
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 1

PROHIBITION ORDERS, PROHIBITION NOTICES AND NOTICES TO WARN

PART II

PROHIBITION NOTICES

General procedure

- 8 If the Secretary of State proposes to serve a notice in respect of any goods, then, subject to paragraph 14 of this Schedule, it shall be his duty before he serves the notice to serve on the trader a notification—
- (a) stating that the Secretary of State proposes to serve on him a notice in respect of the goods ; and
 - (b) specifying the goods in a manner sufficient to identify them and stating that, for the reasons set out in the notification, the Secretary of State considers that the goods are not safe ; and
 - (c) stating that the trader may make representations, in writing or both in writing and orally, for the purpose of satisfying the Secretary of State that the goods are safe but that if the trader intends to make such representations he must, before the expiration of the period of 14 days beginning with the day when the notification is served on him, inform the Secretary of State of his intention indicating whether the representations are to be in writing only or both in writing and oral.
- 9 Subject to paragraph 14 of this Schedule, the Secretary of State shall not serve a notice on the trader in respect of any goods before the expiration of the period of 14 days beginning with the day on which the Secretary of State served on him a notification in pursuance of the preceding paragraph relating to the goods ; and if within that period the trader informs the Secretary of State as mentioned in sub-paragraph (c) of the preceding paragraph, then—
- (a) the Secretary of State shall not serve a notice on the trader in consequence of the notification before the expiration of the period of 28 days beginning with the day aforesaid ; and
 - (b) if during that period the trader makes to the Secretary of State such written representations as are mentioned in the said sub-paragraph (c) the Secretary of State shall not serve a notice on the trader in consequence of the notification before the Secretary of State has considered the report of a person appointed in pursuance of the following paragraph in consequence of the representations.
- 10 Where, in consequence of the service on the trader of a notification in pursuance of paragraph 8 of this Schedule, the trader informs the Secretary of State as mentioned in sub-paragraph (c) of that paragraph within the period so mentioned and makes

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

to the Secretary of State within that period or the 14 days beginning with the end of that period such written representations as are so mentioned, it shall be the duty of the Secretary of State—

- (a) to appoint a person to consider the written representations; and
- (b) if the trader informed the Secretary of State in pursuance of the said subparagraph (c) that the representations would be both written and oral, to inform the trader of the place and time (which must not be before the expiration of the 14 days aforesaid and of 7 days beginning with the day when the information is given to the trader) at which the oral representations may be made to the person appointed ;

and the trader or his representative may at that place and time make to the person appointed oral representations for the purpose of satisfying the Secretary of State that the goods in question are safe and may call and examine witnesses in connection with the representations.

- 11 The person appointed in pursuance of the preceding paragraph to consider written representations with respect to any goods shall, after considering the representations, any oral representations made in pursuance of that paragraph with respect to the goods and any statements made by witnesses in connection with the oral representations, make a report (including recommendations) to the Secretary of State about the representations and the proposed notice.
- 12 If at any time after the Secretary of State has served a notification on the trader in pursuance of paragraph 8 of this Schedule the Secretary of State decides not to serve a notice on him in consequence of the notification, it shall be the duty of the Secretary of State to inform him of the decision; and after the Secretary of State informs him of the decision the notification and anything done in consequence of it in pursuance of the preceding paragraphs of this Schedule shall be disregarded for the purposes of those paragraphs.
- 13 Where a notification is served on the trader in respect of any goods in pursuance of paragraph 8 of this Schedule, a notice served on him in consequence of the notification may relate to some only of those goods.