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## STATUTORY INSTRUMENTS

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# 2003 No. 751

## ENERGY CONSERVATION

### The Energy Information (Household Electric Ovens) Regulations 2003

<i>Made</i>	- - - -	<i>14th March 2003</i>
<i>Laid before Parliament</i>		<i>17th March 2003</i>
<i>Coming into force</i>	- -	<i>4th April 2003</i>

The Secretary of State, being a Minister designated <sup>M1</sup> for the purposes of section 2(2) <sup>M2</sup> of the European Communities Act 1972 <sup>M3</sup> in relation to measures relating to energy labelling and standard product information for household products, in exercise of the powers conferred on her by section 2(2) of that Act, hereby makes the following Regulations:—

#### Marginal Citations

**M1** [S.I.1992/1711](#).

**M2** The requirements of the Directives are reserved matters for both Scotland (product labelling is covered by Head C8 – Product standards, safety and liability in Part II (Specific reservations) of Schedule 2 to the Scotland Act 1998) (c. 46), and Northern Ireland in accordance with paragraph 38 (Technical standards and requirements in relation to products in pursuance of an obligation under Community law) of Schedule 3 (Reserved Matters) to the [Northern Ireland Act 1998](#) (c. 47). The power has not been transferred to the Welsh Assembly.

**M3** [1972 c. 68](#).

#### Citation and commencement **U.K.**

1. These Regulations may be cited as the Energy Information (Household Electric Ovens) Regulations 2003 and shall come into force on 4th April 2003.

#### Interpretation **U.K.**

2.—(1) In these Regulations—

- (a) “the Electric Ovens Directive” means Commission Directive [2002/40/EC](#)<sup>M4</sup> implementing Council Directive [92/75/EEC](#) with regard to energy labelling of household electric ovens;

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- (b) “the Parent Directive” means Council Directive [92/75/EEC](#)<sup>M5</sup> on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances; and
- (c) “the Directives” means the Electric Ovens Directive and the Parent Directive.

(2) In these Regulations, expressions used which are also used in the Directives have the same meaning as in the Directives and—

“communication”, as a means by way of which appliances are offered for sale, means a printed or written communication or other means whereby the potential customer cannot be expected to see the appliance displayed, such as a written offer, a mail order catalogue, advertisements on the Internet or other electronic media;

“the Community” means (except in the title of the Council Regulation referred to in the definition of “Community language”) the European Community<sup>M6</sup>;

“Community language” has the meaning given by Council Regulation 1958/1/EEC determining the languages to be used by the European Economic Community<sup>M7</sup>;

“dealer” means a retailer or other person who offers for sale, displays or sells regulated household electric ovens to end-users;

“enforcement authority” means—

- (a) in England and Wales and Scotland, a local weights and measures authority within the meaning of section 69 (local weights and measures authorities) of the Weights and Measures Act 1985<sup>M8</sup>; and

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

“the harmonised standard” means EN 50304:2001<sup>M9</sup>;

“information notice” means a standard table of information relating to a regulated household electric oven;

“label” means a label relating to a regulated household electric oven which contains information on its consumption of energy (whether or not it also contains other information);

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

“regulated household electric oven” has the meaning given by regulation 3(5);

“sale” includes hire and hire-purchase and related expressions shall be construed accordingly; and

“supplier” means the manufacturer of a regulated household electric oven or his authorised representative in the Community or the person who places the household electric oven on the Community market.

#### Marginal Citations

**M4** OJ No. L128, 15.5.2002, p. 45.

**M5** OJ No. L297, 13.10.1992, p. 16.

**M6** The parent Directive was extended to the European Economic Area by EEA Joint Committee Decision No 7/94 of 21.3.94 (OJ L160, 28.6.1994, p. 1); the Electric Ovens Directive, though a text with EEA relevance, has not at the date of making these Regulations been so extended.

**M7** OJ No. B017, 6.10.1958, p. 385, as last amended by the Act of Accession of Austria, Sweden and Finland (OJ No. C241, 29.8.1994, p. 21).

