

## SCHEDULE 1

Regulation 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, must be marked on the electrical equipment or, if this is not possible, on an accompanying document.
  - (b) The electrical equipment, together with its component parts, must be made in such a way as to ensure that it can be safely and properly assembled and connected.
  - (c) The electrical equipment must be so designed and manufactured as to ensure that protection against the hazards set out in paragraphs 2 and 3 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
  - (a) Persons and domestic animals must be adequately protected against the danger of physical injury or other harm which might be caused by direct or indirect contact.
  - (b) Temperatures, arcs or radiation which would cause a danger, must not be produced.
  - (c) Persons, domestic animals and property must be adequately protected against non-electrical dangers caused by the electrical equipment which are revealed by experience.
  - (d) The insulation must be suitable for foreseeable conditions.
3. Protection against hazards which may be caused by external influences on the electrical equipment
  - (a) The electrical equipment must meet the expected mechanical requirements in such a way that persons, domestic animals and property are not endangered.
  - (b) The electrical equipment must be resistant to non-mechanical influences in expected environmental conditions, in such a way that persons, domestic animals and property are not endangered.
  - (c) In foreseeable conditions of overload the electrical equipment must not endanger persons, domestic animals and property.

## SCHEDULE 2

Regulation 5

### Conformity Assessment Procedure

#### **Module A Internal production control**

1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2, 3 and 4, and ensures and declares on the manufacturer's sole responsibility that the electrical equipment concerned satisfies the principal elements of the safety objectives.

#### **Technical documentation**

- 2.—(1) The manufacturer must establish the technical documentation.

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(2) The documentation must make it possible to assess the electrical equipment's conformity to the relevant requirements, and must include an adequate analysis and assessment of the risk(s).

(3) The technical documentation must specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the electrical equipment.

(4) The technical documentation must, where applicable, contain at least the following elements—

- (a) a general description of the electrical equipment;
- (b) conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.;
- (c) descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the electrical equipment;
- (d) a list of the harmonised standards applied in full or in part the references to which have been published in the Official Journal or international or national standards referred to in regulation 37 and, where those harmonised standards or international or national standards have not been applied, descriptions of the solutions adopted to meet the principal elements of the safety objectives, including a list of other relevant technical specifications applied. In the event of partly applied harmonised standards or international or national standards referred to in regulation 37, the technical documentation must specify the parts which have been applied;
- (e) results of design calculations made, examinations carried out, etc.; and
- (f) test reports.

### **Manufacturing**

3. The manufacturer must take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the manufactured electrical equipment with the technical documentation referred to in paragraph 2 and with the principal elements of the safety objectives.

### **CE marking and EU declaration of conformity**

4.—(1) The manufacturer must affix the CE marking to each individual item of electrical equipment that satisfies the principal elements of the safety objectives.

(2) The manufacturer must draw up a written EU declaration of conformity for a product model and keep it together with the technical documentation at the disposal of the enforcing authorities for 10 years after the electrical equipment has been placed on the market. The EU declaration of conformity must identify the electrical equipment for which it has been drawn up.

(3) A copy of the EU declaration of conformity must be made available to the relevant market surveillance authorities upon request.

### **Authorised representative**

5. The manufacturer's obligations set out in paragraph 4 may be fulfilled by the manufacturer's authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

### SCHEDULE 3

Regulation 42

#### Enforcement powers of weights and measures authorities, district councils and the Secretary of State under the 1987 Act

##### **Enforcement powers under the 1987 Act**

1. For the purposes of enforcing these Regulations, the following sections of the 1987 Act apply subject to the modifications in paragraph 2—

- (a) section 13 (prohibition notices and notices to warn);
- (b) section 14 (suspension notices);
- (c) section 16 (forfeiture: England and Wales and Northern Ireland);
- (d) section 17 (forfeiture: Scotland);
- (e) section 18 (power to obtain information);
- (f) section 19 (interpretation of Part 2);
- (g) section 29 (powers of search etc);
- (h) section 30 (provisions supplemental to s 29);
- (i) section 31 (powers of customs officer to detain goods);
- (j) section 33 (appeals against detention of goods);
- (k) section 34 (compensation for seizure and detention);
- (l) section 35 (recovery of expenses of enforcement)
- (m) section 37 (power of Commissioners for Revenue and Customs);
- (n) section 45 (interpretation);
- (o) section 46(1) (meaning of “supply”);
- (p) Schedule 2 (prohibition notices and notices to warn).

