

## SCHEDULE

### OFFENCES RELATING TO CONTRAVENTIONS OF THE PRINCIPAL REGULATION

#### PART III

##### OFFENCES RELATING TO CONTRAVENTIONS OF ARTICLE 5

**27.** Subject to Article 5(2) and (5)(1) and paragraph 32 below, a person commits an offence if he uses, or causes or permits another person to use, hydrochlorofluorocarbons—

- (a) on or after the commencement date, in aerosols; or
- (b) on or after the commencement date, as solvents—
  - (i) in non-contained solvent uses (including open-top cleaners and open-top dewatering systems without refrigerated areas);
  - (ii) in adhesives and mould-release agents other than those employed in closed equipment; or
  - (iii) for drain cleaning where hydrochlorofluorocarbons are not recovered;
- (c) on or after the commencement date, as carrier gas for sterilisation substances in closed systems, in equipment produced after 31st December 1997;
- (d) after the commencement date, as solvents in any application other than the precision cleaning of electrical and other components in aerospace or aeronautic applications; or
- (e) after 31st December 2008, as solvents in any application.

**28.—(1)** Subject to Article 5(2) and (5) and paragraph 32 below, a person commits an offence if he uses, or causes or permits another person to use, hydrochlorofluorocarbons as refrigerants—

- (a) on or after the commencement date, in equipment produced after 31st December 1995, for any of the following uses—
  - (i) in non-confined direct-evaporation systems;
  - (ii) in domestic refrigerators and freezers;
  - (iii) otherwise than for military uses, in motor vehicle, tractor or off-road vehicle or trailer air-conditioning systems (operating on any energy source);
- (b) on or after the commencement date, in equipment produced after 31st December 1997, in rail transport air-conditioning;
- (c) on or after the commencement date, in equipment produced after 31st December 1999, for either of the following uses—
  - (i) in public and distribution cold stores or warehouses;
  - (ii) for equipment with a shaft input equal to, or greater than, 150kW;
- (d) after the commencement date, in refrigeration or air-conditioning equipment produced after that date, other than—
  - (i) equipment referred to in any of sub-paragraphs (a) to (c);
  - (ii) equipment excepted from sub-paragraph (a)(iii) (but see sub-paragraph (g) below);

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(1) Article 5(2) provides derogations for laboratory uses and use as feedstock or processing agents. Article 5(5) suspends use restrictions until 31st December 2009 in relation to production of products for export to countries where the use of hydrochlorofluorocarbons in those products is for the time being permitted.

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- (iii) fixed air-conditioning equipment with a cooling capacity of less than 100kW (but see sub-paragraph (e) below); and
  - (iv) reversible air-conditioning/heat pump systems (but see sub-paragraph (f) below);
  - (e) on or after 1st July 2002, in fixed air-conditioning equipment with a cooling capacity of less than 100kW, produced after 30th June 2002;
  - (f) on or after 1st January 2004, in reversible air-conditioning/heat pump systems whose equipment is produced after 31st December 2003;
  - (g) on or after 31st December 2008, in any military use of motor vehicle, tractor or off-road vehicle or trailer air-conditioning system.
- 29.** Subject to Article 5(5) and paragraph 32 below, a person commits an offence—
- (a) if, on or after 1st January 2010, he uses, or causes or permits another person to use, virgin hydrochlorofluorocarbons as refrigerants in the maintenance or servicing of refrigeration or air-conditioning equipment in existence at that date; or
  - (b) if, on or after 1st January 2015, he uses, or causes or permits another person to use, any hydrochlorofluorocarbons as refrigerants for either of those purposes.
- 30.** Subject to Article 5(2) and (5) and paragraph 32 below, a person commits an offence if he uses, or causes or permits another person to use, hydrochlorofluorocarbons—
- (a) on or after the commencement date, for the production of foams other than non-polyethylene rigid insulation foams;
  - (b) on or after the commencement date, for the production of extruded polystyrene rigid insulating foams, except where used in insulated transport;
  - (c) on or after 1st January 2003—
    - (i) for the production of polyurethane foams for appliances, or
    - (ii) except where used for insulated transport, for the production of polyurethane flexible faced laminate foams or polyurethane sandwich panels;
  - (d) on or after 1st January 2004, for the production of any foams (including polyurethane spray and block foams).
- 31.** Subject to Article 5(2) and (5) and paragraph 32 below, a person commits an offence if, on or after the commencement date, he uses, or causes or permits another person to use, hydrochlorofluorocarbons otherwise than in a manner which does not give rise to an offence under any of paragraphs 27 to 30 above.
- 32.** The use of hydrochlorofluorocarbons in accordance with any authorisation of the Commission pursuant to Article 5(7) does not constitute an offence under any of paragraphs 27 to 31 above provided that the use is conducted wholly in accordance with the terms of the authorisation.
- 33.—**(1) On or after the commencement date, a person who imports any product or equipment when its importation is prohibited by virtue of Article 5 commits an offence.
- (2) Proceedings may not be instituted against a person for an offence under paragraph (1) if proceedings are instituted against him under section 170 of the 1979 Act.
- (3) Proceedings may be instituted against a person for an offence under paragraph (1) notwithstanding that proceedings cannot be instituted against him for an offence under section 170 of the 1979 Act.
- (4) On or after the commencement date, a person who places, or causes or permits another person to place, on the market any product or equipment containing hydrochlorofluorocarbons the use of which is, and was when it was manufactured, prohibited by virtue of Article 5, commits an offence.

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