**M8** [1985 c. 72](#), as amended by paragraph 144 of Schedule 13 to the [Local Government \(Scotland \) Act 1994 \(c. 39\)](#).

**M9** European standard EN 50304:2001 approved on 2000-04-01 entitled “Electric ovens for household use - Methods for measuring energy consumption” which is transposed in the United Kingdom by British Standard BS EN 50304:2001 of the same title published by the British Standards Institution on 17th June 2002.

## Scope **U.K.**

3.—(1) Subject to paragraph (2) and regulation 4, these Regulations apply to mains operated household electric ovens including ovens which are part of larger appliances.

(2) These Regulations do not apply to—

- (a) ovens that can also use other energy sources;
- (b) ovens (being ovens which do not fall within the scope of the harmonised standard) of a description set out in paragraph (3); or
- (c) portable ovens, being appliances other than fixed appliances, having a mass of less than 18 kg, provided they are not designed for built-in installations.

(3) The ovens to which these Regulations do not apply pursuant to paragraph (2)(b) (ovens which do not fall within the scope of the harmonised standard) are ovens of the following descriptions—

- (a) microwave ovens and microwave combination ovens;
- (b) small cavity ovens, that is to say, ovens with the following dimensions related to useable volume:
  - (i) both width and depth less than 250mm; or
  - (ii) height less than 120mm; or
- (c) ovens without adjustable temperature control.

(4) These Regulations apply to household electric ovens notwithstanding that they are sold or displayed for non-household use.

(5) A household electric oven to which these Regulations apply is referred to as a regulated household electric oven.

(6) These Regulations apply to the hot steam function of a regulated household electric oven (notwithstanding that the harmonised standard does not apply).

## Other Exclusions **U.K.**

4.—(1) Nothing in these Regulations shall apply to the rating plate or its equivalent affixed for safety purposes to a household electric oven.

(2) Except as provided in regulation 3(6), nothing in these Regulations shall apply to the energy consumption of the steam functions of a regulated household electric oven.

(3) Nothing in these Regulations shall apply to the heating functions of a regulated household electric oven other than—

- (a) the conventional heating function, that is to say, where food is cooked by radiation and natural convection only; and
- (b) forced air circulation, that is to say, heat transmission of the food by forced air convection, that is, circulating the air with the help of a fan.

(4) There shall be no obligation on any person to label or provide information notices in accordance with these Regulations in respect of models of household electric oven of which production has ceased before 1st January 2003; but if an appliance has been labelled or an information notice provided in respect of it, these Regulations shall apply.

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(5) There shall be no obligation on any person to label or provide information notices in accordance with these Regulations in respect of second hand household electric ovens; but if a second hand appliance sold or displayed by a dealer is labelled or an information notice is provided in respect of it, these Regulations apply to the extent that they impose obligations on the dealer.

(6) These Regulations do not impose obligations on a supplier or dealer in relation to a household electric oven which the supplier or dealer has reasonable grounds to believe is for use by an end user in a country outside the Community.

### **Obtaining the information required by these Regulations** U.K.

5.—(1) The information required by regulations 6 to 9 shall, where applicable, be obtained by measurements made in accordance with the harmonised standards.

(2) Information obtained other than in accordance with paragraph (1) shall be taken for the purposes of these Regulations not to meet the relevant requirement.

### **Placing on the market: technical documentation** U.K.

6.—(1) No supplier shall place on the market a regulated household electric oven unless he has established technical documentation sufficient to enable the accuracy of the information contained in a label or information notice to be assessed.

(2) The technical documentation referred to in paragraph (1) shall include—

- (a) the name and address of the supplier;
- (b) a general description of the model, sufficient for it to be unequivocally and easily identified;
- (c) information (including drawings as relevant) on the main design features of the electric oven and, in particular, items which appreciably affect its energy consumption;
- (d) the results of design calculations carried out, where these are relevant;
- (e) reports of relevant measurement tests carried out on the electric oven in accordance with the test procedures of the harmonised standards;
- (f) test reports, where available, including those carried out by relevant notified organisations as defined under Community legislation other than the Directives;
- (g) where values are derived from those obtained for similar models, the same information for those models; and
- (h) operating instructions, if any.