##### **Modifications to the 1987 Act**

2. The sections of the 1987 Act referred to in paragraph 1 are to apply as if—

- (a) in section 13—
  - (i) in subsection (1), for “unsafe” on each occasion that it appears, there were substituted “non-compliant”;
  - (ii) in subsection (1), “relevant” were omitted on each occasion that it appears;
  - (iii) in subsection (2), the words from “; and the Secretary of State may” to the end were omitted;
  - (iv) subsections (4) to (7) were omitted;
- (b) in section 14—
  - (i) in subsection (1), after “any safety provision has been contravened in relation to the goods”, there were inserted “or that such goods present a risk”;
  - (ii) in subsection (2)(b), after “any safety provision has been contravened in relation to the goods”, there were inserted “or that such goods present a risk”;
  - (iii) in subsection (2)(c), “under section 15 below” were omitted;
  - (iv) subsections (6) to (8) were omitted;
- (c) in section 16—

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- (i) in subsection (1), after “a contravention in relation to the goods of a safety provision” there were inserted “or that such goods present a risk”;
  - (ii) for subsection (2)(b) there were substituted—
    - “(b) where an application with respect to some or all of the goods has been made to a magistrates’ court under regulation 58 (appeals against notices) of the 2016 Regulations, or section 33, to that court; and”;
  - (iii) in subsection (3), after “a contravention in relation to the goods of a safety provision” there were inserted “or that such goods present a risk”;
  - (iv) after subsection (4), there were inserted—
    - “(4A) A court may infer for the purposes of this section that any goods present a risk, if it is satisfied that such a risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
- (d) in section 17—
- (i) in subsection (1), after “a contravention of a safety provision”, there were inserted “or where the goods present a risk”;
  - (ii) in subsection (6), after “a contravention in relation to those goods of a safety provision” there were inserted “or that those goods present a risk”;
  - (iii) after subsection (7), there were inserted—
    - “(7A) The sheriff may infer for the purposes of this section that any goods present a risk, if satisfied that such a risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
- (e) in section 18, subsections (3) and (4) were omitted;
- (f) in section 29—
- (i) in subsection (4)(a), after “any contravention of any safety provision in relation to the goods” there were inserted “or whether the goods present a risk”;
  - (ii) in subsection (4)(b), after “any such contravention” there were inserted “or whether the goods present a risk”;
- (g) in section 30—
- (i) at the end of subsection (2)(a)(ii), for “and” there were substituted “or”;
  - (ii) after subsection (2)(a)(ii), there were inserted—
    - “(iii) that any goods which any officer has power to inspect under section 29(4) are on any premises and their inspection is likely to demonstrate that they present a risk; and”;
  - (iii) subsections (5), (7) and (8) were omitted;
- (h) in section 31(1), for “Part II of this Act”, there were substituted “the 2016 Regulations”;
- (i) in section 34—
- (i) the word “and” at the end of subsection (1)(a) were omitted; and
  - (ii) after that subsection, there were inserted—
    - “(aa) the goods do not present a risk; and”;
- (j) in section 37(1), for “Part II of this Act”, there were substituted “the 2016 Regulations”;
- (k) in section 45(1)—

- (i) the definitions of “conditional sale agreement”, “gas”, “motor vehicle”, “personal injury”, “subordinate legislation” and “substance” were omitted;
- (ii) before the definition of “aircraft”, there were inserted—
  - ““the 2016 Regulations” means the Electrical Equipment (Safety) Regulations 2016”;
- (iii) for the definition of “enforcement authority” there were substituted—
  - ““enforcement authority” means an enforcing authority as defined in regulation 2(1) of the 2016 Regulations;”;
- (iv) for the definition of “goods” there were substituted—
  - ““goods” means electrical equipment within the scope of the 2016 Regulations;”;
- (v) after the definition of “modifications” there were inserted—
  - ““non-compliant” in relation to any goods means that—
    - (a) a safety provision has been contravened in relation to the goods; or
    - (b) the goods present a risk;”;
- (vi) after the definition of “premises”, there were inserted—
  - ““present a risk” means present a risk within the meaning set out in regulation 2(4) of the 2016 Regulations;”;
- (vii) for the definition of “safety provision” there were substituted—
  - ““safety provision” means any provision of the 2016 Regulations”; and
- (viii) for the definition of “safety regulations” there were inserted—
  - ““safety regulations” means the 2016 Regulations;”;
- (l) in section 46(1), the words “and, in relation to gas or water, those references shall be construed as including references to providing the service by which the gas or water is made available for use” were omitted; and
- (m) in Schedule 2—
  - (i) for “unsafe”, on each occasion that it appears, there were substituted “non-compliant”; and
  - (ii) for “safe”, on each occasion that it appears, there were substituted “not non-compliant”.

