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LEGAL NOTICES

The following are published as a Supplement to this Gazette:
Legal Notice No. 3.

SUPPLEMENT to the Solomon Islands GazetteFriday, 29th January, 2016

S.I. No. 2

[Legal Notice No. 3]

**THE CONSUMER PROTECTION ACT
(CAP. 63)****CONSUMER PROTECTION (APPROVED STANDARDS
FOR RESTRICTED ELECTRICAL PRODUCTS)
REGULATIONS 2016**

IN exercise of the powers conferred by section 12 and 40 of the Consumer Protection Act, I ELIJAH DORO MUALA, Minister of Commerce, Industries, Labour and Immigration do hereby make the following regulation -

- | | |
|---|---|
| 1. This Regulation may be cited as Consumer Protection (Approved Standards for Restricted Electrical Products) Regulations 2016 and shall come into force on the date of publication in the Gazette. | Citation and commencement |
| 2. The approved standards for Restricted Electrical Products described under column 1 of Schedule 1 are set out under Column 2 of Schedule 1 of this Regulation. | Prohibition to Sell Restricted Electrical Products do not meet approved Standards |
| 3. A person must not sell or offer for sale a restricted electrical product of the type listed in Schedule 1 if that product does not meet the approved Minimum Energy Performance standard set out in Column 2 of Schedule 1 of this Regulation. | Approved labels |
| 4. A person must not sell or offer for sale a product of the type listed in Schedule 2 unless:
(a) that product carries an energy label complying with the standard set out in Column 2 of Schedule 2 of this Regulation; and
(b) the energy label is affixed to the front of the product and clearly visible; and
(c) the description of the model and brand on the label matches the description on the product. | |
| 5. A person must not fix or display a label relating to energy efficiency or energy consumption on a restricted electrical product of a type listed in Schedule 2 other than a label that conforms to the labelling standards listed under column 2 of Schedule 2. | Display of labels |

Grace Period

6. A restricted electrical product that falls under column 1 of Schedule 1 that was lawfully imported into the Country and made available for sale in the Country before the commencement of this Regulation may continue to be made available for sale in the country for a period of up to 1 year from the commencement of this Regulation.

Power to Inspect products

7. (i) After the commencement of this Regulation, an investigation officer may enter the premises of a person who imports, or offers for sale, hire or hire purchase restricted electrical product of a type listed under Schedule 1 or Schedule 2 in order to:

- (a) inspect the restricted electrical product to determine whether they meet the requirements of the relevant standards or labelling requirements; or
- (b) inspect the restricted electrical product or records relating to the import of the products to determine the date of importation.

Request for proof of Date of importation

- (ii) If an Investigation officer has reason to believe that the importation into the Country of a restricted electrical product listed in Columns 1 of either Schedule 1 or Schedule 2 occurred after the commencement of this Regulation, the Investigation officer may request the person who imports the product to produce proof of the date of importation of such item or items.

Issue Notice

- (iii) In the event that the apparent breach relates to either the absence of an energy label or the presence of an incorrect or prohibited label, the Investigation Officer shall give the trader a period of not more than 7 days, to rectify the breach before making another inspection.

- (iv) If the investigation Officer finds that a Trader or a person has in his/her possession products that do not meet the minimum Energy Performance Standards and Energy Labelling specified under column 1 of both Schedule 1 and 2, and a period of 7 days has passed in relation to a breach of the type described in clause (ii), he/she will put his/her findings in writing and submit the written report to the Director.

Power of Director to initiate legal proceeding for forfeiture

- (v) The Director upon receipt of the written report shall initiate a legal proceeding under the relevant court for orders to pay fines and forfeit the products found in the possession of the trader.

Offence and penalties

8. Every person who knowingly offers for sale any of the restricted electrical Products described under column 1 of Schedule 1 and 2 of this Regulation that do not meet the approved standards and labeling requirement commits an offence and is liable upon conviction -

- (a) in the case of first offence to a fine not exceeding 10,000 penalty units or to imprisonment for a period not exceeding one year or both such fine and imprisonment; and
- (b) in the case of a subsequent offence to a fine not exceeding 20,000 penalty units or to imprisonment for a period not exceeding two years or both such fine and imprisonment.