(3) For the purposes of paragraphs (1) and (2), the supplier may use documentation already required on the basis of relevant Community legislation.

(4) The supplier shall make the technical documentation available for inspection by enforcement authorities for a period ending five years after the last regulated household electric oven of the model has been manufactured.

### **Supplier's duties in respect of labels** U.K.

7.—(1) All suppliers placing on the market regulated household electric ovens shall supply a label in accordance with the following provisions of this regulation.

(2) The label shall in all respects comply with Schedules 1 (the label) and 4 (energy efficiency classification) and in the case of a multi cavity oven each cavity shall have its own label except a cavity which does not fall within the scope of the harmonised standards as described in regulation 3(3).

- (3) The supplier shall supply the necessary labels free of charge to dealers.
- (4) A supplier may choose his own system for delivery of labels.
- (5) Where the dealer requests labels from the supplier, the supplier shall ensure that the requested labels are delivered promptly.

#### **Supplier's duties in respect of the information notice** U.K.

8.—(1) A supplier of a regulated household electric oven shall provide with that oven an information notice in accordance with this regulation.

(2) The information notice shall be in the relevant language version and shall comply with Schedules 2 (the information notice) and 4 (energy efficiency classification).

(3) Where the supplier provides a product brochure, the brochure shall contain an information notice, and the supplier shall provide the product brochure with each electric oven free of charge.

(4) Where the supplier does not provide a product brochure, he shall provide an information notice free of charge with the electric oven, with any other literature provided therewith.

#### **Supplier's deemed consent to publication of information** U.K.

9. The supplier shall be deemed to consent to the publication of the information given on a label or in an information notice.

#### **Supplier's duties in respect of the accuracy of labels and information notices** U.K.

10.—(1) The supplier shall ensure that the information in an information notice or on a label which he supplies to a dealer is accurate.

(2) Paragraph (1) is without prejudice to any right of action which any person may have apart from these Regulations whether against the supplier, dealer or any other person arising from any inaccuracy of information in an information notice or a label.

#### **Dealer's duty in respect of displayed regulated household electric ovens** U.K.

11.—(1) A dealer who displays a regulated household electric oven to end-users shall place the appropriate label (that is to say, the label supplied by the supplier in accordance with regulation 7 or, where the supply is in another member State, in accordance with Article 3(1) of the Parent Directive) in the relevant language version on the door of the appliance so that the label remains clearly visible and is not obscured whenever the electric oven is displayed.

(2) In the case of a multi-cavity oven each cavity shall have its own label except a cavity which does not fall within the scope of the harmonised standards as described in regulation 3(3).

#### **Information in respect of mail order and other distance sales** U.K.

12. Where a person offers a regulated household electric oven (including a built - in oven for an integrated kitchen) for sale by means of a communication that person shall ensure that the communication—

- (a) is in the relevant language version; and
- (b) includes the information specified in Schedule 3 (mail order and other distance selling) and describes the electric oven in accordance with Schedule 4 (energy efficiency classification).

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### Information in other Community languages **U.K.**

13. Schedule 5 (which sets out Annex V (Translation of Terms to be used in the Label and Fiche) to the Electric Ovens Directive) has effect for the purpose of making provision for the equivalent in other Community languages of the terms in English given in Schedules 1, 2 and 3.

### Misleading information **U.K.**

14.—(1) A person shall not display any label, mark, symbol or inscription (other than those required by these Regulations) which relates to the energy consumption of a regulated household electric oven and which does not comply with the requirements of these Regulations, if such display is likely to mislead or confuse.

(2) Paragraph (1) shall not apply to a label, mark, symbol or inscription displayed under a Community or national environmental labelling scheme<sup>M10</sup>.

#### Marginal Citations

**M10** See, for example, Regulation (EC) No 1980/2000 on a revised Community eco-label award scheme (OJ No. L237 , 21.9.2000, p. 1) .

