

**1999 No. 1517**

**ENERGY CONSERVATION**

**The Energy Information (Lamps) Regulations 1999**

|                               |                      |
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| <i>Made</i> - - - -           | <i>26th May 1999</i> |
| <i>Laid before Parliament</i> | <i>9th June 1999</i> |
| <i>Coming into force</i>      | <i>1st July 1999</i> |

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The Secretary of State, being a Minister designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to measures relating to energy labelling and standard product information for household products, in exercise of the powers conferred by section 2(2) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

**1.** These Regulations may be cited as the Energy Information (Lamps) Regulations 1999 and shall come into force on 1st July 1999 (but see regulation 13).

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(a) See S.I. 1992/1711.

(b) 1972 c. 68.

## Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

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

“the Directives” means Council Directive 92/75/EEC<sup>(a)</sup> on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances and the Lamps Directive;

“enforcement action” means the instituting of proceedings (whether criminal or otherwise) for failing to observe or comply with these Regulations;

“enforcement authority”—

(a) in England and Wales, and in Scotland, means 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>(b)</sup>; and

(b) in Northern Ireland, means the Department of Economic Development;

“the harmonised standards” means the standards referred to in Article 1(4) of the Lamps Directive, which are technical specifications (European standards or harmonisation documents) adopted by the European Committee for Electrotechnical Standardisation (“Cenelec”), on the basis of—

(a) a mandate from the Commission in accordance with Council Directive 83/189/EEC of 28th March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations, as last amended by Commission Decision 96/139/EC<sup>(c)</sup>, and

(b) the general guidelines for co-operation between the Commission, Cenelec and the European Committee for Standardisation signed on 13th November 1984<sup>(d)</sup>;

“household electric lamps” means filament and integral compact fluorescent lamps supplied directly from the mains;

“household fluorescent lamps” includes linear and non-integral compact fluorescent lamps;

“information notice”—

(a) in regulation 7(2) and paragraph 6 of Schedule 4 (power of enforcement authority to require technical documentation), means a notice containing information relating to the energy consumption and allied design and performance characteristics of a regulated lamp;

(b) in any other provision of these Regulations, subject to paragraph (c), means a notice in the relevant language version containing information which meets the relevant requirements—

(i) where the notice is in English, of Schedules 1 (the label) and 3 (energy efficiency classes);

(ii) in any other case, of the Lamps Directive;

(c) in relation to a supplier, means a notice containing information provided by him in accordance with paragraph (a) or (b);

“label”—

(a) in regulations 7(2) and 11 (misleading information) and paragraph 6 of Schedule 4 (power of enforcement authority to require technical documentation), means a label, mark, symbol or inscription relating to the energy consumption of a regulated lamp;

(b) in any other provision of these Regulations, means a label in the relevant language version which meets the relevant requirements—

(i) where it is in English, of Schedules 1 (the label) and 3 (energy efficiency classes);

(ii) in any other case, of the Lamps Directive;

“the Lamps Directive” means Commission Directive 98/11/EC<sup>(e)</sup> implementing Council Directive 92/75/EEC with regard to energy labelling of household lamps;

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<sup>(a)</sup> OJ No. L 297, 13.10.92, p. 16.

<sup>(b)</sup> 1985 c. 72, as amended, for Scotland, by paragraph 144 of Schedule 13 to the Local Government (Scotland) Act 1994 (c. 39).

<sup>(c)</sup> OJ No. L 109, 26.4.83, p. 8.

<sup>(d)</sup> OJ No. L 32, 10.2.96, p. 31.

<sup>(e)</sup> OJ No. L 71, 10.3.98, p. 1.

“purchase” includes acquire on hire or on hire-purchase;  
“records” includes any books, documents, marks or symbols and any records in non-documentary form;  
“regulated lamp” means—

(a) any household electric lamp, and

(b) any household fluorescent lamp, except where marketed or commercialised as part of a product, the primary purpose of which is not illuminative but, subject to that, even when marketed for non-household use; “sale” includes hire and hire-purchase;  
“supplier” means the manufacturer of a regulated lamp or his authorised representative in the Community or the person who places the lamp on the Community market;  
“third person” means any person other than one against whom enforcement action may be, or is being, or has been taken under these Regulations.

