

1989 No. 728

CONSUMER PROTECTION

**The Low Voltage Electrical Equipment (Safety)
Regulations 1989**

<i>Made</i> - - - -	<i>26th April 1989</i>
<i>Laid before Parliament</i>	<i>10th May 1989</i>
<i>Coming into force</i>	<i>1st June 1989</i>

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987(a), consulted such organisations as appear to him to be representative of interests substantially affected by these Regulations, such other persons as he considers appropriate and the Health and Safety Commission:

And whereas the Secretary of State is a Minister designated (b) for the purposes of section 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:

Now, therefore, the Secretary of State in exercise of powers conferred on him by section 11 of the said Act of 1987, by section 2 of the said Act of 1972 and by the Consumer Protection Act 1987 (Commencement No. 1) Order 1987(d) and of all other powers enabling him in that behalf hereby makes the following Regulations:-

Citation and commencement

1. These Regulations may be cited as the Low Voltage Electrical Equipment (Safety) Regulations 1989 and shall come into force on 1st June 1989.

Revocations, disapplications and defence

2.—(1) The Electric Blankets (Safety) Regulations 1971(e), the Electric Blankets (Safety) Regulations (Northern Ireland) 1972(f), the Electrical Equipment (Safety) Regulations 1975(g), the Electrical Equipment (Safety) (Amendment) Regulations 1976(h) and the Electrical Equipment (Safety) Regulations (Northern Ireland) 1977(i) are hereby revoked.

(a) 1987 c.43.
(b) S.I. 1972/1811.
(c) 1972 c.68.
(d) S.I. 1987/1680.
(e) S.I. 1971/1961.
(f) S.R. & O. (N.I.) 1972 No. 69.
(g) S.I. 1975/1366.
(h) S.I. 1976/1208.
(i) S.R. (N.I.) 1977 No. 137.

(2) The Heating Appliances (Fireguards) Regulations 1973(a) and the Heating Appliances (Fireguards) Regulations (Northern Ireland) 1975(b) shall cease to have effect in so far as they relate to electrical equipment.

(3) In any proceedings against a person for an offence under any of the relevant statutory provisions (as defined in section 53(1) of the Health and Safety at Work etc. Act 1974(c) or article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978(d)) which impose requirements with respect to any matter it shall be a defence for that person to show that the requirements of these Regulations were satisfied in relation to that matter.

(4) Where an improvement notice or a prohibition notice has been served on any person pursuant to section 21 or, as the case may be, section 22 of the Health and Safety at Work etc. Act 1974(e) (or pursuant to article 23 or, as the case may be, article 24 of the Health and Safety at Work (Northern Ireland) Order 1978(f)), if the person upon whom the notice was served appeals to an industrial tribunal pursuant to section 24 of the said Act (or article 26 of the said Order) and shows that the notice relates to any matter in respect of which the requirements of these Regulations are satisfied, the tribunal shall cancel the notice.

Interpretation

3.—(1) In these Regulations—

“the 1987 Act” means the Consumer Protection Act 1987(g);

“CENELEC Harmonisation Documents HD 21” means those documents relating to polyvinyl chloride insulated cables which contain technical specifications relating to the construction and testing of flexible cables and cords, that is, harmonisation documents numbered HD 21.1 S2, HD 21.2 S2, HD 21.5 S2 all published on 1st July 1984 and Amendment 1 to harmonisation document HD 21.5 S2 published on 1st January 1988, subject to any amendments made to any document in the series and approved by the Secretary of State;

“CENELEC Harmonisation Documents HD 22” means those documents relating to rubber insulated cables which contain technical specifications relating to the construction and testing of flexible cables and cords, that is, harmonisation documents numbered HD 22.1 S2, HD 22.2 S2, HD 22.3 S2 and HD 22.4 S2 all published on 1st July 1984, subject to any amendments made to any document in the series and approved by the Secretary of State;

“Community certification body” means a body which has been notified under article 11 of the low voltage Directive as a body which may establish the marks and certificates in accordance with article 10 of that Directive;

“electrical equipment” means, unless the context otherwise requires, any electrical equipment to which these Regulations apply by virtue of regulation 4 below;

