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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 425**

**ENVIRONMENTAL PROTECTION**

**The Fluorinated Greenhouse Gases  
Regulations (Northern Ireland) 2015**

*Made* - - - - *21st December 2015*

*Coming into operation* *31st January 2016*

The Department of the Environment, being a department designated <sup>M1</sup> for the purposes of section 2(2) of the European Communities Act 1972 <sup>M2</sup> in relation to the environment, makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, that Act <sup>M3</sup>.

These Regulations make provision for a purpose mentioned in that section and it appears to the Department that it is expedient for references to—

- (a) Commission Implementing Regulation (EU) No 1191/2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases <sup>M4</sup>; and
- (b) Commission Regulation (EC) No 1494/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the form of labels and additional labelling requirements as regards products and equipment containing certain fluorinated greenhouse gases <sup>M5</sup>,

to be construed as references to those Commission Regulations as amended from time to time.

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**Marginal Citations**

**M1** [S.I. 2008/301](#).

**M2** [1972 c. 68](#). Section 2(2) is amended by section 27(1) of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#) and by section 3(3) of, and Part 1 of the Schedule to, the [European Union \(Amendment\) Act 2008 \(c. 7\)](#).

**M3** [Paragraph 1A](#) is inserted by section 28 of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#). The relevant amendments are section 3(3) of, and Part 1 of the Schedule to, the [European Union \(Amendment\) Act 2008 \(c. 7\)](#).

**M4** [OJ No L 318, 5.11.2014, p 5](#).

**M5** [OJ No L 332, 18.12.2007, p 25](#).

## PART 1

### Introductory provisions

#### Citation, commencement and application

1.—(1) These Regulations may be cited as the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2015 and come into operation on 31st January 2016.

(2) They apply to Northern Ireland <sup>F1</sup>... only in so far as they do not deal with import and export controls and trade with any place outside the United Kingdom, within the meaning of paragraph 20 of Schedule 3 to the Northern Ireland Act 1998 <sup>M6</sup>.

**F1** Words in [reg. 1\(2\)](#) omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), [3](#)

#### Marginal Citations

**M6** 1998 c. 47.

#### Interpretation: general

2.—(1) In these Regulations—

[<sup>F2</sup>“the Interpretation Act” means the Interpretation Act (Northern Ireland) 1954;]

“authorised person” means a person authorised under regulation 19;

“the Department” means the [<sup>F3</sup>Department of Agriculture, Environment and Rural Affairs] ;

“enforcement notice” means an enforcement notice served under regulation 23;

“enforcing authority” means—

(a) as regards Northern Ireland, the Department or the district council, except where otherwise provided for in sub-paragraph (b);

(b) as regards Northern Ireland offshore installations—

(i) in relation to offshore installations used in connection with any of the activities described in regulation 4(1)(a) to (f), the Secretary of State;

(ii) in relation to offshore installations used in connection with any of the activities described in regulation 4(1)(g), the Department;

“premises” includes—

(a) land;

(b) a vehicle or trailer;

(c) an aircraft;

(d) a ship;

(e) a Northern Ireland offshore installation or part of a Northern Ireland offshore installation;  
and

“ship” includes a hovercraft, submersible craft and any other floating craft but not a vessel which permanently rests on or is permanently attached to the seabed.

[<sup>F4</sup>(2) The Interpretation Act applies to these Regulations as it applies to an Act of the Assembly.

(3) Section 20A (references to EU instruments) of the Interpretation Act 1978 applies to these Regulations as it applies to Acts of Parliament.]

- F2** Words in [reg. 2\(1\)](#) inserted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **4(1)(a)**
- F3** Words in [reg. 2\(1\)](#) substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **4(1)(b)**
- F4** [Reg. 2\(2\)-\(3\)](#) substituted for [reg. 2\(2\)](#) (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **4(2)**

### Interpretation: EU Regulations

#### 3.—(1) In these Regulations—

“the 2014 Regulation” means Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006<sup>M7</sup>;

<sup>F5</sup>  
...

“Commission Regulation 1497/2007” means Commission Regulation (EC) No 1497/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases<sup>M8</sup>;

“Commission Regulation 1516/2007” means Commission Regulation (EC) No 1516/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases<sup>M9</sup>;

<sup>F6</sup>  
...

“Commission Regulation 304/2008” means Commission Regulation (EC) No 304/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases<sup>M10</sup>;

<sup>F7</sup>  
...

“Commission Regulation 306/2008” means Commission Regulation (EC) No 306/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment<sup>M11</sup>;

“Commission Regulation 307/2008” means Commission Regulation (EC) No 307/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases<sup>M12</sup>;

<sup>F8</sup> <sup>F9</sup>  
... ..

“Commission Regulation 1191/2014” means Commission Implementing Regulation (EU) No 1191/2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases<sup>M13</sup>[<sup>F10</sup>];

[<sup>F11</sup>“Commission Regulation 2015/2065” means Commission Implementing Regulation (EU) 2015/2065 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament

and of the Council, the format for notification of the training and certification programmes of the Member States;

“Commission Regulation 2015/2066” means Commission Implementing Regulation (EU) 2015/2066 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated greenhouse gases or recovery of fluorinated greenhouse gases from stationary electrical switchgear;

“Commission Regulation 2015/2067” means Commission Implementing Regulation (EU) 2015/2067 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases; and

“Commission Regulation 2015/2068” means Commission Implementing Regulation (EU) 2015/2068 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format of labels for products and equipment containing fluorinated greenhouse gases.]

(2) Expressions used but not defined in these Regulations and used in the following legislation have the same meaning as they have in that legislation—

(a) the 2014 Regulation;

[<sup>F12</sup>(b) Commission Regulation 1497/2007;]

[<sup>F12</sup>(c) Commission Regulation 1516/2007;]

[<sup>F12</sup>(d) Commission Regulation 304/2008;]

[<sup>F12</sup>(e) Commission Regulation 306/2008;]

[<sup>F12</sup>(f) Commission Regulation 307/2008;]

[<sup>F12</sup>(g) Commission Regulation 1191/2014;]

[<sup>F12</sup>(h) Commission Regulation 2015/2065;]

[<sup>F12</sup>(i) Commission Regulation 2015/2066;]

[<sup>F12</sup>(j) Commission Regulation 2015/2067; and]

[<sup>F12</sup>(k) Commission Regulation 2015/2068.]

[<sup>F13</sup>(3) A reference in these Regulations to Commission Regulation 1191/2014 is a reference to that Commission Regulation as amended from time to time.]