(2) Other expressions used in these Regulations and in the Directives, or in one of them, have the same meaning in these Regulations as they have in the Directives or in that one, as the case may be.

### **Application of Regulations**

3.—(1) Subject to paragraph (2), these Regulations shall apply to regulated lamps; but where such a lamp can be taken apart by end-users, they apply to such part of the lamp as emits the light or, where there is more than one such part, to all those parts.

(2) These Regulations shall not apply to—

- (a) lamps with a luminous flux of more than 6,500 lumens;
- (b) lamps with an input power of less than 4 watts;
- (c) reflector lamps;
- (d) lamps marketed or commercialised primarily for use with other energy sources, such as batteries;
- (e) lamps marketed or commercialised primarily for the production of light outside the visible range of 400 to 800nm;
- (f) second-hand lamps;
- (g) lamps of which production ceased before 31st March 1998.

### **Suppliers’ duties in respect of labels**

4.—(1) A supplier shall not supply a regulated lamp to a dealer unless, subject to paragraph (2), a label is placed or printed on the outside of the individual packaging of the lamp.

(2) Where the packaging is so small that it cannot take a label reduced to 40% (by length) of the size necessary to meet the relevant requirements of Schedule 1, the supplier’s duty under paragraph (1) shall be met if a label is attached to the outside of the individual packaging of the lamp.

(3) Whenever, for the purpose of complying with regulation 9(1), a dealer sends to his supplier a request for labels, the supplier shall supply them free of charge and shall ensure that they are delivered promptly but, subject to that, may choose his own system for delivery.

### **Suppliers’ duties in respect of product brochures and information notices**

5.—(1) A supplier shall not provide a product brochure with a regulated lamp unless the brochure contains an information notice.

(2) Where a supplier does not provide a product brochure, and subject to paragraph (3), he shall provide an information notice with each regulated lamp which he supplies; and the notice shall be supplied with other literature provided with the lamp.

(3) Nothing in paragraph (2) shall require a supplier who has provided a label with a regulated lamp or its individual packaging, to provide a separate information notice with that lamp or its packaging.

### **Suppliers' deemed consent to publication of information**

6. The supplier shall be deemed to have given his consent to the publication of the information contained in a label or information notice.

### **Suppliers' responsibility for accuracy of labels and information notices**

7. The supplier (and no other person) shall be responsible for the accuracy of the information contained in a label or information notice.

### **Suppliers' duties in respect of technical documentation**

8.—(1) Before a regulated lamp is placed on the Community market the supplier shall have 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, trademark and address of the supplier;
- (b) a general description of the lamp, sufficient for it to be uniquely identified;
- (c) information (including drawings as relevant) on the main design features of the model and, in particular, those 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 model 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 other Community legislation;
- (g) where values are derived from those obtained for similar models, the same information for these models; and
- (h) operating instructions (if any).

(3) For the purposes of paragraph (1), 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 an enforcement authority for a period ending five years after the lamp has ceased to be manufactured.

(5) The supplier shall furnish promptly to an enforcement authority such of the technical documentation as the authority may, by notice in writing given to the supplier, reasonably require pursuant to paragraph 6 of Schedule 4 (power of enforcement authority to require technical information).

### **Dealers' duties**

9.—(1) A dealer who displays or offers for sale a regulated lamp shall—

- (a) ensure that there is placed or printed on the outside of the individual packaging of the lamp or,
- (b) in a case to which regulation 4(2) applies, but subject to paragraph (2) below, attach to, or ensure that there is attached to, the outside of the individual packaging of the lamp, a label referable to the lamp in question.

(2) Nothing in paragraph (1)(b) shall require a dealer to attach a label, or to ensure that a label is attached, to a lamp where he displays a full-size label with the lamp (for example, attached to the shelf on which the lamp is displayed).

(3) The dealer shall ensure that, throughout the period of the offer or display, the label placed, printed or attached, in accordance with paragraph (1), is neither obscured, nor its visibility reduced, by anything attached to, or placed or printed on, the packaging of the lamp.

