

**2001 No. 3316**

**ENERGY CONSERVATION**

**The Energy Efficiency (Ballasts for Fluorescent Lighting)  
Regulations 2001**

*Made* - - - - - *3rd October 2001*

*Laid before Parliament* *10th October 2001*

*Coming into force* - - *21st May 2002*

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2)(a) of the European Communities Act 1972(b) in relation to measures relating to energy efficiency and performance requirements for products, in exercise of the powers conferred by section 2(2) of that Act and of all other powers enabling her in that behalf, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Energy Efficiency (Ballasts for Fluorescent Lighting) Regulations 2001 and shall come into force on 21st May 2002.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires, expressions used which are also used in the Directive have the same meaning as in the Directive and—

“ballast” means a ballast to which these Regulations apply by virtue of regulation 3 (application);

“the Directive” means European Parliament and Council Directive 2000/55/EC on energy efficiency requirements for ballasts for fluorescent lighting(c);

“EC mark” means a mark consisting of the symbol “CE” as described and shown in Schedule 2;

“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)(d); and

(b) in Northern Ireland, the Department of Enterprise, Trade and Investment;

“European Standard EN 50294” and “European Standard EN 60920” mean the Standards of those designations issued by the European Committee for Electromechanical Standardisation in December 1998 and August 1991 respectively, the latter as amended by amendment A11 issued by the Committee in February 2000;

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(a) See S.I. 2001/2555.

(b) 1972 c. 68.

(c) OJ No. L279, 1.11.2000, p. 33.

(d) 1985 c. 72, as amended by paragraph 144 of Schedule 13 to the Local Government (Scotland) Act 1994 (c. 39).

“records” includes any books, documents, marks or symbols and any records in non-documentary form;

“supplier” means the manufacturer of a ballast or his authorised representative in the Community or the person who places a ballast, either as a single component or incorporated into luminaires, on the Community market.

(2) For the purposes of these Regulations compliance with an equivalent requirement of the legislation of another Member State constitutes sufficient compliance with the relevant requirement of these Regulations.

### **Application**

3.—(1) Subject to paragraph (2), these Regulations shall apply to electric mains-operated ballasts for fluorescent lighting sources as defined in paragraph 3.4 of European Standard EN 50294.

(2) These Regulations shall not apply to—

- (a) ballasts integrated into lamps;
- (b) ballasts designed specifically for luminaires to be mounted in furniture and which form a non-replaceable part of the luminaire which cannot be tested separately from the luminaire (according to paragraph 2.1.3 of European Standard EN 60920); and
- (c) ballasts to be exported from the Community, either as a single component or incorporated in luminaires.

### **Suppliers’ duties in respect of ballasts**

4.—(1) A supplier shall not place a ballast on the Community market unless—

- (a) the electricity consumption of the ballast is less than or equal to the maximum input power consumption for the category of ballast according to Schedule 1;
- (b) the ballast and any packaging bears the EC mark affixed in a visible, legible and indelible manner; and
- (c) where a ballast is incorporated in a luminaire, the luminaire and any packaging bears the EC mark affixed in a visible, legible and indelible manner.

(2) The manufacturer of an appliance, or his authorised representative established within the Community, shall be responsible for establishing the ballast’s conformity with the requirements of paragraph (1)(a).

(3) Unless there is evidence to the contrary, a ballast or luminaire bearing the EC mark required under paragraph (1)(b) or (c) shall be deemed to comply with these Regulations.

### **The EC declaration of conformity**

5.—(1) The manufacturer of a ballast or his authorised representative established within the Community shall draw up a written declaration of conformity relating to the ballast, which attests that it has been assessed in accordance with Schedule 1 and conforms with the requirement of regulation 4(1)(a) and that Schedule.

(2) No person shall issue a declaration of conformity in respect of a ballast unless the ballast complies with the requirements of these Regulations.

(3) The supplier of a ballast shall keep a copy of the declaration of conformity with the technical documentation required by regulation 6 (duties in respect of technical documentation etc.).

### **Duties in respect of technical documentation etc.**

6.—(1) The manufacturer of a ballast shall establish technical documentation sufficient to allow an assessment of whether it conforms with the requirements of these Regulations.

