

STATUTORY INSTRUMENTS

2015 No. 310

The Fluorinated Greenhouse Gases Regulations 2015

PART 1

Introductory provisions

Citation, commencement [F1 and extent]

1.—(1) These Regulations—

- (a) may be cited as the Fluorinated Greenhouse Gases Regulations 2015; and
- (b) come into force on 19th March 2015.

(2) They extend to Northern Ireland only in so far as they 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 ^{M1}[F2 or they deal with controls on gases, products and equipment traded between Great Britain and Northern Ireland].

^{F3}(3)

- F1** Words in reg. 1 heading substituted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **3(2)**
- F2** Words in reg. 1(2) inserted (E.W.S.) (31.12.2020) by [S.I. 2019/583](#), regs. 1(1), **35(1)(1A)** (as amended by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(2)(18)(a)(b)**); 2020 c. 1, Sch. 5 para. 1(1); and inserted (N.I.) (31.12.2020) by [S.I. 2019/583](#), regs. 1(1), **35A(1)(2)** (as amended by [The Ozone-Depleting Substances and Fluorinated Greenhouse Gases \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1616\)](#), regs. 1(2), **2(2)(19)**); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Reg. 1(3) omitted (22.2.2018) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **3(3)**

Marginal Citations

M1 1998 c. 47.

Interpretation: general

2.—(1) In these Regulations—

“authorised person” means a person authorised under regulation 21;

[F4“civil penalty notice” means a notice served under paragraph 1 (as read with paragraphs 4 and 5) of Schedule 4;]

[F4“enforcement cost recovery notice” means a notice served under paragraph 6 of Schedule 4;]

“enforcement notice” means an enforcement notice served under regulation 25;

“enforcing authority” means—

- (a) as regards England, the Environment Agency, the local authority, the port health authority or the Secretary of State;
- (b) as regards Wales, the Natural Resources Body for Wales, the local authority, the port health authority or the Welsh Ministers;
- (c) [^{F5}as regards Scotland, subject to paragraphs (e) and (f)—
 - (i) each local authority;
 - (ii) SEPA;
 - (iii) the Scottish Ministers;]
- (d) as regards Northern Ireland, [^{F6}the Department of Agriculture, Environment and Rural Affairs] or the local authority;
- (e) as regards offshore installations, the Secretary of State;
- (f) as regards Scottish offshore installations, the Scottish Ministers;
- (g) as regards Northern Ireland offshore installations—
 - (i) in relation to installations used in connection with any of the activities described in regulation 4(4)(a) to (g), the Secretary of State;
 - (ii) in relation to installations used in connection with any of the activities described in regulation 4(4)(h) and (i), [^{F6}the Department of Agriculture, Environment and Rural Affairs];

“premises” includes—

- (a) land;
- (b) a vehicle or trailer;
- (c) an aircraft;
- (d) a ship;
- (e) an offshore installation or part of an offshore installation;
- (f) a Scottish offshore installation or part of a Scottish offshore installation;
- (g) a Northern Ireland offshore installation or part of a Northern Ireland offshore installation;

[^{F7}“relevant enforcing authority” means—

- (a) as regards England—
 - (i) the Environment Agency;
 - (ii) the Secretary of State;
- (b) as regards Scotland, and subject to sub-paragraphs (c) and (d)—
 - (i) SEPA;
 - (ii) the Scottish Ministers;
- (c) as regards offshore installations, the Secretary of State;
- (d) as regards Scottish offshore installations, the Scottish Ministers;]

[^{F8}“Scotland” is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998;]

[^{F8}“SEPA” means the Scottish Environment Protection Agency;]

“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.

(2) In paragraph (1)—

“local authority” means—

- (a) as regards England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) as regards Wales, a county council or a county borough council;
- (c) as regards Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ^{M2};
- (d) as regards Northern Ireland, a district council, within the meaning of section 44 of the Interpretation Act (Northern Ireland) 1954 ^{M3};

“port health authority” means—

- (a) in relation to the London port health district (within the meaning given by section 7(1) of the Public Health (Control of Disease) Act 1984 ^{M4}), the Common Council of the City of London;
- (b) in relation to any port health district constituted by order under section 2(3) of that Act, the port health authority for that district constituted by order under section 2(4) of that Act.

