

## STATUTORY INSTRUMENTS

# 2015 No. 310

## The Fluorinated Greenhouse Gases Regulations 2015

### [<sup>F1</sup>PART 5A

#### Civil penalties

##### Textual Amendments

**F1** Pt. 5A inserted (E.S.) (1.4.2018) by [The Fluorinated Greenhouse Gases \(Amendment\) Regulations 2018 \(S.I. 2018/98\)](#), regs. 1(2), 27

#### Civil penalties

**31A.**—(1) A relevant enforcing authority may impose a requirement to pay a civil penalty in accordance with Schedule 4.

(2) The requirement to pay a civil penalty may be imposed on any person who—

(a) fails to comply with—

(i) a provision of the 2014 Regulation specified in Schedule 2;

(ii) a provision of the Commission Regulations specified in Schedule 3, read in association with Part 3 of these Regulations;

(b) causes or permits another person to do any of the following—

(i) breach any of the prohibitions mentioned in the following provisions of the 2014 Regulation—

(aa) Article 3(1) (prohibition on intentional release of fluorinated greenhouse gas);

(bb) Article 11(1) (read in association with Article 11(2) and (3)) (prohibition on placing specified products and equipment on the market);

(cc) Article 14(1) (prohibition on placing equipment not accounted for within quota system on the market);

(ii) breach Article 14(2) of the 2014 Regulation (requirements to document placing on the market and to draw up declaration of conformity);

(iii) breach the second paragraph of Article 15(1) (read in association with Article 15(2) and (3)) of the 2014 Regulation (requirement to ensure quantities placed on market do not exceed quota);

(c) submits a report under Article 19 of the 2014 Regulation which is not in accordance with Commission Regulation 1191/2014;

(d) fails, where labelling for products and equipment is required under Article 12 of the 2014 Regulation, to comply with Article 2 of Commission Regulation 2015/2068 (labelling format);

- (e) fails to comply with a requirement under regulation 18;
- (f) fails to comply with a requirement under regulation 19;
- (g) fails to comply with an information notice served under regulation 24;
- (h) fails, or causes or permits another person to fail, to—
  - (i) comply with a requirement under regulation 28(2), (3) or (4);
  - (ii) comply with an enforcement notice;
- (i) intentionally obstructs any person acting in the execution or enforcement of these Regulations;
- (j) fails, without reasonable cause, to give to any such person any assistance or information which that person may reasonably require for those purposes;
- (k) furnishes to any such person any information knowing it to be false or misleading;
- (l) fails to produce a document or record to any such person when required to do so.

(3) A civil penalty may be imposed by a relevant enforcing authority on a person qualified in relation to fire protection systems who fails to comply with any of the following requirements of Commission Regulation 1497/2007—

- (a) Article 3 (checking system records);
- (b) Article 4(1) (visual checks by certified personnel);
- (c) Article 4(2) (checks in cases of presumed leakage);
- (d) Article 6 (follow-up check).

(4) A civil penalty may be imposed by a relevant enforcing authority on an operator of a fire protection system who fails to ensure that the following requirements of Commission Regulation 1497/2007 are carried out by a person qualified in relation to fire protection systems—

- (a) Article 4(4) (checking of pressure gauges and weight-monitoring devices);
- (b) Article 5 (repair of leakage);
- (c) Article 7 (requirements for newly commissioned systems).

(5) Subject to paragraph (7), a civil penalty may be imposed by a relevant enforcing authority on a person qualified in relation to stationary equipment who fails to comply with any of the following requirements of Commission Regulation 1516/2007—

- (a) Article 3 (checking equipment records);
- (b) Article 4 (systematic checks);
- (c) Article 5 (choice of measuring method);
- (d) Article 6 (direct measuring methods);
- (e) Article 7(1) (indirect measuring methods);
- (f) Article 7(2) (examination using a direct method);
- (g) Article 9 (follow-up check).

(6) Subject to paragraph (7), a civil penalty may be imposed by a relevant enforcing authority on an operator of stationary equipment who—

- (a) fails to comply with any of the following requirements of Commission Regulation 1516/2007—
  - (i) Article 2(1) (equipment records);
  - (ii) Article 2(3) (determination of gas charge by certified personnel);

- (b) fails to ensure that the following requirements of Commission Regulation 1516/2007 are complied with—
    - (i) Article 2(2) (indication of gas charge);
    - (ii) Article 2(4) (indication of leakage cause);
  - (c) fails to ensure that the following requirements of Commission Regulation 1516/2007 are carried out by a person qualified in relation to stationary equipment—
    - (i) Article 8 (repair of leakage);
    - (ii) Article 10 (requirements for newly commissioned equipment).
- (7) Paragraphs (5) and (6) do not apply in respect of equipment with a hermetically sealed system which—
- (a) is labelled as having such a system, and
  - (b) contains less than 6 kilograms of fluorinated greenhouse gases.
- (8) Schedule 4 (which provides for civil penalties) has effect.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Fluorinated Greenhouse Gases Regulations 2015, PART 5A.