(2) So far as relevant to the assessment, the technical documentation shall cover the design, manufacture and operation of the ballast and shall comprise:

- (a) the name and address of the manufacturer;
- (b) a general description of the ballast, sufficient for it to be identified unambiguously;
- (c) information (including drawings as relevant) on the main design features of the ballast and, in particular, items which appreciably affect its energy consumption;

- (d) the operating instructions, if any;
- (e) the results of electricity consumption measurements carried out according to the procedures specified in European Standard EN 50294(a); and
- (f) details of the conformity of these measurements as compared to the energy consumption requirements set out in Schedule 1.

(3) Technical documentation established for other Community legislation may be used in so far as it meets the requirements of this regulation.

(4) The supplier shall keep the technical documentation, together with a copy of the declaration of conformity relating to the ballast, available for inspection by enforcement authorities for a period of not less than three years from the date on which the last such ballast has been manufactured.

(5) The supplier shall furnish to an enforcement authority such of the technical documentation and the copy declaration of conformity as the authority requires by a notice issued pursuant to paragraph 6 of Schedule 3 (power of enforcement authority to require technical documentation etc.) by the time specified in the notice.

### **Misleading markings**

7. No person shall affix, or cause to be affixed, to a ballast or, where a ballast is incorporated in a luminaire, to a luminaire or to any packaging of a ballast or incorporating luminaire—

- (a) an EC mark, where the appliance does not comply with regulation 4(1)(a) (electricity consumption of ballast to be less than or equal to maximum allowable);
- (b) a marking which would be likely to mislead another as to the meaning and form of the EC mark; or
- (c) any marking, object or substance which reduces the visibility or legibility of the EC mark.

### **Suppliers' duties in respect of non-conforming ballasts**

8.—(1) Where a ballast or luminaire incorporating a ballast—

- (a) carries the EC mark, and
- (b) fails to conform to the requirements of these Regulations,

the supplier shall take all necessary steps to bring the ballast or luminaire into conformity with those requirements as soon as practicable.

(2) Where the ballast or luminaire continues not to conform to the requirements of these Regulations, the supplier shall take all necessary steps to ensure its withdrawal from the market as soon as practicable.

### **Manufacturers' duties in respect of the manufacturing process**

9. The manufacturer of an appliance shall take all measures necessary in order that the manufacturing process ensures that the appliance conforms to the technical documentation referred to in regulation 6 (duties in respect of technical documentation etc.) and with the requirements of these Regulations.

### **Breach of regulation 8 or 9**

10. Breach of regulation 8 (suppliers' duties in respect of non-conforming ballasts) or 9 (manufacturers' duties in respect of the manufacturing process) shall be actionable by civil proceedings.

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(a) Of December 1998, laid down by the European Committee for Standardization.

### **Enforcement and offences**

**11.**—(1) Subject to paragraph (3), it shall be the duty of every enforcement authority to enforce these Regulations within its area.

(2) Schedule 3 shall have effect with regard to offences, enforcement of these Regulations, and other matters.

(3) Nothing in these Regulations shall authorise a local weights and measures authority in Scotland to bring proceedings in Scotland for an offence.

(4) Where an enforcement authority takes a decision to institute civil proceedings pursuant to these Regulations which may result in a restriction on the placing on the market of a ballast or luminaire, the authority shall without delay inform—

- (a) the party affected and the Secretary of State of the decision and the precise grounds on which it is based, and
- (b) the party affected of the possibility and the time limits regarding legal remedies available to it in respect of the decision.

Signed by authority of the Secretary of State  
for Environment, Food and Rural Affairs

3rd October 2001

*Michael Meacher*  
Minister of State,  
Department for Environment, Food and Rural Affairs

CALCULATION OF MAXIMUM ALLOWABLE ELECTRICITY CONSUMPTION

1. The energy efficiency of the ballast-lamp circuit is determined by the maximum input power into the circuit. This is a function of the lamp power and of the type of ballast. The maximum input power of ballast-lamp circuits of a given ballast is defined as the maximum ballast-lamp circuit power, with different levels for each lamp power and ballast type.