#### SCHEDULE 4

Regulation 42

#### Enforcement powers of the Health and Safety Executive and the Office for Nuclear Regulation under the 1974 Act

#### **Enforcement powers under the 1974 Act**

1. For the purposes of enforcing these Regulations, the following sections of the 1974 Act apply subject to the modifications in paragraph 2—

- (a) section 19 (appointment of inspectors);
- (b) section 20 (powers of inspectors);
- (c) section 21 (improvement notices);

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- (d) section 22 (prohibition notices);
- (e) section 23 (provisions supplementary to sections 21 and 22);
- (f) section 24 (appeal against improvement or prohibition notice);
- (g) section 25 (power to deal with cause of imminent danger);
- (h) section 25A (power of customs officer to detain articles and substances);
- (i) section 26 (power of enforcing authorities to indemnify inspectors);
- (j) section 27 (obtaining of information by the Executive, enforcing authorities etc);
- (k) section 27A (information communicated by Commissioners for Revenue and Customs);
- (l) section 28 (restrictions on disclosure of information);
- (m) section 33 (offences);
- (n) section 34 (extension of time for bringing summary proceedings);
- (o) section 35 (venue);
- (p) section 39 (prosecution by inspectors);
- (q) section 41 (evidence); and
- (r) section 42 (power of court to order cause of offence to be remedied or, in certain cases, forfeiture).

### **Modifications to the 1974 Act**

2. The sections of the 1974 Act referred to in paragraph 1 apply as if—
  - (a) references to “relevant statutory provisions” were references to—
    - (i) the provisions of the 1974 Act set out in paragraph 1, as modified by this paragraph; and
    - (ii) these Regulations;
  - (b) references to “risk” were references to “risk” within the meaning of regulation 2(4) of these Regulations;
  - (c) in section 19—
    - (i) in subsection (1)—
      - (aa) for “Every enforcing authority” there were substituted “The Health and Safety Executive and the Office for Nuclear Regulation”;
      - (bb) for references to “it” there were substituted “they”;
      - (cc) for “thinks” there were substituted “think”
      - (dd) “within its field of responsibility” were omitted;
    - (ii) in subsection (2), paragraph (b) were omitted;
    - (iii) in subsection (3), for “enforcing authority which appointed him” there were substituted “Health and Safety Executive or the Office for Nuclear Regulation as the case may be”;
  - (d) in section 20—
    - (i) in subsection (1), “within the field of responsibility of the enforcing authority which appointed him” were omitted;
    - (ii) in subsection (2)(c)(i), for “his (the inspector’s) enforcing authority” there were substituted “the Health and Safety Executive or the Office for Nuclear Regulation as the case may be”;

- (iii) in subsection (2)(h), for “him to have caused or to be likely to cause danger to health and safety”, there were substituted “contravene the relevant statutory provisions or present a risk”; and
  - (iv) subsection (3) were omitted;
- (e) in section 21—
  - (i) before paragraph (a), there were inserted—
    - “(za) is making available on the market electrical equipment which presents a risk.”;
  - (ii) after “specifying the”, there were inserted “risk, or”; and
  - (iii) after “requiring that person to”, there were inserted “address the risk or”;
- (f) for section 22(2) there were substituted—
  - “(2) An inspector may serve a notice (in this Part referred to as “a prohibition notice”) on a person if, as regards any activities to which this section applies, the inspector is of the opinion that, as carried on or likely to be carried on by or under the control of the person in question, the activities involve or, as the case may be, will involve—
    - (a) a risk; or
    - (b) a contravention of a relevant statutory provision.”;
- (g) in section 23, subsections (3), (4) and (6) were omitted;
- (h) for section 25A(1) there were substituted—
  - “(1) A customs officer may, for the purposes of facilitating the exercise or performance by the Health and Safety Executive, the Office for Nuclear Regulation or an inspector (as the case may be), of any of their powers and duties under any of the relevant statutory provisions, seize any imported article or imported substance and retain it for not more than two working days.”.
- (i) for the heading to section 26, there were substituted “Power to indemnify inspectors”;
- (j) in section 26, for each of the following references there were substituted “the body”—
  - (i) “the enforcing authority”;
  - (ii) “that authority”; and
  - (iii) “the authority”;
- (k) in section 27—
  - (i) for “Executive”, on each occasion that it appears, there were substituted “Health and Safety Executive or the Office for Nuclear Regulation as the case may be”;
  - (ii) in subsection (1), paragraph (b) were omitted; and
  - (iii) in subsection (1), “or, as the case may be, to the enforcing authority in question” were omitted;
- (l) for section 27A(2) there were substituted—
  - “(2) This subsection applies to the Health and Safety Executive, the Office for Nuclear Regulation and to an inspector.”;
- (m) in section 28—
  - (i) for “Executive”, on each occasion that it appears, there were substituted “Health and Safety Executive”;
  - (ii) in subsection (1)(a), “, other than the Office for Nuclear Regulation (or an inspector appointed by it,” and “, by virtue of section 43A(6) below” were omitted;