**F5** Words in reg. 3(1) omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **5(2)(a)(i)**

**F6** Words in reg. 3(1) omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **5(2)(a)(ii)**

**F7** Words in reg. 3(1) omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **5(2)(a)(iii)**

**F8** Words in reg. 3(1) omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **5(2)(a)(iv)**

**F9** Word in reg. 3(1) omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **5(2)(b)**

- F10** In reg. 3(1) semicolon substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **5(2)(c)**
- F11** Words in reg. 3(1) inserted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **5(2)(d)**
- F12** Reg. 3(2)(b)-(k) substituted for (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **5(3)**
- F13** Reg. 3(3) substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **5(4)**

#### Marginal Citations

- M7** OJ No L 150, 20.5.2014, p 195.
- M8** OJ No L 333, 19.12.2007, p 4.
- M9** OJ No L 335, 20.12.2007, p 10.
- M10** OJ No L 92, 3.4.2008, p 12.
- M11** OJ No L 92, 3.4.2008, p 21. There is a relevant corrigendum, OJ No L 280, 23.10.2008, p 38.
- M12** OJ No L 92, 3.4.2008, p 25.
- M13** OJ No L 318, 5.11.2014, p 5

#### Interpretation: offshore installations

4.—(1) In these Regulations, “Northern Ireland offshore installation” means an installation or a structure [<sup>F14</sup>(other than a ship)] which is situated in the marine area and used [<sup>F15</sup>, or intended to be used or has been used,] in connection with any of the following activities—

- (a) the exploitation, or exploration with a view to exploitation, of mineral resources in the marine area;
  - (b) the exploration of any place in the marine area, with a view to the storage of gas;
  - (c) the conversion of any place in the marine area for the purpose of storing gas;
  - (d) the storage of gas in the marine area or the recovery of gas so stored;
  - (e) the unloading of gas at any place in the marine area;
  - (f) the conveyance of things by means of a pipe, or system of pipes, constructed or placed in the marine area; and
  - (g) the production of energy from water or wind.
- (2) In paragraph (1)—
- (a) references (in whatever form) to storing gas include storing gas with a view to its permanent disposal; and
  - (b) “gas” means—
    - (i) gas within the meaning of section 2(4) of the Energy Act 2008 <sup>M14</sup>; or
    - (ii) carbon dioxide.
  - (c) “marine area” means the area (together with the places above and below it) comprising the waters of, or on or under the seabed in—
    - (i) the Northern Ireland inshore region; or
    - (ii) the sea in any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 <sup>M15</sup> in respect to which any Northern Ireland department has functions designated by an order made under section 41(4) of that Act.
  - (d) each of the activities described include the provision of access to or accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, in connection with such an activity.

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(3) In paragraph (2), “Northern Ireland inshore region” has the meaning given in section 322(1) of the Marine and Coastal Access Act 2009 (interpretation).

- F14** Words in [reg. 4\(1\)](#) substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **6(2)**
- F15** Words in [reg. 4\(1\)](#) inserted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **6(3)**

#### Marginal Citations

- M14** 2008 c. 32.  
**M15** 2009 c. 23.

### Competent authority

**5.** The Department is the competent authority for the purposes of the 2014 Regulation in so far as that Regulation does not deal with import and export controls and trade with any place outside the United Kingdom, within the meaning of paragraph 20 of Schedule 3 to the Northern Ireland Act 1998.

### [F16] Service of notices

**5A.—(1)** Section 24 (service of documents) of the Interpretation Act applies to the service of notices subject to this regulation and any specific provision made in these Regulations for a particular type of notice.

(2) A notice takes effect when served.

(3) A notice may, subject to paragraph (8) and without prejudice to the application of section 24(2) of the Interpretation Act, be served on a person by sending it to the person by electronic means.

(4) A notice to a partnership may be given to a partner or a person who has the control or management of the partnership business at the address of the principal office of the partnership.

(5) For the purposes of this regulation, the principal office of a company registered outside the United Kingdom, or of a partnership undertaking business outside the United Kingdom, is its principal office within the United Kingdom.

(6) If a person has specified an address in the United Kingdom, other than the person’s address within the meaning of paragraph (4) or section 24 of the Interpretation Act, as the one at which the person or someone on the person’s behalf will accept notices of the same description as a notice, that address is also treated for the purposes of this regulation and section 24 of the Interpretation Act as the person’s address by which service may be effected.

(7) A notice may be sent to a person by electronic means only if—

- (a) the person has indicated that notices of the same description as the notice may be given to the person by being sent to an electronic address and in an electronic form specified for that purpose; and
- (b) the notice is sent to that address in that form.

(8) A notice sent to a person by electronic means is, unless the contrary is proved, to be treated as having been given at 9am on the working day immediately following the day on which it was sent.

(9) In this regulation—

- (a) “electronic address” means any number or address used for the purposes of sending or receiving documents or information by electronic means; and

- (b) “notice” means an information notice served under regulation 22 or an enforcement notice.]

**F16** Reg. 5A inserted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), 7

## PART 2

### Certification, evaluation and attestation

#### [<sup>F17</sup> Appointment of certification, attestation and evaluation bodies

6.—(1) The Department, after consulting the Scottish Ministers, the Welsh Ministers and the Secretary of State, may appoint such person and on such terms as the Department thinks fit to be—

- (a) in relation to Commission Regulation 304/2008—
  - (i) a certification body for the purposes of Article 5 (personnel certificates);
  - (ii) an evaluation body for the purposes of Article 5; and
  - (iii) a certification body for the purposes of Article 8 (company certificates);
- (b) for the purposes of Commission Regulation 306/2008—
  - (i) a certification body; and
  - (ii) an evaluation body;
- (c) for the purposes of Commission Regulation 307/2008, an attestation body;
- (d) for the purposes of Commission Regulation 2015/2066—
  - (i) a certification body; and
  - (ii) an evaluation body;
- (e) in relation to Commission Regulation 2015/2067—
  - (i) a certification body for the purposes of Article 4 (certificates for natural persons);
  - (ii) an evaluation body for the purposes of Article 4; and
  - (iii) a certification body for the purposes of Article 6 (company certificates).

(2) The Department may charge such fees as it considers will enable the recovery of any reasonable expenses incurred in reviewing an application to be appointed as a certification, evaluation and/or attestation body under paragraph (1).

(3) The Department may, after consulting the Scottish Ministers, the Welsh Ministers and the Secretary of State, decide to terminate the appointment of a person appointed under paragraph (1) by giving that person notice of the decision, with reasons, in writing.]

**F17** Reg. 6 substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), 8

#### Certificates, relating to stationary refrigeration, air conditioning and heat pump equipment, issued in EEA States and Great Britain

7.—(1) A person who holds a valid certificate issued under [<sup>F18</sup>Article 4 or 6 of Commission Regulation 2015/2067] by a certification body in an EEA State other than the United Kingdom in respect of an activity mentioned in Article 2 of that Regulation cannot carry out that activity unless—

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- (a) the certificate is written in English; or
- (b) the person holds a translation of the certificate in English.

(2) A person who holds a valid certificate issued under [<sup>F18</sup>Article 4 or 6 of Commission Regulation 2015/2067] by a certification body appointed in Great Britain in respect of an activity mentioned in Article 2 of that Regulation may carry out that activity.

**F18** Words in reg. 7 substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), 9

**Certification and evaluation bodies: fire protection systems and fire extinguishers**

<sup>F19</sup>8. ....

**F19** Reg. 8 omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), 10

**Certificates relating to fire protection systems and fire extinguishers issued in EEA States and Great Britain**

9.—(1) A person who holds a valid certificate issued under Article 5 or 8 of Commission Regulation 304/2008 by a certification body in an EEA State other than the United Kingdom in respect of an activity mentioned in Article 2 of that Regulation cannot carry out that activity unless—

- (a) the certificate is written in English; or
- (b) the person holds a translation of the certificate in English.

