
STATUTORY INSTRUMENTS

1994 No. 2326

The Personal Protective Equipment (EC Directive) (Amendment) Regulations 1994

1.—(1) These Regulations may be cited as the Personal Protective Equipment (EC Directive) (Amendment) Regulations 1994.

(2) This paragraph, regulation 2 below and (so far as it relates to them) paragraph (1) above shall come into force on 1st October 1994.

(3) The other provisions of these Regulations shall come into force on 1st January 1995; and regulation 2 below shall thereupon cease to have effect.

(4) Regulation 2 of the Personal Protective Equipment (EC Directive) (Amendment) Regulations 1993⁽¹⁾ is hereby revoked.

2. Paragraph 31 of Schedule 1 to the Provision and Use of Work Equipment Regulations 1992⁽²⁾ and Schedule 1 to the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993⁽³⁾ shall have effect as if references therein to Council Directive [89/686/EEC](#) of 21st December 1989 on the approximation of the laws of the Member States relating to personal protective equipment⁽⁴⁾ were references to that Directive as amended by Council Directive [93/95/EEC](#) of 29th October 1993⁽⁵⁾.

3.—(1) The Personal Protective Equipment (EC Directive) Regulations 1992⁽⁶⁾ (“the principal Regulations”), paragraph 31 of Schedule 1 to the aforementioned Provision and Use of Work Equipment Regulations 1992, Schedule 1 to the Personal Protective Equipment at Work Regulations 1992⁽⁷⁾ and Schedule 1 to the aforementioned Personal Protective Equipment at Work Regulations (Northern Ireland) 1993 shall have effect as if references therein to the aforementioned Council Directive [89/686/EEC](#) (in the principal Regulations and in this regulation referred to as “the Directive”) were references to the Directive as amended by both the aforementioned Council Directive [93/95/EEC](#) and Article 7 of Council Directive [93/68/EEC](#) of 22nd July 1993⁽⁸⁾; and references to “the Directive” in regulation 4 below shall be construed accordingly.

(2) The copy of the Directive printed in the Schedule to the principal Regulations shall be read as if it were amended as provided in the Schedule to the aforementioned Personal Protective Equipment (EC Directive) (Amendment) Regulations 1993 and the Schedule to these Regulations.

4.—(1) In a case in which Article 13(4) of the Directive (CE marking affixed unduly) applies and Article 7 thereof (safety) does not, an enforcement authority, in performance of the duty imposed by regulation 3(2)(c) of the principal Regulations, may give to the appropriate person a notice—

(1) S.I. [1993/3074](#).

(2) S.I. [1992/2932](#), to which there is an amendment not relevant to these Regulations.

(3) S.R. 1993 No. 20.

(4) O.J. No. L399, 30.12.89, p.18.

(5) O.J. No. L276, 9.11.93, p.11.

(6) S.I. [1992/3139](#), amended by S.I. [1993/3074](#) and extended by section 2(1) of the European Economic Area Act 1993 (c. 51).

(7) S.I. [1992/2966](#), amended by S.I. [1993/3074](#).

(8) O.J. No. L220, 30.8.93, p.1.

- (a) stating that the enforcement authority suspects that the CE marking has been affixed to PPE unduly within the meaning of Article 13(4) of the Directive,
- (b) specifying the respect in which it is so suspected and giving particulars thereof,
- (c) requiring the appropriate person—
 - (i) to secure that the PPE conforms as regards the provisions of the Directive concerning the CE marking within such period as may be specified in the notice, or
 - (ii) to provide evidence within that period, to the satisfaction of the enforcement authority, that the CE marking has been properly affixed, and
- (d) warning the appropriate person that if the non-conformity continues or satisfactory evidence is not provided within that period, action may be taken in accordance with section 14, 16 or 17 of the Consumer Protection Act 1987⁽⁹⁾;

and in such a case sections 14, 16 and 17 of the Consumer Protection Act 1987 (applied by regulation 3(2)(b) of the principal Regulations) shall not be applied until such a notice has so been served and the appropriate person upon whom it has been served has failed to comply with its requirements.

(2) In paragraph (1) above—

“appropriate person” means the manufacturer of the PPE in question or any authorised representative of his established within the European Economic Area;

“enforcement authority” means a weights and measures authority in Great Britain or a district council in Northern Ireland;

“PPE” means a product to which the Directive applies.

5. Until the end of 1996, sections 13, 14, 16 and 17 of the Consumer Protection Act 1987, regulation 10(1) of the Provision and Use of Work Equipment Regulations 1992, regulation 4(3)(e) of each of the Personal Protective Equipment at Work Regulations 1992 and the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993 and regulation 4 above shall not be applied in respect of a failure of a product to comply with the current version of the Directive in any particular if it would have complied with the previous version of the Directive in that particular; and in this regulation—

- (a) “the current version of the Directive” means Council Directive [89/686/EEC](#) of 21st December 1989 as amended as set out in regulation 3(1) above, and
- (b) “the previous version of the Directive” means that Directive before its amendment by Council Directive [93/68/EEC](#) of 22nd July 1993.

Department of Trade and Industry
5th September 1994

Ian Taylor
Parliamentary Under-Secretary of State for Trade
and Technology

(9) [1987 c. 43](#).