
STATUTORY INSTRUMENTS

1994 No. 1386

The Household Appliances (Noise Emission) (Amendment) Regulations 1994

Enforcement

3. The principal Regulations are hereby further amended as follows:—

- (a) in regulation 2(1)—
 - (i) at the end of the definition of “market” delete “and”; and
 - (ii) at the end of the definition of “relevant national standard“ delete the full stop and substitute “; and ”the 1987 Act” means the Consumer Protection Act 1987(1).”;
- (b) the following shall be inserted after regulation 5

“Enforcement

6.—(1) It shall be the duty of—

- (a) every weights and measures authority in Great Britain; and
- (b) every district council in Northern Ireland, to enforce these Regulations within their area.

(2) A reference in these Regulations, or in the provisions applied to these Regulations by regulation 8 below, to an “enforcement authority” shall be construed as a reference to the bodies mentioned in paragraph (1) above.”;

- (c) regulation 6 shall be re-numbered as regulation 7 and amended as follows—
 - (i) at the start of paragraph (1) delete “The Secretary of State” and substitute “An enforcement authority”;
 - (ii) in paragraph (1) after the words “carry out in Great Britain” insert “or in Northern Ireland”;
 - (iii) in paragraph (1) after the words “or of the Directive as implemented” delete “in the law of Northern Ireland or”;
 - (iv) at the start of paragraph (2) delete “If the Secretary of State” and substitute “If an enforcement authority”; and
 - (v) in paragraph (2) after the words “or of the Directive as implemented” delete “in the law of Northern Ireland or”;
- (d) the following regulation shall be inserted after regulation 7 as amended by these Regulations—

“8.—(1) Sections 28, 29, 32, 38, 44 and 47 of the 1987 Act shall also apply for the purposes of providing for the enforcement of these Regulations and in respect of proceedings for contravention thereof as if—

- (a) references to safety provisions were references to these Regulations;
 - (b) in section 28, subsections (3), (4) and (5) were omitted;
 - (c) in sections 28 and 29 the words “or any provision made by or under Part III of this Act”, on each occasion that they occur, were omitted;
 - (d) in section 29, subsections (4), (6) and (7) and paragraph (b) of subsection (5) were omitted; and
 - (e) in section 38(1), paragraphs (a) to (c) and (e) were omitted.
- (2) Sections 39 and 40 shall apply to offences under section 32 as it is applied to these Regulations by paragraph (1) above.”;
- (e) regulation 7 shall be re-numbered as regulation 9, and paragraph (1) shall be amended as follows—
 - (i) delete the words “any of the provisions of regulation 3(1) or”; and
 - (ii) delete “regulation 6(2)” and substitute “regulation 7(2)”; and
 - (f) regulation 8 shall be re-numbered as regulation 10.