(2) A person who holds a valid certificate issued under Article 5 or 8 of Commission Regulation 304/2008 by a certification body appointed in Great Britain in respect of an activity mentioned in Article 2 of that Regulation may carry out that activity.

**Certification and evaluation bodies: high-voltage switchgear**

<sup>F20</sup>10. ....

**F20** Reg. 10 omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), 10

**Certificates relating to [<sup>F21</sup>electrical] switchgear issued in EEA States and Great Britain**

11.—(1) An individual who holds a valid certificate issued under [<sup>F22</sup>Article 3 of Commission Regulation 2015/2066] by a certification body in an EEA State other than the United Kingdom cannot carry out the activity mentioned in Article 1 of that Regulation unless—

- (a) the certificate is written in English; or
- (b) the individual holds a translation of the certificate in English.

(2) An individual who holds a valid certificate issued under [<sup>F22</sup>Article 3 of Commission Regulation 2015/2066] by a certification body appointed in Great Britain in respect of the activity mentioned in Article 1 of that Regulation may carry out that activity.



- F21** Word in reg. 11 heading substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **11(2)**
- F22** Words in reg. 11 substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **11(3)**

### **Certification and evaluation body: fluorinated greenhouse gas-based solvents**

<sup>F23</sup>**12.** . . . . .

- F23** Reg. 12 omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **12**

### **Certificates relating to fluorinated greenhouse gas-based solvents issued in EEA States and Great Britain**

**13.**—(1) An individual who holds a valid certificate issued under Article 3 of Commission Regulation 306/2008 by a certification body in an EEA State other than the United Kingdom cannot carry out the activity mentioned in Article 1 of that Regulation unless—

- (a) the certificate is written in English; or
- (b) the individual holds a translation of the certificate in English.

(2) An individual who holds a valid certificate issued under Article 3 of Commission Regulation 306/2008 by a certification body appointed in Great Britain in respect of the activity mentioned in Article 1 of that Regulation may carry out that activity.

### **Attestation bodies: air conditioning systems in certain motor vehicles**

<sup>F24</sup>**14.** . . . . .

- F24** Reg. 14 omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **12**

### **Attestations relating to air conditioning systems in certain motor vehicles issued in EEA States and Great Britain**

**15.**—(1) An individual who holds a valid attestation issued under Article 3(2) of Commission Regulation 307/2008 by an attestation body in an EEA State other than the United Kingdom cannot carry out the activity mentioned in Article 1 of that Regulation unless—

- (a) the attestation is written in English; or
- (b) the individual holds a translation of the attestation in English.

(2) An individual who holds a valid attestation issued under Article 3(2) of Commission Regulation 307/2008 by an attestation body appointed in Great Britain in respect of the activity mentioned in Article 1 of that Regulation may carry out that activity.

### **Obligation of employers to employ qualified employees**

**16.** The employer of an individual employed to carry out any work or activity referred to in the following provisions must ensure that that individual holds the qualification necessary to enable the individual to carry out the work or activity—

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- (a) Article 2(1) of Commission Regulation [<sup>F25</sup>2015/2067] ;
- (b) Article 2(1) of Commission Regulation 304/2008;
- (c) Article 1 of Commission Regulation [<sup>F26</sup>2015/2066] ;
- (d) Article 1 of Commission Regulation 306/2008; or
- (e) Article 1 of Commission Regulation 307/2008.

- F25** Word in reg. 16(a) substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **13(a)**
- F26** Word in reg. 16(c) substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **13(b)**

### **Obligations on certification bodies, attestation bodies and evaluation bodies to provide information**

17.—(1) When requested to do so by any person, a certification body in Northern Ireland must, within 14 days of the request being made, provide details of any certificate issued by it pursuant to—

- (a) Commission Regulation [<sup>F27</sup>2015/2067] ;
- (b) Commission Regulation 304/2008;
- (c) Commission Regulation [<sup>F28</sup>2015/2066] ; or
- (d) Commission Regulation 306/2008.

(2) When requested to do so by any person, an attestation body in Northern Ireland must, within 14 days of the request being made, provide details of an attestation issued by it pursuant to Commission Regulation 307/2008.

(3) In this regulation, “details”, in relation to a certificate or attestation, includes—

- (a) the name of the person to whom the certificate or attestation was issued;
- (b) the date on which the certificate or attestation was issued; and
- (c) in the case of an individual, the examination or training to which the certificate or attestation relates.

(4) When requested to do so by the Department, a relevant body in Northern Ireland must provide as soon as reasonably practicable to the Department such information as the Department may require to ensure that the obligations imposed by the first sentence of Article 10(10) of the 2014 Regulation (training and certification) and by Commission Regulation [<sup>F29</sup>2015/2065] are complied with.

(5) In this regulation, “relevant body” means a certification body, an attestation body or an evaluation body referred to in, or appointed under, these Regulations.

- F27** Word in reg. 17(1)(a) substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **14(a)**
- F28** Word in reg. 17(1)(c) substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **14(b)**
- F29** Word in reg. 17(4) substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **14(c)**

[<sup>F30</sup>Publication of details of certification bodies, attestation bodies and evaluation bodies

**17A.**—(1) The Department, after consulting the Scottish Ministers, the Welsh Ministers and the Secretary of State, must publish the following information about any person appointed as a certification body, attestation body or evaluation body under regulation 6—

- (a) name;
- (b) company number, where relevant;
- (c) postal address;
- (d) telephone number; and
- (e) e-mail address.

(2) Publication under this regulation is to be in such a manner as the Department considers appropriate.]

**F30** Reg. 17A inserted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), 15

## PART 3

### Enforcement

#### Enforcement

**18.**—(1) Subject to paragraphs (2) to [<sup>F31</sup>(8)], the district council must enforce these Regulations.

(2) In relation to—

- (a) cases of a particular description; or
- (b) a particular case, the Department may direct that the duty imposed by paragraph (1) on the district council must be discharged by the Department and not by the district council.

(3) The Department must enforce these Regulations in relation to any Part A installation.

(4) The Secretary of State must enforce these Regulations in relation to Northern Ireland offshore installations used in connection with any of the activities described in regulation 4(1)(a) to (f).

(5) The Department must enforce these Regulations in relation to Northern Ireland offshore installations used in connection with any of the activities described in regulation 4(1)(g).

(6) In this regulation, “Part A installation” has the same meaning as in regulation 2(1) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 <sup>M16</sup>.

[<sup>F32</sup>(7) The district council must comply with a direction given to it under paragraph (2).

(8) A direction given under paragraph (2) may be revoked or modified by a further direction given under that paragraph.]

**F31** Word in reg. 18(1) substituted (17.1 2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), **regs. 1(1), 16(2)**

**F32** Reg. 18(7)-(8) inserted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **16(3)**

#### Marginal Citations

**M16** S.R. 2013 No. 160

## Appointment of authorised persons

**19.**—(1) The enforcing authority may authorise in writing such persons (“authorised persons”) as it considers appropriate to act for the purpose of enforcing these Regulations.

(2) An authorisation under Article 19 of the Environment (Northern Ireland) Order 2002 <sup>M17</sup> (powers of enforcing authorities and persons authorised by them) is an authorisation for the purposes of these Regulations.