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

10.—(1) Where any person offers a regulated lamp for sale by means of a printed communication, such as a catalogue, in circumstances that imply that the potential customer

cannot be expected to see the lamp displayed, that person shall include, or ensure that there is included, in the printed communication, or otherwise provide, or ensure that there is provided—

- (a) a copy of the label referable to the lamp; or
- (b) subject to paragraph (2), a statement containing the information specified in Schedule 2 and presented in the order in which it is so specified.

(2) Nothing in paragraph (1)(b) shall require the inclusion of the information specified in Schedule 2(d) (average rated life of lamp) where no other information on the life of the lamp is given in the catalogue.

### **Misleading information**

**11.**—(1) Subject to paragraph (2), no person shall display any label, mark, symbol or inscription which relates to the energy consumption of a regulated lamp, if it does not comply with these Regulations and is likely to confuse or mislead.

(2) Nothing in paragraph (1) applies to a label, mark, symbol or inscription displayed under a Community or national environmental labelling scheme.

### **Enforcement and offences**

**12.**—(1) Subject to paragraph (2), it shall be the duty of an enforcement authority to enforce these Regulations within its area.

(2) Nothing in paragraph (1) authorises a local weights and measures authority in Scotland to bring proceedings in Scotland for an offence.

(3) Schedule 4 (enforcement, offences, etc.) shall have effect.

### **Transitional provision**

**13.** Nothing in these Regulations shall apply to—

- (a) the supply (whether to a dealer or another person) of a regulated lamp,
  - (b) the distribution of any product brochure or printed communication, or
  - (c) the display of any regulated lamp;
- before 31st December 2000.

Signed by authority of the Secretary of State for  
the Environment, Transport and the Regions

*Alan Meale*  
Parliamentary Under Secretary of State,  
Department of the Environment,  
Transport and the Regions

26th May 1999

THE LABEL

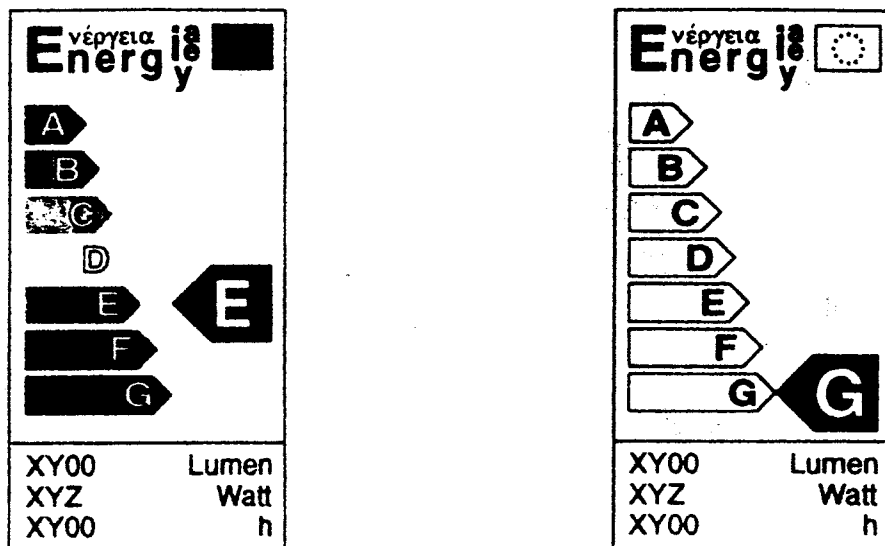
**Label design**

1. Subject to paragraph 2, the label shall be chosen from the illustrations in Figure 1 and shall include the information referred to in paragraph 3.

2.—(1) Where the label is not printed on the packaging but a separate label is placed on, or attached to, the packaging, the colour version shall be used.

(2) If the “black on white” version of the label is used, the printing and background may be in any colours that preserve the legibility of the label.

