

2000 No. 85

HEALTH AND SAFETY

**Electrical Equipment for Explosive Atmospheres (Certification)
(Amendment) Regulations (Northern Ireland) 2000**

Made 14th March 2000

Coming into operation 24th April 2000

The Department of Enterprise, Trade and Investment^(a), being a Department designated^(b) for the purposes of section 2(2) of the European Communities Act 1972^(c) 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) 2000 and shall come into operation on 24th April 2000.

Interpretation

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

(2) The Interpretation Act (Northern Ireland) 1954^(e) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the principal Regulations

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

(2) In regulation 2(1), for the definition of “the Gassy Mines Directive” there shall be substituted—

“the Gassy Mines Directive” means Council Directive No. 82/130/EEC^(f) concerning electrical equipment for use in potentially explosive

(a) Formerly the Department of Economic Development; see Article 3(5) of S.I. 1999/283 (N.I. 1)
(b) S.I. 1972/1811
(c) 1972 c. 68
(d) S.R. 1990 No. 284; relevant amending Regulations are S.R. 1992 No. 256, S.R. 1995 No. 275, S.R. 1998 No. 77 and S.R. 1999 No. 124
(e) 1954 c. 33 (N.I.)
(f) O.J. No. L59, 2.3.82, p. 28

atmospheres in mines susceptible to firedamp, as adapted to technical progress by Commission Directive No. 88/35/EEC(a) and as amended by Commission Directive No. 91/269/EEC(b) and as further adapted to technical progress by Commission Directives No. 94/44/EC(c) and No. 98/65/EC(d);”.

(3) For regulation 12(e) there shall be substituted the following regulation:—

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

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

(2) Subject to paragraph (4), on or after 24th April 2000, 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 24th April 2000 shall continue to be dealt with under the unamended Regulations.

(4) A certificate of conformity shall not be issued by the certification body under paragraph (2) or (3) in respect of electrical equipment after 30th June 2003.

(5) Subject to regulation 6 and without prejudice to paragraph (6), a certificate of conformity issued in accordance with the unamended Regulations before 1st July 2003, in respect of electrical equipment irrespective of whether such certificate was issued before, on or after 24th April 2000, 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—

(a) before 1st January 1993 in accordance with regulation 12 of these Regulations as amended by the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1992(f) applying the harmonised standards in force immediately before 20th July 1992; or

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

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

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

(d) O.J. No. L257, 19.9.98, p. 29

(e) Regulation 12 was inserted into the principal Regulations by regulation 3(2) of S.R. 1992 No. 256, subsequently substituted by regulation 3(3) of S.R. 1995 No. 275 and amended by regulation 3(3) of S.R. 1998 No. 77

(f) S.R. 1992 No. 256

(b) before 1st January 1997 in accordance with regulation 12 of these Regulations applying the harmonised standards in force 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 24th April 2000.”.

Amendment of the Electricity at Work Regulations (Northern Ireland) 1991

4. In sub-paragraph (d) of regulation 19(2) of the Electricity at Work Regulations (Northern Ireland) 1991(a), for the words “and No. 94/44/EC” there shall be substituted the words “, No. 94/44/EC and No. 98/65/EC” and this substitution shall have effect as if it had been made by health and safety regulations made under Article 17 of the Health and Safety at Work (Northern Ireland) Order 1978(b) and the provisions of that Order as regards enforcement and offences shall apply to that sub-paragraph.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 14th March 2000.

(L.S.)

Adrienne L. Brown
A senior Officer of the Department
of Enterprise, Trade and Industry

(a) S.R. 1991 No. 13; relevant amending Regulations are S.R. 1996 No. 247
(b) S.I. 1978/1039 (N.I. 9)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations make further amendments to 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. 98/65/EC (O.J. No. L257, 19.9.98, p. 29) which further adapts to technical progress Council Directive No. 82/130/EEC (O.J. No. L59, 2.3.82, p. 10) (“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 Health and Safety Executive for Northern Ireland (“the Executive”) 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 Gassy Mines Directive in the principal Regulations in order to bring into effect updated harmonised standards.

3. In respect of electrical equipment to which the Gassy Mines Directive applies, regulation 3(3) substitutes for regulation 12 in the principal Regulations (Transitional provisions) the following transitional arrangements:

- (a) paragraph (2) enables a manufacturer of electrical equipment which applies to the Executive for a certificate of conformity to have that equipment certified by reference to the harmonised standards in the principal Regulations which are 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 for review before the coming into operation of these Regulations shall continue to be dealt with under the unamended Regulations;
- (b) however, the Executive may not issue a certificate of conformity under either paragraph (2) or (3) after 30th June 2003 (paragraph (4));
- (c) paragraph (5) provides that certificates of conformity issued before 1st July 2003, 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 1st July 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 in respect of equipment to which the Gassy Mines Directive applies (as in operation immediately before 20th July 1992 and 21st August 1995) but includes provisions similar to those in paragraph (5) as regards the effectiveness of such certificates until 1st July 2003.

4. These Regulations also amend the Electricity at Work Regulations (Northern Ireland) 1991 (S.R. 1991 No. 13) to extend the reference to the Gassy Mines Directive in regulation 19(2)(d) in order to incorporate a reference to Commission Directive No. 98/65/EC and provide for the enforcement thereof.

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