2. Expressions used in this Schedule have the same meaning as in European Standard EN50294.

3. The ballast shall first be allocated to the appropriate category from the following list:

Category	Description
1	Ballast for linear lamp type
2	Ballast for compact 2 tubes lamp type
3	Ballast for compact 4 tubes flat lamp type
4	Ballast for compact 4 tubes lamp type
5	Ballast for compact 6 tubes lamp type
6	Ballast for compact 2 D lamp type

4. The maximum allowable input power of a ballast-lamp circuit—

(a) in the period before 21st November 2005, shall be that shown in column 3(a) of the Table below;

(b) in the period beginning with that date, shall be that shown in column 3(b) of that Table.

TABLE  
Maximum input power of ballast-lamp circuits

Ballast category Column 1	Lamp Power Column 2		Maximum input power of Ballast-lamp circuits Column 3	
	50Hz	HF	(a) (b)	
			(a)	(b)
1	15 W	13.5 W	25 W	23 W
	18 W	16 W	28 W	26 W
	30 W	24 W	40 W	38 W
	36 W	32 W	45 W	43 W
	38 W	32 W	47 W	45 W
	58 W	50 W	70 W	67 W
	70 W	60 W	83 W	80 W
2	18 W	16 W	28 W	26 W
	24 W	22 W	34 W	32 W
	36 W	32 W	45 W	43 W
3	18 W	16 W	28 W	26 W
	24 W	22 W	34 W	32 W
	36 W	32 W	45 W	43 W
4	10 W	9.5 W	18 W	16 W
	13 W	12.5 W	21 W	19 W
	18 W	16.5 W	28 W	26 W
	26 W	24 W	36 W	34 W
5	18 W	16 W	28 W	26 W
	26 W	24 W	36 W	34 W
6	10 W	9 W	18 W	16 W
	16 W	14 W	25 W	23 W
	21 W	19 W	31 W	29 W
	28 W	25 W	38 W	36 W
	38 W	34 W	47 W	45 W

5. Whenever a ballast is designed for a lamp which falls between two values indicated in the above Table, the maximum input power of the ballast-lamp circuit shall be calculated by linear interpolation between the two values of maximum power for the two closest lamps indicated in the Table.

For example if a ballast in lamp category 1 is rated for a 48W lamp at 50Hz, the maximum input power of the ballast-lamp circuit shall be calculated as follows—

- (a) in the period before 21st November 2005—  
 $47 + (48 - 38) * (70 - 47)/(58 - 38) = 58.5W;$
- (b) in the period beginning with that date—  
 $45 + (48 - 38) * (67 - 45)/(58 - 38) = 56W.$

## SCHEDULE 2

Regulation 2(1)

### THE EC MARK

1. The conformity marking (the EC mark) shall consist of the initials “CE” taking the following form:



2. If the EC mark is reduced or enlarged, the proportions given in the above graduated drawing shall be respected.

3. The various components of the EC mark shall have substantially the same vertical dimension, which may not be less than 5mm.

## SCHEDULE 3

Regulation 11(2)

### OFFENCES, ENFORCEMENT AND OTHER MATTERS

#### PART I

#### PROVISIONS AS TO OFFENCES

##### Offences and Penalties

- 1.—(1) It shall be an offence to contravene or fail to comply with—
  - regulation 4(1) (suppliers’ duties in respect of ballasts);
  - regulation 5 (duties in respect of the declaration of conformity);
  - regulation 6(1), (2), (4) or (5) (duties in respect of technical documentation);
  - regulation 7 (prohibitions in respect of misleading markings);
  - paragraph 5 of this Schedule (obstruction of authorised officers and false statements);
  - paragraph 8(8) of this Schedule (prohibition of purported search and seizure by unauthorised person); or
  - paragraph 12(1) of this Schedule (restrictions on disclosure of information).

(2) A person guilty of the offence of contravening paragraph 12(1) of this Schedule shall be liable, on summary conviction, to a fine not exceeding the statutory maximum and, on conviction on indictment, to a fine.