### Presumption of compliance **U.K.**

15. Unless there is evidence to the contrary, labels and information notices shall be deemed to comply with the provisions of these Regulations.

### Enforcement and offences **U.K.**

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

(2) Nothing in these Regulations shall authorise an enforcement authority in Scotland to bring proceedings for an offence.

(3) Schedule 6 shall have effect with regard to offences, enforcement of these Regulations and other related matters.

### Transitional provisions **U.K.**

17. On or before 30th June 2003—

- (a) the placing on the market, offering for sale or display of regulated household electric ovens; or
- (b) the distribution of communications relating thereto,

in respect of which the requirements of these Regulations are not complied with shall be permitted; provided that where a regulated household electric oven is offered for sale or displayed or a communication is distributed in respect of it and it has—

- (i) a label placed on it containing (or purporting to contain) the information required by regulation 7; or
- (ii) an information notice or product brochure provided in respect of it containing (or purporting to contain) the information required by regulation 8,

the remaining requirements of these Regulations shall apply.

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14th March 2003

*Whitty*  
Parliamentary Under Secretary of State,  
Department for Environment, Food and Rural  
Affairs

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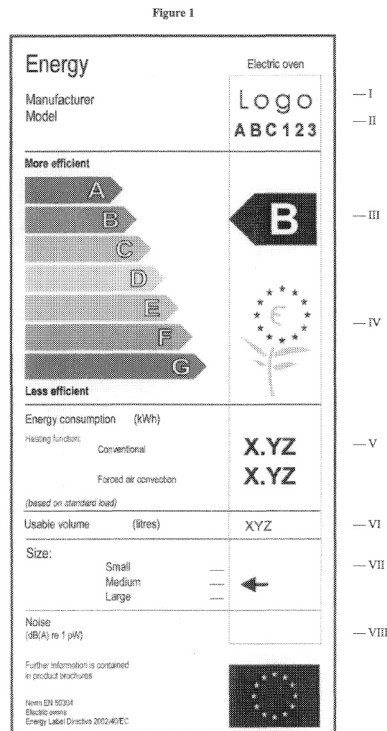
**SCHEDULE 1 U.K.**

Regulation 7(2)

**THE LABEL**

1. The label shall be in the relevant language version, shall follow the illustration in Figure 1 and shall include the information required by the notes.

**U.K.**



2. The following notes define the information to be included:—

- |      |   |
|------|---|
| I.   | Supplier's name or trade mark.  |
| II.  | Supplier's model identifier.  |
| III. | The energy efficiency class of the oven determined in accordance with Schedule 4. The head of the arrow containing the indicator letter shall be placed at the same level as the head of the relevant class arrow. The height of the arrow containing the indicator letter shall not be less than—and not more than twice—the height of the classes arrows. |
| IV.  | Without prejudice to any requirements under the Community eco-label scheme, where a model has been granted a 'European Union eco-label' under Regulation (EC) No 1980/2000 of the European Parliament and   |



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- of the Council of 17th July 2000 on a revised Community eco-label award scheme  
**M11**
- , a copy of the eco-label may be added here.
- V. Energy consumption in kWh for the heating function(s) (conventional and/or the forced air convection) of ovens based on standard load determined in accordance with the test procedures of the harmonised standard.
- VI. Usable volume of the oven in litres, determined in accordance with the harmonised standard.
- VII. The oven size determined as follows:  
small: 12 l  $\hat{=}$  volume < 35 l  
medium: 35 l  $\hat{=}$  volume < 65 l  
large: 65 l  $\hat{=}$  volume.  
This indicator arrow shall be placed at the same level as the relevant size.
- VIII. Where applicable, noise during the function determining the energy efficiency, determined in accordance with Directive [86/594/EEC](#)  
**M12**

