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STATUTORY INSTRUMENTS

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**2010 No. 2617**

The Ecodesign for Energy-Related Products Regulations 2010

PART 6

Offences and Penalties

**Offences and penalties**

14.—(1) It is an offence for any person to contravene, or cause or permit another person to contravene, any of regulations 3 to 5, 8 or 9.

(2) Any person guilty of an offence under paragraph (1) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

**Obstruction etc.**

15.—(1) It is an offence for any person—

- (a) intentionally to obstruct an authorised person acting in the pursuance of their powers or duties under RAMS;
- (b) knowingly or recklessly to make a statement which is false or misleading in purported compliance with any requirement imposed by Article 19 of RAMS.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) In this regulation, “powers or duties” includes powers or duties exercisable by virtue of a warrant under Schedule 4.

**Time limit for prosecution of offences**

16.—(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 market surveillance authority thinks is sufficient to justify the proceedings comes to the market surveillance authority’s knowledge.

(2) For the purposes of paragraph (1)—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the market surveillance 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.

### **Bodies corporate**

**17.**—(1) Where a body corporate commits an offence under these Regulations and it is proved that the offence—

- (a) is committed with the consent or connivance of a relevant person, or
- (b) is attributable to any neglect on the part of that person,

that person as well as the body corporate is guilty of that offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant person” means—

- (a) a director, manager, secretary or other similar officer of the corporate body;
- (b) in relation to a body corporate managed by its members, a member of that body performing managerial functions;
- (c) in relation to a Scottish partnership, a partner;
- (d) a person purporting to act as a person described in (a), (b) or (c).

### **Remediation orders**

**18.**—(1) This regulation applies to a person convicted of an offence under these Regulations.

(2) The court may specify in an order (“a remediation order”)—

- (a) the steps that the convicted person must take to remedy any of the matters for which that person has been convicted; and
- (b) the period within which those steps must be taken.

(3) A period specified in a remediation order may be extended if an application is made to the court within that period.

(4) A convicted person does not continue to be liable under regulation 14 or 15 in respect of the matters covered by a remediation order.

(5) A remediation order may be made in addition to, or instead of, any other punishment.

### **Recovery of expenses of enforcement**

**19.**—(1) This regulation applies where a court convicts a person of an offence under regulation 14 or 15.

(2) The court may (in addition to any other order it may make as to costs or expenses) order the person convicted to reimburse the market surveillance authority for any expenditure which it or any authorised person has reasonably incurred in investigating the offence, including in purchasing or in testing or examining any energy-related product, or any part of it, in respect of which the offence was committed.