(3) In relation to Northern Ireland offshore installations used in connection with any of the activities described in regulation 4(1)(a) to (f), an authorisation under any of the following is an authorisation for the purposes of paragraph (1), unless the Secretary of State specifies to the contrary—

- (a) regulation 16 (appointment of inspectors) of the Offshore Chemicals Regulations 2002 <sup>M18</sup>;
- (b) regulation 12 (inspectors) of the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 <sup>M19</sup>.

### Marginal Citations

**M17** [S.I. 2002/3153 \(N.I. 7\)](#).

**M18** [S.I. 2002/1355](#), amended by [S.I. 2005/2055](#) and 2011/982. There are other amendments not relevant to this instrument.

**M19** [S.I. 2005/2055](#), amended by [S.I. 2011/982](#). There are other amendments not relevant to this instrument.

## Powers of authorised persons

**20.**—(1) An authorised person may, on production (if so required) of the authority of that person, exercise any of the powers specified in paragraph (2) for the purpose of enforcing these Regulations.

(2) The powers of an authorised person are—

- (a) subject to paragraph (3), to enter premises, between the hours of 8 a.m. and 6 p.m. on any working day, other than premises used wholly or mainly for residential purposes, which the authorised person has reason to believe it is necessary for the authorised person to enter;
- (b) on entering any premises by virtue of sub-paragraph (a), to take with the authorised person—
  - (i) up to four other persons whose presence appears to the authorised person to be required in connection with the exercise by the authorised person of any power under this regulation, including, if the authorised person has reasonable cause to apprehend any serious obstruction in the execution of the duty of the authorised person, a constable; and
  - (ii) any equipment or materials required for any purpose for which the power of entry is being exercised;
- (c) to make such examination or investigation as may in any circumstances be necessary;
- (d) as regards any premises which the authorised person has power to enter, to direct that those premises or any part of them, or anything in them, must be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purposes of any examination or investigation under sub-paragraph (c);
- (e) to take such measurements and photographs and make such recordings as the authorised person considers necessary for the purpose of any examination or investigation under sub-paragraph (c);

- (f) to take samples of any articles or substances found in or on any premises which the authorised person has power to enter;
  - (g) in the case of any article or substance found in or on any premises which the authorised person has power to enter, being an article or substance which appears to the authorised person to have caused or to be likely to cause pollution of the environment or harm to human health or to the health of animals or plants, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless that is necessary);
  - (h) in the case of any such article or substance, to take possession of it and detain it for so long as is necessary—
    - (i) to examine it and do to it anything which the authorised person has power to do under sub-paragraph (g),
    - (ii) to ensure that it is not tampered with before the examination by the authorised person is completed; and
    - (iii) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations;
  - (i) to require any person whom the authorised person has reasonable cause to believe to be able to give any information relevant to any examination or investigation under sub-paragraph (c) to answer (in the absence of anyone, other than someone nominated by that person to be present and anyone whom the authorised person may allow to be present) such questions as the authorised person thinks fit to ask and to sign a declaration of the truth of the answers of that person;
  - (j) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records which it is necessary for the authorised person to see for the purposes of any examination or investigation under sub-paragraph (c) and to inspect and take copies of, or of any entry in, the records;
  - (k) to require any person to afford the authorised person such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred on the authorised person by this regulation.
- (3) The time limitation specified in paragraph (2)(a) does not apply in relation to Northern Ireland offshore installations.
- (4) Where an authorised person proposes to exercise the power conferred by paragraph (2)(g) in the case of an article or substance found in or on any premises, the authorised person must, if so requested by a person who at the time is present on and has responsibilities in relation to those premises, cause anything which is to be done by virtue of that power to be done in the presence of that person.
- (5) Before exercising the power conferred by paragraph (2)(g) in the case of any article or substance, an authorised person must consult such persons as appear to the authorised person appropriate for the purpose of ascertaining what dangers, if any, there may be in doing anything which the authorised person proposes to do under the power.
- (6) Where under the power conferred by paragraph (2)(h) an authorised person takes possession of any article or substance found on any premises, the authorised person must—
- (a) leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars of that article or substance sufficient to identify it and stating that the authorised person has taken possession of it under that power; and

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(b) before taking possession of any such article or substance under that power, if it is practical to do so, take a sample of it and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

(7) Nothing in this regulation is taken to compel the production by any person of a document which the person would be entitled to withhold production of on grounds of legal professional privilege on an order for disclosure and inspection in an action in the High Court

(8) No person may intentionally prevent any other person from appearing before an authorised person under paragraph (2)(i) or from answering any question to which an authorised person may by virtue of paragraph (2)(i) require an answer.

(9) No answer given by a person in pursuance of a requirement imposed under paragraph (2)(i) is admissible in evidence in Northern Ireland against that person in any proceedings.

(10) In this regulation, “working day” means a day which is not—

(a) Saturday or Sunday; or

(b) Christmas Day, Good Friday or a day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971 <sup>M20</sup>.

#### Marginal Citations

**M20** 1971 c. 80. See section 1 and Schedule 1.

#### Warrants

**21.**—(1) A lay magistrate may, by signed warrant, permit an authorised person to enter premises, if necessary by reasonable force, if satisfied, on sworn information in writing—

(a) that there are reasonable grounds to enter those premises for the purpose of enforcing these Regulations; and

(b) that any of the conditions in paragraph (2) are met.

(2) The conditions are—

(a) entry to the premises has been, or is likely to be, refused, and notice of the intention to apply for a warrant has been given to the occupier;

(b) asking for entry to the premises, or giving such a notice, would defeat the object of the entry;

(c) entry is required urgently; or

(d) the premises are unoccupied or the occupier is temporarily absent.

(3) A warrant under this regulation is valid for three months.

#### Information notices

**22.** An [<sup>F33</sup>enforcing authority] may, by notice served on any person, require that person to furnish such information as is specified in the notice, in such form and within such period following the service of the notice or at such time as is so specified.

**F33** Words in reg. 22 substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), **regs. 1(1), 17**

## Enforcement notices

- 23.—(1) An [<sup>F34</sup>enforcing authority] may serve an enforcement notice on any person who—
- (a) in the opinion of the [<sup>F34</sup>enforcing authority], fails to, or is likely to fail to, comply with—
    - (i) a provision of the 2014 Regulation specified in Schedule 2; or
    - (ii) a provision of the Commission Regulations specified in Schedule 3, read in association with Part 2 of these Regulations;
  - (b) submits a report under Article 19 of the 2014 Regulation which is not submitted in accordance with Commission Regulation 1191/2014;
  - [<sup>F35</sup>(c) fails, where labelling for products and equipment is required under Article 12 of the 2014 Regulation, to comply with Article 2 of Commission Regulation 2015/2068 (labelling format);]
  - (d) fails to comply with a requirement under regulation 16 (obligation of employers to employ qualified employees);
  - (e) fails to comply with a requirement under regulation 17 (obligations on certification bodies, attestation bodies and evaluation bodies to provide information); or
  - (f) fails to comply with an information notice served under regulation 22 (information notices).
- (2) An [<sup>F34</sup>enforcing authority] may serve an enforcement notice on a person qualified in relation to fire protection systems who fails to comply with any of the following requirements of Commission Regulation 1497/2007—
- (a) Article 3 (checking system records);
  - (b) Article 4(1) (visual checks by certified personnel);
  - (c) Article 4(2) (checks in cases of presumed leakage); or
  - (d) Article 6 (follow-up check).
- (3) An [<sup>F34</sup>enforcing authority] may serve an enforcement notice on an operator of a fire protection system who—
- (a) fails to comply with any of the following requirements of Commission Regulation 1497/2007—
    - (i) Article 2(1) (system records); or
    - (ii) Article 2(3) (determination of gas charge by certified personnel);
  - (b) fails to ensure that Article 2(2) (indication of gas charge) of Commission Regulation 1497/2007 is complied with; or
  - (c) fails to ensure that the following requirements of Commission Regulation 1497/2007 are carried out by a person qualified in relation to fire protection systems—
    - (i) Article 4(4) (checking of pressure gauges and weight-monitoring devices);
    - (ii) Article 5 (repair of leakage); and
    - (iii) Article 7 (requirements for newly commissioned systems).
- (4) Subject to paragraph (6), an [<sup>F34</sup>enforcing authority] may serve an enforcement notice on a person qualified in relation to stationary equipment who fails to comply with any of the following requirements of Commission Regulation 1516/2007—
- (a) Article 3 (checking equipment records);
  - (b) Article 4 (systematic checks);
  - (c) Article 5 (choice of measuring method);