“harmonised standard” means a standard harmonised in accordance with article 5 of the low voltage Directive;

“international safety provision” means a safety provision of a standard which has been published by the International Commission on the Rules for the Approval of Electrical Equipment or the International Electrotechnical Commission and which has been published in the Official Journal of the Communities pursuant to article 6 of the low voltage Directive;

“the low voltage Directive” means Council Directive No. 73/23/EEC(h) on the harmonisation of the laws of member States relating to electrical equipment designed for use within certain voltage limits;

“national safety provision” means a safety provision which has the force of law in a member State of the European Economic Community or which is contained in a standard published and not withdrawn by a national standards body, not being a

(a) S.I. 1973/2106.

(b) S.R. (N.I.) 1975 No. 310.

(c) 1974 c.37.

(d) S.I. 1978/1039 (N.I.9).

(e) S.I. 1974 c.37.

(f) S.I. 1978/1039 (N.I.9); relevant amending instruments are S.I. 1984/1159 (N.I.9) and S.I. 1987/2049 (N.I.20).

(g) 1987 c.43.

(h) OJ No. L77, 26.3.73, p.29.

safety provision which is to the same effect as a safety provision of a harmonised standard or as an international safety provision;

“national standards body” means a body which has been notified under article 11 of the low voltage Directive for the purposes of article 5 of that Directive;

“safe” has the same meaning as in section 19(1) of the 1987 Act, except that, for the purpose of these Regulations, the references in that subsection to “risk” shall be construed as including references to any risk of—

- (a) death or injury to domestic animals; and
- (b) damage to property;

and as excluding any risk arising from the improper installation or maintenance of the electrical equipment in question or from the use of the equipment in applications for which it is not made;

“safety provision” means a provision made for the purpose of ensuring that the equipment in question is safe;

“supply” (except in reference to the electricity supply) includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly.

(2) For the purposes of regulation 7(2) below a national safety provision is applicable to equipment in a particular member State of the European Economic Community if—

- (a) the provision has the force of law in that member State or the national standards body publishing it has its principal office there, and
- (b) the equipment was not manufactured in any other member State of the European Economic Community.

(3) Any reference in these Regulations to an electric shock is a reference to an electric shock of such severity as to be liable to cause death or personal injury.

Application

4.—(1) Subject to paragraphs (2) and (3) below, these Regulations apply to any electrical equipment (including any electrical apparatus or device) designed or adapted for use with voltage (in the case of alternating current) of not less than 50 volts nor more than 1,000 volts or (in the case of direct current) of not less than 75 volts nor more than 1,500 volts.

(2) These Regulations do not apply to the electrical equipment set out in Schedule 1 to these Regulations.

(3) These Regulations do not apply to any electrical equipment supplied for export to a place which is not within any member State of the European Economic Community.

Requirement for electrical equipment to be safe etc.

5.—(1) Electrical equipment shall be—

- (a) safe; and
- (b) constructed in accordance with principles generally accepted within the member States of the European Economic Community as constituting good engineering practice in relation to safety matters.

(2) Subject to regulations 6 and 7 below, in determining whether electrical equipment satisfies the requirements of paragraph (1) above due regard shall be had to the principal elements of the safety objectives for electrical equipment in Annex I to the low voltage Directive as set out in Schedule 2 to these Regulations.

(3) In determining whether electrical equipment satisfies the requirements of paragraph (1) above, no regard shall be had to any liability of the equipment to cause radio-electrical interference.

Harmonised standards

6. Subject to regulation 8 below, electrical equipment which satisfies the safety provisions of harmonised standards shall be taken to satisfy the requirements of regulation 5(1) above.

Conformity with other standards and requirements

7.—(1) Subject to regulation 8 below, where there are no relevant harmonised standards, electrical equipment which satisfies international safety provisions shall be taken to satisfy the requirements of regulation 5(1) above.