(3) A person guilty of any other offence specified in sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

##### Prosecution of offences

2. Proceedings for an offence under these Regulations shall not be instituted—
  - (a) in England and Wales, except by an enforcement authority; and
  - (b) in Northern Ireland, except by or on behalf of the enforcement authority or the Director of Public Prosecutions for Northern Ireland.

## **Defences**

3.—(1) In proceedings against a person for an offence under these Regulations, it shall be a defence for that person to show that he believed that these Regulations did not apply and he had no reasonable grounds for believing that these Regulations might apply.

(2) In proceedings against a person for an offence under these Regulations, it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

## **Liability of others**

4.—(1) Where the commission by any person of an offence under these Regulations is due to an act or default committed by some other person in the course of any business of his, that other person shall be guilty of the offence and may be proceeded against and punished by virtue of this sub-paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under these Regulations (including where it is so guilty by virtue of sub-paragraph (1)) in respect of any act or default which is shown 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 similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, sub-paragraph (2) 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.

(4) Where a Scottish partnership is guilty of an offence under these Regulations (including where it is so guilty by virtue of sub-paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner in the partnership, he, as well as the partnership, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## **PART II**

### **PROVISIONS AS TO ENFORCEMENT**

#### **Obstruction of authorised officers and false statements**

5.—(1) A person shall not—

- (a) intentionally obstruct a duly authorised officer of an enforcement authority acting in pursuance of any provision of these Regulations; or
- (b) intentionally fail to comply with any requirement properly made to him by such an officer under any provision of these Regulations; or
- (c) without reasonable cause fail to give any such officer of an enforcement authority who is so acting any other assistance or information which he may reasonably require of him for the purposes of the exercise of the officer's functions under any provision of these Regulations.

(2) A person shall not, in giving any information which is required of him by virtue of sub-paragraph (1)(c)—

- (a) make any statement which he knows is false in a material particular; or
- (b) recklessly make a statement which is false in a material particular.

#### **Power of enforcement authority to require technical documentation**

6. Where an enforcement authority has reason to suspect that the EC mark has been improperly affixed to a ballast or luminaire incorporating a ballast, or that either fails to satisfy the requirements of these Regulations, the authority may require the supplier of the ballast or luminaire to furnish to the authority, within such reasonable time as may be specified in the notice, a copy of the EC declaration of conformity within the meaning of regulation 5 (the EC declaration of conformity) or such technical documentation within the meaning of regulation 6 (duties in respect of technical documentation etc.) as the authority considers appropriate.

#### **Test purchases**

7.—(1) An enforcement authority shall have power, for the purpose of ascertaining whether any provision of these Regulations has been contravened, to purchase, or to authorise an officer of the authority to purchase, any ballast (including any luminaire incorporating a ballast).

- (2) Where—
- (a) a ballast purchased under this paragraph by or on behalf of an enforcement authority is submitted to a test; and
  - (b) the test leads to the bringing of proceedings in respect of an offence under these Regulations; and
  - (c) the authority is requested to do so and it is practicable for the authority to comply with the request,

the authority shall allow the person from whom the ballast was purchased or any person who is a party to the proceedings or has an interest in the ballast to have the ballast tested.

(3) A test of a ballast purchased under this paragraph, or seized and detained under paragraph 8 (power to enter premises and inspect, seize and detain ballasts etc), shall be carried out in accordance with Schedule 1.

**Power to enter premises and inspect, seize and detain ballasts etc.**

- 8.—(1) A duly authorised officer of an enforcement authority may, at all reasonable hours and on—
- (a) identifying himself and producing authority in writing from the enforcement authority which appointed him for the exercise by him of powers conferred on the authority by these Regulations, and
  - (b) stating the purpose of his actions and his grounds for undertaking them,

exercise any of the powers set out in sub-paragraph (2).

