
OZONE DEPLETING SUBSTANCES (QUALIFICATIONS)
REGULATIONS 2006

Revoked
Subsidiary
2006/120

Subsidiary Legislation made under s. 18.

OZONE DEPLETING SUBSTANCES (QUALIFICATIONS)
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Revoked by LN. 2014/041 as from 1.6.2014

(LN. 2006/120)

Commencement **25.1.2007** (*LN. 2007/022*)

Amending enactments	Relevant current provisions	Commencement date
None		

EU Legislation/International Agreements involved:
Regulation (EC) No. 2037/2000

ARRANGEMENT OF REGULATIONS.

Regulation

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In exercise of the powers conferred upon it by section 18 of the Environment Act 2005 the Government has made the following Regulations.

Title and commencement.

1. These Regulations may be cited as the Ozone Depleting Substances (Qualifications) Regulations 2006 and come into operation on the day designated by the Minister by notice in the Gazette.

Interpretation.

2. In these Regulations—

“authorised person” means a person authorised by the Minister in accordance with regulation 9(1);

“Minister” means the Minister with responsibility for the Environment;

“Ozone Regulation” means Council Regulation (EC) No. 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer, as the same may from time to time be amended;

“Table” means the Table in the Schedule.

(2) Unless otherwise stated, expressions used in these Regulations and in the Ozone Regulation have the same meaning in these Regulations as they have in the Ozone Regulation.

Meaning of “competent”.

3. For the purposes of these Regulations a person is competent to carry out relevant work whilst performing a task specified in column 1 of the Table in respect of the equipment specified in the corresponding entry in column 2 if that person has obtained a qualification specified in the corresponding entry in column 3.

Meaning of “relevant work”.

4. In these Regulations, “relevant work” means any work which involves—

- (a) recovering, recycling, reclaiming or destroying controlled substances; and
- (b) preventing and minimising the leakage of controlled substances.

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Qualification and supervision.

5.(1) Subject to subregulation (3) and regulation 8, no person shall carry out any relevant work unless he is competent to do so.

(2) The employer of a person employed to carry out relevant work for that employer shall ensure that subregulation (1) is complied with.

(3) A person who is not competent to carry out relevant work may carry out such work if he does so both—

(a) under the direct and constant supervision of a person who is so competent; and

(b) with a view to obtaining a qualification referred to in regulation 3.

(4) A person who fails to comply with the provisions of subregulation (1) or (2) is guilty of an offence.

Methyl Bromide.

6.(1) Subject to subregulation (2), nothing in these Regulations shall be construed as permitting any person to use or handle methyl bromide.

(2) Subregulation (1) shall not apply were pursuant to Article 3(2)(ii) of the Ozone Regulation, the Commission permits the temporary use of methyl bromide.

(3) Where subregulation (2) applies the Minister shall by notice in the Gazette, set out the minimum qualifications required for work with methyl bromide and such notice shall state the extent to which these Regulations apply.

Transitional provisions.

7. A person who carried out relevant work before the coming into operation of these Regulations and is not competent to do so, may continue to carry out such work until 9 April 2007.

Authorised persons.

8.(1) The Minister may by a notice published in the Gazette authorise such persons as may be required for the carrying into effect these Regulations.

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- (2) An authorised person may–
- (a) at any reasonable time enter premises, other than premises used wholly or mainly for residential purposes, which he has reason to believe it is necessary for him to enter;
 - (b) on entering any premises by virtue of paragraph (a), to take with him any other person whose presence appears to him to be required in connection with the exercise by him of any power under this regulation, including, if he has reasonable cause to apprehend any serious obstruction in the execution of his duty, a constable;
 - (c) to carry out such inquiries and to make such examination as may be necessary;
 - (d) to require any person whom he reasonably believes can give any information relevant to any examination or investigation under paragraph (c)–
 - (i) to answer (in the absence of anyone, other than someone nominated by that person to be present and anyone whom the authorised person may allow to be present) such questions as the authorised person thinks fit to ask, and
 - (ii) to sign a declaration of the truth of his answers;
 - (e) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records which it is necessary for him to see for the purposes of any examination or investigation under paragraph (c) and to inspect and take copies of, or of any entry in, the records; and
 - (f) to require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred on him by this regulation.
- (3) No answer given by a person in pursuance of a requirement imposed under subregulation (2)(d) shall be admissible in evidence against the person in any proceedings.

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(4) Nothing in this regulation shall be taken to compel the production by any person of a document of which he would be entitled to withhold production on the grounds of legal professional privilege.

Offences.

9.(1) It shall be an offence for a person—

- (a) to intentionally obstruct an authorised person from the exercise or performance of his powers;
- (b) furnish to an authorised person information which he knows to be false or misleading; or
- (c) falsely pretends to be an authorised person.

Corporate offences.

10.(1) If an offence under these Regulations committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, subregulation (1) applies 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.

(3) If an offence under these Regulations committed by a partnership is shown—

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on his part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

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(4) If an offence under these Regulations committed by an unincorporated association, other than a partnership, is shown—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

that officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In this regulation—

- (a) “officer” in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity; and
- (b) “partner” includes a person purporting to act as a partner.

Penalties.

11. A person convicted of an offence under these Regulations shall be liable—

- (a) on summary conviction to a fine up to level 5 on the standard scale or to a term of imprisonment not exceeding 3 months, or both; or
- (b) on conviction on indictment to a fine not exceeding £10,000 or to a term of imprisonment not exceeding 5 years, or both.

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SCHEDULE

Regulation 3

Minimum Qualifications

Column 1 TASKS	Column 2 EQUIPMENT	Column 3 MINIMUM QUALIFICATION
Servicing and maintenance of equipment	Fixed and mobile— (a) refrigeration, air conditioning and heat pump equipment; and (b) commercial and domestic refrigerators and freezers	City & Guilds Certificate in Handling Refrigerants Scheme 2078; or Construction Industry Training Board Safe Handling of Refrigerants reference 206710
Dismantling of equipment	Fixed refrigeration and air conditioning systems which can only be dismantled at the place at which they are used	City & Guilds Certificate in Handling Refrigerants Scheme 2078; or Construction Industry Training Board Safe Handling of Refrigerants reference 206710
Decommissioning of equipment	Fire protection systems and fire extinguishers	British Fire Protection Systems Association Competence Certificate Course Class I.