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STATUTORY INSTRUMENTS

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**1994 No. 3083**

**ENERGY CONSERVATION**

**The Boiler (Efficiency) (Amendment) Regulations 1994**

*Made* - - - - *2nd December 1994*  
*Laid before Parliament* *9th December 1994*  
*Coming into force* - - *1st January 1995*

The Secretary of State, being a Minister designated(1) for the purposes of section 2 of the European Communities Act 1972(2) in relation to measures relating to the efficiency requirements for new hot water boilers fired with liquid or gaseous fuels, in exercise of the powers conferred by section 2(2) of that Act(3) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Boiler (Efficiency) (Amendment) Regulations 1994 and shall come into force on 1st January 1995.

**Amendment of the Boiler (Efficiency) Regulations 1993.**

2. The Boiler (Efficiency) Regulations 1993(4) are amended as follows—
- (a) in regulation 2(1) (interpretation) for the definition of “the Community” substitute  
““the Community” means the areas of the Communities and of the States which are Contracting Parties to the Agreement on the European Economic Area signed in Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993(5) (but until that agreement comes into force in relation to Liechtenstein does not include Liechtenstein), and Member States shall be construed accordingly”;
  - (b) at the end of regulation 8(1) (notified bodies) add “, together with the specific tasks which those bodies have been appointed to carry out and the identification numbers assigned to them beforehand by the Commission”;

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(1) S.I. 1989/2393.

(2) 1972 c. 68.

(3) As extended by section 2(4) of the European Economic Area Act 1993 (c. 51).

(4) S.I. 1993/3083.

(5) See: European Communities No. 7 (1992): Agreement on the European Economic Area with Final Act and Declarations, London: HMSO, Reprinted 1993 (Cm 2073); European Communities No. 2 (1993): Protocol adjusting the agreement on the European Economic Area with Final Act and Declarations, London: HMSO, 1993 (Cm 2183) and Annex 4 to decision of the EEA Joint Committee No. 7/94 of 21st March 1994(OJ No. W60, 28.6.94, p.1).

(c) for regulation 12 (enforcement) substitute—

“12.—(1) It shall be the duty of an enforcement authority to enforce these Regulations in their area and proceedings in England, Wales and Northern Ireland shall only be instituted by an enforcement authority, except in the case of Northern Ireland, where the Director of Public Prosecutions for Northern Ireland may also institute proceedings.

(2) Nothing in these Regulations shall authorise an islands or regional council to bring proceedings in Scotland for an offence.

(3) In this regulation “enforcement authority” means—

(a) in England and Wales and Scotland, a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985 (local weights and measures authorities)(6); and

and

(b) in Northern Ireland, the Department of Economic Development.”;

(d) in regulation 14(3) (defences) after the words, “hearing of the proceedings” add— “or, in Scotland, the diet of trial”;

(e) in regulation 15(4) (liability of person other than principal offender) for “In Scotland, where a partnership” substitute “Where a Scottish partnership”;

(f) at the end of regulation 16 (transitional provisions) add “, or, before 1st January 1997, those which comply with the provisions in these regulations relating to the marking of boilers or appliances in force before 1st January 1995, provided the boiler or appliance complies with all other provisions of these Regulations.”;

(g) after paragraph 4(4) of Schedule 5 (conformity to type and quality assurance) insert—

“(4A) For a period of two years starting on 1st January 1995; sub-paragraph (3) shall have effect with the substitution of the words “symbol or number” for “number”.”; and

(h) after paragraph 9(5) of Schedule 5 insert—

“(6) For a period of two years starting on 1st January 1995, sub-paragraph (3) shall have effect with the substitution of “symbol or number” for “number”.”

2nd December 1994

*John Gummer*  
Secretary of State for the Environment.

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## EXPLANATORY NOTE

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

These Regulations extend to the European Economic Area the Boiler (Efficiency) Regulations 1993 (“the 1993 Regulations”) which concern efficiency requirements for new water boilers fired with liquid or gaseous fuels. They also complete the implementation of the amendments made to Council Directive [92/42/EEC](#) by Council Directive [93/68/EEC](#) by amending the provisions in regulations 8(1), and paragraphs 4(4) and 9(5) of Schedule 5 of the 1993 Regulations.

The opportunity has also been taken to restrict criminal prosecution to the bodies referred to in regulation 12 and to amend the provisions relating to offences in regulations 14 and 15.

These Regulations also extend the transitional provision in regulation 16 so that boilers conforming with the marking requirements in force before 1st January 1995 may continue to be supplied or put into service until 31st December 1997, provided that they comply with all other relevant provisions in the 1993 Regulations.