
STATUTORY INSTRUMENTS

1992 No. 2372

The Electromagnetic Compatibility Regulations 1992

PART V

THE TECHNICAL CONSTRUCTION FILE ROUTE TO COMPLIANCE

United Kingdom competent bodies

Eligibility and verification

47.—(1) Subject to paragraph (2) below, the following persons shall be eligible for appointment as United Kingdom competent bodies—

- (a) the Secretary of State; and
- (b) any person resident, incorporated, or carrying on a business in the United Kingdom.

(2) The criteria listed in Schedule 5 hereto (being the criteria for the assessment of the bodies to be notified listed in Annex II of the EMC Directive and the criteria which competent bodies are required by Article 1.5 of that Directive to meet) (“the minimum criteria”) must be satisfied in relation to any person if that person is to be appointed or remain a United Kingdom competent body, and accordingly the Secretary of State shall not—

- (a) make an appointment under regulation 46(1) above unless he is satisfied that the person concerned meets the minimum criteria; or
- (b) authorise under regulation 46(3) above the appointment to have effect in relation to any description of relevant apparatus unless he is satisfied that the body meets the minimum criteria in respect of that description of apparatus.

(3) The Secretary of State shall from time to time verify that each United Kingdom competent body fulfils the minimum criteria listed in paragraphs 1 and 2 of Schedule 5 hereto.

(4) A person who complies with the assessment criteria fixed by a standard which is a relevant harmonized standard within the meaning of Article 10.6 of the EMC Directive shall be presumed to satisfy the minimum criteria.

(5) An appointment under regulation 46 above may be subject to the condition that only a defined part of the undertaking of the appointed person may exercise the functions of a competent body, and where an appointment is, or is to be, subject to such a condition—

- (a) a reference in these Regulations to the minimum criteria shall be construed in relation to that person as a reference to the part of that person’s undertaking so defined; and
- (b) the conditions of the appointment shall include provision for ensuring that the confidentiality of confidential information held by the part of the undertaking so defined in pursuance of its function as a United Kingdom competent body is protected from disclosure to other parts of the undertaking.

(6) Upon the expiry of an appointment under regulation 46 above, the United Kingdom competent body shall be eligible for re-appointment.