
STATUTORY INSTRUMENTS

2008 No. 41

The Fluorinated Greenhouse Gases Regulations 2008

PART 1

Introductory provisions

Interpretation

2.—(1) In these Regulations—

“the 2006 Regulation” means Regulation (EC) No. 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases⁽¹⁾;

“the Agency” means—

(a) as regards England and Wales, the Environment Agency, and

(b) as regards Scotland, the Scottish Environment Protection Agency;

“authorised person” means a person authorised under regulation 21;

“course of training” includes the training of an employee while that employee is engaged in work for which he is employed;

“employed” means employed under a contract of employment and “employee” and “employer” are construed accordingly;

“enforcement notice” means a notice served under regulation 24(1);

“in-house qualification” means a qualification verified by a certificate of competence or other written confirmation issued by an employer to such of his employees who have successfully completed a course of training provided by that employer relating to the work in question;

“operator” means the person who exercises actual power over the technical functioning of the equipment or systems which are referred to in these Regulations;

“placing on the market” has the same meaning as it has in Article 2.7 of the 2006 Regulation except that it does not include import into the customs territory of the Community, and cognate expressions are construed accordingly;

“the port health authority” means—

(a) in relation to the London port health district (within the meaning given by section 7(1) of the Public Health (Control of Disease) Act 1984⁽²⁾), the Common Council of the City of London; and

(b) in relation to any port health district constituted by order under section 2(3) of that Act, the port health authority for that district constituted by order under section 2(4) of that Act;

“premises” includes—

(a) land;

(1) OJ No. L161, 14.6.2006, p 1.

(2) 1984 c. 22.

- (b) a vehicle or trailer;
 - (c) an aircraft;
 - (d) a ship; and
 - (e) an offshore installation or a part of an offshore installation,
- and a reference to entering premises includes a reference to boarding an offshore installation;
- “prohibition notice” means a notice served under regulation 24(3);
- “ship” includes a hovercraft, submersible craft and any other floating craft but not a vessel which permanently rests on or is permanently attached to the seabed.
- (2) In these Regulations, the following expressions have the meaning given in Article 2—
- “container”;
 - “fluorinated greenhouse gases”;
 - “heat pump”;
 - “leakage detection system”; and
 - “preparation”.
- (3) In these Regulations, “the enforcing authority” means
- (a) as regards England, the Agency, the local authority, the port health authority or the Secretary of State;
 - (b) as regards Wales, the Agency, the local authority, the port health authority or the Welsh Ministers;
 - (c) as regards Scotland, the Agency, the local authority or Scottish Ministers; and
 - (d) as regards offshore installations, the Secretary of State.
- (4) In these Regulations, “the local authority” means—
- (a) in relation to England—
 - (i) a district council,
 - (ii) a county council that is the council for a county in which there are no district councils,
 - (iii) a London borough council,
 - (iv) the Common Council of the City of London, or
 - (v) the Council of the Isles of Scilly;
 - (b) in relation to Wales—
 - (i) a county council, or
 - (ii) a county borough council;
 - (c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(3).
- (5) In these Regulations, “the marine area” means—
- (a) the tidal waters and parts of the sea in or adjacent to the United Kingdom up to the seaward limits of the territorial sea; and
 - (b) the area designated by an Order in Council under section 1(7) of the Continental Shelf Act 1964(4).

(3) 1994 c.39.

(4) 1964 c. 29. Section 1(7) is amended by section 37 of, and paragraph 1 of Schedule 3 to, the Oil and Gas (Enterprise) Act 1982 (c. 23). Areas have been designated under section 1(7) by S.I. 1987/1265 (as amended by S.I. 2000/3062), S.I. 2000/3062 (as amended by S.I. 2001/3670) and S.I. 2001/3670.

(6) In these Regulations, “offshore installation” means an installation or structure, other than a ship, used for carrying on an activity mentioned in paragraph (7) which is situated in the waters of, or on or under the seabed in, the marine area.

(7) The activities referred to in paragraph (6) are—

- (a) the exploitation, or the exploration with a view to exploitation, of mineral resources in or under the shore or bed of waters in the marine area;
- (b) the storage of gas in or under the shore or bed of waters in the marine area or the recovery of gas so stored;
- (c) the conveyance of things by means of a pipe or system of pipes, constructed or placed on, in or under the shore or bed of waters in the marine area; and
- (d) the provision of accommodation for persons who work on or from an installation which is or has been maintained, or is intended to be established, for the carrying on of an activity falling within sub-paragraph (a), (b) or (c) or this sub-paragraph.

(8) In these Regulations, “stationary application” means—

- (a) refrigeration equipment and its circuits;
- (b) air conditioning equipment and its circuits;
- (c) heat pump equipment and its circuits; or
- (d) a fire protection system,

which contains a fluorinated greenhouse gas and which is normally not in transit during operation.

(9) Other expressions used in these Regulations and in the 2006 Regulation which are not defined in these Regulations have the same meaning in these Regulations as they have in the 2006 Regulation.

(10) A reference in these Regulations to a numbered Article is a reference to the Article so numbered in the 2006 Regulation.