**Measuring Instruments Regulations 2016**

**Regulation 69(2)**

 **ENFORCEMENT NOTICE**

[Ref.]

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

*Of*: [Business / Company Registered Address]

[Date]

This Notice is served under Regulation 69(2) of the Measuring Instruments Regulations 2016, Si. No. 1153, (“MIR”).

[Enforcement Authority] is a competent authority responsible for enforcing the Measuring Instruments Regulations 2016, further to Regulation 67(2) of MIR.

[Enforcement Authority] has reasonable grounds to believe that the economic operator has failed to comply with a compliance notice served in respect of the regulated measuring instrument described below.

**PART A**

***Description of Instrument(s)***

[Describe the instrument(s) sufficiently to identify]

**PART B**

***Grounds of the Breach***

[Specify the elements of the compliance notice that have not been complied with.]

**PART C**

***Action Required***

You are required to put an end to the breach by taking the following steps:

1. [Specify the actions you require the economic operator to take to comply with the compliance notice]
2. The specified steps must be taken within 21 days from the date of this notice and be complete by midnight on [DD/MM/YYYY]
3. The regulated measuring instrument(s) must be withdrawn from the market, unless the specified steps are taken.
4. The regulated measuring instrument(s) is prohibited from being placed onto the market, unless the specified steps are taken.

**Part D**

***Consequences of non-compliance***

Failure to comply with the requirements of an Enforcement Notice is a criminal offence under Regulation 71. Should you apply for a review of the decision to serve this notice, it is only if the notice is upheld, that non-compliance would be a criminal offence.

**Part E**

***Application for Review***

You have the right to apply for a review of the decision to serve this notice.

If you are aggrieved by the decision to serve this notice, you can apply to the Secretary of State for a review of the decision. Your application should be in writing and must state the grounds on which the application is made. The application must be made within 21 days beginning on the date of this notice and must state the grounds on which the application is made.

The application can be sent electronically by email to opss.enquiries@businessandtrade.gov.uk or by post to:

Secretary of State, Office for Product Safety & Standards, Cannon House, 18 The Priory Queensway, Birmingham, B4 6BS

Following a valid application to the Secretary of State, you will be informed within 28 days, in writing by the Secretary of State (or someone acting on their behalf) of whether the decision to serve this notice:

1. has been upheld and the grounds for upholding the decision;

2. has not been upheld, in which case the Secretary of State (or someone acting on their behalf) will give instructions for the withdrawal of this notice.

**Challenge**

You may challenge this Notice through the courts. Independent legal advice should be sought in this regard. However, if there is information that you think we may not have that is relevant to why this Notice should not been made, either in the terms it has, or at all, please let us know using the contact details provided below.

Signed:

**[Officer] appointed by the [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: A copy of this notice must be sent to the Secretary of State via email – opss.enquiries@businessandtrade.gov.uk – Mark the email subject: *FAO – PSR Product Regulation Team*]