SCHEDULE 1

List of product classes subject to minimum energy performance standards

Product class	Column 2 Standards for minimum Energy performance Characteristics	Column 3 Standard for energy Testing
<p>Household refrigerating Product: any electrical household refrigerating Products covered under the Standards, and including refrigerators, refrigerator and freezers covered under the Standard which:</p> <p>(a) Operate using the vapor compression cycle; and</p> <p>(b) Use mains electricity (230/240 Volts at 50Hz) as the primary power source.</p>	<p>AS/NZS 4474.2:2009: Performance of household electrical Products - Refrigerating Products - Energy labelling and minimum energy performance standard requirements.</p>	<p>AS/NZS 4474.1 :2007: Performance of household electrical Products -Refrigerating Products -Energy consumption and performance</p>
<p>Air conditioners, including single phase and 3-phase up to 65kW rated total cooling capacity. Includes air-source heat pumps but not water-source heat pumps.</p>	<p>AS/NZS3823.2:2013 Performance of electrical Products -air conditioners and heat pumps Part 2: Energy labelling and minimum energy performance standards (MEPS) requirements.</p>	<p>AS/NZS 3823.1 :2012 Performance of household electrical Products -room air conditioners Part 1.1 : Non-ducted air conditioners and heat pumps -Testing and rating for performance</p> <p>AS/NZS 3823.1 :2012 Performance of electrical Product -air conditioners and heat pumps Part 1.2: Test Methods -Ducted air conditioners and air-to-air heat pumps -Testing and rating for performance</p> <p>AS/NZS3823.1.4:2012 Performance of electrical Products -air conditioners and heat pumps Part 1.4: Test Methods -Multi split-system air-conditioners and air-to-air heat pumps -Testing and rating for performance</p>

Incandescent lamps	AS 4934.2-2011 Incandescent lamps for general lighting services Part 2: Minimum Energy Performance Standards(MEPS) quirements	AS/NZS 4934.1 :2014Incandesce nt lamps for general lighting services Part 1:Test methods-Energy performance
Linear Fluorescent lamps	AS/NZS 4782.2:2004 Double-capped fluorescent lamps-Performance Specifications Part 2: Minimum energy performance standards (MEPS) AS/NZS 4782.3(Int):2006 Double-capped fluorescent lamps ~Performance specifications Part 3: Procedure for quantitative analysis of mercury present in fluorescent lamps	AS/NZS 4782.1 :2004 Double-capped fluorescent lamps-Performance specifications Part 1: General (IEe 60081 :2000 MOD)
Compact fluorescent lamps	AS/NZS 4847.2:2010 Self ballasted lamps for general lighting services Part 2: Minimum energy performance standards (MEPS) requirements AS/ NZS 4782.3(Int):2006 Double-capped fluorescent lamps-Performance specifications Part 3: Procedure for quantitative analysis of mercury present in fluorescent lamps	AS/NZS 4847.1 :2010 Self ballasted lamps for general lighting services Part 1: Test methods-Energy performance
Fluorescent lamp ballasts	AS/NZ 4783.2.2002 Performance of electrical lighting equipment -ballasts for fluorescent lamps -Part 2: energy labeling and minimum energy performance standards	AS/NZ 4783.1 :2001 Performance of electrical equipment -ballasts for fluorescent lamps -Part 1: Method of measurement to determine energy consumption and performance of ballasts- lamp circuits

SCHEDULE 2

List of product classes subject to energy labelling

Product class	Column 2 Minimum energy performance standards and energy labelling	Column 3 Standard for energy Testing
Household refrigerating Products: any electrical household refrigerating Products covered under the standard, and including refrigerators, refrigerators and freezers or freezers covered under the standard which: (a) Operate using vapour compression cycle; and (b) Use mains electricity (230/240 volts at 50Hz) as the primary power source;	AS/NZS 4474.2:2009: Performance of household electrical Products-Refrigerating Products-Energy labelling and minimum energy performance standard requirements.	AS/NZS 4474.1 :2007 (incorporate Amendment Nos1 and 2): performance of household electrical Products-Refrigerating Products-Energy consumption and performance
Air conditioners, Including (single phase up to 65kW rated cooling capacity, non conducted). Includes air-source heat pumps but water-source heat pumps.	AS/NZS 3823.2:2013 Performance of electrical Products -air conditioners and heat pumps Part 2: Energy labelling and minimum energy performance standard (MEPS) requirements	AS/NZS 3823.1.1 :2012 Performance of electrical Products-air conditioners and heat pumps Part 1.1 :Non-ducted air conditioners and heat pumps-Testing and rating for performance AS/NZS 3823.1.2:2012 Performance of electrical Products-air conditioners and heat pumps Part 1.2:Test methods-Ducted air conditioners and air-to-air heat pumps-Testing and rating for performance AS/NZS3823.1.4:2012 Performance of electrical Products -air conditioners and heat pumps Part 1.4: Test Methods -Multi split-system air conditioners and air-to-air heat pumps -Testing and rating for performance.

DATED AT HONIARA, this twentieth day of January 2016

HONOURABLE ELIJAH DORO MUALA
Minister of Commerce, Industries Labour and Immigration

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