary of State must have regard to the seriousness of the failure.

(4) Where the Secretary of State takes action under paragraph (1) or (2), the Secretary of State must immediately inform the European Commission and the other EEA States.

(5) Where the Secretary of State has taken action in respect of a notified body under paragraph (1) or (2), or where the notified body has ceased its activity, the notified body must, at the request of the Secretary of State—

- (a) transfer its files relating to the activities it has undertaken as a notified body to another notified body or to the Secretary of State; or
- (b) keep its files relating to the activities it has undertaken as a notified body available for the Secretary of State and the market surveillance authorities for a period of 10 years from the date they were created.