- (2) The powers referred to in sub-paragraph (1) are—
- (a) he may, for the purpose of ascertaining whether an offence under these Regulations has been committed, inspect any ballast (including any luminaire incorporating a ballast) and enter any premises other than premises used only as a dwelling;
  - (b) if he has reasonable cause to suspect that an offence under these Regulations has been committed, he may, for the purpose of ascertaining whether it has been committed, require any person carrying on or employed in connection with a business to produce any records relating to the ballast or luminaire in question and he may take copies of, or of any entry in, those records;
  - (c) if he has reasonable cause to suspect that an offence under these Regulations has been committed, he may seize and detain any ballast (including any luminaire incorporating a ballast) for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed;
  - (d) he may seize and detain any ballast (including any luminaire incorporating a ballast) or records which he has reason to believe may be required as evidence in proceedings for an offence under these Regulations;
  - (e) he may, for the purpose of exercising his powers of seizure under this sub-paragraph, but only if and to the extent that it is reasonably necessary in order to secure that the provisions of these Regulations are duly observed, require any person having authority to do so to break open any container and, if that person does not comply with the requirement or if there is no person present having authority to open it, he may do so himself.

(3) For the purposes of paragraphs (b) and (d) of sub-paragraph (2), the officer may require information stored electronically to be made available to him in printed form.

- (4) If a justice of the peace is satisfied by any written information on oath—
- (a) that there are reasonable grounds for believing either—
    - (i) that any ballast (or luminaire incorporating a ballast) or records, which a duly authorised officer has power under this paragraph to inspect, copy, seize or require to be produced, are on any premises and that their inspection, copying, seizure or production is likely to disclose evidence of the commission of an offence under these Regulations; or
    - (ii) that any offence under these Regulations has been, is being or is about to be committed on any premises; and
  - (b) either—
    - (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this sub-paragraph has been given to the occupier; or
    - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an officer of an enforcement authority to enter the premises, if need be by force.

(5) An officer entering any premises by authority of a warrant granted under sub-paragraph (4) shall, if the occupier is present, give to the occupier or, if the occupier is temporarily absent, leave in a prominent place on the premises or appropriate part of the premises a notice in writing—

- (a) summarising the officer's powers of seizure and detention of ballasts, luminaires incorporating ballasts and records under this paragraph;



- (b) explaining that compensation may be payable for damage caused in entering premises and seizing and removing ballasts, luminaires and records therefrom, and giving the address to which an application for compensation should be directed; and
- (c) indicating at which office of the enforcement authority and within which hours a copy of these Regulations is available to be consulted.

(6) An officer entering any premises by virtue of this paragraph may take with him such other persons and such equipment as may appear to him necessary; and on leaving any premises which he has entered by virtue of a warrant he shall, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured against trespassers as he found them.

(7) An officer exercising any power of seizure and detention under this paragraph shall as soon as practicable give to the person against whom the power has been exercised, a written notice—

- (a) stating precisely what has been so seized and detained; and
- (b) explaining where, within what period and on what grounds an appeal against such detention may be brought under paragraph 9 (appeals against detention of ballasts etc.), and whether the things detained would be released while an appeal was pending.

(8) A person who is not a duly authorised officer of an enforcement authority shall not purport to act as such under this paragraph.

(9) In the application of this paragraph to Scotland, the reference in sub-paragraph (4) to a justice of the peace shall include a reference to a sheriff and the references to written information on oath shall be construed as references to evidence on oath.

(10) In the application of this paragraph to Northern Ireland, the references in sub-paragraph (4) to any information on oath shall be construed as references to any complaint on oath.

#### **Appeals against detention of ballasts etc.**

9.—(1) Any person having an interest in any ballast, luminaire incorporating a ballast or records which are for the time being detained under paragraph 8 (power to enter premises and inspect, seize and detain ballasts etc.) by an enforcement authority or by a duly authorised officer of an enforcement authority may apply for an order requiring the ballast, luminaire or records to be released to him or to another person.

(2) An application under this paragraph may be made—

- (a) to any magistrates' court in which proceedings have been brought in England and Wales or Northern Ireland for an offence in respect of a contravention of any provision of these Regulations in relation to the ballast, luminaire or records;
- (b) where no such proceedings have been so brought, by way of complaint to a magistrates' court; or
- (c) in Scotland, by summary application to the sheriff.