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#### Marginal Citations

**M11** OJ No. L237, 21.9.2000, p.1.

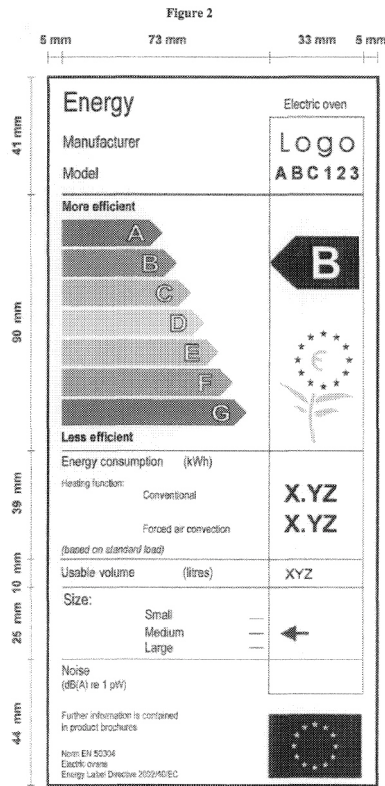
**M12** OJ No. L344, 6.12.86, p. 24; see the Household Appliances (Airborne Noise) Regulations 1990 ([S.I. 1990/161](#), amended by [S.I. 1994/1386](#)). The relevant standards are EN 60704-2-10 (noise measurement) and EN 60704-3 (verification).

3.—(1) Figure 2 defines certain aspects of the label:—

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(2) Colours are to be used on the label in accordance with the following—

CMYK—cyan, magenta, yellow, black.

Ex: 07X0: 0% cyan, 70% magenta, 100% yellow, 0% black.

Arrows

A	X0X0
B	70X0
C	30X0
D	00X0
E	03X0
F	07X0
G	0XX0

Outline colour: X070.

The background colour of the energy efficiency class indicator arrow is black.

All text is in black. The background is white.

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## SCHEDULE 2 U.K.

Regulation 8(2)

### THE INFORMATION NOTICE

1. The information notice shall contain the information specified below. The information may be given in a more general description of the oven or in the form of a table covering a number of models supplied by the same supplier (in which case it shall be given in the order specified).

(1) Supplier's trade mark.

(2) Supplier's model identifier.

(3) The energy efficiency class of the oven, determined in accordance with Schedule 4 and expressed as 'Energy efficiency class on a scale of A (more efficient) to G (less efficient)'. Where this information is provided in a table, it may be expressed by other means provided that it is clear that the scale is from A (more efficient) to G (less efficient).

(4) Where the information is provided in a table, and where some of the ovens listed in the table have been granted a 'European Union eco-label' under Regulation (EC) No 1980/2000, this information may be included here. In this case the row heading shall state 'European Union eco-label' and the entry shall consist of a copy of the eco-label. This provision is without prejudice to any requirements under the Community eco-label award scheme.

(5) Energy consumption in kWh for the heating function(s), (conventional and/or forced air convection and/or hot steam) (of ovens) based on standard load determined in accordance with the test procedures of the harmonised standard.

(6) Usable volume of the oven in litres, determined in accordance with the harmonised standard.

(7) The oven size determined as follows:—

small: 12 l  $\hat{=}$  volume < 35 l

medium: 35 l  $\hat{=}$  volume < 65 l

large: 65 l  $\hat{=}$  volume.

This indicator arrow shall be placed at the same level as the relevant size.

(8) Time taken to 'cook' standard load determined in accordance with the test procedures of the harmonised standard.

(9) Where applicable, noise measured during the function determining the energy efficiency, determined in accordance with Directive [86/594/EEC](#).

(10) The declaration of the power consumption when no heating function is performed and the oven is in the lowest power consuming mode as soon as a suitable harmonised standard for stand-by losses becomes available.

(11) The area of the largest baking sheet expressed in cm<sup>2</sup> and determined as "surface area" according to the harmonised standards.

2. If a copy of the label, either in colour or black and white is included in the information notice, then only the information which is not included on the label needs to be added.

## SCHEDULE 3 U.K.

Regulation 12

### MAIL ORDER AND OTHER DISTANCE SELLING

1. Communications shall contain the following information, given in the order specified below.

(1) Supplier's trade mark.

(2) Supplier's model identifier.

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(3) The energy efficiency class of the oven, determined in accordance with paragraph 1(3) of Schedule 2.

