**The** **Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2016**

**(as applicable in Great Britain)**

**Regulation 5(4) and Schedule 4, 1**

 **COMPLIANCE NOTICE**

[Date]

*To*: [Business / Company Registered Name and Number]

*Of*: [Business / Company Registered Address]

This Notice is served under Regulation 5(4) and Schedule 4, 1 of theGas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2016 (GAER) (S.I. 2018/389).

[Enforcement authority] is an authority responsible for enforcing the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2016.

[Enforcement authority] have reasonable grounds that for believing that there is non-compliance in respect of the appliance described below.

**PART A**

***Description of Appliance***

[description of equipment]

**PART B**

***Grounds of the Non-Compliance***

[Outline the relevant non-compliance]

**PART C**

***Action Required***

1. You are required to put an end to the non-compliance by taking the measures outlined below:

[Explain measures to be taken]

1. The non-compliance should end within [enter no. of days/ months] from the date of this notice.
2. If you believe that the non-compliance has in fact not occurred, then you should provide evidence to the satisfaction of this enforcement authority within the period specified above.

Do not rely on the fact that a response under 3) negates the need to comply with 1) and 2) as any representations made, supported by evidence, will need to satisfy the enforcement authority.

**Part D**

***Consequences of non-compliance***

If the non-compliance continues or satisfactory evidence not produced, then further action may be taken in respect of the appliance or any appliance of the same type.

This Notice has effect throughout Great Britain. [Enforcement authority] may vary or revoke this Notice.

**Part E**

***Appealing against this Notice***

[The following content is quite complex so consider whether to include a copy of Regulation 68 as an annex].

You have the right to appeal this notice.

Regulation 13 of the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 provides that, as an economic operator on whom a notice has been served and having an interest in the appliance(s) to which this notice relates, you may apply for an order to vary or set aside this notice. Any such application must be made before the end of 21 days beginning with the day on which this notice is served.

An application may be made by way of a complaint to any Magistrates Court in England and Wales. Where proceedings have been brought in England and Wales; a complaint may be made to the Court in which proceedings have been brought.

If you are aggrieved by an order made by a Court in England, Wales, or by a decision not to make an order; then you may appeal the order or decision to the Crown Court in England and Wales. You can also appeal the Sheriff’s decision in Scotland.

Signed:

[Officer] appointed by [enforcement authority]

[Contact Details]

*This is a template designed to assist Trading Standards officers in drafting a notice relating to the stated legislation. It does not constitute legal advice. Each notice will need to be drafted taking account of the facts of the specific case and considering the relevant legislation to ensure compliance. You may need to seek legal advice.*

[N.B.: the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 apply to appliances and fittings placed on the market on or after 21st April 2018 (Regulation 2 – see further for what constitutes a relevant product)].