- (d) Article 6 (direct measuring methods);
  - (e) Article 7(1) (indirect measuring methods);
  - (f) Article 7(2) (examination using a direct method); or
  - (g) Article 9 (follow-up check).
- (5) Subject to paragraph (6), an [F<sup>34</sup>enforcing authority] may serve an enforcement notice on an operator of stationary equipment who—
- (a) fails to comply with any of the following requirements of Commission Regulation 1516/2007—
    - (i) Article 2(1) (equipment records);
    - (ii) Article 2(3) (determination of gas charge by certified personnel);
  - (b) fails to ensure that the following requirements of Commission Regulation 1516/2007 are complied with—
    - (i) Article 2(2) (indication of gas charge);
    - (ii) Article 2(4) (indication of leakage cause); or
  - (c) fails to ensure that the following requirements of Commission Regulation 1516/2007 are carried out by a person qualified in relation to stationary equipment—
    - (i) Article 8 (repair of leakage);
    - (ii) Article 10 (requirements for newly commissioned equipment).
- (6) Paragraphs (4) and (5) do not apply in respect of equipment with a hermetically sealed system which—
- (a) is labelled as having such a system; and
  - (b) contains less than 6 kilograms of fluorinated greenhouse gases.
- (7) An enforcement notice must—
- (a) specify the matters constituting the failure to comply or making a failure to comply likely;
  - (b) specify the steps that must be taken to remedy or avert the failure to comply;
  - (c) specify the period in which those steps must be taken;
  - (d) provide information on the right to appeal under regulation 24; and
  - (e) state that it is an offence under regulation 26(1)(d) to fail to comply with the enforcement notice.
- (8) An [F<sup>34</sup>enforcing authority] may at any time withdraw an enforcement notice.
- (9) A person on whom an enforcement notice is served must comply with it at their own expense.
- (10) If an enforcement notice is not complied with—
- (a) the enforcing authority [F<sup>36</sup>which served the notice] may arrange for it to be complied with at the expense of the person on whom it was served; and
  - (b) the enforcing authority [F<sup>36</sup>which served the notice] may recover those expenses summarily or in any court of competent jurisdiction as a civil debt due to it.
- (11) In this regulation—
- (a) “fire protection system” means a fire protection system, within the meaning given in Article 1 of Commission Regulation 1497/2007, containing 3 kilograms or more of fluorinated greenhouse gases;
  - (b) “person qualified in relation to fire protection systems” means an individual who—



- (i) holds a certificate issued under Article 5 of Commission Regulation 304/2008 which relates to leakage checking of fire protection systems; or
  - (ii) is exempt from holding such a certificate by virtue of Article 4(2) of Commission Regulation 304/2008;
- (c) “person qualified in relation to stationary equipment” means an individual who—
- (i) holds a valid certificate issued under [<sup>F37</sup>Article 4 of Commission Regulation 2015/2067] which relates to leakage checking of stationary equipment;
  - (ii) is exempt from holding such a certificate by virtue of [<sup>F38</sup>Article 3(3)(b) or (4) of Commission Regulation 2015/2067] ; or
  - [<sup>F39</sup>(iii) is exempt from holding such a certificate by virtue of Article 3(3)(a) of Commission Regulation 2015/2067 where the person is suitably qualified for the purposes of the essential safety requirements in paragraph 21(3) (permanent joining) of Part 3 of Schedule 2 to the Pressure Equipment (Safety) Regulations 2016;]
- (d) “stationary equipment” means stationary refrigeration, air conditioning or heat pump equipment which contains 3 kilograms or more of fluorinated greenhouse gases.

<b>F34</b>	Words in reg. 23 substituted (17.1.2019) by <a href="#">The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206)</a> , <b>regs. 1(1), 18(2)</b>
<b>F35</b>	Reg. 23(1)(c) substituted (17.1.2019) by <a href="#">The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206)</a> , <b>regs. 1(1), 18(3)</b>
<b>F36</b>	Words in reg. 23(10) inserted (17.1.2019) by <a href="#">The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206)</a> , <b>regs. 1(1), 18(4)</b>
<b>F37</b>	Words in reg. 23(11)(c)(i) substituted (17.1.2019) by <a href="#">The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206)</a> , <b>regs. 1(1), 18(5)(a)</b>
<b>F38</b>	Words in reg. 23(11)(c)(ii) substituted (17.1.2019) by <a href="#">The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206)</a> , <b>regs. 1(1), 18(5)(b)</b>
<b>F39</b>	Reg. 23(11)(c)(iii) substituted (17.1.2019) by <a href="#">The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206)</a> , <b>regs. 1(1), 18(5)(c)</b>

### Appeals against enforcement notices

**24.—(1)** A person served with an enforcement notice, who is aggrieved by that notice, may appeal against it.

(2) The right of appeal is to a magistrates' court.

(3) The procedure on appeal to a magistrates' court is by way of notice, and Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981 <sup>M21</sup> applies to the proceedings.

(4) An appeal must be brought by no later than 28 days after the date on which the enforcement notice is served.

(5) An enforcement notice is not suspended pending an appeal unless the court orders otherwise.

[<sup>F40</sup>(6) The grounds for an appeal brought under this regulation are that a decision to serve the enforcement notice was—

- (a) based on an error of fact;
- (b) wrong in law;
- (c) wrong for any other reason; or
- (d) unreasonable.]

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**F40** Reg. 24(6) inserted (17.1.2019) by The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2018 (S.R. 2018/206), regs. 1(1), 19

#### Marginal Citations

**M21** S.I. 1981/1675 (N.I. 26).

### Proceedings before a civil court

**25.** If the enforcing authority is of the opinion that proceedings against a person for an offence under regulation 26(1)(d) (the failure to comply with an enforcement notice) would afford an ineffectual remedy against that person, the enforcing authority may take civil proceedings in the High Court against that person for the purposes of seeking such remedy as the enforcing authority believes is appropriate in the circumstances.

