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STATUTORY INSTRUMENTS

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**2009 No.**

**ENERGY CONSERVATION**

**The Energy Information (Miscellaneous Amendments)  
Regulations 2009**

*Made* - - - - - \*\*\*  
*Laid before Parliament* \*\*\*  
*Coming into force* - - - *1st January 2010*

The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to energy labelling and standard product information for household products(b). The Secretary of State makes the following Regulations under the powers conferred by that section:

**Citation and commencement**

1. These Regulations—
  - (a) may be cited as the Energy Information (Miscellaneous Amendments) Regulations 2009; and
  - (b) come into force on 1st January 2010.

**Amendment of the Energy Information (Washing Machines) Regulations 1996**

2.—(1) The Energy Information (Washing Machines) Regulations 1996(c) are amended as follows.

- (2) In regulation 2 (interpretation)—
  - (a) omit the definition of “enforcement authority”; and
  - (b) after the definition of “label”, insert—

““local weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985(d);”.
- (3) After regulation 2 (interpretation), insert—

**“Enforcement authority**

**2A.—(1)** In these Regulations the enforcement authority means—

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(a) S.I.1992/1711. The power of the Secretary of State to make regulations which extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1999 (c.46).  
(b) 1972 c.68.  
(c) S.I. 1996/600.  
(d) 1985 c. 72.

- (a) for the purpose of enforcing regulation 9 (dealers' duty in respect of displayed appliances) and regulation 12 (printed communications), in relation to England, Wales and Scotland, the local weights and measures authority, and in relation to Northern Ireland, the Department of Enterprise, Trade and Investment.
- (b) for the purpose of enforcing regulation 4 (suppliers' duties in respect of labels), regulation 5 (suppliers' duties in respect of information notices), regulation 7 (suppliers to be responsible for accuracy of labels and information notices), regulation 8 (suppliers' duties in respect of technical documentation) and regulation 13 (misleading information), the Secretary of State.

(2) The Secretary of State may appoint any person to act on the Secretary of State's behalf for the purposes of regulation 2A(1)(b), subject to any limitations or conditions as the Secretary of State sees fit.

(3) Where the Secretary of State appoints a person under paragraph (2), the Secretary of State must publish details—

- (a) identifying that person, and
- (b) of the extent of the authorisation, including any limitations or conditions, on the Department for Environment, Food and Rural Affairs website.”.

(4) After paragraph 2 of Schedule 5 (offences, enforcement and other matters), insert—

**“Time limit for prosecution of offences**

**2A.**—(1) An offence under these Regulations may be tried by summary proceedings if—

- (a) in England and Wales, the information is laid,
- (b) in Northern Ireland, the complaint is made, or
- (c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the enforcement authority thinks is sufficient to justify the proceedings comes to the enforcement authority's knowledge.

(2) For the purposes of subsection (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the enforcement authority's knowledge shall be conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.”.

**Amendment of the Energy Information (Tumble Driers) Regulations 1996**

**3.**—(1) The Energy Information (Tumble Driers) Regulations 1996(a) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “enforcement authority”; and
- (b) after the definition of “label”, insert—

““local weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985(b);”.

(3) After regulation 2 (interpretation), insert—

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(a) S.I. 1996/601.

(b) 1985 c.72.

**“Enforcement authority**

**2A.**—(1) In these Regulations the enforcement authority means—

- (a) for the purpose of enforcing regulation 9 (dealers’ duty in respect of displayed appliances) and regulation 12 (printed communications), in relation to England, Wales and Scotland, the local weights and measures authority, and in relation to Northern Ireland, the Department of Enterprise, Trade and Investment.
- (b) for the purpose of enforcing regulation 4 (suppliers’ duties in respect of labels), regulation 5 (suppliers’ duties in respect of information notices), regulation 7 (suppliers’ to be responsible for accuracy of labels and information notices), regulation 8 (suppliers’ duties in respect of technical documentation) and regulation 13 (misleading information), the Secretary of State.