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- (iii) in subsection (3)(a), “or any enforcing authority” were omitted;
- (iv) in subsection (4), “or an enforcing authority” and “or authority (including, in the case of an enforcing authority, any inspector appointed by it)” were omitted;
- (v) in subsection (5)(a), “or the purposes of the enforcing authority in question in connection with the relevant statutory provisions” were omitted;
- (vi) in subsection (7), “14(4)(a) or” were omitted;
- (vii) for subsection (7)(b), there were substituted—
  - “(b) for the purposes of any legal proceedings or for the purposes of a report of any such proceedings;”;
- (viii) subsection (9B) were omitted;
- (n) in section 33—
  - (i) in subsection (1), paragraphs (a) to (i) and (k) to (m) were omitted;
  - (ii) for subsection (2), there were substituted—
    - “(2) A person guilty of an offence under this section is liable—
      - (a) on summary conviction—
        - (i) in England and Wales, to a fine or imprisonment for a term not exceeding three months, or to both;
        - (ii) in Scotland, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding three months, or to both;
      - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding two years, or to both.”;
- (o) section 33(3) were omitted.
- (p) in section 34—
  - (i) in subsection (1), paragraphs (a) and (b) were omitted; and
  - (ii) in subsection (1), for the words from “and it appears” to the end, there were substituted—
    - “and it appears from the investigation or, in a case falling within paragraph (d), from the proceedings at the inquiry, that any of the relevant statutory provisions was contravened at a time which is material in relation to the subject-matter of the investigation or inquiry, summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months of the conclusion of the investigation or inquiry.”;
  - (iii) subsections (3) to (6) were omitted;
- (q) in section 35, for “any enforcing authority”, there were substituted “the Health and Safety Executive or the Office for Nuclear Regulation as the case may be”;
- (r) in section 39(1), for “enforcing authority” there were substituted “Health and Safety Executive or the Office for Nuclear Regulation as the case may be”; and
- (s) in section 42, subsections (3A), (4) and (5) were omitted.



## SCHEDULE 5

Regulation 42

### Enforcement powers of the Health and Safety Executive for Northern Ireland under the 1978 Order

#### **Enforcement powers under the 1978 Order**

1. For the purposes of enforcing these Regulations and RAMS (in its application to electrical equipment), the following Articles of the 1978 Order apply subject to the modifications in paragraph 2—

- (a) Article 21 (appointment of inspectors);
- (b) Article 22 (powers of inspectors);
- (c) Article 23 (improvement notices);
- (d) Article 24 (prohibition notices);
- (e) Article 25 (provisions supplementary to Articles 23 and 24);
- (f) Article 26 (appeal against improvement or prohibition notice);
- (g) Article 27 (power to deal with cause of imminent danger);
- (h) Article 27A (power of customs officer to detain articles and substances);
- (i) Article 28 (power of enforcing authorities to indemnify inspectors);
- (j) Article 29 (obtaining of information by the Executive, enforcing authorities etc);
- (k) Article 29A (information communicated by Commissioners for Revenue and Customs);
- (l) Article 30 (restrictions on disclosure of information);
- (m) Article 31 (offences);
- (n) Article 32 (extension of time for bringing summary proceedings);
- (o) Article 33 (venue);
- (p) Article 36 (prosecution by inspectors);
- (q) Article 38 (evidence);
- (r) Article 39 (power of court to order cause of offence to be remedied or, in certain cases, forfeiture).