(3) A magistrates' court or the sheriff shall not make an order under sub-paragraph (1) unless the court or sheriff is satisfied—

- (a) that proceedings have not been brought for an offence in respect of a contravention of any provision of these Regulations in relation to the ballast, luminaire incorporating a ballast or records; and
- (b) that more than twelve months have elapsed since the seizure was carried out.

(4) Any person aggrieved by an order made under this paragraph by a magistrates' court in England and Wales or Northern Ireland, or by a decision of such a court not to make such an order, may appeal against that order or decision—

- (a) in England and Wales, to the Crown Court;
- (b) in Northern Ireland, to a county court;

and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal (including any application under section 111 of the Magistrates' Courts Act 1980<sup>(a)</sup> or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)<sup>(b)</sup>).

#### **Compensation for loss etc. of ballasts etc. seized**

10.—(1) Where a duly authorised officer of an enforcement authority exercises any power under paragraph 8 (power to enter premises and inspect, seize and detain ballasts etc.) to seize and detain any ballast, luminaire incorporating a ballast or records, the enforcement authority shall be liable to pay compensation to any person having an interest in the ballast, luminaire or records in respect of any loss or damage caused by the exercise of the power if—

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(a) 1980 c. 43.

(b) S.I. 1981/1675 (N.I. 26).

- (a) there has been no contravention of any provision of these Regulations in relation to the ballast, luminaire, or records; and
- (b) the exercise of the power is not attributable to any neglect or default by that person.

(2) Any disputed question as to the right to or the amount of any compensation payable under this paragraph shall be determined by arbitration or, in Scotland, by a single arbiter appointed, failing agreement between the parties, by the sheriff.

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

**11.**—(1) This paragraph shall apply where a court convicts a person of an offence in respect of a contravention of any provision of these Regulations in relation to any ballast, luminaire incorporating a ballast or records.

(2) The court may (in addition to any other order it may make as to costs and expenses) order the person convicted to reimburse an enforcement authority for any expenditure which has been or may be incurred by that authority in connection with any seizure or detention by or on behalf of the authority of the ballast, incorporating luminaire or records.

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

#### **Restrictions on disclosure of information**

**12.**—(1) Subject to the following provisions of this paragraph, a person shall not disclose any information—

- (a) which was obtained by him in consequence of its being given to any person in compliance with any requirement imposed by these Regulations; or
- (b) which consists in a secret manufacturing process or trade secret and was obtained by him in consequence of the exercise by any person of any power or duty conferred by these Regulations.

(2) Sub-paragraph (1) shall not apply to a disclosure of information if the information is publicised information or the disclosure is made—

- (a) for the purpose of facilitating the exercise of a relevant person's functions under these Regulations or any enactment or subordinate legislation mentioned in sub-paragraph (3);
- (b) in pursuance of a Community obligation;
- (c) in connection with the investigation of any criminal offence or for the purposes of any civil or criminal proceedings; or
- (d) in pursuance of regulation 3 of the Environmental Information Regulations 1992(a).

(3) The enactments and subordinate legislation referred to in sub-paragraph (2)(a) are—

- (a) the Trade Descriptions Act 1968(b);
- (b) Parts II and III and section 125 of the Fair Trading Act 1973(c);
- (c) the relevant statutory provisions within the meaning of Part I of the Health and Safety at Work etc Act 1974(d) or within the meaning of the Health and Safety at Work (Northern Ireland) Order 1978(e);
- (d) the Weights and Measures Act 1985(f);
- (e) the Weights and Measures (Northern Ireland) Order 1981(g);
- (f) the Consumer Protection Act 1987(h);
- (g) the Consumer Protection (Northern Ireland) Order 1987(i);

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(a) S.I. 1992/3240.

(b) 1968 c. 29.

(c) 1973 c. 41.

(d) 1974 c. 37.

(e) S.I. 1978/1039 (N.I. 9); to which there are amendments not relevant to these Regulations.

(f) 1985 c. 72.

(g) S.I. 1981/231 (N.I. 10); to which there are amendments not relevant to these Regulations.

(h) 1987 c. 43.

(i) S.I. 1987/2049 (N.I. 12); to which there are amendments not relevant to these Regulations.

