
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 77

HEALTH AND SAFETY

**Electrical Equipment for Explosive Atmospheres (Certification)
(Amendment) Regulations (Northern Ireland) 1998**

Made - - - - *6th March 1998*

Coming into operation *20th April 1998*

The Department of Economic Development, being a Department designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ 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) 1998 and shall come into operation on 20th April 1998.

Interpretation

2.—(1) In these Regulations, “the principal Regulations” means the Electrical Equipment for Explosive Atmospheres (Certification) Regulations (Northern Ireland) 1990⁽³⁾ and, for the purposes of regulation 3(3), “the Framework Directive” has the same meaning as in the principal Regulations.

(2) The Interpretation Act (Northern Ireland) 1954⁽⁴⁾ 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) to (4).

(2) In regulation 2(1) for the definition of “the First Specific Directive” there shall be substituted—

(1) S.I.1972/1811
(2) 1972 c. 68
(3) S.R. 1990 No. 284; relevant amending Regulations are S.R. 1995 No. 275
(4) 1954 c. 33 (N.I.)

““the First Specific Directive” means Council Directive No. [79/196/EEC](#)(5) concerning electrical equipment for use in potentially explosive atmospheres employing certain types of protection, as adapted to technical progress by Commission Directives No. [84/47/EEC](#)(6) and No. [88/571/EEC](#)(7) and as amended by Council Directive No. [90/487/EEC](#)(8) and as further adapted to technical progress by Commission Directives No. [94/26/EC](#)(9) and No. [97/53/EC](#)(10);”.

(3) In regulation 12, the provisions in respect of electrical equipment to which the Framework Directive applies shall cease to have effect in relation to that equipment.

(4) After regulation 12 there shall be added the following regulation—

“Transitional provisions in respect of electrical equipment to which the Framework Directive applies

12A.—(1) The provisions of paragraphs (2) to (7) shall apply to electrical equipment to which the Framework Directive applies.

(2) Subject to paragraph (4), on or after 20th April 1998, 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.

(3) Subject to paragraph (4), 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 20th April 1998 shall continue to be dealt with under the unamended Regulations.

(4) Notwithstanding regulation 12(3)(a) of the unamended Regulations, a certificate of conformity shall not be issued by the certification body under paragraph (2) or (3) in respect of electrical equipment after 30th September 1998.

(5) Subject to regulation 6 and without prejudice to paragraph (6), a certificate of conformity issued in accordance with the unamended Regulations before 1st October 1998, irrespective of whether such certificate was issued before, on or after 20th April 1998, shall be regarded as in force for the purposes of regulation 11 (Use of the distinctive Community mark) until 30th June 2003.

(6) Subject to regulation 6, a certificate of conformity issued before 1st March 1996 in accordance with regulation 12 of the principal regulations as in operation immediately before 21st August 1995 shall be regarded as in force for the purposes of the said regulation 11 until 30th June 2003.

(7) In this regulation references to “the unamended Regulations” mean these Regulations as in operation immediately before 20th April 1998.”.

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

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

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

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

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

(10) O.J. No. L257, 20.9.97, p. 27; Article 1 of, and the Annex to, this Directive replaced Annex 1 to the First Specific Directive

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

4. For paragraph 2 of regulation 1 of the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 1996⁽¹¹⁾, there shall be substituted the following paragraph:

“(2) The Electrical Equipment for Explosive Atmospheres (Certification) Regulations (Northern Ireland) 1990, the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1995 and the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1998 are hereby revoked with effect from 1st July 2003.”.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

6th March 1998.

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, [S.R. 1990 No. 284](#), (“the principal Regulations”) to give effect, with respect to Northern Ireland, to the provisions of Commission Directive No. [97/53/EC](#) (O.J. No. L257, 20.9.97, p. 27) which further adapt to technical progress Council Directive No. [79/196/EEC](#) (O.J. No. L43, 20.2.79, p. 20) (“the First Specific Directive”) concerning electrical equipment for use in potentially explosive atmospheres employing certain types of protection.

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 extends the definition of the First Specific Directive in the principal Regulations in order to bring into effect updated harmonised standards.

3. In respect of electrical equipment to which Council Directive No. [76/117/EEC](#) (O.J. No. L24, 30.1.76, p. 45) (“the Framework Directive”) applies, regulation 3(3) provides that the provisions of regulation 12 in the principal Regulations (Transitional provisions) in respect of such equipment shall cease to have effect; regulation 12 will, however, continue to apply to electrical equipment to which Council Directive No. [82/130/EEC](#) (O.J. No. L59, 2.3.82, p. 10) (“the Gassy Mines Directive”) applies and to which the principal Regulations also relate.

4. Regulation 3(4) adds a new regulation 12A to the principal Regulations which substitutes the following transitional arrangements in respect only of electrical equipment to which the Framework Directive applies (paragraph (1)):

- (a) paragraph (2) 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 force 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 (3) provides that applications for a certificate of conformity or a 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 (2) or (3) after 30th September 1998 (paragraph (4));
- (c) paragraph (5) provides that certificates of conformity issued before 1st October 1998, irrespective of whether they were issued before, on or after the coming into operation of these Regulations, shall be regarded as in force for the purposes of regulation 11 (Use of the distinctive Community mark), subject to regulation 6 (Withdrawal of certificate), until 30th June 2003; and
- (d) paragraph (6) preserves the position in respect of certificates of conformity issued in accordance with the transitional provisions of regulation 12 of the principal Regulations (as in operation immediately before 21st August 1995) but includes provisions similar to those in paragraph (5) as regards the effectiveness of such certificates until 30th June 2003.

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

5. These Regulations also amend the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 1996 ([S.R. 1996 No. 247](#)) to include reference to them in regulation 1(2) in order to give effect to their revocation with effect from 1st July 2003.