(2) The Secretary of State may appoint any person to act on the Secretary of State’s behalf for the purposes of regulation 2A(1)(b), subject to any limitations or conditions as the Secretary of State sees fit.

(3) Where the Secretary of State appoints a person under paragraph (2), the Secretary of State must publish details—

- (a) identifying that person, and
- (b) of the extent of the authorisation, including any limitations or conditions, on the Department for Environment, Food and Rural Affairs website.”.

(4) After paragraph 2 of Schedule 5 (offences, enforcement and other matters), insert—

**“Time limit for prosecution of offences**

**2A.**—(1) An offence under these Regulations may be tried by summary proceedings if—

- (a) in England and Wales, the information is laid,
- (b) in Northern Ireland, the complaint is made, or
- (c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the enforcement authority thinks is sufficient to justify the proceedings comes to the enforcement authority’s knowledge.

(2) For the purposes of subsection (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the enforcement authority’s knowledge shall be conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.”.

**Amendment of the Energy Information (Combined Washer-driers) Regulations 1997**

**4.**—(1) The Energy Information (Combined Washer-driers) Regulations 1997(a) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “enforcement authority”; and
- (b) after the definition of “label”, insert—

““local weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985(b);”.

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(a) S.I. 1997/1624.  
(b) 1985 c.72.

(3) After regulation 2 (interpretation), insert—

**“Enforcement authority**

**2A.—**(1) In these Regulations the enforcement authority means—

- (a) for the purpose of enforcing regulation 9 (dealers’ duty in respect of displayed appliances) and regulation 12 (printed communications), in relation to England, Wales and Scotland, the local weights and measures authority, and in relation to Northern Ireland, the Department of Enterprise, Trade and Investment.
- (b) for the purpose of enforcing regulation 4 (suppliers’ duties in respect of labels), regulation 5 (suppliers’ duties in respect of information notices), regulation 7 (suppliers to be responsible for accuracy of labels and information notices), regulation 8 (suppliers’ duties in respect of technical documentation) and regulation 13 (misleading information), the Secretary of State.

(2) The Secretary of State may appoint any person to act on the Secretary of State’s behalf for the purposes of regulation 2A(1)(b), subject to any limitations or conditions as the Secretary of State sees fit.

(3) Where the Secretary of State appoints a person under paragraph (2), the Secretary of State must publish details—

- (a) identifying that person, and
- (b) of the extent of the authorisation, including any limitations or conditions, on the Department for Environment, Food and Rural Affairs website.”.

(4) After paragraph 2 of Schedule 5 (offences, enforcement and other matters), insert—

**“Time limit for prosecution of offences**

**2A.—**(1) An offence under these Regulations may be tried by summary proceedings if—

- (a) in England and Wales, the information is laid,
- (b) in Northern Ireland, the complaint is made, or
- (c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the enforcement authority thinks is sufficient to justify the proceedings comes to the enforcement authority’s knowledge.

(2) For the purposes of subsection (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the enforcement authority’s knowledge shall be conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.”.

**Amendment of the Energy Information (Lamps) Regulations 1999**

**5.—**(1) The Energy Information (Lamps) Regulations 1999(a) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “enforcement authority”; and
- (b) after the definition of “the Lamps Directive”, insert—  
““local weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985(a);”.

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(a) S.I. 1999/1517.

(3) After regulation 2 (interpretation), insert—

**“Enforcement authority**

**2A.—**(1) In these Regulations the enforcement authority means—

- (a) for the purpose of enforcing regulation 9 (dealers’ duties) and regulation 10 (information in respect of mail order and other distance sales), in relation to England, Wales and Scotland, the local weights and measures authority, and in relation to Northern Ireland, the Department of Enterprise, Trade and Investment.
- (b) for the purpose of enforcing regulation 4 (suppliers’ duties in respect of labels), regulation 5 (suppliers’ duties in respect of product brochures and information notices), regulation 7 (suppliers’ responsibility for accuracy of labels and information notices), regulation 8 (suppliers’ duties in respect of technical documentation) and regulation 11 (misleading information), the Secretary of State.