- (h) the Electrical Equipment (Safety) Regulations 1994<sup>(a)</sup>; and
- (i) any subordinate legislation made for the purpose of securing compliance with the Directive of the Council of the European Communities, dated 10th September 1984 (No. 84/450/EEC) on the approximation of laws, regulations and administrative provisions of the member States concerning misleading advertising<sup>(b)</sup>.

(4) In sub-paragraph (2)(a) the reference to a person's functions shall include a reference to any function of making, amending or revoking any regulations or order.

(5) In this paragraph—

“publicised information” means any information which has been disclosed in any civil or criminal proceedings; and

“relevant person” means any of the following, that is to say—

- (a) a Minister of the Crown, Government department or Northern Ireland department;
- (b) the Director General of Fair Trading;
- (c) the Health and Safety Executive;
- (d) an enforcement authority;
- (e) any person who is charged with enforcing any of the enactments and subordinate legislation referred to in sub-paragraph (3).

### **Savings for certain privileges**

13. Except for paragraph 6 of this Schedule (power of enforcement authority to require technical documentation), nothing in these Regulations shall be taken as requiring any person—

- (a) to produce any records if he would be entitled to refuse to produce those records in any proceedings in any court on the grounds that they are the subject of legal professional privilege or, in Scotland, that they contain a confidential communication made by or to an advocate or solicitor in that capacity, or as authorising any person to take possession of any records which are in the possession of a person who would be so entitled; or
- (b) to answer any question or give any information if to do so would incriminate that person or that person's spouse.

### **Saving for civil rights**

14. A contract for the supply of a ballast or luminaire incorporating a ballast shall not be void or unenforceable by reason only of a contravention of any provision of these Regulations.

### **Service of documents etc.**

15.—(1) Any document required or authorised by virtue of these Regulations to be served on a person may be so served—

- (a) by delivering it to him or leaving it at his proper address or by sending it by post to him at that address; or
- (b) if the person is a body corporate, by serving it in accordance with paragraph (a) on the secretary or clerk of that body; or
- (c) if the person is a partnership, by serving it in accordance with that sub-paragraph on a partner or on a person having control or management of the partnership business.

(2) For the purposes of sub-paragraph (1), and for the purposes of section 7 of the Interpretation Act 1978<sup>(c)</sup> (which relates to the service of documents by post) in its application to that paragraph, the proper address of any person on whom a document is to be served by virtue of these Regulations shall be his last known address except that—

- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body corporate;
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the principal office of the partnership;

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

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(a) S.I. 1994/3260.

(b) OJ No. L250, 19.9.84, p. 17.

(c) 1978 c. 30.

## EXPLANATORY NOTE

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

These Regulations implement European Parliament and Council Directive 2000/55 EC on energy efficiency requirements for electric mains-operated ballasts for fluorescent lighting sources as defined in paragraph 3.4 of European Standard EN50294. The Directive specifies minimum standards of energy efficiency (in terms of electricity consumption) which must be met by such ballasts which are placed on the Community market.

Regulation 4 prohibits the placing on the Community market of ballasts which exceed the maximum allowable electricity consumption values laid down in Schedule 1; and makes provision for affixing the EC mark illustrated in Schedule 2.

Regulation 5 lays down the rules requiring the compulsory EC declaration of conformity relating to a ballast. Regulation 6 requires suppliers to establish and maintain technical documentation to enable assessment of whether the EC mark has been properly affixed to a ballast. Regulation 7 prohibits the affixing to a ballast of misleading markings.

Under regulation 8, manufacturers are obliged to bring non-conforming ballasts on the market into conformity or withdraw them from the market as soon as practicable. Regulation 9 obliges manufacturers to take all necessary steps to achieve a manufacturing process which ensures that ballasts comply with their technical documentation and the requirements of the Regulations.

Regulation 10 provides that breach of regulation 8 or 9 shall be actionable by civil proceedings. Regulation 11 and Schedule 3 create criminal offences and contain other provisions on enforcement.

A Regulatory Impact Assessment, estimating the financial impact of the Regulations on suppliers of ballasts etc., can be obtained from: Energy, Environment and Waste Directorate, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE.

£2.50

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