- F4** Words in [reg. 2\(1\)](#) inserted (E.S.) (1.4.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **4(a)**
- F5** Words in [reg. 2\(1\)](#) substituted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **4(b)(i)**
- F6** Words in [reg. 2\(1\)](#) substituted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **4(b)(ii)**
- F7** Words in [reg. 2\(1\)](#) inserted (E.S.) (1.4.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **4(c)**
- F8** Words in [reg. 2\(1\)](#) inserted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **4(d)**

Marginal Citations

- M2** 1994 c. 39. Section 2 is amended by paragraph 232(1) of Schedule 22 to the [Environment Act 1995](#) (c. 25).
- M3** 1954 c. 33 (N.I.).
- M4** 1984 c. 22.

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 ^{M5};

^{F9}
...

“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 ^{M6};

“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 ^{M7};

F10
...

“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 ^{M8};

F11
...

“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 ^{M9};

“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 ^{M10};

F12
...

“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.

[^{F13}“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;]

[^{F13}“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;]

[^{F13}“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;]

[^{F13}“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;]

[^{F13}“Commission Regulation 2016/879” means Commission Implementing Regulation (EU) 2016/879 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament

and of the Council, detailed arrangements relating to the declaration of conformity when placing refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons on the market and its verification by an independent auditor]

(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;
- [^{F14}(b) Commission Regulation 1497/2007;
- (c) Commission Regulation 1516/2007;
- (d) Commission Regulation 304/2008;
- (e) Commission Regulation 306/2008;
- (f) Commission Regulation 307/2008;
- (g) Commission Regulation 1191/2014;
- (h) Commission Regulation 2015/2065;
- (i) Commission Regulation 2015/2066;
- (j) Commission Regulation 2015/2067;
- (k) Commission Regulation 2015/2068;
- (l) Commission Regulation 2016/879.]

(3) A reference in these Regulations to the following is a reference to those Commission Regulations as amended from time to time—

- ^{F15}(a)
- (b) Commission Regulation 1191/2014.

- F9** Words in reg. 3(1) omitted (22.2.2018) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **5(2)(a)(i)**
- F10** Words in reg. 3(1) omitted (22.2.2018) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **5(2)(a)(ii)**
- F11** Words in reg. 3(1) omitted (22.2.2018) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **5(2)(a)(iii)**
- F12** Words in reg. 3(1) omitted (22.2.2018) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **5(2)(a)(iv)**
- F13** Words in reg. 3(1) inserted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **5(2)(b)**
- F14** Reg. 3(2)(b)-(l) substituted for reg. 3(2)(b)-(j) (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **5(3)**
- F15** Reg. 3(3)(a) omitted (22.2.2018) by virtue of [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **5(4)**

Marginal Citations

- M5** OJ No L 150, 20.5.2014, p 195.
- M6** OJ No L 333, 19.12.2007, p 4.
- M7** OJ No L 335, 20.12.2007, p 10.
- M8** OJ No L 92, 3.4.2008, p 12.
- M9** OJ No L 92, 3.4.2008, p 21. There is a relevant corrigendum (OJ No L 280, 23.10.2008, p 38).
- M10** OJ No L 92, 3.4.2008, p 25.

Interpretation: offshore installations

4.—(1) In these Regulations, “offshore installation” means an installation or structure [^{F16}(other than a Scottish offshore installation, a Northern Ireland offshore installation or a ship)] which is—

- (a) situated in the waters of, or on or under the seabed in—
 - (i) the tidal waters and parts of the sea in or adjacent to the United Kingdom up to the seaward limits of the territorial sea;
 - (ii) in the case of the activities listed in sub-paragraph (b)(i) to (vi), an area designated by an Order in Council under section 1(7) of the Continental Shelf Act 1964 ^{M11}; or
 - (iii) in the case of the activity listed in sub-paragraph (b)(vii), the sea in any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 ^{M12}; and
- (b) used [^{F17}, intended to be used or has been used,] in connection with—
 - (i) the exploitation, or the exploration with a view to exploitation, of mineral resources in or under the shore or bed of waters described in sub-paragraph (a)(i) and (ii);
 - (ii) the exploration of a place in, under or over such waters with a view to the storage of gas;
 - (iii) the conversion of a place under the shore or bed of such waters for the purpose of storing gas;
 - (iv) the storage of gas in, under or over such waters or the recovery of gas so stored;
 - (v) the unloading of gas at a place in, under or over such waters;
 - (vi) the conveyance of things by means of a pipe, or system of pipes, constructed or placed on, in or under the shore or bed of such waters; or
 - (vii) the production of energy from water or wind.

(2) In paragraphs (1) and (4)—

- (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 ^{M13}; or
 - (ii) carbon dioxide.

