

## 1995 No. 275

## HEALTH AND SAFETY

**Electrical Equipment for Explosive Atmospheres (Certification)  
(Amendment) Regulations (Northern Ireland) 1995**

*Made* . . . . . 3rd July 1995

*Coming into operation* . . . . . 21st August 1995

The Department of Economic Development, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures for safety and consumer protection as respects electrical equipment and any provisions concerning the composition, labelling, marketing, classification or description of electrical equipment, in exercise of the powers conferred on it by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1995 and shall come into operation on 21st August 1995.

*Interpretation*

2.—(1) In these Regulations, “the principal Regulations” means the Electrical Equipment for Explosive Atmospheres (Certification) Regulations (Northern Ireland) 1990(c).

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

*Amendments to the principal Regulations*

3.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1)—

(a) for the definition of “the First Specific Directive” there shall be substituted—

“ “the First Specific Directive” means Council Directive No. 79/196/EEC(e) concerning electrical equipment for use in potentially explosive atmospheres employing certain types of

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(a) S.I. 1972/1811

(b) 1972 c. 68

(c) S.R. 1990 No. 284 as amended by S.R. 1991 No. 339 and S.R. 1992 No. 256

(d) 1954 c. 33 (N.I.)

(e) O.J. No. L43, 20.2.79, p. 20

protection, as adapted to technical progress by Commission Directives No. 84/47/EEC(a) and No. 88/571/EEC(b) and as amended by Council Directive No. 90/487/EEC(c) and as further adapted to technical progress by Commission Directive No. 94/26/EC(d);” and

(b) for the definition of “the Gassy Mines Directive” there shall be substituted—

“the Gassy Mines Directive” means Council Directive No. 82/130/EEC(e) concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp, as adapted to technical progress by Commission Directive No. 88/35/EEC(f) and as amended by Commission Directive No. 91/269/EEC(g) and as further adapted to technical progress by Commission Directive No. 94/44/EC(h);”

(3) For regulation 12 of the principal Regulations(i) there shall be substituted the following regulation:

*“Transitional provisions*

12.—(1) Subject to paragraph (3), on or after 21st August 1995, a manufacturer of electrical equipment may apply to the certification body for a certificate of conformity attesting that the electrical equipment which is the subject of the application conforms to the harmonised standards prescribed for that equipment in the unamended Regulations; and in that case the provisions of the unamended Regulations, as appropriate, shall apply as if the application had been made under regulation 4 of those Regulations.

(2) Subject to paragraph (3), an application for a certificate of conformity made under regulation 4 of the unamended Regulations or for review under regulation 7 of those Regulations before 21st August 1995 shall continue to be dealt with under the unamended Regulations.

(3) A certificate of conformity shall not be issued by the certification body under paragraph (1) or (2)—

(a) in respect of electrical equipment to which the Framework Directive applies, after 29th February 1996, or

(b) in respect of electrical equipment to which the Gassy Mines Directive applies, after 31st December 1996.

(4) Subject to regulation 6 and without prejudice to paragraph (5), a certificate of conformity issued in accordance with the unamended Regulations—

(a) O.J. No. L31, 2.2.84, p. 19

(b) O.J. No. L311, 17.11.88, p. 46

(c) O.J. No. L270, 2.10.90, p. 23

(d) O.J. No. L157, 24.6.94, p. 33

(e) O.J. No. L59, 2.3.82, p. 10

(f) O.J. No. L20, 26.1.88, p. 28

(g) O.J. No. L134, 29.5.91, p. 51

(h) O.J. No. L248, 23.9.94, p. 22

(i) Regulation 12 was inserted into the principal Regulations by regulation 3(2) of S.R. 1992 No. 256

- (a) before 1st March 1996 in respect of electrical equipment to which the Framework Directive applies; or
- (b) before 1st January 1997 in respect of electrical equipment to which the Gassy Mines Directive applies,

irrespective of whether such certificate was issued before, on or after 21st August 1995, shall be regarded as in force for the purposes of regulation 11 (use of the distinctive Community mark) until 30th June 2003.

(5) Subject to regulation 6, a certificate of conformity issued before 1st January 1993 in accordance with regulation 12 of the unamended Regulations applying the harmonised standards in operation immediately before 20th July 1992 shall be regarded as in force for the purposes of regulation 11 until 30th June 2003.

(6) In this regulation “the unamended Regulations” means these Regulations as in operation immediately before 21st August 1995.”.

#### *Revocations*

4. The following Regulations are hereby revoked—

- (a) the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1991(a); and
- (b) the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1992(b).

Sealed with the Official Seal of the Department of Economic Development on 3rd July 1995.

(L.S.)

*Philip B. Strong*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

1. These Regulations amend the Electrical Equipment for Explosive Atmospheres (Certification) Regulations (Northern Ireland) 1990 (“the principal Regulations”) to give effect, with respect to Northern Ireland, to the provisions of Commission Directives No. 94/26/EC and No. 94/44/EC which respectively adapt to technical progress:

- (a) Council Directive No. 79/196/EEC (“the First Specific Directive”) concerning electrical equipment for use in potentially explosive atmospheres employing certain types of protection; and
- (b) Council Directive No. 82/130/EEC (“the Gassy Mines Directive”) concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp.

2. The principal Regulations enable a manufacturer to apply to the Department of Economic Development for a certificate of conformity attesting that the electrical equipment, the subject of the application, conforms to the harmonised standards as defined in those Regulations. Regulation 3(2) of these Regulations substitutes new definitions of the First Specific Directive and the Gassy Mines Directive in the principal Regulations in order to bring into effect updated harmonised standards.

3. Regulation 3(3) substitutes a new regulation 12 in the principal Regulations (transitional provisions). The effect of the substituted regulation is as follows:

- (a) Paragraph (1) enables a manufacturer of electrical equipment which applies to the Department of Economic Development for a certificate of conformity to have that equipment certified by reference to the harmonised standards in the principal Regulations as in operation immediately before the coming into operation of these Regulations (in these Regulations referred to as “the unamended Regulations”). In that case the application is treated as if it had been made under the unamended Regulations. Paragraph (2) provides that applications for a certificate of conformity or for review before the coming into operation of these Regulations shall continue to be dealt with under the unamended Regulations.
- (b) However, the Department of Economic Development may not issue a certificate of conformity under either paragraph (1) or (2) after 29th February 1996 in respect of electrical equipment to which the Framework Directive applies or after 31st December 1996 in the case of electrical equipment to which the Gassy Mines Directive applies. (Paragraph (3)).
- (c) Paragraph (4) provides that certificates of conformity issued before 1st March 1996 in respect of electrical equipment to which the Framework Directive applies or before 1st January 1997 in respect of electrical equipment to which the Gassy Mines Directive applies,

irrespective of whether they were issued before or after the coming into operation of these Regulations, shall be regarded as in force for the purposes of regulation 11 (use of distinctive Community mark), subject to regulation 6 (withdrawal of certificate), until 30th June 2003.

- (d) Paragraph (5) preserves the position in respect of certificates of conformity issued in accordance with regulation 12 (transitional provisions) of the unamended Regulations but includes provisions similar to those in paragraph (4) as regards the effectiveness of such certificates until 30th June 2003.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.