

1999 No. 1676

ENERGY CONSERVATION

The Energy Information (Dishwashers) Regulations 1999

<i>Made - - - -</i>	<i>11th June 1999</i>
<i>Laid before Parliament</i>	<i>17th June 1999</i>
<i>Coming into force</i>	<i>8th July 1999</i>

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The Secretary of State, being a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) 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 (Dishwashers) Regulations 1999 and shall come into force on 8th July 1999.

Interpretation

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

(a) See S.I. 1992/1711.
(b) 1972 c. 68.

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

“the Directives” means Council Directive 92/75/EEC(a) on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances and Commission Directive 97/17/EC(b) as amended by Commission Directive 99/9/EC(c);

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

“enforcement authority” means–

(a) in England and Wales and Scotland, a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985 (local weights and measures authorities)(d); and

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

“the harmonised standards” means the standards referred to in article 1(2) of Commission Directive 97/17/EC (measurement of required information), which are technical specifications (European standards of 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(e) as last amended by Commission Directive 96/139/EC(f), and

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

“information notice” means–

(a) subject to paragraph (b), a standard table of information relating to a regulated dishwasher and complying with regulation 5(2) (form, content and language of information notice);

(b) in paragraph 6 of Schedule 5 (power of enforcement authority to require technical documentation), a standard table of information relating to the energy consumption and allied design and performance characteristics of a regulated dishwasher;

“label” means–

(a) subject to paragraph (b), a label relating to a regulated dishwasher and complying with regulation 4(2) (form, content and language of label);

(b) in regulation 11 (misleading information) and in paragraph 6 of Schedule 5 (power of enforcement authority to require technical documentation), a label relating to the energy consumption and allied design and performance characteristics of a regulated dishwasher;

“purchase” includes acquire on hire or on hire-purchase;

“regulated dishwasher” means any household dishwasher which is–

(a) electric mains operated, and

(b) unable to use other energy sources, even where marketed for non-household use;

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

“sale” includes hire and hire-purchase;

“supplier” means the manufacturer of a regulated dishwasher or his authorised representative in the Community or the person who places the dishwasher on the Community market;

“third person” means any person other than one against whom enforcement action may be or has been taken under these Regulations.

(a) OJ No. L297, 13.10.92, p. 16.

(b) OJ No. L118, 7.5.97, p. 1.

(c) OJ No. L56, 4.3.99, p. 46.

(d) 1985 c. 72, as amended by paragraph 144 of Schedule 13 to the Local Government (Scotland) Act 1994 (c. 39).

(e) OJ No. L109, 26.4.83, p. 8.

(f) OJ No. L32, 10.2.96, p. 31.

Application

- 3.—(1) Subject to paragraph (2), these Regulations shall apply to regulated dishwashers.
- (2) These Regulations shall not apply—
- (a) to second-hand dishwashers,
 - (b) to dishwashers of which production ceased before 7th March 1999, or
 - (c) in respect of the rating plate or its equivalent affixed for safety purposes to a dishwasher.

Suppliers' duties in respect of labels

- 4.—(1) A supplier of a regulated dishwasher shall provide free of charge to a dealer a label which complies with paragraph (2).
- (2) The label shall be in the relevant language version and, where it is in English, shall comply with Schedules 1 (the label) and 4 (energy efficiency and washing performance class) and, in any other case, with Commission Directive 97/17/EC.
- (3) Where the dealer requests labels from the supplier, the supplier shall ensure that the requested labels are delivered promptly.
- (4) A supplier may choose his own system for delivery of labels.

Suppliers' duties in respect of information notices

- 5.—(1) A supplier of a regulated dishwasher shall provide an information notice in accordance with this regulation.
- (2) The information notice shall be in the relevant language version and, where it is in English, shall comply with Schedules 2 (the information notice) and 4 (energy efficiency and cleaning and drying performance class) and, in any other case, with Commission Directive 97/17/EC.
- (3) Where the supplier provides a product brochure, the brochure shall contain an information notice.
- (4) Where a product brochure is not provided by the supplier, the supplier shall provide an information notice with any other literature provided with the dishwasher.

Suppliers' deemed consent to publication of information

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

Suppliers' responsibility for accuracy of labels and information notices

7. Only the supplier shall be responsible for the accuracy of the information given on a label which he supplies to a dealer or in an information notice.