(3) In these Regulations, “Scottish offshore installation” means an installation or a structure, other than a ship, which is—

- (a) situated in the waters of, or on or under the seabed in—
 - (i) the tidal waters and parts of the sea in or adjacent to Scotland up to the seaward limits of the territorial sea; or
 - (ii) the sea in any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 in respect to which the Scottish Ministers have functions designated by an order made under section 41(4) of that Act; and
- (b) used in connection with the production of energy from water or wind.

(4) In these Regulations, “Northern Ireland offshore installation” means an installation or a structure, other than a ship, which is situated in the marine area and 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;
- (g) 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 any of the activities within sub-paragraphs (a) to (f);
- (h) the production of energy from water or wind;
- (i) 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 the production of energy from water or wind.

(5) In paragraph (4), “marine area” means the area (together with the places above and below it) comprising the waters of, or on or under the seabed in—

[^{F18}(a) the Northern Ireland inshore region;]

- (b) the sea in any area for the time being designated under section 41(3) of the Marine and Coastal Access Act 2009 in respect of which any Northern Ireland department has functions designated by an order made under section 41(4) of that Act.

(6) For the purposes of paragraphs (1)(b) and (3)(b), each of the activities described in those paragraphs includes 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.

[^{F19}(7) In paragraph (5), “Northern Ireland inshore region” has the meaning given in section 322(1) of the Marine and Coastal Access Act 2009 (interpretation).]

- F16** Words in reg. 4(1) substituted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **6(2)(a)**
- F17** Words in reg. 4(1)(b) inserted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **6(2)(b)**
- F18** Reg. 4(5)(a) substituted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **6(3)**
- F19** Reg. 4(7) inserted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), **6(4)**

Marginal Citations

- M11** 1964 c. 29. Section 1(7) is amended by paragraph 1 of Schedule 3 to the [Oil and Gas \(Enterprise\) Act 1982 \(c. 23\)](#) and section 103 of the [Energy Act 2011 \(c. 16\)](#). Areas have been designated under section 1(7) by [S.I. 1987/1265](#) (as amended by [S.I. 2000/3062](#)) and 2013/3162.
- M12** 2009 c. 23. A designation has been made by [S.I. 2013/3161](#).
- M13** 2008 c. 32.

Competent authority

[^{F20}**5.**—(1) The Secretary of State is the competent authority for the purposes of the 2014 Regulation in its application to—

- (a) England, Wales and Scotland;

- (b) offshore installations; and
- (c) Northern Ireland and Northern Ireland offshore installations.

(2) The Scottish Ministers are the competent authority for the purposes of the 2014 Regulation in its application to Scottish offshore installations.]

F20 Reg. 5 omitted (E.W.S.) (31.12.2020) by S.I. 2019/583, regs. 1(1), **35(1)(1B)** (as amended by The Ozone-Depleting Substances and Fluorinated Greenhouse Gases (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1616), regs. 1(2), **2(2)(18)(a)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

[^{F21}Service of notices

5A.—(1) This regulation applies to the service of notices under these Regulations, subject to any specific provision made in these Regulations for a particular type of notice.

- (2) A notice takes effect when served.
- (3) A notice may be served on a person by—
 - (a) handing it to the person;
 - (b) leaving it at the person's proper address;
 - (c) sending it by post to the person at that address;
 - (d) subject to paragraph (9), sending it to the person by electronic means.

(4) A notice to a body corporate may be given to an officer of that body.

(5) A notice to a partnership may be given to a partner or a person who has the control or management of the partnership business.

(6) For the purposes of this regulation, and section 7 of the Interpretation Act 1978 (references to service by post) in its application to this regulation, the proper address of a person is—

- (a) in the case of a body corporate or one of its officers, the address of the body's registered or principal office;
- (b) in the case of a partnership, a partner or person having the control or management of the partnership business, the address of the principal office of the partnership;
- (c) in any other case, the person's last known address.

(7) For the purposes of paragraph (6), the principal office of a company registered outside the United Kingdom, or of a partnership carrying on business outside the United Kingdom, is its principal office within the United Kingdom.

(8) If a person has specified an address in the United Kingdom, other than the person's proper address within the meaning of paragraph (6), as the one at which the person or someone on the person's behalf will accept notices of the same description as a notice under these Regulations, that address is also treated for the purposes of this regulation and section 7 of the Interpretation Act 1978 as the person's proper address.

- (9) 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 a notice under these Regulations 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.

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

- (11) In this regulation—

“electronic address” means any number or address used for the purposes of sending or receiving documents or information by electronic means;

“officer”, in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body.]

F21 Reg. 5A inserted (22.2.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), 7

Changes to legislation:

There are currently no known outstanding effects for the The Fluorinated Greenhouse Gases Regulations 2015, PART 1.