(2) The Secretary of State may appoint any person to act on the Secretary of State’s behalf for the purposes of regulation 2A(1)(b), subject to any limitations or conditions as the Secretary of State sees fit.

(3) Where the Secretary of State appoints a person under paragraph (2), the Secretary of State must publish details—

- (a) identifying that person, and
- (b) of the extent of the authorisation, including any limitations or conditions, on the Department for Environment, Food and Rural Affairs website.”.

(4) After paragraph 2 of Schedule 4 (offences, enforcement and other matters), insert—

**“Time limit for prosecution of offences**

**2A.—**(1) An offence under these Regulations may be tried by summary proceedings if—

- (a) in England and Wales, the information is laid,
- (b) in Northern Ireland, the complaint is made, or
- (c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the enforcement authority thinks is sufficient to justify the proceedings comes to the enforcement authority’s knowledge.

(2) For the purposes of subsection (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the enforcement authority’s knowledge shall be conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.”.

**Amendment of the Energy Information (Dishwashers) Regulations 1999**

**6.—**(1) The Energy Information (Dishwashers) Regulations 1999**(b)** are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “enforcement authority”; and
- (b) after the definition of “label”, insert—

““local weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985**(a)**.”.

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(a) 1985 c.72.  
(b) S.I. 1999/1676.

(3) After regulation 2 (interpretation), insert—

**“Enforcement authority**

**2A.—**(1) In these regulations the enforcement authority means—

- (a) for the purpose of enforcing regulation 9 (dealers’ duty in respect of displayed regulated dishwashers) and regulation 10 (information in respect of mail order and other distance sales), in relation to England, Wales and Scotland, the local weights and measures authority, and in relation to Northern Ireland, the Department of Enterprise, Trade and Investment.
- (b) for the purpose of enforcing regulation 4 (suppliers’ duties in respect of labels), regulation 5 (suppliers’ duties in respect of information notices), regulation 7 (suppliers’ responsibility for accuracy of labels and information notices), regulation 8 (suppliers’ duties in respect of technical documentation) and regulation 11 (misleading information), the Secretary of State.

(2) The Secretary of State may appoint any person to act on the Secretary of State’s behalf for the purposes of regulation 2A(1)(b), subject to any limitations or conditions as the Secretary of State sees fit.

(3) Where the Secretary of State appoints a person under paragraph (2), the Secretary of State must publish details—

- (a) identifying that person, and
- (b) of the extent of the authorisation, including any limitations or conditions, on the Department for Environment, Food and Rural Affairs website.”.

(4) After paragraph 2 of Schedule 5 (offences, enforcement and other matters), insert—

**“Time limit for prosecution of offences**

**2A.—**(1) An offence under these Regulations may be tried by summary proceedings if—

- (a) in England and Wales, the information is laid,
- (b) in Northern Ireland, the complaint is made, or
- (c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the enforcement authority thinks is sufficient to justify the proceedings comes to the enforcement authority’s knowledge.

(2) For the purposes of subsection (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the enforcement authority’s knowledge shall be conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.”.

**Amendment of the Energy Information (Household Electric Ovens) Regulations 2003**

**7.—**(1) The Energy Information (Household Electric Ovens) Regulations 2003**(b)** are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “enforcement authority”; and
- (b) after the definition of “label”, insert—

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(a) 1985 c.72.  
(b) S.I. 2003/751.

““local weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985(a);”.

(3) After regulation 2 (interpretation), insert—

**“Enforcement authority**

**2A.**—(1) In these Regulations the enforcement authority means—

- (a) for the purpose of enforcing regulation 11 (dealers’ duty in respect of displayed regulated household electric ovens) and regulation 12 (information in respect of mail order and other distance sales), in relation to England, Wales and Scotland, the local weights and measures authority, and in relation to Northern Ireland, the Department of Enterprise, Trade and Investment.
- (b) for the purpose of enforcing regulation 6 (placing on the market: technical documentation), regulation 7 (suppliers’ duties in respect of labels), regulation 8 (suppliers’ duties in respect of the information notice), regulation 10 (suppliers’ duties in respect of the accuracy of labels and information notices) and regulation 14 (misleading information), the Secretary of State.

