

SCHEDULE 1

Regulation 3

REQUIREMENTS FOR THE FUEL ECONOMY GUIDE

1. The guide shall contain a list of all new passenger car models available for purchase within the United Kingdom on the date of publication, grouped by manufacturer's name in alphabetic order.
2. The fuel type, numerical value of the official fuel consumption and official specific emissions of CO₂ shall be presented for each model shown in the guide. Fuel consumption shall be expressed either in litres per 100 kilometres (l/100km) or kilometres per litre (km/l), and quoted to one decimal place, or, to the extent compatible with the provisions of Council Directive 80/181/EEC(1) in miles per gallon. Official specific emissions of CO₂ shall be expressed in grams per kilometre (g/km) to the nearest whole number.
3. The guide shall contain a prominent list of the ten most fuel-efficient new passenger car models ranked in order of increasing specific emissions of CO₂ for each fuel type with the model with the lowest CO₂ emissions being placed at the top of the list. The listing shall specify the name of the model, the numerical value of the official fuel consumption and the official specific emission of CO₂.
4. The guide shall contain advice to motorists to the effect that correct use and regular maintenance of the vehicle and driving behaviour, such as avoiding aggressive driving, travelling at lower speeds, anticipation braking, correctly inflating tyres, reducing periods of idling, not carrying excessive weight, can improve the fuel consumption and reduce the CO₂ emissions of their passenger car.
5. The guide shall include an explanation of the effects of greenhouse gas emissions, potential climate change and the relevance to this of emissions from motor cars, as well as a reference to the different fuel options available to the consumer and their environmental implications based on the latest scientific evidence and legislative requirements.
6. The guide shall include a reference to the European Community's target for the average emissions of CO₂ from new passenger cars and the date by which the target is to be achieved.
7. The guide shall include a reference to the European Commission's own guide on fuel economy and CO₂ emissions on the internet, when it is available.

SCHEDULE 2

Regulation 3

REQUIREMENTS FOR THE FUEL ECONOMY LABEL

1. In order to allow for ease of recognition by consumers:
 - (1) The label shall be easily legible and shall contain the wording and the relevant data in the categories specified in figure 1; and
 - (2) The label shall be printed on A4 size (210×297 mm) material and shall contain text set out in the format specified in figure 1 which shall occupy an area of no less than 180 × 125 mm.
2. The official fuel consumption figures shall be quoted to one decimal place.
3. The official specific emissions of CO₂ shall be quoted to the nearest whole number.

(1) O.J. No. L39, 15.2.1980, p. 40; as last amended by European Parliament and Council Directive 1999/103/EC, O.J. No. L34, 9.2.2000, p. 17.

SCHEDULE 4

Regulation 9(1)

REQUIREMENTS FOR PROMOTIONAL LITERATURE

1. Subject to paragraph 2, the official fuel consumption and official specific emissions of CO₂ figures for the model in question shall be provided in the promotional literature.
2. If the promotional literature applies to more than one model of the same make, there shall be provided either the official fuel consumption and official specific CO₂ emissions figures for all the models covered, or the range between the worse and best official fuel consumption and official specific CO₂ emissions figures.
3. The fuel consumption figures shall be expressed in miles per gallon (mpg) and in either litres per 100 kilometres (l/100 km), or kilometres per litre (km/l) or an appropriate combination of these.
4. The official specific emissions of CO₂ shall be quoted to the nearest whole number in grams per kilometre (g/km) and all other numerical data shall be quoted to one decimal place.
5. All information on the official fuel consumption and official specific emissions of CO₂ shall be easy to read and easily understandable and shall be no less prominent than the main part of the information provided in the promotional literature.