#### **Modifications to the 1978 Order**

2. The Articles of the 1978 Order referred to in paragraph 1 apply as if—
- (a) references to “relevant statutory provisions” were references to—
    - (i) the provisions of the 1978 Order set out in paragraph 1, as modified by this paragraph; and
    - (ii) these Regulations;
  - (b) references to “risk” were references to “risk” within the meaning of regulation 2(4) of these Regulations;
  - (c) in Article 21—
    - (i) in paragraph (1), for “Every enforcing authority” there were substituted “The Health and Safety Executive for Northern Ireland”;
    - (ii) in paragraph (1), “within its field of responsibility” were omitted;
    - (iii) in paragraph (2), sub-paragraph (b) were omitted;

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- (iv) in paragraph (3), for “enforcing authority which appointed him” there were substituted “Health and Safety Executive for Northern Ireland”;
- (d) in Article 22—
  - (i) in paragraph (1), “within the field of responsibility of the enforcing authority which appointed him” were omitted;
  - (ii) in paragraph 2(c)(i), for “his (the inspector’s) enforcing authority” there were substituted “the Health and Safety Executive for Northern Ireland”;
  - (iii) in paragraph 2(2)(h), for “him to have caused or to be likely to cause danger to health and safety”, there were substituted “contravene the relevant statutory provisions or present a risk”;
  - (iv) paragraph (3) were omitted.
- (e) in Article 23—
  - (i) before paragraph (a), there were inserted—
    - “(za) is making available on the market electrical equipment which presents a risk;”;
  - (ii) after “specifying the”, there were inserted “risk, or”; and
  - (iii) after “requiring that person to”, there were inserted “address the risk or”;
- (f) for Article 24(2) and (3) there were substituted—
  - “(2) An inspector may serve a notice (in this Part referred to as a “prohibition notice”) on a person if, as regards any activities to which this paragraph applies, the inspector is of the opinion that, as carried on or likely to be carried on by or under the control of the person in question, the activities involve or, as the case may be, will involve—
    - (a) a risk; or
    - (b) the contravention of a relevant statutory provision.
  - (3) A prohibition notice must—
    - (a) state that the inspector is of the said opinion;
    - (b) specify the matters which in his opinion give or, as the case may be, will give rise to the said risk;
    - (c) where in his opinion any of those matters involves or, as the case may be, will involve a contravention of any of the relevant statutory provisions, state that he is of the opinion, specify the provision or provisions as to which he is of that opinion, and give particulars of the reasons why he is of that opinion; and
    - (d) direct that the activities to which the notice relates must not be carried on by or under the control of the person on whom the notice is served unless the matters specified in the notice in pursuance of sub-paragraph (b) and any associated contraventions of provisions so specified in pursuance of sub-paragraph (c) have been remedied.”;
- (g) in Article 25, paragraphs (3), (4) and (5) were omitted;
- (h) in Articles 27A(1), for “any enforcing authority” and “the authority” there were substituted “the Health and Safety Executive for Northern Ireland”;
- (i) for the heading to Article 28, there were substituted “Power to indemnify inspectors”;
- (j) in Article 28, for “the enforcing authority which appointed him”, “that authority” and “the authority”, there were, in each case, substituted “the Health and Safety Executive for Northern Ireland”;

