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STATUTORY INSTRUMENTS

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**2001 No. 3142**

**ENERGY CONSERVATION**

The Energy Information and Energy Efficiency  
(Miscellaneous Amendments) Regulations 2001

*Made* - - - - 12th September 2001  
*Laid before Parliament* 20th September 2001  
*Coming into force* - - 19th October 2001

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to measures relating to energy labelling and standard product information for household products<sup>(2)</sup> and in relation to measures relating to energy efficiency and performance requirements for products <sup>(3)</sup>, in exercise of the powers conferred by section 2(2) of that Act and of all other powers enabling her in that behalf, hereby makes the following Regulations:

PART 1

GENERAL

**Citation and commencement**

1. These Regulations may be cited as the Energy Information and Energy Efficiency (Miscellaneous Amendments) Regulations 2001 and shall come into force on 19th October 2001.

**Interpretation**

2. In these Regulations—

“the Refrigerators and Freezers Regulations” means the Energy Information (Refrigerators and Freezers) Regulations 1994 <sup>(4)</sup>;

“the Washing Machines Regulations” means the Energy Information (Washing Machines) Regulations 1996<sup>(5)</sup>;

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(1) 1972 c. 68.

(2) See S.I.1992/1711.

(3) See S.I. 2001/2555.

(4) S.I. 1994/3076.

(5) S.I. 1996/600; to which there are amendments not relevant to these Regulations.

“the Tumble Driers Regulations” means the Energy Information (Tumble Driers) Regulations 1996(6);

“the Combined Washer-driers Regulations” means the Energy Information (Combined Washer-driers) Regulations 1997(7);

“the Dishwashers Regulations” means the Energy Information (Dishwashers) Regulations 1999(8); and

“the Lamps Regulations” means the Energy Information (Lamps) Regulations 1999(9).

## PART 2

### AMENDMENTS TO ENERGY INFORMATION REGULATIONS

#### **Refrigerators and Freezers, Washing Machines, Tumble Driers and Combined Washer-driers—miscellaneous**

3.—(1) The Refrigerators and Freezers Regulations, the Washing Machines Regulations, the Tumble Driers Regulations and the Combined Washer-driers Regulations are amended as follows—

(2) In regulation 2 (interpretation)—

(a) in the definition of “dealer”, for “sells or displays”, substitute “offers for sale, displays or sells”; and

(b) at the end of the definition of “the harmonised standards”, add

“which are technical specifications (European standards or harmonisation documents) adopted by the European Committee of Electrotechnical Standardisation (“CENELEC”) on the basis of—

(i) a mandate from the Commission in accordance with Council Directive [83/189/EEC](#) of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations(10), as last amended by Directive [98/48/EC](#) of the European Parliament and the Council(11); and

(ii) the general guidelines for co-operation between the Commission, CENELEC and the European Committee for Standardisation signed on 13 November 1984.”.

(3) For regulation 4(1) (suppliers' duty in respect of labels), substitute—

“(1) A supplier of an appliance shall supply free of charge to a dealer a label in respect of the appliance which complies with paragraph (2).”.

(4) For regulation 7 (suppliers to be responsible for accuracy of labels and information notices), substitute—

“(7) The supplier (and no other person) shall be responsible for the accuracy of the information given on a label or in an information notice.”.

(5) In regulation 9 (dealers' duty in respect of displayed appliances), for the words from “Subject” to “end-users”, substitute “A dealer who displays or offers for sale an appliance”.

(6) S.I. [1996/601](#).

(7) S.I. [1997/1624](#).

(8) S.I. [1999/1676](#).

(9) S.I. [1999/1517](#).

(10) OJNo. L109.26.4.83, p. 8.

(11) OJ No. L217 5.8.98. p. 18.

(6) Omit regulations 10 (dealers' duty in respect of information notices) and 11 (extent of dealers' duties under regulations 9 and 10).

#### **Refrigerators and Freezers, Washing Machines, Tumble Driers and Combined Washer-driers—offences, enforcement, etc.**

4.—(1) Schedule 6 to the Refrigerators and Freezers Regulations and Schedule 5 to the Washing Machines Regulations, the Tumble Driers Regulations and the Combined Washer-driers Regulations are amended as follows—

(2) Omit—

- (a) in paragraph 1(1), “regulation 10 (dealers' duty in respect of information notices);”;
- (b) sub-paragraphs (2) to (4) of paragraph 2;
- (c) in paragraph 3(2), “Subject to sub-paragraphs (3) to (5)”;
- (d) sub-paragraphs (3) to (5) of paragraph 3;
- (e) paragraphs 6, 7 and 8;
- (f) the word “and” preceding, and the whole of, sub-paragraph (3)(j) of paragraph 15;
- (g) sub-paragraph (5)(f) of paragraph 15; and
- (h) paragraph 19.

#### **Washing Machines, Tumble Driers and Combined Washer-driers**

5. The Washing Machines Regulations, the Tumble Driers Regulations and the Combined Washer-driers Regulations are amended in regulation 12 (printed communications), by omitting—  
“(but not an advertisement or short printed list of appliances),”

#### **Refrigerators and Freezers and Tumble Driers**

6. Regulation 2 (interpretation) of the Refrigerators and Freezers Regulations and the Tumble Driers Regulations is amended by inserting, after the definition of “the Directives”—  
““enforcement action” means the instituting of proceedings (whether criminal or otherwise) for failing to observe or comply with these Regulations;”.

