
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 247

**Equipment and Protective Systems Intended
for Use in Potentially Explosive Atmospheres
Regulations (Northern Ireland) 1996**

Part IV

Enforcement

Application of Schedule 13

15.—(1) Subject to paragraph (2), Schedule 13 shall have effect for the purposes of providing for the enforcement of these Regulations and for matters incidental thereto.

(2) Except in the case of equipment, a protective system or device which, in the opinion of the Department, is not safe, where the Department has reasonable grounds for suspecting that the CE marking has not been correctly affixed to equipment, a protective system or device, as the case may be, it may give notice in writing to the responsible person who placed that equipment, protective system or device on the market and, subject to paragraph (3), action pursuant to Schedule 13 shall not be taken, and proceedings shall not be brought pursuant to regulation 16, in respect of that equipment, protective system or device, as the case may be, until such notice has been given and the person to whom it is given has failed to comply with its requirements.

(3) Notwithstanding the provisions of paragraph (2), for the purpose of ascertaining whether or not the CE marking has been correctly affixed, action may be taken pursuant to Article 22 of the Health and Safety at Work (Northern Ireland) Order 1978(1) as it is applied by Schedule 13.

(4) Notice which is given under paragraph (2) shall—

- (a) state that the Department suspects that the CE marking has not been correctly affixed to the equipment, protective system or device, as the case may be;
- (b) specify the respect in which it is so suspected and give particulars thereof;
- (c) require the person to whom the notice is given to—
 - (i) secure that any equipment, protective system or device, as the case may be, to which the notice relates conforms as regards the provisions concerning the correct affixation of the CE marking within such period as may be specified in the notice; or
 - (ii) provide evidence within that period, to the satisfaction of the Department, that the CE marking has been correctly affixed; and
- (d) warn that person that if the non-conformity continues after (or if satisfactory evidence has not been provided within) the period specified in the notice, further action may be taken under the Regulations in respect of that equipment, protective system or device, as the case may be, or any equipment, protective system or device of the same type placed on the market by that person.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (5) For the purposes of this regulation, the CE marking is correctly affixed to equipment, a protective system or device, as the case may be, if—
- (a) it has been affixed in accordance with regulation 6(2)(c); and
 - (b) the appropriate conformity assessment procedure has been carried out in respect of that equipment, protective system or device in accordance with regulation 6(2)(b).