

*These Regulations supersede S.I. 1991/2570 published on 22nd November 1991 and are being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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# 1991 No. 2826

## HEALTH AND SAFETY

### The Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) (No. 2) Regulations 1991

*Made - - - - 12th December 1991*

*Laid before Parliament 16th December 1991*

*Coming into force - - 31st December 1991*

The Secretary of State, being the Minister designated<sup>(1)</sup>, for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> 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) (No. 2) Regulations 1991 and shall come into force on 31st December 1991.

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

#### **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)”.

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1990/13; relevant amending instrument is S.I. 1991/2570.

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

**“Transitional provisions**

**12.**—(1) On or after 31st December 1991, 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 unamended 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 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.

(2) An application for a certificate of conformity made under regulation 4 or for review under regulation 7 of the unamended Regulations before 31st December 1991 shall continue to be dealt with under the unamended Regulations as if the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) (No. 2) Regulations 1991 had not been made; and, subject to regulation 6, a certificate of conformity issued before 1st January 1993, whether before, on or after 31st December 1991, in accordance with the unamended Regulations (attesting that the electrical equipment to which the Gassy Mines Directive applies conforms to the harmonising standards prescribed in the unamended Regulations) or by virtue of paragraph (1) shall remain valid until the end of 31st December 2009.

(3) In this regulation “the unamended Regulations” means these Regulations as in force immediately before 31st December 1991.”

**Revocation**

**3.** The Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations 1991<sup>(4)</sup> are hereby revoked.

Signed by order of the Secretary of State.

12th December 1991

*Eric Forth*  
Parliamentary Under Secretary of State,  
Department of Employment

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(4) S.I. 1991/2570.

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## 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. It also preserves the application of the principal Regulations to or in relation to a certificate of conformity issued under those Regulations at any time before 1st January 1993 (whether issued before, on or after the coming into force of these Regulations) (attesting that the electrical equipment to which the Gassy Mines Directive applies conforms to the harmonised standards prescribed in the principal Regulations) and it also provides that, subject to regulation 6 of the principal Regulations, such a certificate and a certificate of conformity issued by virtue of paragraph (1) of new regulation 12 in regulation 2(3) shall remain valid until the end of 31st December 2009.

4. Regulation 3 revokes the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations 1991 which are replaced with drafting amendments by these Regulations.