Figure 1



**Information to be included in the label**

3.—(1) Subject to sub-paragraph (3) and paragraph 4, the label shall include information as to—

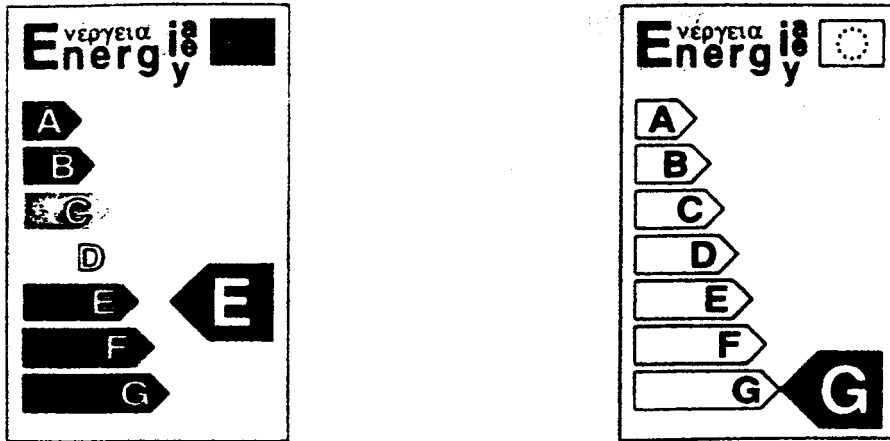
- (a) the energy efficiency class of the lamp, determined in accordance with Schedule 3;
- (b) the luminous flux of the lamp in lumens, measured in accordance with the test procedures of the harmonised standards;
- (c) the input power (wattage) of the lamp, measured in accordance with the test procedures of the harmonised standards;
- (d) the average rated life of the lamp in hours, measured in accordance with the test procedures of the harmonised standards.

(2) The indicator letter relevant to the information referred to in sub-paragraph (1)(a) shall be placed at the same level as the relevant arrow.

(3) The information referred to in sub-paragraph (1)(d) may be omitted where no other information on the life of the lamp is included on the packaging.

4. Where the information referred to in paragraph 3(1)(b), (c) and, where applicable, (d) is included elsewhere on the packaging of the lamp, it may be omitted from the label, as may the box that contains it; and the label shall then be chosen from those in Figure 2.

Figure 2



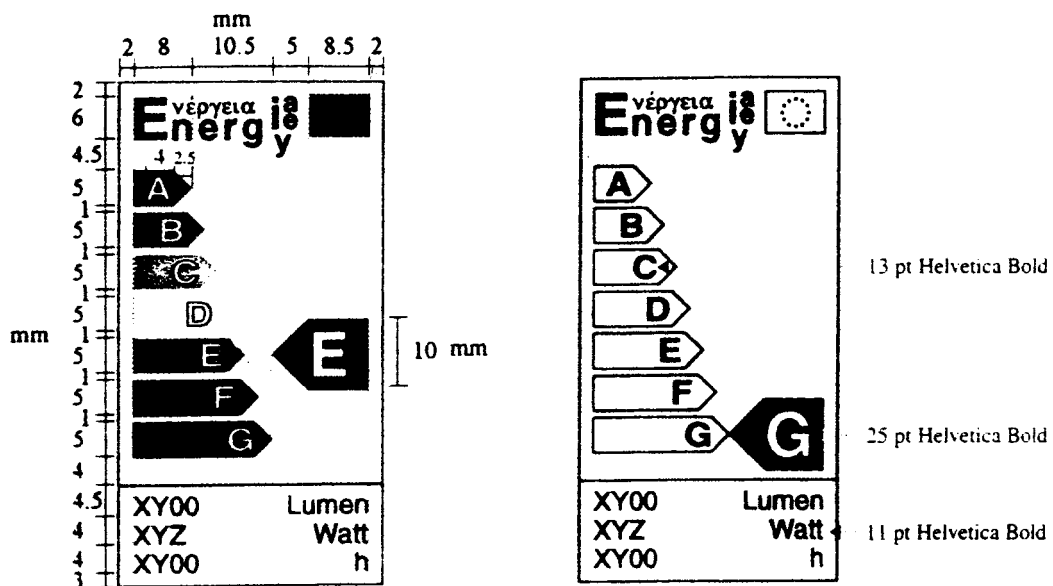
**Printing**

5.—(1) Subject to sub-paragraph (2), the label shall be printed in conformity with the measurements, fonts and font sizes shown in Figure 3, and shall be contained in a blank border of at least 2mm as shown.

