
STATUTORY INSTRUMENTS

1992 No. 2383

ENVIRONMENTAL PROTECTION

The United Kingdom Ecolabelling Board Regulations 1992

Made - - - - *6th October 1992*
Laid before Parliament *9th October 1992*
Coming into force - - *1st November 1992*

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, the Secretary of State for Scotland, as respects Scotland, and the Department of the Environment Northern Ireland, as respects Northern Ireland, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972⁽¹⁾, being the Ministers and government department designated⁽²⁾ for the purpose of that subsection in relation to the operation of a Community eco-label award scheme, and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the United Kingdom Ecolabelling Board Regulations 1992 and shall come into force on 1st November 1992.

The United Kingdom Ecolabelling Board

- 2.—(1) There shall be a body corporate to be known as the United Kingdom Ecolabelling Board.
(2) The Schedule to these Regulations shall have effect with respect to the Board.

Functions of the Board

- 3.—(1) The Board shall be the body in the United Kingdom responsible for carrying out the tasks of the competent body provided for in Council Regulation (EEC) No. 880/92⁽³⁾.
(2) If so requested by the Secretary of State, the Board—
(a) shall represent the United Kingdom on the Committee established by Article 7 of Council Regulation (EEC) No. 880/92,

(1) 1972 c. 68.
(2) S.I.1992/1711.
(3) OJ No. L99, 11.4.92, p.1.

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(b) shall provide advice and support to any other representative the Secretary of State may nominate.

(3) Subject to the provisions of the Schedule to these Regulations, the Board shall have power to do any thing or enter into any transaction which in its opinion is incidental to or conducive to the exercise of the functions conferred by paragraphs (1) and (2).

Directions by the Secretary of State

4. The Secretary of State may give the Board directions of a general or specific character where he considers it necessary to ensure the independence and neutrality of the Board and that the Board applies the provisions of Council Regulation (EEC) No. 880/92 in a consistent manner.

5th October 1992

Michael Howard
Secretary of State for the Environment

Signed by authority of the Secretary of State for Wales

6th October 1992

Wyn Roberts
Minister of State, Welsh Office

6th October 1992

Ian Lang
Secretary of State for Scotland

6th October 1992

R. W. Rogers
Assistant Secretary,
Department of the Environment for Northern
Ireland

SCHEDULE

Regulation 2

UNITED KINGDOM ECOLABELLING BOARD

PART I

CONSTITUTION AND PROCEEDINGS

Constitution

1. The Board shall not be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown; and the Board's property shall not be regarded as property of, or property held on behalf of, the Crown.

Membership

2.—(1) The Board shall consist of not less than twelve and not more than twenty members who shall be appointed by the Secretary of State.

(2) The Secretary of State shall appoint one of the members of the Board to be chairman of the Board and may appoint a member to be deputy chairman.

(3) Subject to the provisions of this paragraph, the chairman, deputy chairman and other members of the Board shall hold and vacate office in accordance with the terms of their appointments.

(4) A member of the Board may, by notice in writing addressed to the Secretary of State, resign his membership, and the chairman and deputy chairman of the Board may by such a notice resign their office as such without resigning their membership.

(5) A chairman or deputy chairman who ceases to be a member of the Board shall cease to be chairman or deputy chairman.

(6) A member of the Board who ceases to be a member or ceases to be chairman or deputy chairman of the Board shall be eligible for reappointment.

(7) The Secretary of State may remove a member of the Board from membership if he has—

- (a) become bankrupt or made an arrangement with his creditors or, in Scotland, had his estate sequestrated or made a trust deed for behoof of his creditors or a composition contract; or
- (b) been absent from meetings of the Board for a period of more than six consecutive months without the permission of the Board;

or he is, in the opinion of the Secretary of State, unable or unfit to discharge the functions of a member.

Remuneration and allowances for Board members

3. The Board shall—

- (a) pay to its members such remuneration and allowances (if any),
- (b) as regards any member or former member in whose case the Secretary of State may so determine, pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such pension, allowance or gratuity,
- (c) as regards a person who ceases to be a member in whose case it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, pay to that person a sum of such amount,

as the Secretary of State may with the approval of the Treasury determine.

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Staff

4.—(1) The Board may, with the consent of the Secretary of State, appoint a chief officer of the Board.

(2) The Board may, with the consent of the Secretary of State (given with the approval of the Treasury) as to terms and conditions of service, appoint such number of other employees as it considers necessary for the discharge of its functions.

5. The Board shall pay to its chief officer and other employees such remuneration and allowances as the Board may, with the consent of the Secretary of State given with the approval of the Treasury, determine.

Proceedings

6.—(1) Subject to paragraph (2), the Board may regulate its own procedure (including making provision in relation to quorum).

(2) The Board shall draw up appropriate rules of conduct to apply to members to avoid any conflicts of interest between their individual personal or business affairs and their responsibilities as members of the Board.

(3) The proceedings of the Board and any committee of the Board shall not be invalidated by any vacancy amongst its members or by any defect in the appointment of any such member.

Delegation of powers

7. Anything authorised or required by or under Council Regulation (EEC) No. 880/92 or any enactment to be done by the Board may be done by any committee of the Board which, or by any member or employee of the Board who, has been authorised (generally or specifically) for the purpose by the Board.