Suppliers' duties in respect of technical documentation

- 8.—(1) Before a regulated dishwasher 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 and address of the supplier;
 - (b) a general description of the regulated dishwasher, sufficient for it to be identified;
 - (c) information (including drawings as relevant) on the main design features of the dishwasher 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 regulated dishwasher 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 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 regulated dishwasher has ceased to be manufactured.

(5) The supplier shall furnish promptly to an enforcement authority such of the technical documentation as the authority requires pursuant to paragraph 6 of Schedule 5 (power of enforcement authority to require technical information).

Dealers' duty in respect of displayed regulated dishwashers

9. A dealer who displays a regulated dishwasher to end-users shall attach a label to the outside front or top of the dishwasher so that the label remains clearly visible and not obscured whenever the dishwasher is displayed.

Information in respect of mail order and other distance sales

10. Where a person offers a regulated dishwasher for sale by means of a printed communication, such as a mail order catalogue (but not an advertisement or short printed list of dishwashers), in circumstances which imply that the potential purchaser cannot be expected to see the dishwasher displayed, that person shall ensure that the printed communication is in the relevant language version and—

- (a) if it is in English, includes the information specified in Schedule 3 (mail order and other distance selling) and describes the dishwasher in accordance with Schedule 4 (energy efficiency and washing performance class), and
- (b) in any other case, it complies with Commission Directive 97/17/EC.

Misleading information

11.—(1) A person shall not display a label, mark, symbol or inscription which relates to the energy consumption of a regulated dishwasher which does not comply with 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.

Enforcement and offences

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

(2) Nothing in these Regulations shall authorise a local weights and measures authority in Scotland to bring proceedings in Scotland for an offence.

(3) Schedule 5 shall have effect with regard to offences, enforcement of these Regulations and other matters.

Transitional provisions

13. Nothing in these Regulations shall apply to:

- (a) the supply (whether to a dealer or another person) of a regulated dishwasher;

- (b) any printed communication within the meaning of regulation 10 (printed communications) distributed to potential purchasers; or
 - (c) the display of any regulated dishwasher
- before 31st July 1999.

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

11th June 1999

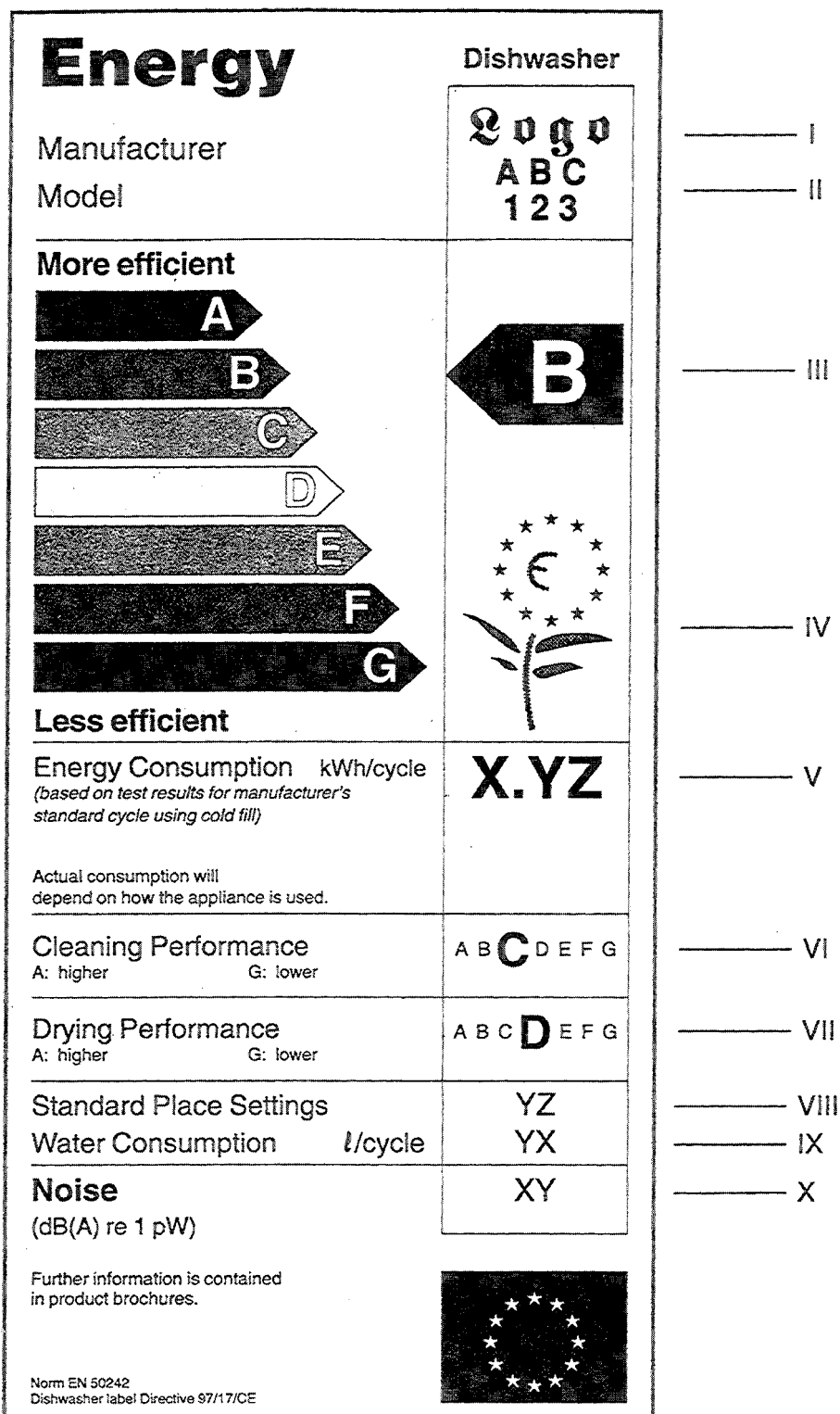
Michael Meacher
Minister of State,
Department of the Environment,
Transport and the Regions