(2) Where no side of the packaging is large enough to contain the label and the blank border, or where this would cover more than 50% of the surface area of the largest side, the label and border may be reduced but—

- (a) by no more than is required to meet both these conditions; and
- (b) not to less than 40% (by length) of its standard size.

Figure 3



## Colours used

6. Colours are to be used on the label in accordance with the following—  
Colour version:

CMYB—cyan, magenta, yellow, black.

Example: 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.

All text is in black. The background is white.

## SCHEDULE 2

Regulation 10(1)(b)

### MAIL ORDER AND OTHER DISTANCE SELLING: INFORMATION

The information specified for the purposes of regulation 10(1)(b) is—

- (a) energy efficiency class (determined in accordance with Schedule 3) expressed as “Energy efficiency class . . . on a scale of A (more efficient) to G (less efficient).”: but where this information is provided in a table this may be expressed by other means provided that it is clear that the scale is from A (more efficient) to G (less efficient);
- (b) luminous flux of the lamp (in lumens, measured in accordance with the test procedures of the harmonised standards);
- (c) input power (wattage, measured in accordance with the test procedures of the harmonised standards); and,
- (d) subject to regulation 10(2), average rated life of lamp (in hours, measured in accordance with the test procedures of the harmonised standards).



ENERGY EFFICIENCY CLASSES

1. Lamps shall be classified in class A if:

- Fluorescent lamps without integral ballast  
(those requiring a ballast and/or other control gear to connect them to the mains)  
 $W \leq 0.15 \sqrt{\Phi} + 0.0097 \Phi$
- Other lamps  
 $W \leq 0.24 \sqrt{\Phi} + 0.0103 \Phi$   
where  $\Phi$  is the lumen output of the lamp  
and  $W$  is the power input into the lamp in watts.

2. If a lamp is not classified in class A, a reference wattage  $W_R$  shall be calculated as follows:

$$W_R = \begin{cases} 0.88 \sqrt{\Phi} + 0.049 \Phi, & \text{when } \Phi > 34 \text{ lumens} \\ 0.2 \Phi, & \text{when } \Phi \leq 34 \text{ lumens} \end{cases}$$

where  $\Phi$  is the lumen output of the lamp.

An energy efficiency index  $E_1$  is then set as

$$E_1 = \frac{W}{W_R}$$

where  $W$  is the power input into the lamp in watts.

The energy efficiency classes are then set in accordance with the following table:

| Energy efficiency class | Energy efficiency index $E_1$ |
|-------------------------|-------------------------------|
| B                       | $E_1 < 60\%$                  |
| C                       | $60\% \leq E_1 < 80\%$        |
| D                       | $80\% \leq E_1 < 95\%$        |
| E                       | $95\% \leq E_1 < 110\%$       |
| F                       | $110\% \leq E_1 < 130\%$      |
| G                       | $130\% \geq E_1$              |

OFFENCES, ENFORCEMENT AND OTHER MATTERS

PART I

PROVISIONS AS TO OFFENCES

**Offences and penalties**

1.—(1) It shall be an offence to contravene or fail to comply with—  
regulation 4 (suppliers’ duties in respect of labels);  
regulation 5 (suppliers’ duties in respect of product brochures and information notices);  
regulation 8 (suppliers’ duties in respect of technical documentation);  
regulation 9 (dealers’ duties);  
regulation 10 (mail order and other distance sales);  
regulation 11 (misleading information);  
paragraph 5 of this Schedule (obstruction of authorised officers and false statements);  
paragraph 6 of this Schedule (power of enforcement authority to require technical documentation);  
paragraph 8(8) of this Schedule (prohibition of purported search and seizure by unauthorised person); or

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 the enforcement authority or the Director of Public Prosecutions for Northern Ireland.

### **Defences**

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.