(2) The Secretary of State may appoint any person to act on the Secretary of State’s behalf for the purposes of regulation 2A(1)(b), subject to any limitations or conditions as the Secretary of State sees fit.

(3) Where the Secretary of State appoints a person under paragraph (2), the Secretary of State must publish details—

- (a) identifying that person, and
- (b) of the extent of the authorisation, including any limitations or conditions, on the Department for Environment, Food and Rural Affairs website.”.

(4) After paragraph 2 of Schedule 6 (offences, enforcement and other matters), insert—

**“Time limit for prosecution of offences**

**2A.**—(1) An offence under these Regulations may be tried by summary proceedings if—

- (a) in England and Wales, the information is laid,
- (b) in Northern Ireland, the complaint is made, or
- (c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the enforcement authority thinks is sufficient to justify the proceedings comes to the enforcement authority’s knowledge.

(2) For the purposes of subsection (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the enforcement authority’s knowledge shall be conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.”.

**Amendment of the Energy Information (Household Refrigerators and Freezers) Regulations 2004**

**8.**—(1) The Energy Information (Household Refrigerators and Freezers) Regulations 2004(b) are amended as follows.

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(a) 1985 c.72.  
(b) S.I. 2004/1468.

- (2) In regulation 2 (interpretation)—
- (a) omit the definition of “enforcement authorities”;
  - (b) for the definition of “the harmonized standards”, substitute—
    - ““harmonized standards” means EN 153:2006;”;
  - (c) after the definition of “information sheet”, insert—
    - ““local weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985(a);”.
- (3) After regulation 2 (interpretation), insert—

**“Enforcement authority**

**2A.—**(1) In these Regulations the enforcement authority means—

- (a) for the purpose of enforcing regulation 11 (dealers’ duty in respect of displayed appliances) and regulation 12 (information in respect of mail order and other distance selling), in relation to England, Wales and Scotland, the local weights and measures authority, and in relation to Northern Ireland, the Department of Enterprise, Trade and Investment.
- (b) for the purpose of enforcing regulation 6 (placing on the Community market: technical documentation), regulation 7 (suppliers’ duties in respect of labels), regulation 8 (suppliers’ duties in respect of information sheets), regulation 9 (suppliers’ duty in respect of the accuracy of information) and regulation 13 (misleading information), the Secretary of State.

(2) The Secretary of State may appoint any person to act on the Secretary of State’s behalf for the purposes of regulation 2A(1)(b), subject to any limitations or conditions as the Secretary of State sees fit.

(3) Where the Secretary of State appoints a person under paragraph (2), the Secretary of State must publish details—

- (a) identifying that person, and
- (b) of the extent of the authorisation, including any limitations or conditions, on the Department for Environment, Food and Rural Affairs website.”.

- (4) After paragraph 2 of Schedule 6 (offences, enforcement and other matters), insert—

**“Time limit for prosecution of offences**

**2A.—**(1) An offence under these Regulations may be tried by summary proceedings if—

- (a) in England and Wales, the information is laid,
- (b) in Northern Ireland, the complaint is made, or
- (c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the enforcement authority thinks is sufficient to justify the proceedings comes to the enforcement authority’s knowledge.

(2) For the purposes of subsection (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the enforcement authority’s knowledge shall be conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.”.

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(a) 1985 c.72.

## **Amendment of the Energy Information (Household Air Conditioners) (No.2) Regulations 2005**

**9.**—(1) The Energy Information (Household Air Conditioners) (No.2) Regulations 2005(a) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) omit the definition of “enforcement authority”,
- (b) for the definition of “the harmonised standards”, substitute—  
““harmonised standards” means EN 14511:2007 Parts 1-4;”;
- (c) after the definition of “information sheet”, insert—  
““local weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985(b);”.