THE LABEL

Label design

1. The label shall be in accordance with Figure 1 and shall include the information required by the notes.

Figure 1



Notes to Figure 1–

- I.** Supplier's name or trade mark.
- II.** Supplier's model identifier.
- III.** The energy efficiency class of the dishwasher, determined in accordance with Table 1 of Schedule 4 (energy efficiency class). The indicator letter shall be placed at the same level as the relevant arrow.
- IV.** Without prejudice to any requirements under the Community Eco-label scheme, where a dishwasher has been granted a "Community Eco-label" pursuant to Council Regulation (EEC) No. 880/92**(a)**, a copy of the Eco-label (the flower) may be added here.
- V.** Energy consumption in kWh per standard cycle, determined in accordance with the test procedures of the harmonised standards.
- VI.** Cleaning performance, determined in accordance with Table 2 of Schedule 4 (cleaning performance class).
- VII.** Drying performance, determined in accordance with Table 3 of Schedule 4 (drying performance class).
- VIII.** Capacity of dishwasher in standard place settings, determined in accordance with the harmonised standards.
- IX.** Water consumption, in litres, per cycle using standard cycle, determined in accordance with the test procedures of the harmonised standards.
- X.** Where applicable, noise during operating cycle, determined in accordance with Council Directive 86/594/EEC**(b)**.