### **Liability of others**

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 of enforcement authority to require technical documentation**

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 require the supplier of the lamp to which the label or information notice refers, to furnish to the authority, within such reasonable time as may be specified in the notice, such technical documentation within the meaning of regulation 8 (suppliers' duties in respect of technical documentation) as the authority considers appropriate.

#### **Test purchases**

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 lamp.

(2) Where–

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

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

#### **Power to enter premises and inspect, seize and detain regulated lamps etc.**

8.—(1) A duly authorised officer of an enforcement authority may, at all reasonable hours and 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,

exercise any of the powers set out in sub-paragraph (2).

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

- (a) he may, for the purpose of ascertaining whether an offence under these Regulations has been committed, inspect any regulated lamp and enter any premises other than premises used only as a dwelling;
- (b) if he has reasonable cause to suspect that an offence under these Regulations has been committed, he may, for the purpose of ascertaining whether it has been committed, require any person carrying on or employed in connection with a business to produce any records relating to the regulated lamp in question and he may take copies of, or of any entry in, those records;
- (c) if he has reasonable cause to suspect that an offence under these Regulations has been committed, he may seize and detain any regulated lamp for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed;
- (d) he may seize and detain any regulated lamp or records which he has reason to believe may be required as evidence in proceedings for an offence under these Regulations;
- (e) he may, for the purpose of exercising his 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, 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 person present having authority to open it, he may do so himself.

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

(i) that any regulated lamp 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 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 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 lamps and records under this paragraph;

(b) explaining that compensation may be payable for damage caused in entering premises and seizing and removing regulated lamps 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 within 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 of regulated lamps etc.), 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.

#### **Appeals against detention of regulated lamps etc.**

**9.—**(1) Any person having an interest in any regulated lamp or records which are for the time being detained under paragraph 8 (power to enter premises and inspect, seize and detain

regulated lamps etc.) by an enforcement authority or by a duly authorised officer of an enforcement authority may apply for an order requiring the lamp 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 lamp or records;
- (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—

- (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 lamp 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 of such a court 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' Courts Act 1980<sup>(a)</sup> or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)<sup>(b)</sup>).

#### **Compensation for loss etc. of lamps or records seized**

**10.**—(1) Where a duly authorised officer of an enforcement authority exercises any power under paragraph 8 (power to enter premises and inspect, seize and detain regulated lamps etc.) to seize and detain any lamp or records, the enforcement authority shall be liable to pay compensation to any person having an interest in the lamp 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 lamp, 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 to 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.

#### **Recovery of expenses of enforcement**

**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 lamp 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 lamp or records.

### **PART III**

#### **MISCELLANEOUS AND SUPPLEMENTAL**

##### **Restrictions on disclosure of information**

**12.**—(1) Subject to the following provisions of this paragraph, a person shall not disclose any information—

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(a) 1980 c. 43.  
(b) S.I. 1981/1675 (N.I. 26).

- (a) which was obtained by him in consequence of its being given to any person in compliance with any requirement imposed by these Regulations; or
  - (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 or subordinate legislation 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**(a)**.
- (3) The enactments and subordinate legislation referred to in sub-paragraph (2)(a) are—
- (a) the Trade Descriptions Act 1968**(b)**;
  - (b) Parts II and III and section 125 of the Fair Trading Act 1973**(c)**;
  - (c) the relevant statutory provisions within the meaning of Part I of the Health and Safety at Work etc. Act 1974**(d)** or within the meaning of the Health and Safety at Work (Northern Ireland) Order 1978**(e)**;
  - (d) the Weights and Measures Act 1985**(f)**;
  - (e) the Weights and Measures (Northern Ireland) Order 1981**(g)**;
  - (f) the Consumer Protection Act 1987**(h)**;
  - (g) the Consumer Protection (Northern Ireland) Order 1987**(i)**;
  - (h) the Electrical Equipment (Safety) Regulations 1994**(j)**; and
  - (i) any subordinate legislation made for the purpose of securing compliance with the Directive of the Council of the European Communities, dated 10th September 1984 (No. 84/450/EEC) on the approximation of laws, regulations and administrative provisions of the member States concerning misleading advertising**(k)**.
- (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 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 and subordinate legislation referred to in sub-paragraph (3).

