
STATUTORY INSTRUMENTS

1991 No. 2570

HEALTH AND SAFETY

**The Electrical Equipment for Explosive Atmospheres
(Certification) (Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>11th November 1991</i>
		<i>22nd November</i>
<i>Laid before Parliament</i>		<i>1991</i>
<i>Coming into force</i>	- -	<i>1st January 1992</i>

The Secretary of State, being the Minister 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 the exercise of the powers conferred on him by that section, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, extent, commencement and interpretation

1.—(1) These Regulations, which extend to Great Britain, may be cited as the Electrical Equipment for Explosive Atmospheres (Certification) (amendment) Regulations 1991 and shall come into force on 1st January 1992.

(2) In these Regulations, “the principal Regulations” means the Electrical Equipment for Explosive Atmospheres (Certification) Regulations 1990⁽³⁾.

Amendment to the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) in the definition of “the Gassy Mines Directive” there shall be inserted at the end “, and as amended by Commission Directive No.91/269/EEC (OJ No. L134, 29.5.91, p. 51)”.

(3) After regulation 11 of the principal Regulations there shall be inserted the following new Regulation:—

⁽¹⁾ S.I.1972/1811.

⁽²⁾ 1972 c. 68.

⁽³⁾ S.I. 1990/13, to which there are amendments not relevant to these Regulations.

“Transitional provisions

12.—(1) On or after the coming into force of the amending regulations, a manufacturer of electrical equipment to which the Gassy Mines Directive applies may apply to a certification body (which has been appointed for the purpose set out in regulation 3(1)(a) of the principal regulations in respect of the electrical equipment for which the application is made) for issue of a certificate of conformity before 1st January 1993 attesting that the equipment which is the subject of the application conforms to the harmonised standards prescribed in the principal regulations ; and in that case the provisions of the principal regulations, as appropriate, shall apply as if the application had been made under regulation 4 of the principal regulations.

(2) A certificate of conformity (issued by virtue of the principal regulations before the amending regulations came into force or before 1st January 1993 by virtue of paragraph (1)) attesting that electrical equipment to which the Gassy Mines Directive applies conforms to the Harmonised standards prescribed in the principal regulations shall remain in force until 31st December 2009.

(3) In this regulation—

- (a) “the amending regulations” means the Electrical Equipment for Explosive Atmospheres (Certification) (amendment) Regulations 1991 ([S.I. 1991 No. 2570](#));
- (b) “the principal regulations” means the Electrical Equipment for Explosive Atmospheres (Certification) Regulations 1990 as in force immediately before the amending regulations came into force.”.

Signed by order of the Secretary of State.

11th November 1991

Eric Forth
Parliamentary Under Secretary of State,
Department of Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Electrical Equipment for Explosive Atmospheres (Certification) Regulations 1990 (“the principal Regulations”) to give effect, with respect to Great Britain, to the provisions of the Commission Directive [91/269/EEC](#) (“the Commission Directive”) adapting to technical progress Council Directive [82/130/EEC](#) (“the Gassy Mines Directive”) concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp.

2. Regulation 2(2) of these Regulations amends the definition of “the Gassy Mines Directive” in regulation 2(1) of the principal Regulations to give effect to Article 1 of the Commission Directive.

3. Regulation 2(3) of these Regulations inserts a new regulation 12 in the principal Regulations (transitional provisions). The new regulation permits a manufacturer of electrical equipment to which the Gassy Mines Directive applies who makes application to a certification body for a certificate of conformity for issue before 1st January 1993 to apply for that certificate to be issued in accordance with regulation 4 of the principal Regulations as in force immediately before the coming into force of these Regulations and in that case the provisions of the principal Regulations, as appropriate, will apply.

4. The certificates of conformity (issued by virtue of the principal Regulations before these Regulations came into force or issued before 1st January 1993 by virtue of paragraph (1) of the new regulation 12) shall remain valid until 31st December 2009.