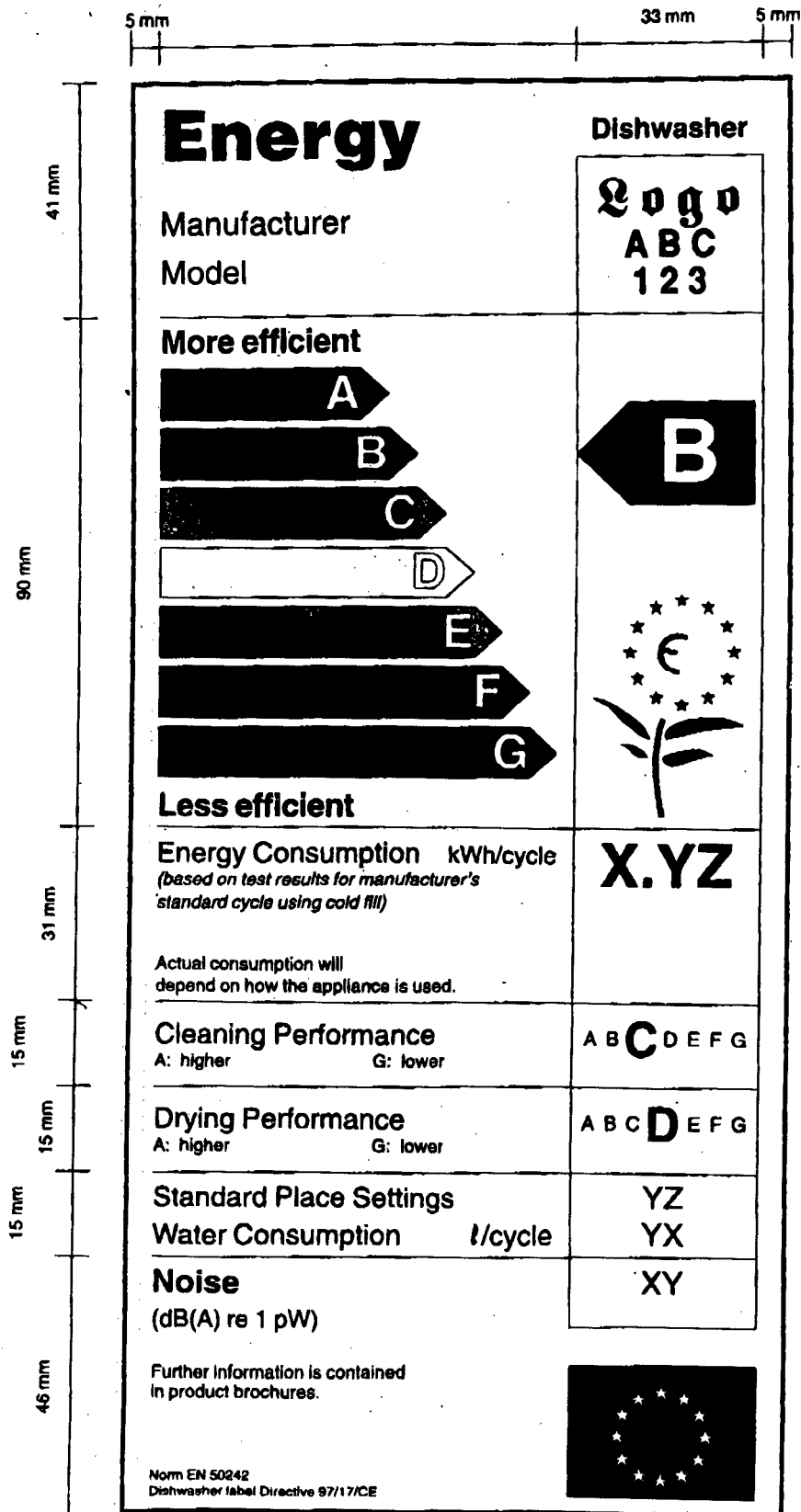
(a) OJ No. L99, 11.4.92, p. 1.

(b) 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).

Printing

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

Figure 2



(2) Colours are to be used on the label in accordance with the following—
CMYK: 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 5(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 dishwasher 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 model, determined in accordance with Table 1 of Schedule 4 (energy efficiency class), expressed as "Energy Efficiency class ... on a scale of A (more efficient) to G (less efficient)". Where this information is provided in a table, this may be expressed by other means provided 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 dishwashers listed in the table have been granted a "Community Eco-label" under Regulation (EEC) No. 880/92, this information may be included here. In this case the row heading shall state "Community Eco-label" and the entry shall consist of a copy of the Eco-label (the flower). This provision is without prejudice to any requirements under the Community Eco-label scheme.

(5) Manufacturer's name, code or indication for the "standard" cycle to which the information in the label and the information notice relate.

(6) Energy consumption in kWh per cycle using the standard cycle determined in accordance with the test procedures of the harmonised standards, and described as "Energy consumption XYZ kWh per standard test cycle, using cold water fill. Actual energy consumption will depend on how the dishwasher is used".

(7) Cleaning performance class, determined in accordance with Table 2 of Schedule 4 (cleaning performance class), expressed as "Cleaning performance class ... on a scale of A (higher) to G (lower)". This may be expressed by other means provided it is clear that the scale is from A (higher) to G (lower).

(8) Drying performance class, determined in accordance with Table 3 of Schedule 4 (drying performance class), expressed as "Drying performance class ... on a scale of A (higher) to G (lower)". This may be expressed by other means provided it is clear that the scale is from A (higher) to G (lower).

(9) Capacity of dishwasher in standard place settings, determined in accordance with the harmonised standards.

(10) Water consumption in litres per complete cycle using standard cycle, determined in accordance with the test procedures of the harmonised standards.

(11) Programme time for standard cycle, determined in accordance with the test procedures of the harmonised standards.

(12) Suppliers may include the information in points (5) to (11) in respect of other cycles.