Documents

8.—(1) The application of the seal of the Board shall be authenticated by the signature of any member or employee of the Board who is authorised (generally or specially) for the purpose by the Board.

(2) Any document purporting to be an instrument made or issued by the Board and to be duly executed under the seal of the Board, or to be signed or executed by a person authorised for the purpose by the Board, shall be received in evidence and treated, without further proof, as being so made or issued unless the contrary is shown.

Parliamentary Commissioner Act 1967

9. In Schedule 2 to the Parliamentary Commissioner Act 1967(4) (departments and authorities subject to investigation), there shall be inserted at the appropriate place the following entry—

“United Kingdom Ecolabelling Board”.

Superannuation Act 1972

10.—(1) In Schedule 1 to the Superannuation Act 1972(5) (bodies whose employees etc. may be covered by superannuation schemes), there shall be inserted at the appropriate place under the heading “Other bodies” the following entry—

(4) 1967 c. 13.

(5) 1972 c. 11.

“United Kingdom Ecolabelling Board”.

(2) The Board shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to sub-paragraph (1) in the sums payable out of the money provided by Parliament under that Act.

Income and Corporation Taxes Act 1988

11. In section 507 of the Income and Corporation Taxes Act 1988⁽⁶⁾ (bodies entitled to exemption from tax corresponding to certain charities), in subsection (1) after paragraph (d) there shall be inserted the following paragraph—

“(e) the United Kingdom Ecolabelling Board;”.

PART II

FINANCIAL PROVISIONS

General financial duties

12.—(1) The Secretary of State may, with the consent of the Treasury, determine the financial duties of the Board, and different determinations may be made for different functions and activities of the Board.

(2) Where it appears to the Secretary of State that the Board has a surplus, whether on capital or revenue account, the Secretary of State may, after consultation with the Treasury and the Board, direct the Board to pay to him such amount not exceeding the amount of that surplus as may be specified in the direction, and it shall be the duty of the Board to comply with that direction.

(3) Any sum received by the Secretary of State under sub-paragraph (2) shall be paid into the Consolidated Fund.

Grants to the Board

13. The Secretary of State may, with the consent of the Treasury, make to the Board out of money provided by Parliament grants of such amounts as he thinks fit.

Borrowing

14.—(1) The Board may, with the consent of the Secretary of State given with the approval of the Treasury, borrow temporarily in sterling, by way of overdraft or otherwise, from persons other than the Secretary of State, such sums as it may require for meeting its obligations and carrying out its functions.

(2) The aggregate amount outstanding in respect of the principal of sums borrowed by the Board shall not at any time exceed £200,000.

15.—(1) The Secretary of State may with the consent of the Treasury guarantee, in such manner and on such conditions as he may think fit, the repayment of the principal of, the payment of interest on and the discharge of any other financial obligation in connection with any sum which the Board borrows from any person.

(2) Immediately after a guarantee is given under this paragraph the Secretary of State shall lay a statement of the guarantee before each House of Parliament.

(6) 1988 c. 1. Section 507 was amended by section 60(1) of the Finance Act 1989 (c. 26).

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(3) Where any sum is paid out for fulfilling a guarantee under this paragraph the Secretary of State shall, as soon as possible after the end of the financial year, lay before each House of Parliament a statement relating to that sum.

(4) Any sums required by the Secretary of State for fulfilling a guarantee under this paragraph shall be paid out of money provided by Parliament.

(5) If any sums are paid out in fulfillment of a guarantee under this paragraph, the Board shall make to the Secretary of State at such times and in such manner as the Secretary of State may from time to time direct—

- (a) payments of such amounts as the Secretary of State may so direct in or towards repayment of the sums so paid out, and
- (b) payments of interest, at such rate as the Secretary of State may so direct, on what is outstanding for the time being in respect of sums so paid out,

and the consent of the Treasury shall be required for the giving of a direction under this paragraph.

(6) Any sums received by the Secretary of State under sub-paragraph (5) shall be paid into the Consolidated Fund.

Accounts and audit

16.—(1) The Board shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare in respect of each accounting year a statement of accounts which gives a true and fair account of the state of the Board's affairs at the end of the accounting year and of the Board's income and expenditure in the accounting year.

(2) The statement of accounts shall comply with any directions given by the Secretary of State as to—

- (a) the information to be contained in the statement,
- (b) the manner in which that information is to be presented,
- (c) the methods and principles according to which the statement is to be prepared.

(3) The accounts of the Board shall be audited by persons appointed for the purpose for each accounting year by the Secretary of State.

(4) A copy of any accounts of the Board audited under sub-paragraph (3) and of the report made on those accounts by the persons appointed to audit them shall be sent to the Secretary of State as soon as reasonably practicable after the report is received by the Board; and the Secretary of State shall lay before Parliament a copy of any accounts or report sent to him under this sub-paragraph.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations create the United Kingdom Ecolabelling Board and give it the functions of the competent body for the United Kingdom for the purposes of Council Regulation (EEC) 880/92 (OJ

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No. L99, 11.4.92, p.1). The Board will be responsible in the United Kingdom for the award of labels to products which have a reduced environmental impact during their entire life cycle.