
STATUTORY INSTRUMENTS

1992 No. 168

The Lawnmowers (Harmonization of Noise Emission Standards) Regulations 1992

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Lawnmowers (Harmonization of Noise Emission Standards) Regulations 1992 and shall come into force on 1st March 1992.

(2) The Lawnmowers (Harmonization of Noise Emission Standards) Regulations 1986⁽¹⁾ the Lawnmowers (Harmonization of Noise Emission Standards) (Amendment) Regulations 1987⁽²⁾ and the Lawnmowers (Harmonisation of Noise Emission Standards) Regulations (Northern Ireland) 1990⁽³⁾ are hereby revoked provided that those Regulations shall continue to apply to lawnmowers to which these Regulations do not apply by virtue of regulation 2(1) and (2).

Application of Regulations

2.—(1) Subject to paragraph (2) of this regulation, these Regulations do not apply to any lawnmower which was supplied for the first time in the Community before 1st March 1992.

(2) As from 1st March 1994 these Regulations do not apply to any lawnmower which the supplier proves was supplied for the first time in the Community before 1st March 1992.

(3) These Regulations do not apply to any lawnmower which the supplier reasonably believes will not be used in the United Kingdom or any other member State.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires, the following expressions shall have the following meanings—

“certificate of conformity” means a certificate, in the form set out for the purposes of illustration in Schedule 1, based on a laboratory test report on a lawnmower of the same type as the particular lawnmower to which the certificate relates, issued by the manufacturer, or importer domiciled in the Community, in which the manufacturer, or importer domiciled in the Community, certifies—

- (a) the maximum sound power level of that lawnmower guaranteed by the manufacturer, and that the maximum sound power level does not exceed the permissible sound power level for a lawnmower of that cutting width; and
- (b) in the case of a wide lawnmower, the maximum sound pressure level of that lawnmower guaranteed by the manufacturer, and that the maximum sound pressure level does not exceed the permissible sound pressure level;

“the Community” means the European Economic Community;

(1) S.I.1986/1795.

(2) S.I. 1987/876.

(3) S.R. 1990 No. 41.

“the Directive” means Council Directive [84/538/EEC](#) on the approximation of the laws of the member States relating to the permissible sound power level of lawnmowers⁽⁴⁾ as amended by Commission Directive [87/252/EEC](#) adapting it to technical progress⁽⁵⁾ and by Council Directive [88/180/EEC](#) extending it to motorised cylinder mowers⁽⁶⁾ and by Council Directive [88/181/EEC](#) extending it, in the case of wide lawnmowers, to their permissible sound pressure level and amending the requirements for narrow lawnmowers⁽⁷⁾;

“EEC sound power level mark” means a mark in the form set out in Schedule 2A which indicates the maximum sound power level of a lawnmower expressed in dB(A)/pW as guaranteed by the manufacturer and as certified in the certificate of conformity issued in respect of that lawnmower;

“EEC sound pressure level mark” means a mark in the form set out in Schedule 2B which indicates the maximum sound pressure level of a lawnmower expressed in dB(A)/20 µPa as guaranteed by the manufacturer and as certified in the certificate of conformity issued in respect of that lawnmower;

“laboratory test report” means a report issued in accordance with Schedule 3 by a listed laboratory on a lawnmower submitted to that body for testing or an equivalent report by a body charged by a member State other than the United Kingdom with functions corresponding to those of a listed laboratory;

“lawnmower” means any motorised equipment appropriate for the upkeep by cutting, by whatever method, of areas under grass used for recreational, decorative or similar purposes, but excluding—

- (a) agricultural and forestry equipment;
- (b) non-independent devices, such as drawn cylinders, with cutting devices actuated by the wheels or by an integrated drawing or carrier component;
- (c) multi-purpose devices the main motorized components of which have an installed power of over 20kW;

“narrow lawnmower” means an electrically powered lawnmower with a cutting width of less than 30cm;

“wide lawnmower” means a lawnmower with a cutting width exceeding 120cm and having a seat attached in a suitable way to a structural component of the lawnmower;

“listed laboratory” means a body approved by the Secretary of State for the purposes of regulation 5;

“permissible sound power level” means the sound power level specified in the second column of the Table in Schedule 4 in respect of a lawnmower with the cutting width specified in the first column of that Table;

“permissible sound pressure level” means the sound pressure level of airborne noise of 90dB(A), in respect of a wide lawnmower;

“sound power level” means the sound power level as measured in accordance with Schedule 3;

“sound pressure level” means the sound pressure level when measured at the operator’s position in accordance with Schedule 3; and

“supply” is to be read in accordance with Section 46 of the Consumer Protection Act 1987⁽⁸⁾, and includes offering or agreeing to supply, and exposing or possessing for supply, and “supplied” and “supplier” have the corresponding meanings.