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**(a)** S.I. 1992/3240.

**(b)** 1968 c. 29.

**(c)** 1973 c. 41.

**(d)** 1974 c. 37.

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

**(f)** 1985 c. 72.

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

**(h)** 1987 c. 43.

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

**(j)** S.I. 1994/3260.

**(k)** OJ No. L 250, 19.9.84, p. 17.

### **Savings for certain privileges**

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.

### **Saving for civil rights**

14. A contract for the supply of regulated lamps shall not be void or unenforceable by reason only of a contravention of any provision of these Regulations.

### **Service of documents etc.**

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 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>(a)</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.

### **Reports etc.**

16.—(1) It shall be the duty of the Secretary of State at least once in every five years to lay before each House of Parliament a report on the exercise during the period to which the report relates of the functions which under these Regulations are exercisable by enforcement authorities.

(2) The Secretary of State may from time to time prepare and lay before each House of Parliament such other reports on the exercise of those functions as he considers appropriate.

(3) Every enforcement authority shall, whenever the Secretary of State so directs, make a report to the Secretary of State on the exercise of the functions exercisable by that authority under these Regulations.

(4) A report under sub-paragraph (3) shall be in such form and shall contain such particulars as are specified in the direction of the Secretary of State.

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(a) 1978 c. 30.

## 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 98/11/EC (implementing Council Directive 92/75/EEC with regard to energy labelling of household lamps).

The lamps to which the Regulations apply are those specified in the definition of “regulated lamp” in regulation 2(1), other than those excluded by regulation 3(2).

The suppliers of regulated lamps are required by regulation 4 to print on the packaging of every regulated lamp a label (defined in regulation 2(1)) in the form, and containing the information, indicated in Schedule 1. Where that is not possible because of the size of the packaging, the supplier may attach to the packaging of the lamp a label containing the relevant information.

Regulation 5 requires suppliers who provide product brochures to include in the brochures the information that would otherwise be displayed on the label. Where a supplier does not provide a product brochure, he must supply with the lamp information equivalent to that which would have been provided on a label. Information supplied in either of these ways is referred to in the Regulations as an information notice (defined in regulation 2(1)).

The supplier is deemed to consent to the publication of the information given in a label or information notice (regulation 6), and is required, by regulations 7 and 8, to take sole responsibility for the accuracy of the information given in labels and information notices, and to establish technical documentation for the purpose of enabling the accuracy of that information to be assessed.

A dealer who displays a regulated lamp is required to ensure that the lamp or its packaging bears a label containing the appropriate Schedule 1 information. He is relieved of this duty if he provides the information as part of the display, for example, on the shelf on which the lamps are displayed.

Where a dealer offers for sale a regulated lamp by mail order or in other circumstances in which potential purchasers cannot be expected to see the lamp, regulation 10 requires the dealer to provide relevant information as determined in Schedules 2 and 3.

Regulation 11 prohibits the display of labels, marks, symbols and inscriptions relating to energy consumption which, although not complying with the Regulations, would be taken to comply and would be likely to mislead or confuse. The prohibition does not apply to labels etc. displayed under a Community or national environmental labelling scheme.

Regulation 12 provides for the enforcement of the Regulations by local weights and measures authorities, except in Northern Ireland where the enforcement authority is the Department of Economic Development (“enforcement authority” is defined in regulation 2(1)). Provisions about offences, penalties and other matters relating to the enforcement of the Regulations are contained in Schedule 4.

Regulation 13 makes transitional provision; until 31st December 2000 the Regulations do not apply to the supply or display of regulated lamps or to the distribution of product brochures or the other printed communications to which regulation 10 applies.

A Regulatory Impact Assessment, estimating the financial impact of the Regulations on the suppliers of, and dealers in, regulated lamps, can be obtained from the Department of the Environment, Transport and the Regions, Ashdown House, 123 Victoria Street, London SW1E 3DE.

**£3.00**

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WO 4862 6/99 ON (MFK)