

SCHEDULE 4

Offences, Enforcement And Other Matters

PART I

Provisions as to Offences

Offences and penalties

1.—(1) It shall be an offence to contravene or fail to comply with—

- (a) regulation 6 (placing on the market: technical documentation);
- (b) regulation 7 (supplier's duties in respect of labels);
- (c) regulation 8 (supplier's duties in respect of the information sheet);
- (d) regulation 10 (supplier's duties in respect of the accuracy of labels and information sheets);
- (e) regulation 11 (dealer's duty in respect of a displayed regulated appliance);
- (f) regulation 12 (information in respect of mail order and other distance sales);
- (g) regulation 14 (misleading information);
- (h) paragraph 5 of this Schedule (obstruction of, and false statements to, authorised officers).

(2) A person guilty of an offence specified in sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Prosecution of offences

2. Proceedings for an offence under these Regulations shall not be instituted—

- (a) in England and Wales, except by an enforcement authority;
- (b) in Northern Ireland, except by or on behalf of an enforcement authority or the Director of Public Prosecutions.

Defence

3. In proceedings against a person for an offence under these Regulations, it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

Liability of a person other than the principal offender

4.—(1) Where the commission by any person of an offence under these Regulations is due to an act or default committed by some other person in the course of any business of his, that other person shall be guilty of the offence and may be proceeded against and punished by virtue of this sub-paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under these Regulations in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Status: This is the original version (as it was originally made).

(3) Where the affairs of a body corporate are managed by its members, sub-paragraph (2) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) Where a Scottish partnership is guilty of an offence under these Regulations in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner in the partnership, he, as well as the partnership, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.