- (k) in Article 29—
  - (i) in paragraph (1)(b), for “an enforcing authority” there were substituted “the Health and Safety Executive for Northern Ireland” and for “the Authority’s functions” there were substituted “its functions”;
  - (ii) “the department concerned, or” were omitted;
  - (iii) for “the Executive”, in each case it appears, there were substituted “the Health and Safety Executive for Northern Ireland”;
  - (iv) “or, as the case may be, to the enforcing authority in question” were omitted.
- (l) in Article 29A(2) for “an enforcing authority” there were substituted “the Health and Safety Executive for Northern Ireland”;
- (m) in Article 30—
  - (i) for “Executive”, on each occasion that it appears, there were substituted “Health and Safety Executive for Northern Ireland”;
  - (ii) in paragraph (3), “or any enforcing authority” were omitted;
  - (iii) in paragraph (4), “or an enforcing authority” were omitted;
  - (iv) in paragraph (4), “or authority (including in the case of an enforcing authority, any inspector appointed by it)” were omitted;
  - (v) in paragraph (5), “or the purposes of the enforcing authority in question” were omitted;
  - (vi) in paragraph (6), “16(4)(a) or” were omitted;
  - (vii) for paragraph (6)(b), there were substituted—
    - “(b) for the purposes of any legal proceedings or for the purposes of a report of any such proceedings;”;
- (n) in Article 31—
  - (i) in paragraph (1), sub-paragraphs (a) to (i) and (k) to (m) were omitted;
  - (ii) for paragraph (2), there were substituted—
    - “(2) A person guilty of an offence under Article 31 is liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months, or to both;”;
  - (iii) Article 31(3) were omitted;
- (o) in Article 32—
  - (i) in paragraph (1), sub-paragraphs (a) and (b) were omitted;
  - (ii) in paragraph (1), for the words from “and it appears” to the end, there were substituted “and it appears from the proceedings at the inquest that any of the relevant statutory provisions was contravened at a time which is material in relation to the subject-matter of the inquest, summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months of the conclusion of the inquest.”; and
  - (iii) paragraphs (3) and (4) were omitted;
- (p) in Article 33, for “any enforcing authority” there were substituted “Health and Safety Executive for Northern Ireland”;
- (q) in Article 36, for “enforcing authority” there were substituted “Health and Safety Executive for Northern Ireland”; and
- (r) in Article 39, paragraphs (3A), (4) and (5) were omitted.

## SCHEDULE 6

Regulation 42

## Compliance, withdrawal and recall notices

**Compliance notice**

1.—(1) An enforcing authority may serve a compliance notice on a relevant economic operator in respect of electrical equipment if the authority has reasonable grounds for believing that there is non-compliance with the requirements of these Regulations.

(2) A compliance notice must—

(a) require the relevant economic operator on which it is served to—

- (i) end the non-compliance within such period as may be specified in the notice; or
- (ii) provide evidence, within such period as may be specified in the notice, demonstrating to the satisfaction of the enforcing authority that the non-compliance has not in fact occurred;

(b) warn the economic operator that, if the non-compliance persists or if satisfactory evidence has not been produced under paragraph (a) within the period specified in the notice, further action may be taken in respect of the electrical equipment or any electrical equipment of the same type made available on the market by that relevant economic operator.

(3) A compliance notice may include directions as to the measures to be taken by the economic operator to secure compliance, including different ways of securing compliance.

(4) Subject to sub-paragraph (5), an enforcing authority may revoke or vary a compliance notice by serving a notification on the economic operator.

(5) An enforcing authority may not vary a compliance notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

**Withdrawal notice**

2.—(1) An enforcing authority may serve a withdrawal notice on a relevant economic operator in respect of electrical equipment if the authority has reasonable grounds for believing that—

(a) the electrical equipment has been made available on the market; and

(b) either of the following conditions are met—

- (i) the electrical equipment presents a risk; or
- (ii) the electrical equipment is not in conformity with the requirements of these Regulations or RAMS (in its application to electrical equipment).

(2) A withdrawal notice must prohibit the relevant economic operator from making the electrical equipment available on the market without the consent of the enforcing authority.

(3) A withdrawal notice may require the relevant economic operator to take action to alert end-users to any risk presented by the electrical equipment.

(4) A withdrawal notice may require the relevant economic operator to keep the enforcing authority informed of the whereabouts of any electrical equipment referred to in the notice.

(5) A consent given by the enforcing authority pursuant to a withdrawal notice, may impose such conditions on the making available on the market as the enforcing authority considers appropriate.

**Recall notice**

3.—(1) The enforcing authority may serve a recall notice on a relevant economic operator in respect of electrical equipment if the authority has reasonable grounds for believing that—

