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STATUTORY INSTRUMENTS

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**2005 No. 1803**

**The General Product Safety Regulations 2005**

**PART 3**

**ENFORCEMENT**

**Supplementary provisions relating to safety notices**

**16.**—(1) Whenever feasible, prior to serving a safety notice the authority shall give an opportunity to the person on whom the notice is to be served to submit his views to the authority. Where, due to the urgency of the situation, this is not feasible the person shall be given an opportunity to submit his views to the authority after service of the notice.

(2) A safety notice served by an enforcement authority in respect of a product shall—

- (a) describe the product in a manner sufficient to identify it;
- (b) state the reasons on which the notice is based;
- (c) indicate the rights available to the recipient of the notice under these Regulations and (where applicable) the time limits applying to their exercise; and
- (d) in the case of a suspension notice, state the period of time for which it applies.

(3) A safety notice shall have effect throughout the United Kingdom.

(4) Where an enforcement authority serves a suspension notice in respect of a product, the authority shall be liable to pay compensation to a person having an interest in the product in respect of any loss or damage suffered by reason of the notice if—

- (a) there has been no contravention of any requirement of these Regulations in relation to the product; and
- (b) the exercise by the authority of the power to serve the suspension notice was not attributable to any neglect or default by that person.

(5) Where an enforcement authority serves a withdrawal notice in respect of a product, the authority shall be liable to pay compensation to a person having an interest in the product in respect of any loss or damage suffered by reason of the notice if—

- (a) the product was not a dangerous product; and
- (b) the exercise by the authority of the power to serve the withdrawal notice was not attributable to any neglect or default by that person.

(6) Where an enforcement authority serves a recall notice in respect of a product, the authority shall be liable to pay compensation to the person on whom the notice was served in respect of any loss or damage suffered by reason of the notice if—

- (a) the product was not a dangerous product; and
- (b) the exercise by the authority of the power to serve the recall notice was not attributable to any neglect or default by that person.

(7) An enforcement authority may vary or revoke a safety notice which it has served provided that the notice is not made more restrictive for the person on whom it is served or more onerous for that person to comply with.

(8) Wherever feasible prior to varying a safety notice the authority shall give an opportunity to the person on whom the original notice was served to submit his views to the authority.