

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations 1999. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make further amendments to the Electrical Equipment for Explosive Atmospheres (Certification) Regulations 1990 (S.I. 1990/13) (“the principal Regulations”), which apply in Great Britain, to give effect to the provisions of Commission Directive [98/65/EC](#) (O.J. No. L257, 19.9.98, p. 29) which further adapts to technical progress Council Directive [82/130/EEC](#) (O.J. No. L59, 2.3.82, p. 10) (“the Gassy Mines Directive”) concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp.

2. The principal Regulations enable a manufacturer to apply to an appropriate certification body appointed under those Regulations for a certificate of conformity attesting that the electrical equipment, the subject of the application, conforms to the harmonised standards as defined in those Regulations. Regulation 2(2) of these Regulations extends the definition of the Gassy Mines Directive in the principal Regulations bringing into effect updated harmonised standards.

3. In respect of electrical equipment to which the Gassy Mines Directive applies, regulation 2(3) substitutes for regulation 12 in the principal Regulations (transitional provision) the following transitional arrangements,—

a) paragraph (2) enables a manufacturer of electrical equipment which applies to a certification body for a certificate of conformity to have that equipment certified by reference to the harmonised standards in the principal Regulations which are in force immediately before the coming into force of these Regulations (in these Regulations referred to as “the unamended Regulations”). In that case the application is treated as if it had been made under the unamended Regulations. Paragraph (3) provides that applications for a certificate of conformity or for review before the coming into force of these Regulations shall continue to be dealt with under the unamended Regulations;

b) however, a certification body may not issue a certificate of conformity under either paragraph (2) or (3) after 30th June 2003 (paragraph (4));

c) paragraph (5) provides that certificates of conformity issued before 1st July 2003, irrespective of whether they were issued before, on or after the coming into force of these Regulations, shall be regarded as in force for the purposes of regulation 11 (use of distinctive Community mark), subject to regulation 6 (withdrawal of certificate), until 1st July 2003; and

d) paragraph (6) preserves the position in respect of certificates of conformity issued in accordance with the transitional provisions of regulation 12 of the principal Regulations in respect of equipment to which the Gassy Mines Directive applies (as in force immediately before 31st December 1991 and 26th May 1995) but includes provisions similar to those in paragraph (5) as regards the effectiveness of such certificates until 1st July 2003.

4. Regulation 3 extends the reference to the Gassy Mines Directive in regulation 19(2)(d) of the Electricity at Work Regulations 1989 (S.I. 1989/635) in order to incorporate a reference to Commission Directive [98/65/EC](#) and provides for the enforcement thereof.

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2016/1107 reg. 73\(2\)](#)