- (a) the electrical equipment has been made available to end-users; and
  - (b) either of the following conditions is met—
    - (i) the electrical equipment presents a risk;
    - (ii) the electrical equipment is not in conformity with the requirements of these Regulations or RAMS (in its application to electrical equipment).
- (2) A recall notice must require the relevant economic operator to use reasonable endeavours to organise the return of the electrical equipment from end-users to the relevant economic operator or another person specified in the notice.
- (3) A recall notice may—
- (a) require the recall to be effected in accordance with a code of practice;
  - (b) require the relevant economic operator to—
    - (i) contact end-users in order to inform them of the recall, to the extent that it is practicable to do so;
    - (ii) publish a notice in such form and manner as is likely to bring to the attention of end-users any risk the electrical equipment poses and the fact of the recall;
    - (iii) make arrangements for the collection or return of the electrical equipment from end-users or its disposal;
  - (c) impose such additional requirements on the relevant economic operator as are reasonable and practicable with a view to achieving the return of the electrical equipment.
- (4) In determining what requirements to include in a recall notice, the enforcing authority must take into consideration the need to encourage distributors and end-users to contribute to its implementation.
- (5) A recall notice may only be issued by the enforcing authority where—
- (a) other action which it may require under these Regulations would not suffice to address the non-compliance;
  - (b) the action being undertaken by the relevant economic operator in fulfilment of the requirements of these Regulations is unsatisfactory or insufficient to address the non-compliance;
  - (c) the enforcing authority has given not less than ten days' notice to the relevant economic operator of its intention to serve such a notice; and
  - (d) the enforcing authority has taken account of any advice obtained under sub-paragraph (6).
- (6) A relevant economic operator which has received notice from the enforcing authority of an intention to serve a recall notice may at any time prior to the service of the recall notice require the authority to seek the advice of such person as the Institute determines on the questions of—
- (a) whether there is non-compliance; and
  - (b) whether the issue of a recall notice would be proportionate.
- (7) Sub-paragraph (5)(b), (c) and (d) do not apply in the case of electrical equipment presenting a serious risk requiring, in the view of the enforcing authority, urgent action.
- (8) Where a relevant economic operator requires the enforcing authority to seek advice under sub-paragraph (6), that relevant economic operator is to be responsible for the fees, costs and expenses of the Institute and of the person appointed by the Institute to advise the enforcing authority.
- (9) In this paragraph, “Institute” means the charitable organisation with registered number 803725 and known as the Chartered Institute of Arbitrators.

(10) A recall notice served by the enforcing authority may require the relevant economic operator to keep the authority informed of the whereabouts of electrical equipment to which the recall notice relates, so far as the relevant economic operator is able to do so.

### **Interpretation**

4. In this Schedule, “non-compliance” means that the electrical equipment—
- (a) presents a risk; or
  - (b) is not in conformity with the requirements of these Regulations or RAMS (in its application to electrical equipment).

## SCHEDULE 7

Regulation 64

### Consequential amendments

#### **Amendment of the Plugs and Sockets etc (Safety) Regulations 1994**

- 1.—(1) The Plugs and Sockets etc (Safety) Regulations 1994<sup>(1)</sup> are amended as follows.
- (2) Omit regulation 11.
  - (3) For the heading of regulation 12 substitute “Prohibitions on supply etc. of conversion plugs”.
  - (4) Omit regulation 12(1) and (2).
  - (5) For regulation 12(3) substitute—
    - “(3) No person shall supply, offer for supply, agree to supply, expose for supply or possess for supply any conversion plug unless that conversion plug is of a type approved by a notified body for use in conjunction with a non-UK plug which complies with the safety provisions of IEC 884-1, and in respect of which such approval has not been cancelled.
    - (3A) In determining applications made to it for such approval the notified body shall not grant such approval unless it is satisfied—
      - (a) that when used in conjunction with such a non-UK plug and when connected to a mains socket in the United Kingdom, conversion plugs of that type provide a level of safety equivalent to a standard plug which satisfies the requirements of regulation 8; and
      - (b) by means of inspection or testing of samples, that the manufacturer of the conversion plug may reasonably be expected to ensure that normal production and design of the conversion plug will result in conversion plugs of that type corresponding with the samples.”
  - (6) In regulation 12(4), omit the words “Subject to paragraphs (5), (6) and (7) below,”.
  - (7) In regulation 12(7)(b), omit the words “, (5) or”.
  - (8) In regulation 12(9)—
    - (a) for “paragraph (1)”, substitute “paragraph (3)”;
    - (b) for “appliance”, substitute “conversion plug”.

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(1) [S.I. 1994/1768](#).

### **Amendment of the Provision and Use of Work Equipment Regulations 1998**

2. In Schedule 1 to the Provision and Use of Work Equipment Regulations 1998(2) omit the entry relating to the Electrical Equipment (Safety) Regulations 1994 and in the appropriate place—

- (a) in the first column insert “The Electrical Equipment (Safety) Regulations 2016”; and
- (b) in the second column, insert the S.I. number of these Regulations.

