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STATUTORY INSTRUMENTS

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**2006 No. 170**

**ENERGY CONSERVATION**

**The Boiler (Efficiency) (Amendment) Regulations 2006**

<i>Made</i>	- - - -	<i>26th January 2006</i>
<i>Laid before Parliament</i>		<i>31st January 2006</i>
<i>Coming into force</i>	- -	<i>21st February 2006</i>

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the generation of combined heat and power, makes the following Regulations in exercise of the powers conferred upon her by that section:

**Citation and commencement**

1. These Regulations may be cited as the Boiler (Efficiency) (Amendment) Regulations 2006 and come into force on 21st February 2006.

**Amendment to the Boiler (Efficiency) Regulations 1993**

2.—(1) The Boiler (Efficiency) Regulations 1993<sup>(3)</sup> are subject to the amendments in paragraph (2).

(2) In Part 1 of Schedule 3 (boilers and appliances to which the Regulations do not apply)—

(a) after paragraph 7, insert—

“**7A.** Units that can operate in cogeneration mode, where cogeneration means the simultaneous generation in one process of thermal energy and electrical and/or mechanical energy.”;

(b) in paragraph 8, for “7” substitute “7A”.

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(1) [S.I. 2005/2766](#).

(2) [1972 c. 68](#). The power of the Minister to make regulations in relation to matters in or as regards Scotland is preserved by section 57(1) of the Scotland Act [1998 \(c. 46\)](#).

(3) [S.I. 1993/3083](#) to which there are amendments not relevant to these Regulations.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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26th January 2006

Elliot Morley  
Minister of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Article 16 of Directive [2004/8/EC](#) of the European Parliament and of the Council on the promotion of cogeneration based on a useful heat demand in the internal energy market and amending Directive [92/42/EEC](#) (OJ L 52, 21.2.2004, p.50). That Article amended Article 3(1) of Council Directive [92/42/EEC](#) on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (OJ L 167, 22.6.1992, p.17) as last amended by Directive [93/68/EEC](#) (OJ L 220, 30.8.1993, p.1). The cogeneration of electricity is more commonly referred to in the United Kingdom as electricity produced from combined heat and power.

Part 1 of Schedule 3 to the Boiler (Efficiency) Regulations 1993 ([S.I.1993/3083](#)) (“the 1993 Regulations”) sets out the boilers and appliances to which those regulations do not apply. The effect of the amendment made by these Regulations is that the 1993 Regulations will not apply to units that operate in cogeneration mode, where cogeneration means the simultaneous generation in one process of thermal energy and electrical and/or mechanical energy.

A regulatory impact assessment has not been produced for this instrument, as it has no effect on the costs of business. Further details on this and a transposition note are available from The CHP Team, Sustainable Energy Policy, Energy Market Branch, Department for Environment, Food and Rural Affairs, Zone 3H20, Ashdown House, 123 Victoria Street, London SW1E 6DE and at [www.defra.gov.uk/environment/energy/chp/index.htm#quality](http://www.defra.gov.uk/environment/energy/chp/index.htm#quality).