SCHEDULE 5

Regulation 11(3)

OFFENCES, ENFORCEMENT AND OTHER MATTERS

PART I

Provisions as to offences

Offences and penalties

- 1.—(1) It shall be an offence to contravene—
regulation 5 (suppliers' duty in respect of the provision of figures);
regulation 6 (dealers' duty in respect of the fuel economy label);
regulation 7 (dealers' duty in respect of the fuel economy guide);
regulation 8 (dealers' duty in respect of a poster or display);
regulation 9 (dealers' and suppliers' duties in respect of promotional literature);
regulation 10 (dealers' and suppliers' duties in respect of promotional literature.);
paragraph 5 of this Schedule (obstruction of authorised officers and false statements); or
paragraph 6(7) of this Schedule (prohibition of purported search and seizure by an unauthorised person).
- (2) A person guilty of any 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 be instituted—
 - (a) in England and Wales, by an enforcement authority;

- (b) in Northern Ireland, by or on behalf of the enforcement authority or the Director of Public Prosecutions for Northern Ireland.

Defences

3.—(1) Subject to sub-paragraph (2) to (4), 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.

(2) Where in any proceedings (which in Scotland include the trial diet) against any person for such an offence the defence provided for by sub-paragraph (1) involves an allegation that the commission of the offence was due—

- (a) to the act or default of another, or
- (b) to reliance on information given by another,

that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than seven clear days before the hearing of the proceedings (or, in Scotland, the trial diet) he has served a notice under sub-paragraph (3) on the person bringing the proceedings.

(3) A notice under this sub-paragraph shall give such information identifying or assisting in the identification of the person who is alleged to have committed the act or default or to have given information as is in the possession of the person serving the notice at the time he serves it.

(4) A person shall not be entitled to rely on the defence provided by sub-paragraph (1) by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular—

- (a) to whether he had any reason to disbelieve the information, and
- (b) in the case of a supplier, to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information.

Liability of a person other than the principal offender

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 to enter premises and inspect, seize and detain

6.—(1) A duly authorised officer of an enforcement authority 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, has available to him, at all reasonable hours, the powers set out in sub-paragraph (2).

(2) The powers referred to in sub-paragraph (1) are—

- (a) for the purpose of ascertaining whether an offence under these Regulations has been committed, to inspect any new passenger car, EC certificate of conformity, fuel economy guide, fuel economy label, poster or display, or any promotional literature and to enter into any premises other than premises used only as a dwelling;
- (b) if there is reasonable cause to suspect that an offence under these Regulations has been committed and for the purpose of ascertaining whether it has been committed, to require any person carrying on or employed in connection with a business to produce any EC certificate of conformity, fuel economy guide, fuel economy label, poster or display or any promotional literature or any relevant records and to take copies of them, or of any entry in any relevant records;
- (c) to seize and detain any EC certificate of conformity, fuel economy guide, fuel economy label, poster or display or any promotional literature or relevant records where there is reason to believe that these may be required as evidence in proceedings for an offence under these Regulations.

(3) For the purposes of paragraphs (b) and (c) 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—

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- (i) that any new passenger car, EC certificate of conformity, fuel economy guide, fuel economy label, poster or display, or promotional literature or any records relating thereto, 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 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.
- (6) 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 7 (appeals against detention), and whether the items detained would be released while an appeal were pending.
- (7) A person who is not a duly authorised officer of an enforcement authority shall not purport to act as such under this paragraph.
- (8) 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.
- (9) 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

7.—(1) Any person having an interest in any EC certificate of conformity, fuel economy guide, fuel economy label, display or poster, promotional literature or records relating thereto which are for the time being detained under paragraph 6 (power to enter premises and inspect, seize and detain) by an enforcement authority or by a duly authorised officer of an enforcement authority may apply for an order requiring the detained items 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 detained items;

(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—

(d) that proceedings have not been brought for an offence in respect of a contravention of any provision of these Regulations in relation to the detained items; and

(e) 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—

(f) in England and Wales, to the Crown Court;

(g) 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' Court Act 1980⁽²⁾ or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case) ⁽³⁾).

Recovery of expenses of enforcement

8.—(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.

(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 any EC certificate of conformity, fuel economy label, poster or display, promotional literature or records relating thereto.

PART III

Miscellaneous and Supplemental

Savings for certain privileges

9. 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.

(2) 1980 c. 43.

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

Service of documents

10.—(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 paragraph (a) 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⁽⁴⁾ (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 of 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.

(4) 1978 c. 30.