(4) The energy consumption of the oven, determined in accordance with paragraph 1(5) of that Schedule.

(5) The usable volume of the oven, determined in accordance with paragraph 1(6) of that Schedule.

(6) The oven size, determined in accordance with paragraph 1(7) of that Schedule.

(7) Where applicable, noise, determined in accordance with paragraph 1(9) of that Schedule.

2. Where other information contained in the information notice is provided, it shall be in the form defined in Schedule 2 and shall be included in the list set out in paragraph 1 above in the order specified in that Schedule.

## SCHEDULE 4 U.K.

Regulations 7(2), 8(2) and 12

### ENERGY EFFICIENCY CLASSIFICATION

1. The energy efficiency class of each cavity of a regulated household electric oven shall be determined as follows:

Table 1—Small ovens (12 l  $\hat{=}$  volume < 35 l)

<i>Energy efficiency class</i>	<i>Energy consumption E determined according to note V in paragraph 2 of Schedule 1 (kWh), based on standard load</i>
A	$E < 0.60$
B	$0.60 \hat{=}$ 0.80
C	$0.80 \hat{=}$ 1.00
D	$1.00 \hat{=}$ 1.20
E	$1.20 \hat{=}$ 1.40
F	$1.40 \hat{=}$ 1.60
G	$1.60 \hat{=}$ E

Table 2—Medium ovens (35 l  $\hat{=}$  volume < 65 l)

<i>Energy efficiency class</i>	<i>Energy consumption E determined according to note V in paragraph 2 of Schedule 1 (kWh), based on standard load</i>
A	$E < 0.80$
B	$0.80 \hat{=}$ 1.00
C	$1.00 \hat{=}$ 1.20
D	$1.20 \hat{=}$ 1.40
E	$1.40 \hat{=}$ 1.60

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F	1.60 $\hat{=}$ 1.80
G	1.80 $\hat{=}$ E

Table 3—Large ovens (65 l  $\hat{=}$  volume)

<i>Energy efficiency class</i>	<i>Energy consumption E determined according to note V in paragraph 2 of Schedule 1 (kWh), based on standard load</i>
A	$E < 1.00$
B	1.00 $\hat{=}$ 1.20
C	1.20 $\hat{=}$ 1.40
D	1.40 $\hat{=}$ 1.60
E	1.60 $\hat{=}$ 1.80
F	1.80 $\hat{=}$ 2.00
G	2.00 $\hat{=}$ E

**SCHEDULE 5 U.K.**

Regulation 13

**TRANSLATION OF TERMS****U.K.**

The equivalents in other Community languages of the terms given in English in Schedules 1, 2 and 3 are as follows:

**U.K.**

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Regulation 13

SCHEDULE 5  
TRANSLATION OF TERMS

The equivalents in other Community languages of the terms given in English in Schedules 1, 2 and 3 are as follows:



EN	ES	DA	DE	EL	EN	FR	IT	NI	PT	SV	FI
1	1	1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5	5	5	5	5
6	6	6	6	6	6	6	6	6	6	6	6
7	7	7	7	7	7	7	7	7	7	7	7
8	8	8	8	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9	9	9
10	10	10	10	10	10	10	10	10	10	10	10
11	11	11	11	11	11	11	11	11	11	11	11

EN	ES	DA	DE	EL	EN	FR	IT	NI	PT	SV	FI
1	1	1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5	5	5	5	5
6	6	6	6	6	6	6	6	6	6	6	6
7	7	7	7	7	7	7	7	7	7	7	7
8	8	8	8	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9	9	9
10	10	10	10	10	10	10	10	10	10	10	10
11	11	11	11	11	11	11	11	11	11	11	11