(2) Subject to regulation 8 below, where there are no relevant harmonised standards and no relevant international safety provisions, electrical equipment which—

- (a) has been manufactured in accordance with the national safety provisions applicable to that equipment in a member State and the compliance of the equipment with such provisions results in the equipment being at the time when the equipment is supplied in the United Kingdom at least as safe as it would be if it satisfied the requirements of regulation 5(1) above; or
- (b) satisfies the safety provisions contained in standards published by national standards bodies which are approved in accordance with the provisions of the Approval of Safety Standards Regulations 1987(a) and which are appropriate to that equipment,

shall be taken to satisfy the requirements of regulation 5(1) above.

(3) Electrical equipment to which the requirements of the relevant statutory provisions (as defined in section 53(1) of the Health and Safety at Work etc. Act 1974)(b) or article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978(c) apply shall be taken to satisfy the requirements of regulation 5(1) above if the requirements of those provisions are satisfied in relation to that equipment.

Conditions which all electrical equipment (except that mentioned in regulation 7(3)) must satisfy in order to satisfy regulation 5(1).

8. Electrical equipment, other than the equipment referred to in regulation 7(3) above, shall be taken to satisfy the requirements of regulation 5(1) above only if the conditions set out below are satisfied in relation to that equipment—

- (a) the equipment is designed and constructed to ensure that it is safe when connected to the electricity supply system and provides an equivalent level of protection against electric shock as equipment which relies on a combination of insulation and the protective earthing conductor contained within that system;
- (b) flexible cables and cords intended for the connection of equipment to the electricity supply system comply with CENELEC Harmonisation Documents HD 21 or HD 22 or an equivalent standard of safety; and
- (c) where it is necessary for the safe use of any equipment to which these regulations apply that the user should be aware of any particular characteristic of the equipment, the necessary information is given in markings on the equipment itself or, where this is not practicable, in a notice accompanying the equipment. It is not sufficient compliance with this condition to give the information only in a language other than English.

Reports on safety etc. of electrical equipment

9. Where any electrical equipment may not be taken by virtue of regulations 6 or 7 above to satisfy the requirements of regulation 5(1) above and the question of whether or not it satisfies those requirements has arisen (whether in any proceedings or otherwise) any report prepared by a body notified in accordance with the procedure set out in article 11 of the low voltage Directive for the purposes of article 8 of that Directive may be relied upon for the purpose of establishing that the equipment does in fact satisfy those requirements and due regard shall be had to any such report by any person or court by whom that question falls to be determined.

Marks as to conformity

10. Where electrical equipment bears a mark distinctive of a Community certification body or is accompanied by a certificate issued by such a body or, where such a certificate has not been issued or is not available, by a written declaration of conformity made by

(a) S.I. 1987/1911.

(b) 1974 c.37.

(c) S.I. 1978/1039 (N.I.9).

the manufacturer of the equipment, and the mark indicates, or the certificate or declaration is to the effect, that the equipment satisfies—

- (a) the safety provisions of harmonised standards;
- (b) international safety provisions; or
- (c) sub-paragraph (a) or (b) or regulation 7(2) above,

then the equipment shall, unless the contrary be proved, be taken to satisfy those safety provisions, international safety provisions or the relevant sub-paragraph, as the case may be.

Prohibition on supply

11. No person shall supply—

- (a) any electrical equipment in respect of which the requirements of regulation 5(1) above are not satisfied; or
- (b) any goods which are designed to be used as component parts of any type of electrical equipment to which these Regulations apply by virtue of regulation 4 above and which would, if so used, cause equipment of that type to contravene those requirements.

Duties of enforcement authorities

12. Every authority and council on whom a duty is imposed by virtue of section 27 of the 1987 Act—

- (a) shall have regard, in performing that duty in so far as it relates to any provision of these Regulations, to matters specified in any direction issued by the Secretary of State with respect to that provision; and
- (b) shall give immediate notice to the Secretary of State of any suspension notice served by it or any application made by it for an order for forfeiture of any goods to which these Regulations apply or any other thing done in respect of any such goods for the purposes of or in connection with sections 14 to 17 of that Act.