(13) The estimated annual consumption of energy and water equal to 220 times the consumption for a standard cycle expressed in points 6 (energy) and 10 (water). This shall be expressed as “estimated annual consumption” (220 cycles).

(14) Where applicable, noise during standard cycle, determined in accordance with Council Directive 86/594/EEC(a).

2. The information contained in the label may be given in the form of a copy of the label, either in colour or in black and white.

SCHEDULE 3

Regulation 10(a)

MAIL ORDER AND OTHER DISTANCE SELLING

1. Mail order catalogues and other printed communications referred to in regulation 10 (information in respect of mail order and other distance sales) shall contain the following information, given in the order specified below—

- (1) energy efficiency class, determined in accordance with paragraph 1(3) of Schedule 2;
- (2) name of standard cycle, determined in accordance with paragraph 1(5) of that Schedule;
- (3) energy consumption, determined in accordance with paragraph 1(6) of that Schedule;
- (4) cleaning performance class, determined in accordance with paragraph 1(7) of that Schedule;
- (5) drying performance class, determined in accordance with paragraph 1(8) of that Schedule;
- (6) capacity, determined in accordance with paragraph 1(9) of that Schedule;
- (7) water consumption, determined in accordance with paragraph 1(10) of that Schedule;
- (8) estimated annual consumption, determined in accordance with paragraph 1(13) of that Schedule;
- (9) Where applicable, noise, determined in accordance with paragraph 1(14) 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

Regulations 4(2), 5(2) and 10(a)

ENERGY EFFICIENCY, CLEANING AND DRYING PERFORMANCE CLASS

1. The energy efficiency class of a dishwasher shall be determined as follows—

A reference consumption C_R shall be calculated as follows:

$$C_R = 1.35 + 0.025 \times S \quad \text{when } S \geq 10$$

$$C_R = 0.45 + 0.09 \times S \quad \text{when } S \leq 9$$

where S is the capacity of the dishwasher in standard place settings (Schedule 1 paragraph 1 note VIII).

An energy efficiency index E_1 is then set as $E_1 = \frac{C}{C_R}$

where C is the energy consumption of the dishwasher (Schedule 1 paragraph 1 note V).

(a) OJ No. L344, 6.12.86, p. 24; see the Household Appliances (Noise Emission) Regulations 1990 (S.I. 1990/161, amended by S.I. 1994/1386).

The energy efficiency class is then determined in accordance with Table 1:

TABLE 1

<i>Energy efficiency class</i>	<i>Energy efficiency index E_1</i>
A	$E_1 < 0.64$
B	$0.64 \leq E_1 < 0.76$
C	$0.76 \leq E_1 < 0.88$
D	$0.88 \leq E_1 < 1.00$
E	$1.00 \leq E_1 < 1.12$
F	$1.12 \leq E_1 < 1.24$
G	$E_1 \geq 1.24$

2. The cleaning performance class of a dishwasher shall be determined in accordance with Table 2–

TABLE 2

<i>Cleaning performance class</i>	<i>Cleaning performance index P_c as defined in the harmonized standards using a standard cycle</i>
A	$P_c > 1.12$
B	$1.12 \geq P_c > 1.00$
C	$1.00 \geq P_c > 0.88$
D	$0.88 \geq P_c > 0.76$
E	$0.76 \geq P_c > 0.64$
F	$0.64 \geq P_c > 0.52$
G	$0.52 \geq P_c$

3. The drying performance class of an application shall be determined in accordance with Table 3–

TABLE 3

<i>Drying performance class</i>	<i>Drying performance index P_D as defined in the harmonized standards</i>
A	$P_D > 1.08$
B	$1.08 \geq P_D > 0.93$
C	$0.93 \geq P_D > 0.78$
D	$0.78 \geq P_D > 0.63$
E	$0.63 \geq P_D > 0.48$
F	$0.48 \geq P_D > 0.33$
G	$0.33 \geq P_D$

SCHEDULE 5

Regulation 12(3)

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 information notices);
regulation 8 (suppliers' duties in respect of technical documentation);
regulation 9 (dealers' duty in respect of displayed regulated dishwashers);
regulation 10 (information in respect of mail order and other distance sales);
regulation 11 (misleading information);
paragraph 5 of this Schedule (obstruction of authorised officers and false statements);
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 be instituted—

- (a) in England and Wales, by an enforcement authority;
- (b) in Northern Ireland, 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) Subject to sub-paragraphs (3) to (5), 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.

