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STATUTORY INSTRUMENTS

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**2018 No. 389**

**The Gas Appliances (Enforcement) and  
Miscellaneous Amendments Regulations 2018**

**PART 1**

Preliminary

**Citation, commencement and interpretation**

**1.—**(1) These Regulations may be cited as the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 and come into force on 21st April 2018.

(2) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974<sup>(1)</sup>;

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978<sup>(2)</sup>;

“the 1987 Act” means the Consumer Protection Act 1987<sup>(3)</sup>;

“the 1995 Regulations” means the Gas Appliances (Safety) Regulations 1995<sup>(4)</sup>;

“district council” means a district council within the meaning of the Local Government Act (Northern Ireland) 1972<sup>(5)</sup>;

“EU Regulation 2016/426” means Regulation (EU) 2016/426<sup>(6)</sup> of the European Parliament and of the Council on appliances burning gaseous fuels, repealing Council Directive 2009/142/EC<sup>(7)</sup>, as amended from time to time;

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93<sup>(8)</sup>, as amended from time to time;

“risk” means a risk which may result in harm to the health or safety of persons, domestic animals or property, if an appliance or fitting is used in a normal and predictable manner; and

“weights and measures authority” means a local weights and measures authority within the meaning set out in section 69 of the Weights and Measures Act 1985<sup>(9)</sup>.

(3) In these Regulations a reference to—

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(1) 1974 c.37.

(2) S.I. 1978/1039 (N.I. 9).

(3) 1987 c.43.

(4) S.I. 1995/1629 as amended by S.I. 2012/1815 and the Protection of Freedoms Act 2012, Schedule 2, Part 3 and Schedule 10, Part 2.

(5) 1972 Chapter 9.

(6) OJ No L81, 31.3.2016, p.99.

(7) OJ No L330, 16.12.2009, p.10.

(8) OJ No L 218, 13.8.2008, p.30.

(9) 1985 c.72; section 69 was amended by the Local Government (Wales) Act 1994 (c.19), section 66 and Schedule 16, paragraph 75; the Local Government etc. (Scotland) Act 1994 (c.39), section 180 and Schedule 13, paragraph 144; and the Statute Law (Repeals) Act 1989 (c.43) Schedule 1, Part 1.

- (a) a numbered regulation, paragraph or Schedule is a reference to the regulation, paragraph or Schedule as numbered in these Regulations unless otherwise stated;
- (b) an Article, paragraph of an Article or Annex is a reference to the Article, paragraph of an Article or Annex as numbered in EU Regulation 2016/426;
- (c) a “relevant economic operator” in relation to an appliance or fitting means an economic operator with obligations in respect of that appliance or fitting under EU Regulation 2016/426; and
- (d) an “enforcement authority” is to be construed in accordance with regulation 4.

(4) Expressions and words used in these Regulations which are used in EU Regulation 2016/426 have the same meaning as in EU Regulation 2016/426.

### **Application, transitional provisions, savings and revocation**

2.—(1) These Regulations apply to appliances and fittings placed on the market on or after 21st April 2018.

(2) These Regulations do not apply to—

- (a) appliances specifically designed for the uses and purposes specified in Article 1(3); or
- (b) appliances and fittings which fall within Article 1(4).

(3) Nothing in these Regulations prevents the showing of appliances or fittings at trade fairs, exhibitions, demonstrations or the like, which are not in compliance with the provisions of EU Regulation 2016/426, provided that a visible sign clearly indicates that such appliances or fittings do not comply with those provisions and that they are not for sale until they are made compliant.

(4) The 1995 Regulations continue to apply, as if they had not been revoked, to appliances and fittings placed on the market before 21st April 2018, and in any such case the consequential amendments made by Schedule 5 do not apply.

(5) The 1995 Regulations are revoked save to the extent required to give effect to paragraph (4).