

1999 No. 2550

HEALTH AND SAFETY

**The Electrical Equipment for Explosive Atmospheres
(Certification) (Amendment) Regulations 1999**

<i>Made - - - -</i>	<i>9th September 1999</i>
<i>Laid before Parliament</i>	<i>10th September 1999</i>
<i>Coming into force</i>	<i>11th October 1999</i>

The Secretary of State, being the Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures for safety and consumer protection as respects electrical equipment and any provisions concerning the composition, labelling, marketing, classification or description of electrical equipment, in the exercise of the powers conferred on him by that section, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations 1999 and shall come into force on 11th October 1999.

(2) In these Regulations, “the principal Regulations” means the Electrical Equipment for Explosive Atmospheres (Certification) Regulations 1990(c).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1), in the definition of “the Gassy Mines Directive” for the words “Commission Directive” where they appear for the third time there shall be substituted the words “Commission Directives” and at the end of the said definition there shall be added “and 98/65/EC(d)”.

(3) For regulation 12(e) there shall be substituted the following:—

“Transitional provisions in respect of electrical equipment to which the Gassy Mines Directive applies

12.—(1) The provisions of the following paragraphs of this regulation shall apply to electrical equipment to which the Gassy Mines Directive applies.

(2) Subject to paragraph (4) below, on or after the coming into force date of the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations 1999 (in

(a) S.I. 1972/1811.

(b) 1972 c. 68.

(c) S.I. 1990/13; relevant amending instruments are S.I. 1990/2377, S.I. 1991/2826, S.I. 1995/1186 and S.I. 1998/81.

(d) O.J. L257, 19.9.1998, p. 29.

(e) Regulation 12 was inserted into the principal Regulations by regulation 2(3) of S.I. 1991/2826, subsequently substituted by regulation 2(3) of S.I. 1995/1186 and amended by regulation 2(3) of S.I. 1998/81.

this regulation referred to as “the effective date”), a manufacturer of electrical equipment may apply to a certification body (which has been appointed for the purpose set out in regulation 3(1)(a) of the unamended Regulations in respect of the electrical equipment for which the application is made) for a certificate of conformity attesting that the electrical equipment which is the subject of the application conforms to the harmonised standards prescribed for that equipment in the unamended Regulations; and in that case the provisions of the unamended Regulations, as appropriate, shall apply as if the application had been made under regulation 4 of those Regulations.

(3) Subject to paragraph (4) below, an application for a certificate of conformity made under regulation 4 or for review under regulation 7 of the unamended Regulations before the effective date shall continue to be dealt with under the unamended Regulations.

(4) No certificate of conformity shall be issued by a certification body under paragraphs (2) or (3) above in respect of electrical equipment after 30th June 2003.

(5) Subject to regulation 6 and without prejudice to paragraph (6) below, a certificate of conformity issued in accordance with the unamended Regulations before 1st July 2003, in respect of electrical equipment irrespective of whether such certificate was issued before, on or after the effective date, shall be regarded as in force for the purposes of regulation 11 (use of the distinctive Community mark) up to and including 30th June 2003.

(6) Subject to regulation 6 a certificate of conformity issued—

(a) before 1st January 1993 in accordance with regulation 12 of these Regulations as amended by the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) (No. 2) Regulations 1991^(a) applying the harmonised standards in force immediately before 31st December 1991, or,

(b) before 1st January 1997 in accordance with regulation 12 of the principal Regulations applying the harmonised standards in force immediately before 26th May 1995,

shall be regarded as in force for the purposes of regulation 11 up to and including 30th June 2003.

(7) In this regulation “the unamended Regulations” means these Regulations as in force immediately before the effective date.”.

Amendment of The Electricity at Work Regulations

3. In sub-paragraph (d) of regulation 19(2) of The Electricity at Work Regulations 1989^(b), for the words “and 94/44/EC” there shall be substituted, “, 94/44/EC and 98/65/EC^(c)” and this substitution shall have effect as if it had been made under section 15 of the Health and Safety at Work etc. Act 1974^(d) and the provisions of that Act as regards enforcement and offences shall apply to that sub-paragraph.

9th September 1999

Sainsbury of Turville
Minister for Science and Innovation,
Department of Trade and Industry

(a) S.I. 1991/2826.

(b) S.I. 1989/635.

(c) O.J. L257, 19.9.98, p. 29.

(d) 1974 c. 37; section 15 was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 6. There are other amendments to section 15 which are not relevant to this provision.

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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