(3) Where in any proceedings (which in Scotland include the trial diet) against any person for such an offence the defence provided for by sub-paragraph (2) involves an allegation that the commission of the offence was due—

- (a) to the act or default of another, or
- (b) to reliance on information given by another,

that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than seven clear days before the hearing of the proceedings (or, in Scotland, the trial diet) he has served a notice under sub-paragraph (4) on the person bringing the proceedings.

(4) A notice under this sub-paragraph shall give such information identifying or assisting in the identification of the person who is alleged to have committed the act or default or to have given the information as is in the possession of the person serving the notice at the time he serves it.

(5) A person shall not be entitled to rely on the defence provided by sub-paragraph (2) by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular—

- (a) to whether he had any reason to disbelieve the information, and
- (b) in the case of a supplier, to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information.

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.

PART II

PROVISIONS AS TO ENFORCEMENT

Obstruction of authorised officers

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 reasonable 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 regulated dishwasher, 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 dishwasher.

(2) Where—

- (a) a regulated dishwasher 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 dishwasher was purchased or any person who is a party to the proceedings or has an interest in the dishwasher to have the dishwasher tested.

(3) A test of a regulated dishwasher purchased under this paragraph, or seized and detained under paragraph 8 (power to enter premises and seize and detain regulated dishwashers 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 dishwashers and records relating to them

8.—(1) A duly authorised officer of an enforcement authority 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, has available to him, 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, inspection of any regulated dishwasher and entering 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, requiring any person carrying on or employed in connection with a business to produce any records relating to the regulated dishwasher in question and taking 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, seizure and detention of any regulated dishwashers for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed;

(d) seizure and detention of any regulated dishwashers 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, requiring 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 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 dishwashers 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 dishwashers and records under this paragraph;
- (b) explaining that compensation may be payable for damage caused in entering premises and seizing and removing regulated dishwashers 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), 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 dishwashers and records relating to them

9.—(1) Any person having an interest in any regulated dishwashers or records which are for the time being detained under paragraph 8 (power to enter premises and seize and detain regulated dishwashers and records relating to them) by an enforcement authority or by a duly authorised officer of an enforcement authority may apply for an order requiring the regulated dishwashers 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 dishwashers 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 regulated dishwashers 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^(a) or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)^(b)).

Compensation for loss etc of regulated dishwashers 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 seize and detain regulated dishwashers etc) to seize and detain any regulated dishwashers or records, the enforcement authority shall be liable to pay compensation to any person having an interest in the regulated dishwashers 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 dishwashers 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 dishwashers 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 dishwashers 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—

(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) 1980 c. 43.

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

- (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).

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

(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. L250, 19.9.84, p. 17.

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 a regulated dishwasher shall not be void or unenforceable by reason only of a contravention of any provision of these Regulations.

Service of documents

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^(a) (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

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.

^(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 Directives 97/17/EC and 99/9/EC (implementing the Council Directive 92/75/EEC with regard to energy labelling of household dishwashers).

Dishwashers to which these Regulations apply are those specified in the definition of “regulated dishwasher” in regulation 2, except those excluded by regulation 3(2).

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 dishwashers (regulations 4 and 5). Suppliers are deemed to consent to the publication of the information given on a label or in an information notice (regulation 6). They are responsible for the accuracy of the information (regulation 7) and are required to establish, before the dishwasher is placed on the Community market, technical documentation to enable the accuracy of the information to be assessed (regulation 8).

Dealers, as defined in regulation 2, must attach a label to a regulated dishwasher displayed to end-users (regulation 9).

Where a regulated dishwasher is for sale by printed communication e.g. mail order or other long distance selling, regulation 10 requires the dealer to provide relevant information as determined in Schedules 3 and 4.

Regulation 11 prohibits the display of misleading information about energy consumption of regulated dishwashers. Regulation 12 and Schedule 5 contain provisions on offences, penalties and other matters of enforcement.

Regulation 13 makes transitional provision; until 31st July 1999 the Regulations do not apply to the supply or display of regulated dishwashers or to the distribution of any printed communication within the meaning of regulation 10.

A Regulatory Impact Assessment, estimating the financial impact of the Regulations on suppliers, dealers and wholesalers of household dishwashers covered by the scheme, can be obtained from: Energy, Environment and Waste Directorate, Department of the Environment, Transport and the Regions, Ashdown House, 123 Victoria Street, London SW1E 3DE.

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ENERGY CONSERVATION

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