## PART 4

### Offences and penalties

#### Offences

**26.—(1)** It is an offence for a person to do any of the following or to cause or permit another person to do any of the following—

- (a) breach any of the prohibitions mentioned in the following provisions of the 2014 Regulation—
  - (i) Article 3(1) (prohibition on intentional release of fluorinated greenhouse gas);
  - (ii) Article 11(1) (read in association with Article 11(2) and (3)) (prohibition on placing specified products and equipment on the market);
  - (iii) Article 14(1) (prohibition on placing equipment not accounted for within quota system on the market);
- (b) breach Article 14(2) of the 2014 Regulation (requirements to document placing on the market and to draw up declaration of conformity);
- (c) breach the second paragraph of Article 15(1) (read in association with Article 15(2) and (3)) of the 2014 Regulation (requirement to ensure quantities placed on market do not exceed quota); or
- (d) fail to comply with an enforcement notice.

(2) It is an offence to—

- (a) intentionally obstruct any person acting in the execution or enforcement of these Regulations;
- (b) fail, without reasonable cause, to give to any such person any assistance or information which that person may reasonably require for those purposes;
- (c) furnish to any such person any information knowing it to be false or misleading; or
- (d) fail to produce a document or record to any such person when required to do so.

#### Offences committed by bodies corporate, partnerships and unincorporated associations

**27.—(1)** For the purposes of these Regulations—

- (a) section 20(2) of the Interpretation Act <sup>F41</sup> ... applies with the omission of the words “the liability of whose members is limited”;
  - (b) section 20(3) of that Act does not apply; and
  - (c) where the affairs of a body corporate are managed by its members, section 20(2) of the Act applies in relation to the acts or defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.
- (2) Where any offence under these Regulations committed by a partnership is proved—
- (a) to have been committed with the consent or connivance of a partner; or
  - (b) to be attributable to any neglect on the partner's part, the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) For the purposes of paragraph (2), “partner” includes a person purporting to act as a partner.
- (4) Where any offence under these Regulations committed by an unincorporated association (other than a partnership) is proved—
- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or
  - (b) to be attributable to any neglect on the part of such an officer or member, the officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.
- (5) For the purpose of proceedings under paragraph (4)—
- (a) rules of court relating to the service of documents have effect as if the association were a body corporate; and
  - (b) the provisions of section 18 (procedure on charge) of the Criminal Justice Act (Northern Ireland) 1945 <sup>M22</sup> and Article 166 (corporations) of, and Schedule 4 to, the Magistrates' Courts (Northern Ireland) Order 1981 <sup>M23</sup> apply as they apply in relation to a body corporate.
- (6) A fine imposed on an unincorporated association on its conviction for an offence may be made payable out of the funds of the association.

**F41** Words in [reg. 27\(1\)\(a\)](#) omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), [regs. 1\(1\), 20](#)

**Marginal Citations**

**M22** [1945 c.15 \(N.I.\)](#)

**M23** [S.I. 1981/1675 \(N.I. 26\)](#)

**Penalties**

- 28.** A person who commits an offence under these Regulations is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment, to a fine.

**Application to the Crown**

- 29.—**(1) Subject to the provisions of this regulation, these Regulations bind the Crown.
- (2) No act or omission done or suffered on behalf of the Crown constitutes an offence under these Regulations but the High Court may on the application of the Department declare unlawful any act or omission of the Crown which constitutes such a contravention.

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(3) Notwithstanding paragraph (2), these Regulations apply to persons in the public service of the Crown as they apply to other persons.

(4) In this regulation any reference to the Crown includes a reference to the Crown in right of Her Majesty's Government in Northern Ireland.

## PART 5

### Revocation

#### Revocation

30. The following Regulations are revoked—

- (a) the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009 <sup>M24</sup>;
- (b) the Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2012 <sup>M25</sup>;  
and
- (c) the Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2014 <sup>M26</sup>.

#### Marginal Citations

**M24** S.R. 2009 No. 184, as amended by S.R. 2012 No. 230, and S.R. 2014 No. 77.

**M25** S.R. 2012 No. 230.

**M26** S.R. 2014 No. 77.

Sealed with the Official Seal of the Department of the Environment on 21st December 2015.

L.S.

*Dave Foster*  
A senior officer of the  
Department of the Environment

F42 SCHEDULE 1

Regulation 10

F42 Sch. 1 omitted (17.1.2019) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), 21

SCHEDULE 2

Regulation 23(1)(a)(i)

2014 Regulation provisions

<i>Provision of 2014 Regulation</i>	<i>Summary of subject matter</i>
Article 3(1).	Prohibition on the intentional release of fluorinated greenhouse gases into the atmosphere where not technically necessary for intended use.
Article 3(2).	Requirement on operators of equipment to take precautions to prevent leakage of fluorinated greenhouse gases. Requirement on operators of equipment to take measures to minimise leakage of fluorinated greenhouse gases.
Article 3(3).	Requirement on operators of equipment to ensure that equipment is repaired without undue delay where a leakage of fluorinated greenhouse gases is detected. Requirement on operators of equipment to ensure equipment is checked where the equipment is subject to leak checks under Article 4(1) (leak checks) and has been repaired.
Article 3(4).	Requirement on natural persons carrying out tasks referred to in Article 10(1)(a) to (c) (training and certification) to be certified and to take precautionary measures to prevent leakage of fluorinated greenhouse gases. Requirement on undertakings carrying out the installation, servicing, maintenance, repair or decommissioning of equipment referred to in Article 4(2)(a) to (d) to be certified and to take precautionary measures to prevent leakage of fluorinated greenhouse gases.
Article 4(1) (read in association with Article 4(2) to (4)).	Requirement on operators of equipment to ensure that specified types of equipment are checked for leaks.
Article 5(1).	Requirement on operators of equipment listed in Article 4(2)(a) to (d) containing fluorinated greenhouse gases in quantities of 500 tonnes of CO <sub>2</sub> equivalent or more to ensure that the equipment is provided with a leakage detection system.
Article 5(2).	Requirement on operators of equipment listed in Article 4(2) (f) and (g) containing fluorinated greenhouse gases in quantities of 500 tonnes of CO <sub>2</sub> equivalent or more and installed from 1 January 2017 to ensure that the equipment is provided with a leakage detection system.