Commencement of Proceedings

13. In England, Wales and Northern Ireland a magistrates' court may try an information (in the case of England and Wales) or a complaint (in the case of Northern Ireland) in respect of an offence committed under section 12 of the 1987 Act in relation to a contravention of these Regulations if (in the case of England and Wales) the information is laid or (in the case of Northern Ireland) the complaint is made within twelve months from the time when the offence is committed, and in Scotland summary proceedings for such an offence may be begun at any time within twelve months from the time when the offence is committed.

Regulations to be treated as safety regulations within the meaning of the 1987 Act.

14. (1) Subject to paragraph (2) below, these Regulations shall be treated for all purposes as if they were safety regulations within the meaning of section 45(1) of the 1987 Act.

(2) Where a contravention of regulation 11 above arises from the supply of electrical equipment which fails to satisfy the requirements of regulation 5(1) above or of goods which would cause the relevant equipment to contravene those requirements because there is in each case a risk of death or injury to domestic animals or damage to property, or both, but no risk of the death of a person or of personal injury the person who contravenes regulation 11 shall be guilty of an offence punishable on summary conviction with imprisonment for not more than three months or with a fine not exceeding level five on the standard scale.

26th April 1989

Eric Forth
Parliamentary Under-Secretary of State,
Department of Trade and Industry

ELECTRICAL EQUIPMENT EXCLUDED FROM THESE REGULATIONS

Equipment for use in an explosive atmosphere
Equipment for radiology and medical purposes

Parts for goods lifts and passenger lifts

Electricity supply meters

Plugs, socket outlets and adaptors for domestic use

Fence controllers

Specialised electrical equipment for use on ships, aircraft or railways, which complies with the safety provisions drawn up by international bodies in which the member States participate

SCHEDULE 2**PRINCIPAL ELEMENTS OF THE SAFETY OBJECTIVES FOR ELECTRICAL EQUIPMENT DESIGNED FOR USE WITHIN CERTAIN VOLTAGE LIMITS****1. General conditions**

- (a) The essential characteristics, the recognition and observance of which will ensure that electrical equipment will be used safely and in applications for which it was made, shall be marked on the equipment, or, if this is not possible, on an accompanying notice.
- (b) The manufacturer's or brand name or trade mark should be clearly printed on the electrical equipment or, where that is not possible, on the packaging.
- (c) The electrical equipment, together with its component parts should be made in such a way as to ensure that it can be safely and properly assembled and connected.
- (d) The electrical equipment should be so designed and manufactured as to ensure that protection against the hazards set out in points 2 and 3 of this Schedule is assured providing that the equipment is used in applications for which it was made and is adequately maintained.

2. Protection against hazards arising from the electrical equipment

Measures of a technical nature should be prescribed in accordance with point 1, in order to ensure:

- (a) that persons and domestic animals are adequately protected against danger of physical injury or other harm which might be caused by electrical contact direct or indirect;
- (b) that temperatures, arcs or radiation which would cause a danger, are not produced;
- (c) that persons, domestic animals and property are adequately protected against non-electrical dangers caused by the electrical equipment which are revealed by experience;
- (d) that the insulation must be suitable for foreseeable conditions.

3. Protection against hazards which may be caused by external influences on the electrical equipment.

Technical measures are to be laid down in accordance with point 1, in order to ensure:

- (a) that the electrical equipment meets the expected mechanical requirements in such a way that persons, domestic animals and property are not endangered;
- (b) that the electrical equipment shall be resistant to non-mechanical influences in expected environmental conditions, in such a way that persons, domestic animals and property are not endangered;
- (c) that in foreseeable conditions of overload the electrical equipment shall not endanger persons, domestic animals and property.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive No. 73/23/EEC (OJ No. L77, 26.3.73, p.29) on the harmonisation of the laws of member States relating to electrical equipment designed for use within certain voltage limits. They revoke the Electric Blankets (Safety) Regulations 1971, the Electric Blankets (Safety) Regulations (Northern Ireland) 1972, the Electrical Equipment (Safety) Regulations 1975, the Electrical Equipment (Safety) (Amendment) Regulations 1976 and the Electrical Equipment (Safety) Regulations (Northern Ireland) 1977 and provide that the Heating Appliances (Fireguards) Regulations 1973 and the Heating Appliances (Fireguards) Regulations (Northern Ireland) 1975 no longer apply to electrical equipment to which these Regulations apply, that is, any electrical equipment designed or adapted for use with voltage (in the case of alternating current) of between 50 and 1,000 volts or (in the case of direct current) of between 75 and 1,500 volts, except equipment mentioned in Schedule 1 to the Regulations or supplied for export to a place outside the European Economic Community.

