
STATUTORY INSTRUMENTS

2018 No. 390

The Personal Protective Equipment (Enforcement) Regulations 2018

PART 1

Preliminary

Application, transitional provisions, savings and revocation **N.I.**

2.—(1) These Regulations apply to PPE placed on the market on or after 21st April 2018.

(2) These Regulations do not apply to PPE—

- (a) designed for the uses specified in Article 2(2)(a) to (d); or
- (b) that falls within Article 2(2)(e).

(3) Nothing in these Regulations prevents the showing of PPE at trade fairs, exhibitions, demonstrations or the like, which is not in compliance with the provisions of EU Regulation 2016/425, provided that a visible sign clearly indicates that such PPE does not comply with those provisions and that it is not for sale until it is made compliant.

(4) The 2002 Regulations continue to apply, as if they had not been revoked, to PPE placed on the market before 21st April 2019^{M1}, and in any such case the consequential amendments made by Schedule 5 do not apply.

(5) If, before 21st April 2019—

- (a) an EC type-examination certificate is issued by an approved body under the 2002 Regulations, pursuant to the EC type-examination procedure set out in Schedule 7 to those Regulations, or
- (b) an approval decision is made under, and in accordance with, Part B of Schedule 8 (system for ensuring EC quality of production by means of monitoring) to the 2002 Regulations,

that certificate or decision remains valid until 21st April 2023^{M2}, or until its' expiry date if earlier, for the purpose of satisfying the requirements of an EU declaration of conformity set out in paragraphs 7 or 8 of Annex IX.

(6) The 2002 Regulations are revoked save to the extent required to give effect to paragraphs (4) and (5).

Extent Information

- E1** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent
Changes to legislation: There are currently no known outstanding effects for the The Personal Protective Equipment (Enforcement) Regulations 2018, Section 2. (See end of Document for details)

Marginal Citations

- M1** Article 47(1) of EU Regulation 2016/425 provides for PPE which is in conformity with Council Directive 89/686/EEC to be placed on the market until 21 April 2019. The 2002 Regulations transposed Council Directive 89/686/EEC.
- M2** Article 47(2) of the EU Regulation 2016/425 provides for EC type-examination certificates and approval decisions issued under Council Directive 89/686/EEC to remain valid until 21 April 2023 unless they expire before that date.

Application, transitional provisions, savings and revocation **E+W+S**

2.—(1) These Regulations apply to PPE placed on the market on or after 21st April 2018.

(2) These Regulations do not apply to PPE—

- (a) designed for the uses specified in Article 2(2)(a) to (d); or
- (b) that falls within Article 2(2)(e).

(3) Nothing in these Regulations prevents the showing of PPE at trade fairs, exhibitions, demonstrations or the like, which is not in compliance with the provisions of EU Regulation 2016/425, provided that a visible sign clearly indicates that such PPE does not comply with those provisions and that it is not for sale until it is made compliant.

(4) [^{F1}Subject to the modifications made in paragraph (4A),] the 2002 Regulations continue to apply, as if they had not been revoked, to PPE placed on the market before 21st April 2019 ^{F2}, and in any such case the consequential amendments made by Schedule 5 do not apply.

[^{F3}(4A) The modifications referred to in paragraph (4) are as follows—

- (a) any reference to “Community” is to be read as including the United Kingdom;
- (b) any reference to “Member State” is to be read as including the United Kingdom;
- (c) in Schedule 7—
 - (i) in paragraph 5—
 - (aa) omit from “The Commission” to “conducted”;
 - (bb) before “file shall be held” insert “ manufacturer's technical ”;
 - (ii) in paragraph 6, omit from “An inspection body” to the end;
- (d) in Schedule 10, in paragraph 2, omit from “with a view” to “the Commission]

(5) If, before 21st April 2019—

- (a) an EC type-examination certificate is issued by an approved body under the 2002 Regulations, pursuant to the EC type-examination procedure set out in Schedule 7 to those Regulations, or
- (b) an approval decision is made under, and in accordance with, Part B of Schedule 8 (system for ensuring EC quality of production by means of monitoring) to the 2002 Regulations,

that certificate or decision remains valid until 21st April 2023 ^{F4}, or until its' expiry date if earlier, for the purpose of satisfying the requirements of an EU declaration of conformity set out in paragraphs 7 or 8 of Annex IX [^{F5}of Regulation 2016/425 (pre-exit) or a declaration of conformity set out in paragraphs 7 or 8 of Annex IX].

(6) The 2002 Regulations are revoked save to the extent required to give effect to paragraphs [^{F6}(4) to (5)].

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Changes to legislation: There are currently no known outstanding effects for the The Personal Protective Equipment (Enforcement) Regulations 2018, Section 2. (See end of Document for details)

Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F1** Reg. 2(4)(a) inserted (31.12.2020) by S.I. 2019/696, Sch. 35 para. 1(3)(a) (as substituted by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1246), regs. 1(3), **9(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1))
- F2** [Article 47\(1\)](#) of EU Regulation 2016/425 provides for PPE which is in conformity with Council Directive 89/686/EEC to be placed on the market until 21 April 2019. The 2002 Regulations transposed Council Directive 89/686/EEC.
- F3** Reg. 2(4A) inserted (31.12.2020) by S.I. 2019/696, **Sch. 35 para. 1(3)(b)** (as substituted by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1246), regs. 1(3), **9(b)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**)
- F4** [Article 47\(2\)](#) of the EU Regulation 2016/425 provides for EC type-examination certificates and approval decisions issued under Council Directive 89/686/EEC to remain valid until 21 April 2023 unless they expire before that date.
- F5** Words in reg. 2(5) inserted (31.12.2020) by S.I. 2019/696, Sch. 35 para. 1(3)(c) (as substituted by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1246), regs. 1(3), **9(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1))
- F6** Words in reg. 2(6) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 35 para. 1(3)(e)** (as amended by S.I. 2020/676, regs. 1(1), 2, 3); 2020 c. 1, Sch. 5 para. 1(1))

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W+S - England, Wales and Scotland extent
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Changes to legislation:

There are currently no known outstanding effects for the The Personal Protective Equipment (Enforcement) Regulations 2018, Section 2.