
STATUTORY INSTRUMENTS

2005 No. 281

The Electromagnetic Compatibility Regulations 2005

PART II

APPLICATION

Exclusions

Apparatus supplied or taken into service before 28th October 1992

10. These Regulations do not apply to an item of electrical apparatus supplied or taken into service in the Community before 28th October 1992.

Apparatus for export to a third country outside the Community

11.—(1) Subject to paragraph (2) below, these Regulations do not apply to any apparatus which the supplier believes (with reasonable cause) will not be used either in the United Kingdom or elsewhere in the Community.

(2) Paragraph (1) above shall not apply if the CE mark or any inscription liable to be confused therewith is affixed to the apparatus.

Excluded installations

12.—(1) These Regulations do not apply to excluded installations; but the extent to which any apparatus or system comprised or to be comprised therein is relevant apparatus shall be determined in accordance with the provisions of this Part.

(2) In this regulation “excluded installation” means two or more combined items of relevant apparatus or systems put together at a given place (whether or not in combination with any other item) to fulfil a specific objective but not designed by the manufacturer (or manufacturers, where the items are made by different manufacturers) for supply as a single functional unit.

Spare parts

13.—(1) Subject to paragraph (2), these Regulations do not apply to spare parts.

(2) Nothing in this regulation shall be taken to affect the application of these Regulations to apparatus into which a spare part has been incorporated.

(3) In this regulation, “spare part” means a component or combination of components intended for use in replacing parts of electrical apparatus.

Supply to the authorised representative

14. These Regulations do not apply to the supply of apparatus by the manufacturer thereof to his authorised representative.

Second-hand apparatus

15.—(1) Subject to paragraph (2) below, these Regulations do not apply to second-hand apparatus.

(2) Nothing in paragraph (1) above shall be taken to disapply these Regulations to—

- (a) the supply of second-hand apparatus which has, since it was last used, been subjected to further manufacture within the meaning of sub-paragraphs (c) or (d) of the definition of manufacture in regulation 3(1) above;
- (b) the supply or taking into service of such apparatus following such further manufacture; or
- (c) the supply or taking into service in the Community of apparatus which has previously been supplied or used in a country or territory outside the Community.

(3) In this regulation, “second-hand apparatus” means apparatus which has previously been used by an end user.

Electromagnetically benign apparatus

16. These Regulations do not apply to apparatus the inherent qualities of which are such that neither is it liable to cause, nor is its performance liable to be degraded by, electromagnetic disturbance.

Apparatus for use in a sealed electromagnetic environment

17. These Regulations do not apply to—

- (a) the supply of any apparatus—
 - (i) for which the usual electromagnetic environment is a sealed electromagnetic environment; and
 - (ii) which is accompanied by instructions which state that the apparatus is suitable for use only in a sealed electromagnetic environment; or
- (b) the taking into service of any apparatus in such an environment.

Radio amateur apparatus

18.—(1) These Regulations do not apply to radio amateur apparatus which is not available commercially.

(2) In this regulation, “available commercially” means manufactured in the course of a business of manufacture of relevant apparatus.

Military equipment

19.—(1) These Regulations do not apply to military equipment.

(2) In this regulation, “military equipment” means apparatus which is designed for use as arms, munitions or war material within the meaning of Article 223.1(b) of the Treaty establishing the European Community (notwithstanding that it may be capable of other applications), but does not include apparatus which is designed both for such use and for other applications.