
STATUTORY INSTRUMENTS

2018 No. 389

**The Gas Appliances (Enforcement) and
Miscellaneous Amendments Regulations 2018**

PART 2

Market Surveillance and Enforcement

Appeals against notices

13.—(1) An application for an order to vary or set aside the terms of a notice served under regulation 5 (enforcement powers) or 12 (Article 37 notices) 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 appliance or fitting 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 regulation 5 or 12 if satisfied that—

- (a) no contravention of EU Regulation 2016/426 or these Regulations has occurred; or
- (b) the enforcement authority failed to comply with Article 13 (presumption of conformity of appliances and fittings) when serving the notice.

(4) On an application to vary the terms of a notice, 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 14; and
- (b) “notice” means—
 - (i) a notice served under regulation 12.
 - (ii) a prohibition notice, a notice to warn or a suspension notice served in accordance with Schedule 1; or
 - (iii) a compliance notice, a withdrawal notice, or a recall notice served in accordance with Schedule 4.

Status:

Point in time view as at 21/04/2018.

Changes to legislation:

There are currently no known outstanding effects for the The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018, Section 13.