The Regulations require electrical equipment to be safe and constructed in accordance with engineering practice generally accepted as good in the EEC (regulation 5(1)). "Safe" has the same meaning as in section 19(1) of the Consumer Protection Act 1987 except that the risk of death or injury to domestic animals or of damage to property is treated as being included in the risks there mentioned and a risk arising from the improper installation or maintenance of the equipment or from its use for unintended purposes is treated as being excluded (regulation 3(1)).

The Regulations require due account to be taken of the principal elements of the safety objectives for electrical equipment in Schedule 2 to the Regulations when deciding whether regulation 5(1) is satisfied (regulation 5(2)).

The following electrical equipment is to be taken (subject to regulation 8) to satisfy article 5(1):-

equipment which satisfies the safety provisions of standards harmonised in accordance with article 5 of the Directive (regulation 6);

if there are no relevant harmonised standards, equipment which satisfies international safety provisions, that is, the safety provisions of standards published by the International Commission on the Rules for the Approval of Electrical Equipment or the International Electrotechnical Commission and published in the Official Journal of the Communities (regulation 7(1));

if there are no harmonised standards and no international safety provisions-

equipment manufactured in accordance with national safety provisions of a member State, where compliance has the result that when it is supplied in the United Kingdom it is at least as safe as if it complied with regulation 5(1) (regulation 7(2)(a));

equipment which satisfies the safety provisions in standards published by national standards bodies which have been approved under the Approval of Safety Standards Regulations 1987 (regulation 7(2)(b)).

Equipment to which the relevant statutory provisions of the Health and Safety at Work etc. Act 1974 or of the Health and Safety at Work (Northern Ireland) Order 1978 and which complies with those provisions is to be taken as complying with regulation 5(1) (regulation 7(3)).

Regulation 8 (which lays down conditions which are designed to ensure that the equipment can be safely used in the United Kingdom) applies to all electrical equipment except that to which regulation 7(3) applies.

Regulation 9 provides that for the purpose of showing that electrical equipment complies with regulation 5(1) a report of a body notified under the Directive procedure may be relied upon and requires any person or court called upon to decide whether regulation 5(1) is satisfied to take due account of any such report.

Regulation 10 provides that electrical equipment is to be taken, unless the contrary is proved, as complying with the safety provisions of harmonised standards, international

safety provisions or regulation 7(2)(a) or (b) where it bears the mark of a body notified under article 11 of the Directive or is accompanied by a certificate issued by such a body or, in the absence of such a certificate, by the manufacturer's written declaration indicating (in each case) such compliance.

Regulation 11 prohibits the supply of electrical equipment which does not satisfy regulation 5(1) and of goods designed to be used as parts of electrical equipment which would, if used in that way, result in the equipment not complying with that regulation. Contravention of regulation 11 is a criminal offence by virtue of section 12 of the 1987 Act.

Regulation 13 enables summary proceedings to be instituted for an offence under the Regulations within twelve months of the commission of the offence.

Regulation 14 provides that where a contravention of regulation 11 arises from the supply of goods which involve a risk of injury to animals or damage to property (or both) but no risk to human beings the person who contravenes the regulation is to be guilty of an offence punishable on summary conviction with a maximum of three months' imprisonment or a fine not exceeding level 5 on the standard scale. In other cases the penalty for a contravention of regulation 12 is a maximum of six months' imprisonment or a fine not exceeding level 5 on the standard scale, or both, by virtue of section 12(5) of the 1987 Act.

Copies of the CENELEC Harmonisation Documents, harmonised standards and international safety provisions referred to in the Regulations may be obtained from the Marketing Department, BSI, Linford Wood, Milton Keynes, MK14 6LE.

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