

SCHEDULE 3

Compliance, enforcement and recall notices

Action by the market surveillance authority

5.—(1) The market surveillance authority may itself take action which an economic operator could have been required to take by a compliance, an enforcement or recall notice where the conditions for serving such a notice are met and either—

- (a) the authority has been unable to identify any economic operator on whom to serve such a notice; or
- (b) the person on whom such a notice has been served has failed to comply with it.

(2) If the market surveillance authority has taken action under paragraph (1) following the failure of an economic operator to comply with a compliance, enforcement or recall notice, the authority may recover from that person as a civil debt any costs or expenses reasonably incurred by the authority in taking the action.

(3) A civil debt recoverable under the preceding paragraph may be recovered summarily—

- (a) in England and Wales by way of complaint pursuant to section 58 of the Magistrates' Courts Act 1980(1);
- (b) in Northern Ireland in proceedings under article 62 of the Magistrates' Court (Northern Ireland) Order 1981(2).

(1) 1980 c.43.

(2) S.I. 1981/1675 (N.I.26).