
STATUTORY INSTRUMENTS

2016 No. 1092

The Simple Pressure Vessels (Safety) Regulations 2016

PART 5

Market surveillance and enforcement

Appeals against notices

72.—(1) Any application for an order to vary or set aside the terms of a notice served under these Regulations may be made—

- (a) by the economic operator on whom the notice has been served; and
- (b) in the case of a notice other than a recall notice by a person having an interest in the vessel in respect of which the notice has been served.

(2) An application must be made before the end of the period of 21 days beginning with the day on which the notice was served.

(3) The appropriate court may only make an order setting aside a notice served under these Regulations if satisfied—

- (a) that the requirements of these Regulations and RAMS (in its application to vessels) have been complied with in respect of the vessel to which the notice relates; or
- (b) that the enforcing authority failed to comply with regulation 57 (exercise of enforcement powers) when serving the notice.

(4) On an application to vary the terms of a notice served under these Regulations, the appropriate court may vary the terms of the notice as it considers appropriate.

(5) In this regulation—

- (a) the “appropriate court” is to be determined in accordance with regulation 73 (appropriate court for appeals against notices); and
- (b) “notice” means—
 - (i) a prohibition notice served in accordance with Schedule 5;
 - (ii) a notice to warn served in accordance with Schedule 5;
 - (iii) a suspension notice served in accordance with Schedule 5;
 - (iv) a compliance notice served in accordance with Schedule 8;
 - (v) a withdrawal notice served in accordance with Schedule 8;
 - (vi) a recall notice served in accordance with Schedule 8.

Changes to legislation:

There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, Section 72.