## SCHEDULE 6 U.K.

Regulation 16

### OFFENCES, ENFORCEMENT AND OTHER MATTERS

#### Part I U.K.

##### Provisions as to Offences

- 1.—(1) It shall be an offence to contravene or fail to comply with—
- (a) regulation 6 (placing on the market: technical documentation);
  - (b) regulation 7 (suppliers' duties in respect of labels);
  - (c) regulation 8 (supplier's duties in respect of the information notice);
  - (d) regulation 10(1) (supplier's duties in respect of the accuracy of labels and information notices);
  - (e) regulation 11 (dealer's duty in respect of displayed regulated household electric ovens);
  - (f) regulation 12 (information in respect of mail order and other distance sales);
  - (g) regulation 14 (misleading information);
  - (h) paragraph 5 of this Schedule (obstruction of authorised officers and false statements);
  - (i) paragraph 8(8) of this Schedule (prohibition of purported search and seizure by unauthorised persons); or
  - (j) paragraph 12(1) of this Schedule (restrictions on undue 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.

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 an enforcement authority or the Director of Public Prosecutions.

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.

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

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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 **U.K.**

### Provisions as to Enforcement

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 excuse fail to give to 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 any material particular; or
- (b) recklessly make a statement which is false in any material particular.

6. Where an enforcement authority has reason to suspect that the information given on a label or in an information notice is incorrect, the authority may by notice served on the supplier of the regulated household electric oven to which the label or information notice refers, require him to furnish to the authority within such reasonable time as may be specified in the notice such technical documentation within the meaning of regulation 6 (placing on the market—technical documentation) as the authority considers appropriate.

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 regulated household electric oven.

(2) Where—

- (a) a regulated household electric oven purchased under this paragraph on behalf of an enforcement authority is submitted to a test;
- (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 oven was purchased or any person who is a party to the proceedings or has an interest in the oven to have the oven tested.



(3) A test of a regulated household electric oven purchased under this paragraph, or seized or detained under paragraph 8 (power to enter premises and seize or detain regulated household electric ovens etc.), shall be carried out in accordance with the test procedures of the harmonised standards.

8.—(1) A duly authorised officer of an enforcement authority may 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 taking them,

exercise, 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 regulated household electric oven 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 records relating to the regulated household electric oven in question and to take copies of, or of any entry in, the records;
- (c) if there is reasonable cause to suspect that an offence under these Regulations has been committed, to seize and detain any regulated household electric oven for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed;
- (d) to seize and detain any regulated household electric oven or records where there is reason to believe that these may be required as evidence in proceedings for an offence under these Regulations;
- (e) for the purpose of exercising 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, to 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 such authorised person present, to open it.

(3) For the purposes of sub-paragraph (2)(b) and (d), 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 regulated household electric oven 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 produce 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,

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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 regulated household electric ovens and records under this paragraph;
- (b) explaining that compensation may be payable for damage caused in entering premises and seizing and removing regulated household electric ovens 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 between 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), and whether the things detained would be released while an appeal were 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.

**9.—(1)** Any person having an interest in any regulated household electric oven or records which are for the time being detained under paragraph 8 (power to enter premises and seize or detain regulated household electric ovens etc.) by an enforcement authority or by a duly authorised officer of an enforcement authority may apply for an order requiring the regulated household electric oven 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 regulated household electric oven or records;
- (b) where no such proceedings have been so brought, by way of a complaint to a magistrates' court;
- (c) in Scotland, by summary application to the sheriff.

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

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(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 regulated household electric oven 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 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' Court Act 1980<sup>M13</sup> or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)<sup>M14</sup>.

#### Marginal Citations

M13 1980 c. 43.

M14 S.I. 1981/1675 (N.I. 26).

**10.—**(1) Where a duly authorised officer of an enforcement authority exercises any powers under paragraph 8 to seize and detain any regulated household electric oven or records, the enforcement authority shall be liable to pay compensation to any person having an interest in the regulated household electric oven or records in respect of any loss or damage caused by the exercise of the power if—

(a) there has been no contravention of any provision of these Regulations in relation to the regulated household electric ovens 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 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.

**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 regulated household electric oven 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 regulated household electric oven or records.