(4) OJNo. L300, 19.11.84. p.171.

(5) OJ No. L117, 5.5.87. p.22.

(6) OJ No. L81, 26.3.88. p.69.

(7) OJ No. L81, 26.3.88. p.71.

(8) 1987 c. 43.

(2) Any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations.

Prohibition on supply

4.—(1) Subject to the exception in paragraph (2) of this regulation, no person shall supply any lawnmower to which these Regulations apply unless—

- (a) the sound power level does not exceed the permissible sound power level for that lawnmower and, in the case of a wide lawnmower, the sound pressure level does not exceed the permissible sound pressure level;
- (b) it is accompanied by a certificate of conformity (which may be reproduced on the directions for use or on the guarantee certificate accompanying that lawnmower); and
- (c) prior to such supply, there has been placed on that lawnmower in a clearly visible and durable fashion either directly or on a plate (such as a riveted or self adhesive plate)—
 - (i) a mark or marks which identify the manufacturer of the lawnmower and describe the type of lawnmower;
 - (ii) except in the case of a narrow lawnmower, an EEC sound power level mark; and
 - (iii) in the case of a wide lawnmower, an EEC sound pressure level mark.

(2) This regulation does not apply to the supply by any person of a lawnmower which has, prior to such supply, been taken into service in the Community.

Listed laboratories

5.—(1) A listed laboratory—

- (a) may, on receipt of an application containing information and documents in accordance with Schedule 5, carry out in accordance with Schedule 3 the tests required by the applicant on a lawnmower submitted to it as representative of a specific type of lawnmower to measure the sound power level or, in the case of a wide lawnmower, the sound pressure level or both in respect of that lawnmower, and
- (b) after payment of the prescribed fee, if so required, shall issue a test report in accordance with Schedule 3 in respect of the lawnmower submitted for testing.

(2) Any approval of a body as a listed laboratory by the Secretary of State for the purposes of paragraph (1) of this regulation, may be given for an unlimited period or a specified period and may be given subject to terms and conditions and the Secretary of State may withdraw any such approval if the body ceases to comply with any such term or condition.

Prescribed fee

6. A listed laboratory may require a fee to be paid by the applicant in connection with the work done or to be done by it under regulation 5 (in regulation 5 described as the prescribed fee) and the fee in every case shall not exceed the sum of—

- (a) the costs of the listed laboratory of and in connection with the work done or to be done by it under regulation 5; and
- (b) an amount on account of profit which is reasonable in the circumstances having regard to—
 - (i) the character and the extent of the work done or to be done by the listed laboratory under regulation 5, and
 - (ii) the commercial rate normally charged on account of profit for that work or similar work.

Conformity checks

7.—(1) The Secretary of State may from time to time carry out checks on any lawnmower to which these Regulations apply and which is, for the time being, held in the United Kingdom by or on behalf of the manufacturer, or importer domiciled in the Community, or other supplier to ascertain whether it conforms with the requirements of regulation 4.

(2) In Northern Ireland the powers conferred by paragraph (1) of this regulation shall be exercisable by the Department of Economic Development in Northern Ireland.

Offences

8.—(1) Any person who without reasonable excuse contravenes or fails to comply with any of the provisions of regulation 4 shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £1000.

(2) Where the commission by any person of an offence under paragraph (1) of this regulation is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-named person.

Offences by Corporations

9.—(1) Where an offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of the offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) of this regulation shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) In this regulation, references to a “body corporate” include references to a partnership in Scotland and, in relation to such a partnership, any reference to a director, manager, secretary or other similar officer of a body corporate is a reference to a partner.

Department of Trade and Industry
3rd February 1992

Reay
Parliamentary Under Secretary of State for
Industry and Technology,