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- Article 5(3). Requirement on operators of equipment listed in Article 4(2)(a) to (d) and (g) to ensure that leakage detection systems are checked at least once every 12 months.
- Article 5(4). Requirement on operators of equipment listed in Article 4(2)(f) (electrical switchgear) to ensure that leakage detection systems are checked at least once every six years.
- Article 6(1). Requirement on operators of equipment required to be checked for leaks under Article 4(1) to establish and maintain records for each piece of equipment specifying prescribed information.
- Article 6(2). Requirement on operators required to keep records under Article 6(1) to keep them for at least five years except where those records are stored in a database set up by the competent authorities.
- Requirement on undertakings carrying out the activities referred to in Article 6(1)(e) (record keeping) for operators to keep copies of the records for at least five years except where those records are stored in a database set up by the competent authorities.
- Requirement on operators of equipment and undertakings to make the records available on request to a competent authority or to the European Commission.
- Article 6(3) (read in association with Article 11(4)). Requirement on undertakings supplying fluorinated greenhouse gases to establish records of relevant information on the purchasers including prescribed details.
- Requirement on undertakings to maintain the records for at least five years.
- Requirement on undertakings to make the records available on request to a competent authority or to the European Commission.
- Article 7(1). Requirement on producers of fluorinated compounds to take all necessary precautions to limit emissions of fluorinated greenhouse gases during production, transport and storage.
- Article 7(2). Prohibition on the placing on the market of fluorinated greenhouse gases and gases listed in Annex II, except, where relevant, the producer or importer provides evidence at the time of placing that trifluoromethane produced as a by-product during the manufacturing process, has been destroyed or recovered for subsequent use.
- Article 8(1). Requirement on operators of specified stationary equipment or refrigeration units of refrigerated trucks and trailers that contain fluorinated greenhouse gases not contained in foams to ensure that the recovery of the gases is carried out by natural persons certified under Article 10.
- Article 8(2). Requirement on undertakings that use a fluorinated greenhouse gases container immediately prior to disposal to arrange for the recovery of any residual gases to make sure they are recycled, reclaimed or destroyed.
- Article 8(3). Requirement on operators of products and equipment not listed in Article 8(1) that contain fluorinated greenhouse gases to arrange

- for the recovery of the gases by appropriately qualified natural persons or to arrange for their destruction.
- F43  
[Article 10(11)] Requirement on undertakings assigning tasks referred to in Article 10(1) to another undertaking to take reasonable steps to ascertain that the latter holds the necessary certificates for the required tasks.]
- Article 11(1) (read in association with Article 11(2) and (3)). Prohibition on the placing on the market of products and equipment listed in Annex III, with the exception of military equipment, from the date specified in the Annex.
- Article 11(4). Prohibition on the sale and purchase of fluorinated greenhouse gases for the purposes of carrying out the installation, servicing, maintenance or repair of equipment that contains fluorinated greenhouse gases or whose functioning relies upon those gases, except by undertakings who hold relevant certifications or attestations in accordance with Article 10.
- Article 11(5). Prohibition on the sale of non-hermetically sealed equipment charged with fluorinated greenhouse gases to the end user without the provision of evidence that the installation is to be carried out by an undertaking certified in accordance with Article 10.
- Article 12(1) (read in association with Article 12(3), (4) and (6) to (13)). Prohibition on the placing on the market of specified products and equipment that contain or whose functioning relies upon fluorinated greenhouse gases unless they are labelled.
- Article 12(5). Prohibition on the placing on the market of foams and pre-blended polyols that contain fluorinated greenhouse gases unless the fluorinated greenhouse gases are identified with an accepted industry designation or, if not available, its chemical name.
- Article 13(1). Prohibition on the use of sulphur hexafluoride in magnesium die-casting and in the recycling of magnesium die-casting alloys (from 1st January 2018 in relation to installations using a quantity of sulphur hexafluoride below 850kg per year).
- Article 13(2). Prohibition on the use of sulphur hexafluoride to fill vehicle tyres.
- Article 13(3). Prohibition, from 1st January 2020 (1st January 2030 in relation to specified categories of fluorinated greenhouse gases), on the use of fluorinated greenhouse gases with a global warming potential of 2,500 or more, to service or maintain refrigeration equipment with a charge size of 40 tonnes of CO<sub>2</sub> equivalent or more, except for military equipment or equipment intended for applications designed to cool products to temperatures below -50°C.
- Article 14(1). Prohibition, from 1st January 2017, on the placing on the market of refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons unless the hydrofluorocarbons charged into the equipment are accounted for within the quota system referred to in Chapter IV.
- Article 14(2) (read in association with Article 14(3)). Requirement on manufacturers and importers of equipment placing pre-charged equipment on the market to ensure that compliance with Article 14(1) (pre-charging of equipment with

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hydrofluorocarbons) is fully documented and to draw up a declaration of conformity.

Requirement, from 1st January 2018, on importers of equipment containing hydrofluorocarbons not placed on the market prior to the charging of the equipment to ensure that by 31 March every year the accuracy of the documentation and declaration of conformity is verified, for the preceding calendar year, by an independent auditor.

Requirement on manufacturers and importers of equipment referred to in Article 14(1) to keep the documentation and declaration of conformity for a period of at least five years after the placing on the market of that equipment.

Article 15(1) (read in association with Article 15(2) and (3)). Requirement on producers and importers to ensure that the quantity of hydrofluorocarbons calculated in accordance with Annex V that each of them places on the market does not exceed their quota allocated pursuant to Article 16 (allocation of quotas for placing hydrofluorocarbons on the market) or transferred pursuant to Article 18 (transfer of quotas and authorisation to use quotas for the placing on the market of hydrofluorocarbons in imported equipment).

Article 17(1). Requirement on prescribed persons to be registered in the electronic registry for quotas for placing hydrofluorocarbons on the market.

Article 19(1). Requirement on each producer, importer and exporter that produced, imported or exported one tonne or 100 tonnes of CO<sub>2</sub> equivalent or more of fluorinated greenhouse gases and gases listed in Annex II during the preceding calendar year, as well as undertakings receiving quotas pursuant to Article 18(1), to report to the European Commission the data specified in Annex VII on each of those substances for that calendar year by 31 March 2015 and every year thereafter.

Article 19(2). Requirement on each undertaking that destroyed one metric tonne or 1,000 tonnes of CO<sub>2</sub> equivalent or more of fluorinated greenhouse gases and gases listed in Annex II during the preceding calendar year to report to the European Commission the data specified in Annex VII on each of those substances for that calendar year by 31 March 2015 and every year thereafter.

Article 19(3). Requirement on each undertaking that used 1,000 tonnes of CO<sub>2</sub> equivalent or more of fluorinated greenhouse gases as feedstock during the preceding calendar year to report to the European Commission the data specified in Annex VII on each of those substances for that calendar year by 31 March 2015 and every year thereafter.

Article 19(4). Requirement on each undertaking that placed 500 tonnes of CO<sub>2</sub> equivalent or more of fluorinated greenhouse gases and gases listed in Annex II contained in products or equipment on the market during the preceding calendar year to report to the European Commission the data specified in Annex VII on each



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of those substances for that calendar year by 31 March 2015 and every year thereafter.

Article 19(5). Requirement on each importer that places on the market pre-charged equipment where hydrofluorocarbons contained in that equipment have not been placed on the market prior to the charging of the equipment to submit to the European Commission a verification document issued pursuant to Article 14(2).

Article 19(6). Requirement on each undertaking which, under Article 19(1), reports on the placing on the market 10,000 tonnes of CO<sub>2</sub> equivalent or more of hydrofluorocarbons during the preceding calendar year to ensure that the accuracy of the data is verified by an independent auditor by 30 June 2015 and every year thereafter.

Requirement on undertakings to keep the verification report for at least five years.

Requirement on undertakings to make the verification report available, on request, to a competent authority and to the European Commission.

**F43** Words in Sch. 2 inserted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), **regs. 1(1), 22**

### SCHEDULE 3

Regulation 23(1)(a)(ii)

#### Commission Regulation provisions

#### [<sup>F44</sup>Table 1

#### Certification for stationary refrigeration, air conditioning and heat pump equipment

<i>Provision of Commission Regulation 2015/2067</i>	<i>Summary of subject matter</i>
Article 3(1) (read in association with Articles 2, 3(3) and (4))	Requirement on natural persons carrying out activities referred to in Article 2(1) (scope) to hold a certificate as referred to in Article 4 (certificates for natural persons) for the corresponding category, as set out in Article 3(2) (certification of natural persons).
Article 5	Requirement on companies referred to in Article 2(2) to hold a certificate as referred to in Article 6 (company certificates).]