## Part III U.K.

### Miscellaneous and Supplemental

**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 it being given to any person in compliance with any requirement imposed by these Regulations; or

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- (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 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 <sup>M15</sup>.
- (3) The enactments referred to in sub-paragraph (2)(a) are—
- (a) the Trade Descriptions Act 1968 <sup>M16</sup>;
  - (b) Parts II and III and section 125 of the Fair Trading Act 1973 <sup>M17</sup>;
  - (c) the relevant statutory provisions within the meaning of Part I of the Health and Safety at Work etc Act 1974 <sup>M18</sup> or within the meaning of the Health and Safety at Work (Northern Ireland) Order 1978 <sup>M19</sup>;
  - (d) the Weights and Measures Act 1985 <sup>M20</sup>;
  - (e) the Weights and Measures (Northern Ireland) Order 1981 <sup>M21</sup>;
  - (f) the Consumer Protection Act 1987 <sup>M22</sup>;
  - (g) the Consumer Protection (Northern Ireland) Order 1987 <sup>M23</sup>;
  - (h) the Electrical Equipment (Safety) Regulations 1994 <sup>M24</sup>; and
  - (i) any enactment made for the purpose of securing compliance with the Council Directive [84/450/EEC](#) on the approximation of laws, regulations and administrative provisions of the member States concerning misleading advertising <sup>M25</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 open court 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 referred to in sub-paragraph (3).

#### Marginal Citations

**M15** [S.I. 1992/3240](#), to which there are amendments not relevant to these Regulations.

**M16** [1968 c. 29](#).

**M17** [1973 c. 41](#).

**Status:** Point in time view as at 04/04/2003.

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**M18** 1974 c. 37.

**M19** S.I. 1978/1039 (N.I. 9); to which there are amendments not relevant to these Regulations.

**M20** 1985 c. 72.

**M21** S.I. 1981/231 (N.I. 10); to which there are amendments not relevant to these Regulations.

**M22** 1987 c. 43.

**M23** S.I. 1987/2049 (N.I. 12); to which there are amendments not relevant to these Regulations.

**M24** S.I. 1994/3260.

**M25** OJ No. L250, 19.9.84, p. 17.

**13.** Save for paragraph 6 (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.

**14.** A contract relating to a regulated household electric oven shall not be void or unenforceable by reason only of a contravention of any provision of these Regulations.

**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 sub-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>M26</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.

#### Marginal Citations

**M26** 1978 c. 30.

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## EXPLANATORY NOTE

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

These Regulations implement Council Directive [92/75/EEC](#) (on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances) and Commission Directive [2002/40/EC](#) (implementing Council Directive [92/75/EEC](#) with regard to energy labelling of household electric ovens).

Electric ovens to which these Regulations apply are those specified in regulation 3 subject to the exclusions specified in regulation 4.

Suppliers, as defined in regulation 2, must supply labels (which comply with Schedules 1 and 4) and information notices (which comply with Schedules 2 and 4) about the energy consumption of those regulated household electric ovens (regulations 7 and 8). Suppliers are deemed to consent to the publication of the information given on a label or in an information notice (regulation 9). They are responsible for the accuracy of the information (regulation 10) and are required to establish, before the electric oven is placed on the Community market, technical documentation to enable the accuracy of the information to be assessed (regulation 6).

Dealers, as defined in regulation 2, must attach a label to a regulated household electric oven displayed to end-users (regulation 11).

Where a regulated household electric oven is for sale by communication (as defined in regulation 2), the dealer is required by regulation 12 to provide relevant information as set out in Schedules 3 and 4.

Regulation 14 prohibits the display of misleading information about the energy consumption of regulated household electric ovens. Regulation 15 provides for the presumption of compliance. Regulation 16 and Schedule 6 contain provisions on offences, penalties and other matters of enforcement.

Regulation 17 makes transitional provision; until 30th June 2003 the Regulations do not apply unless a regulated household electric oven is offered for sale or displayed with a label or information notice or is the subject of a communication.

Where a supplier is required to provide labels in another Community language, Schedule 5 sets out the equivalent terms to the terms in English in Schedules 1, 2 and 3.

A Regulatory Impact Assessment, estimating the financial impact of the Regulations on suppliers, dealers and wholesalers of regulated household electric ovens covered by the scheme, can be obtained from: Environment, Business and Consumers Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE.

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