(3) After regulation 2 (interpretation), insert—

### **“Enforcement authority**

**2A.**—(1) in these Regulations the enforcement authority means—

- (a) for the purpose of enforcing regulation 11 (dealers’ duty in respect of a displayed regulated appliance) and regulation 12 (information in respect of mail order and other distance sales), in relation to England, Wales and Scotland, the local weights and measures authority, and in relation to Northern Ireland, the Department of Enterprise, Trade and Investment.
- (b) for the purpose of enforcing regulation 6 (placing on the market: technical documentation), regulation 7 (suppliers’ duties in respect of labels), regulation 8 (suppliers’ duties in respect of the information sheet), regulation 10 (suppliers’ duties in respect of the accuracy of labels and information sheets) and regulation 14 (misleading information), the Secretary of State.

(2) The Secretary of State may appoint any person to act on the Secretary of State’s behalf for the purposes of regulation 2A(1)(b), subject to any limitations or conditions as the Secretary of State sees fit.

(3) Where the Secretary of State appoints a person under paragraph (2), the Secretary of State must publish details—

- (a) identifying that person, and
- (b) of the extent of the authorisation, including any limitations or conditions, on the Department for Environment, Food and Rural Affairs website.”.

(4) After paragraph 2 of Schedule 4 (offences, enforcement and other matters), insert—

### **“Time limit for prosecution of offences**

**2A.**—(1) An offence under these Regulations may be tried by summary proceedings if—

- (a) in England and Wales, the information is laid,
- (b) in Northern Ireland, the complaint is made, or
- (c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the enforcement authority thinks is sufficient to justify the proceedings comes to the enforcement authority’s knowledge.

(2) For the purposes of subsection (1)—

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(a) S.I. 2005/1726.  
(b) 1985 c.72.

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the enforcement authority's knowledge shall be conclusive evidence of that fact, and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.”.”

Signatory text

<p>Address</p> <p>Date</p>	<p><i>Name</i></p> <p>Parliamentary Under Secretary of State</p> <p>Department</p>
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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Energy Information (Washing Machines) Regulations 1996 (S.I. 600/1996), the Energy Information (Tumble Driers) Regulations 1996 (S.I. 601/1996), the Energy Information (Combined Washer-driers) Regulations 1997 (S.I. 1624/1997), the Energy Information (Lamps) Regulations 1999 (S.I. 1517/1999), the Energy Information (Dishwashers) Regulations 1999 (S.I. 1676/1999), the Energy Information (Household Electric Ovens) Regulations 2003 (S.I. 751/2003), the Energy Information (Household Refrigerators and Freezers) Regulations 2004 (S.I. 1468/2004) and the Energy Information (Household Air Conditioners) (No.2) Regulations 2005 (S.I. 1726/2005).

The Regulations provide that the Secretary of State is the enforcement authority in respect of the enforcement of the duties of suppliers for products subject to the above regulations. In each of the amended Regulations, the Secretary of State may approve any person to act on the Secretary of State's behalf to carry out this function. The Regulations provide that the Secretary of State must publish details of the person so appointed.

The Regulations provide for the local weights and measures authority to retain responsibility for the enforcement of the duties of dealers for products subject to the above regulations.

The Regulations provide that the enforcement regime under the above regulations will not be subject to the “6 month rule” that applies in proceedings before the Magistrates' Court, in the absence of any contrary legislative provision. The amendment will provide the enforcement authority a period of 12 months to bring a prosecution under the above regulations, applicable from the date that it considers it has sufficient evidence to bring proceedings.

Regulation 8(2)(b) updates the harmonised standards applicable to the Energy Information (Household Refrigerators and Freezers) Regulations 2004.

Regulation 9(2)(b) updates the harmonised standards applicable to the Energy Information (Household Air Conditioners) (No.2) Regulations 2005.

A full impact assessment on the effect that this instrument will have on the costs of business and the voluntary sector is available from [insert address] and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).