

## SCHEDULE 4

### Enforcement powers under Part 3

#### **Withdrawal notices**

**3.**—(1) Subject to regulation 36(6) (presumption of conformity for CE marked articles) and 38 (requirements regarding prohibitions, restrictions and withdrawals), where the Health and Safety Executive or the Secretary of State, as the case may be, believes a pyrotechnic article—

- (a) in relation to which a manufacturer or, where regulation 24(1)(b) applies, an importer contravenes regulation 4(3) (categorisation) or in relation to which regulation 4(4) is contravened, or
- (b) falling within Part 3 of the regulations,

is liable to endanger the health and safety of persons the Health and Safety Executive or the Secretary of State may serve a notice (“a withdrawal notice”) requiring the person on whom it is served to take measures aimed at preventing a pyrotechnic article in the supply chain from being supplied, without its consent.

(2) A withdrawal notice may require the person on whom it is served to take action to alert consumers to the risks that the pyrotechnic article presents.

(3) A withdrawal notice may require the person on whom it is served to keep the Health and Safety Executive or the Secretary of State informed of the whereabouts of any pyrotechnic article referred to in the notice in which the person on whom it is served has an interest.

(4) A consent given by the Health and Safety Executive or the Secretary of State for the purposes of paragraph (1) may impose such conditions on the supply of a pyrotechnic article for which the consent is required as the Health and Safety Executive or the Secretary of State considers appropriate.