
STATUTORY INSTRUMENTS

2008 No. 1597

The Supply of Machinery (Safety) Regulations 2008

PART 5

Notified bodies

Duration, variation and termination of designations

17.—(1) A notified body designation which does not designate a person as a UK notified body for a specified period shall have effect until such time as it is terminated under paragraph (4).

(2) A notified body designation which designates a person as a UK notified body for a specified period shall expire in accordance with its terms unless the period so specified is extended or shortened under paragraph (3) before the date on which it had been due to expire.

(3) The Secretary of State may vary any aspect of a notified body designation if—

- (a) the UK notified body so requests; or
- (b) it appears to the Secretary of State necessary or expedient to do so.

(4) The Secretary of State may terminate a notified body designation—

- (a) on the expiry of 90 days' notice in writing at the request of the UK notified body;
- (b) if it appears to the Secretary of State that any condition of the designation is not complied with; or
- (c) if the Secretary of State considers that the UK notified body no longer satisfies the notified body criteria.

(5) Where the Secretary of State is minded to vary a notified body designation in accordance with paragraph (3)(b), or to terminate a notified body designation under paragraph (4)(b) or (c), the Secretary of State shall—

- (a) give notice in writing to the UK notified body of the proposed variation or termination and the reasons for it, stating that the UK notified body has 21 days from the date of the notice in which to make representations to the Secretary of State in respect of the proposed variation or termination; and
- (b) consider any representations received from the UK notified body in accordance with the notice.

(6) If a notified body designation is terminated under paragraph (4), the Secretary of State may, by notice in writing—

- (a) authorise another UK notified body to take over the functions of the UK notified body whose designation has been terminated in respect of such cases as are specified in the notice; and
- (b) give such directions as the Secretary of State considers appropriate (either to the UK notified body whose designation has been terminated or to another UK notified body) in respect of a UK notified body's files or any other matter which the Secretary of State considers expedient for the purposes of ensuring that another notified body carries out

the functions of a notified body for the existing customers of the notified body whose designation has been terminated.