

---

STATUTORY INSTRUMENTS

---

**2009 No. 2559**

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

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

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

(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;”.

(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; and

(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 is to 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.””