#### **Refrigerators and Freezers and Combined Washer-driers**

7. For paragraph 1(3) of Schedule 6 to the Refrigerators and Freezers Regulations and Schedule 5 to the Combined Washer-driers Regulations, substitute—  
“(3) A person guilty of any other offence specified in sub-paragraph (1) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

#### **Dishwashers**

8.—(1) The Dishwashers Regulations are amended as follows—

(2) In regulation 10 (information in respect of mail order and other distance sales), omit—  
“(but not an advertisement or short printed list of dishwashers)”.

(3) In Schedule 5 (offences, enforcement and other matters), there shall be omitted—

- (a) the words “Subject to sub-paragraphs (3) to (5)” in sub-paragraph (2) of paragraph 3;
- (b) sub-paragraphs (3) to (5) of paragraph 3;
- (c) paragraph 16.

**Lamps**

9. Schedule 4 (offences, enforcement and other matters) to the Lamps Regulations is amended by omitting paragraph 16.

**Refrigerators and Freezers**

10. Schedule 6 (offences, enforcement and other matters) to the Refrigerators and Freezers Regulations is amended by substituting, for paragraph 1(2)—

“(2) A person guilty of the offence of contravening paragraph 15(1) shall be liable, on summary conviction, to a fine not exceeding the statutory maximum, and on conviction on indictment, to a fine.”.

**PART 3**

**AMENDMENTS TO THE ENERGY EFFICIENCY  
(REFRIGERATORS AND FREEZERS) REGULATIONS 1997**

11.—(1) The Energy Efficiency (Refrigerators and Freezers) Regulations 1997(12) are amended as follows.

(2) For paragraph (2) of regulation 2 (interpretation) substitute—

“(2) For the purposes of these Regulations compliance with an equivalent requirement of the legislation of another Member State constitutes sufficient compliance with the relevant requirement of these Regulations”.

(3) After regulation 9 (manufacturers' duties in respect of the manufacturing process), insert—

**“Breach of regulation 8 or 9**

**9A.** Breach of regulation 8 (suppliers' duties in respect of non-conforming appliances) or 9 (manufacturers' duties in respect of the manufacturing process) shall be actionable by civil proceedings.”.

(4) In regulation 10(4) (enforcement and offences)—

- (a) after “takes a decision” insert “to institute civil proceedings”; and
- (b) for “amounts to or includes” substitute “may result in”.

(5) In Schedule 3 (offences, enforcement and other matters)—

(a) for sub-paragraph (2) of paragraph 1 substitute—

“(2) A person guilty of the offence of contravening paragraph 15(1) shall be liable, on summary conviction, to a fine not exceeding the statutory maximum, and on conviction on indictment, to a fine.”.

(b) Omit—

- (i) sub-paragraphs (2) to (4) of paragraph 2;
- (ii) the words “Subject to sub-paragraphs (3) to (5)” in sub-paragraph (2) of paragraph 3;
- (iii) sub-paragraphs (3) to (5) of paragraph 3;
- (iv) paragraphs 6, 7 and 8;
- (v) the word “and” preceding, and the whole of, sub-paragraph (3)(j) of paragraph 15;

- (vi) sub-paragraph (5)(f) of paragraph 15; and
- (vii) paragraph 19.

Signed by authority of the Secretary of State for Environment, Food and Rural Affairs

12th September 2001

*Michael Meacher*  
Minister of State,  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

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

These Regulations amend the Energy Information (Refrigerators and Freezers) Regulations 1994, the Energy Information (Washing Machines) Regulations 1996, the Energy Information (Tumble Driers) Regulations 1996, the Energy Information (Combined Washer-driers) Regulations 1997, the Energy Information (Dishwashers) Regulations 1999, the Energy Information (Lamps) Regulations 1999 and the Energy Efficiency (Refrigerators and Freezers) Regulations 1997.

Regulations 3 and 4 amend the Energy Information (Refrigerators and Freezers) Regulations 1994, the Energy Information (Washing Machines) Regulations 1996, the Energy Information (Tumble Driers) Regulations 1996 and the Energy Information (Combined Washer-driers) Regulations 1997.

In particular, regulation 3(6) removes the requirement for a dealer, where potential purchasers do not see the appliance displayed and thus have no opportunity to see the label, to make an information notice available for inspection by potential purchasers before concluding a sale. Regulation 3(6) also extends the dealer's duty to attach a label to an appliance to all circumstances in which an appliance is displayed.

Regulation 3 also makes drafting amendments.

Regulation 4 makes a number of changes to the proceedings relating to the enforcement of the principal Regulations and also makes drafting amendments.

Regulation 5 makes drafting amendments to the Energy Information (Washing Machines) Regulations 1996, the Energy Information (Tumble Driers) Regulations 1996 and the Energy Information (Combined Washer-driers) Regulations 1997.

Regulation 6 inserts a definition of "enforcement action" in regulation 2 (interpretation) of the Energy Information (Refrigerators and Freezers) Regulations 1994 and the Energy Information (Tumble Driers) Regulations 1996.

Regulations 7 and 10 make drafting amendments to the Energy Information (Refrigerators and Freezers) Regulations 1994 and the Energy Information (Combined Washer-driers) Regulations 1997.

Regulation 8 makes an amendment to the enforcement procedures and drafting amendments for the Energy Information (Dishwashers) Regulations 1999.

Regulation 9 makes an amendment to the procedures relating to enforcement of the Energy Information (Lamps) Regulations 1999.

Regulation 11 amends the Energy Efficiency (Refrigerators and Freezers) Regulations 1997. Paragraph (3) specifies that a breach of regulation 8 or 9 of the principal Regulations shall be actionable by civil proceedings. Paragraphs (2), (4) and (5) make drafting amendments. Paragraph (5) also makes amendments to the procedures relating to the enforcement of the principal Regulations.