### **Amendment of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999**

3. In Schedule 2 to the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999(3) omit the entry relating to the Electrical Equipment (Safety) Regulations 1994 and in the appropriate place—

- (a) in the first column insert “The Electrical Equipment (Safety) Regulations 2016”; and
- (b) in the second column insert the S.I. number of these Regulations.

### **Amendment of the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000**

4. In regulation 1(3) of the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000, omit the words “and the Electrical Equipment (Safety) Regulations 1994, except for regulations 5 and 7,”.

### **Amendment of the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006**

5. In the Schedule to the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006(4), omit the entry relating to the “Electrical Equipment (Safety) Regulations 1994” and in the appropriate place—

- (a) in the first column insert “The Electrical Equipment (Safety) Regulations 2016”; and
- (b) in the second column insert the S.I. number of these Regulations.

### **Amendment of the Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

6.—(1) The Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(5) is amended as follows.

(2) In Part 3, under the heading “Public health and safety”, omit “Electrical Equipment (Safety) Regulations 1994” and in the appropriate place insert “Electrical Equipment (Safety) Regulations 2016”;

(3) In Part 8, omit “Electrical Equipment (Safety) Regulations 1994” and in the appropriate place insert “Electrical Equipment (Safety) Regulations 2016”;

(4) In Part 13, omit “Electrical Equipment (Safety) Regulations 1994” and in the appropriate place insert “Electrical Equipment (Safety) Regulations 2016”.

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(2) [S.I. 1998/2306](#), to which there are amendments not relevant to these Regulations.

(3) [S.R. 1999/305](#), to which there are amendments not relevant to these Regulations.

(4) [S.I. 2006/2183](#), to which there are amendments not relevant to these Regulations.

(5) [S.I. 2007/3544](#), to which there are amendments not relevant to these Regulations.

*Status: This is the original version (as it was originally made).*

### **Amendment of the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009**

7.—(1) The Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009<sup>(6)</sup> is amended as follows.

(2) In Part 4 of Schedule 1, omit “Electrical Equipment (Safety) Regulations 1994” and in the appropriate place insert “Electrical Equipment (Safety) Regulations 2016”.

(3) In Part 2 of Schedule 2, omit “Electrical Equipment (Safety) Regulations 1994” and in the appropriate place insert “The Electrical Equipment (Safety) Regulations 2016”.

### **Amendment of the Building Regulations 2010**

8. In paragraph 4 of Schedule 4 to the Building Regulations 2010<sup>(7)</sup> for “regulation 9 of the Electrical Equipment (Safety) Regulations 1994” substitute “regulation 39 of the Electrical Equipment (Safety) Regulations 2016”.

### **Amendment of the Homelessness (Suitability of Accommodation) (England) Order 2012**

9. In Article 3(b) of the Homelessness (Suitability of Accommodation) (England) Order 2012<sup>(8)</sup> for “regulations 5 and 7 of the Electrical Equipment (Safety) Regulations 1994” substitute “Schedule 1 to the Electrical Equipment (Safety) Regulations 2016”.

### **Amendment of the Energy Act 2013 (Office for Nuclear Regulation) Consequential Amendments, Transitional Provisions and Savings) Order 2014**

10. In the Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014<sup>(9)</sup>, omit paragraphs 56 to 58 of Schedule 3.

### **Amendment of the Consumer Rights Act 2015**

11. In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015<sup>(10)</sup>, at the appropriate place insert—

“regulation 41(1) or (2) of the Electrical Equipment (Safety) Regulations 2016 (SI 2016/1101);”.

## SCHEDULE 8

Regulation 38

### EU Declaration of Conformity

#### **EU declaration of conformity (No xxxx)(11)**

1. Product model (product, type, batch or serial number):
2. Name and address of manufacturer or his authorised representative:
3. This declaration of conformity is issued under the sole responsibility of the manufacturer.

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(6) S.I. 2009/669.

(7) S.I. 2010/2214.

(8) S.I. 2012/2601.

(9) S.I. 2014/469.

(10) 2015 c.15.

(11) It is optional for the manufacturer to assign a number to the declaration of conformity.



4. Object of the declaration (identification of electrical equipment allowing traceability; it may include a colour image of sufficient clarity where necessary for the identification of the electrical equipment):

5. The object of the declaration described above is in conformity with the relevant Union harmonisation legislation:

6. References to the relevant harmonised standards used or references to the other technical specifications in relation to which conformity is declared:

7. Additional information:

Signed for and on behalf of:

(place and date of issue):

(name, function) (signature):