**F44** Sch. 3 Table 1 substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), **regs. 1(1), 23(2)**

#### Table 2: Certification for stationary fire protection systems and fire extinguishers

<i>Provision of Commission Regulation 304/2008</i>	<i>Summary of subject matter</i>
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Article 4(1) (read in association with Articles 2 and 4(2)).	Requirement on personnel carrying out activities referred to in Article 2(1) (scope) to hold a certificate as referred to in Article 5 (personnel certificates).
Article 7(1).	Requirement on companies carrying out activities referred to in Article 2(2) to hold a certificate as referred to in Article 8 (company certificates).

[<sup>F45</sup>Table 3

### Certification for electrical switchgear

<i>Provision of Commission Regulation 2015/2066</i>	<i>Summary of subject matter</i>
Article 2(1) (read in association with Articles 2(2) and (3) and 9)	Requirement on natural persons carrying out the activities referred to in Article 1 (subject matter and scope) to hold a certificate as referred to in Article 3 (issuance of certificates to natural persons).]

**F45** Sch. 3 Table 3 substituted (17.1.2019) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/206\)](#), regs. 1(1), **23(3)**

### Table 4: Certification for recovery of fluorinated greenhouse gas-based solvents from equipment

<i>Provision of Commission Regulation 306/2008</i>	<i>Summary of subject matter</i>
Article 2(1) (read in association with Article 2(2)).	Requirement on personnel carrying out the activity referred to in Article 1 (subject matter and scope) to hold a certificate as referred to in Article 3 (issuance of certificates to personnel).

### Table 5: Attestation for air conditioning systems in motor vehicles

<i>Provision of Commission Regulation 307/2008</i>	<i>Summary of subject matter</i>
Article 2(1) (read in association with Article 2(2)).	Requirement on personnel carrying out the activity referred to in Article 1 (subject matter) hold a training attestation as referred to in Article 3 (issuance of training attestations to personnel).

## EXPLANATORY NOTE

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

The Regulations revoke and remake with amendments the Fluorinated Greenhouse Gases Regulations (Northern Ireland) 2009 (S.R. 2009 No. 184).

These Regulations give effect to Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006.

These Regulations attempt to limit emissions of fluorinated greenhouse gases (“F-gases”) into the atmosphere by ensuring that employees and companies in a number of sectors of business in Northern Ireland are certified to handle equipment during the course of their business without emitting large quantities of F-gases.

The sectors of business and types of equipment are stationary refrigeration, air conditioning and heat pump equipment, fire extinguishers and fire protection systems, high-voltage switchgear, F-gas based solvents, and air-conditioning systems in certain motor vehicles.

These Regulations may also affect businesses involved in insulation foams, aerosol sprays, medical inhalers, Organic Rankine Cycles and refrigerated trucks and trailers.

A number of new offences are listed for which the sectors of business mentioned above must ensure compliance. Some, although not all, of the new requirements for businesses only become offences following the failure to comply with a specially issued enforcement notice.

The enforcement notice would detail any breaches of these Regulations and specify the steps to take to remedy the infringement(s). Failure to comply with the enforcement notice would then become an offence.

The offences and breaches which may merit an enforcement notice include the deliberate release of F-gases into the atmosphere, the failure to comply with measures to prevent the leakage of F-gases from equipment, the failure to ensure that employees and companies working with equipment containing F-gases are qualified to do so, and failure to co-operate with authorised persons enforcing these Regulations.

There are also provisions to ensure that accurate records of F-gases handled are kept, reports on F-gases handled are sent to the European Commission, equipment containing F-gases is properly labelled, prohibited types of equipment containing F-gases are not sold, purchased or placed on the market, and that the quota to restrict the use of certain types of F-gases is not exceeded.

A full impact assessment of the effect that these Regulations would have upon the costs of business is available from the Department of the Environment, Goodwood House, 44-58 May Street, Belfast BT1 4NN.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. 2 words added by [S.R. 2020/304 reg. 3\(3\)\(a\)\(i\)](#)
- Sch. 2 words added by [S.R. 2020/304 reg. 3\(3\)\(a\)\(ii\)](#)
- Sch. 2 words added by [S.R. 2020/304 reg. 3\(3\)\(c\)](#)
- Sch. 2 words inserted by [S.R. 2020/304 reg. 3\(3\)\(b\)](#)
- Sch. 2 words omitted by [S.I. 2019/281 reg. 4\(4\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(4) revoked immediately before IP completion day by [S.R. 2020/304, regs. 1\(2\)\(a\), 4\(2\)\(b\)](#))
- Sch. 2 words omitted by [S.I. 2019/281 reg. 4\(4\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(4) revoked immediately before IP completion day by [S.R. 2020/304, regs. 1\(2\)\(a\), 4\(2\)\(b\)](#))
- Sch. 2 words omitted by [S.I. 2019/281 reg. 4\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(4) revoked immediately before IP completion day by [S.R. 2020/304, regs. 1\(2\)\(a\), 4\(2\)\(b\)](#))
- Sch. 2 words substituted by [S.I. 2019/281 reg. 4\(4\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(4) revoked immediately before IP completion day by [S.R. 2020/304, regs. 1\(2\)\(a\), 4\(2\)\(b\)](#))
- Sch. 2 words substituted by [S.I. 2019/281 reg. 4\(4\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(4) revoked immediately before IP completion day by [S.R. 2020/304, regs. 1\(2\)\(a\), 4\(2\)\(b\)](#))
- Sch. 2 words substituted by [S.I. 2019/281 reg. 4\(4\)\(b\)\(iii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(4) revoked immediately before IP completion day by [S.R. 2020/304, regs. 1\(2\)\(a\), 4\(2\)\(b\)](#))
- Sch. 2 words substituted by [S.I. 2019/281 reg. 4\(4\)\(b\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(4) revoked immediately before IP completion day by [S.R. 2020/304, regs. 1\(2\)\(a\), 4\(2\)\(b\)](#))
- Sch. 2 words substituted by [S.I. 2019/281 reg. 4\(4\)\(b\)\(v\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(4) revoked immediately before IP completion day by [S.R. 2020/304, regs. 1\(2\)\(a\), 4\(2\)\(b\)](#))
- reg. 1(2) words added by [S.R. 2020/304 reg. 3\(2\)](#)
- reg. 7(1) words omitted by [S.I. 2019/281 reg. 4\(3\)\(a\)](#)
- reg. 9(1) words omitted by [S.I. 2019/281 reg. 4\(3\)\(b\)](#)
- reg. 11(1) words omitted by [S.I. 2019/281 reg. 4\(3\)\(c\)](#)
- reg. 13(1) words omitted by [S.I. 2019/281 reg. 4\(3\)\(d\)](#)
- reg. 15(1) words omitted by [S.I. 2019/281 reg. 4\(3\)\(e\)](#)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- reg. 3(4) inserted by [S.I. 2019/281 reg. 4\(2\)](#)