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STATUTORY INSTRUMENTS

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**2006 No. 1256**

The Measuring Instruments (Automatic  
Rail-weighbridges) Regulations 2006

PART IV  
ENFORCEMENT

**Immediate enforcement action**

- 20.**—(1) Where an enforcement authority has reasonable grounds for considering that—
- (a) the manufacturer or his authorised representative has failed to comply with a compliance notice;
  - (b) an automatic rail-weighbridge, which is placed on the market or put into use, does not bear one or more of the CE marking, the M marking and the identification number of the notified body which carried out the conformity assessment procedure in respect of that instrument; or
  - (c) an automatic rail-weighbridge which bears the marking and identification requirements referred to in sub-paragraph (b) does not meet the essential requirements when placed on the market, or properly installed and put into use in accordance with the manufacturer's instructions,

the following provisions of this regulation shall have effect.

(2) The enforcement authority shall serve an enforcement notice on the manufacturer or his authorised representative which shall—

- (a) be in writing;
  - (b) describe the automatic rail-weighbridge to which it relates in a manner sufficient to identify that instrument;
  - (c) specify, with reasons, the respects in which, in the opinion of the enforcement authority, the requirements of these Regulations have not been complied with;
  - (d) specify the date, being not less than 21 days from the date of the notice, by which the person to whom the notice is given is required to comply with it; and
  - (e) inform that person of the judicial remedies available to him and of the time limits to which those remedies are subject.
- (3) A notice under paragraph (2) may—
- (a) require the automatic rail-weighbridge to be withdrawn from the market; or
  - (b) prohibit or restrict the placing on the market or putting into use of the automatic rail-weighbridge; and
  - (c) specify that unless steps are taken which ensure—
    - (i) that the automatic rail-weighbridge is compliant with the requirements of these Regulations; or

(ii) that the manufacturer or his authorised representative acts as required under subparagraph (a) or (b),

any certificate or notification, issued by a notified body in accordance with the relevant conformity assessment procedure applicable to the instrument that the instrument satisfies the essential requirements, may be withdrawn by that notified body.

(4) Where an enforcement notice is served by an enforcement authority other than the Secretary of State, it shall, at the same time as it serves that notice, send a copy to the Secretary of State.

(5) In the case of a certificate or notification referred to in paragraph (3)—

- (a) which is granted by a United Kingdom notified body, if the Secretary of State is of the opinion that consideration ought to be given to whether the certificate or notification should be withdrawn, he shall inform that notified body of that fact; and
- (b) which is granted under the law of another member State, if the Secretary of State is of the opinion that consideration ought to be given to whether the certificate or notification should be withdrawn, he shall inform the relevant competent authority of that fact.