

## SCHEDULE 6

### OFFENCES, ENFORCEMENT AND OTHER MATTERS

#### PART 1

##### Provisions as to Offences

##### Offences and penalties

1.—(1) It shall be an offence to contravene or fail to comply with—

- (a) regulation 6 (placing on the Community market: technical documentation);
- (b) regulation 7 (suppliers' duties in respect of labels);
- (c) regulation 8 (suppliers' duties in respect of information sheets);
- (d) regulation 9 (suppliers' duty in respect of the accuracy of information);
- (e) regulation 11 (dealers' duty in respect of displayed appliances);
- (f) regulation 12 (information in respect of mail order and other distance selling);
- (g) regulation 13 (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 power of entry, inspection, seizure and detention by unauthorised persons);
- (j) 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 an enforcement authority or the Director of Public Prosecutions.

##### [<sup>F1</sup>Time limit for prosecution of offences

2A.—(1) An offence under these Regulations may be tried by summary proceedings if—

- (a) in England and Wales, the information is laid,
- (b) in Northern Ireland, the complaint is made, or
- (c) in Scotland, the proceedings are begun,

before the end of the period of 12 months beginning on the day after the date on which evidence which the enforcement authority thinks is sufficient to justify the proceedings comes to the enforcement authority's knowledge.

(2) For the purposes of subsection (1)—

*Changes to legislation:* There are currently no known outstanding effects for the *The Energy Information (Household Refrigerators and Freezers) Regulations 2004, PART 1. (See end of Document for details)*

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the enforcement authority's knowledge is to be conclusive evidence of that fact; and
- (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.”.]

**Textual Amendments**

**F1** Sch. 6 para. 2A inserted (15.10.2009) by [The Energy Information \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/2559\)](#), regs. 1(b), **8(4)**

**Defences**

3. 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 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Energy Information (Household Refrigerators and Freezers) Regulations 2004, PART 1.