
STATUTORY INSTRUMENTS

2016 No. 1101

The Electrical Equipment (Safety) Regulations 2016

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Electrical Equipment (Safety) Regulations 2016 and come into force on 8th December 2016 (“the commencement date”).

Interpretation **E+W+S**

2.—(1) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974 ^{M1};

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978 ^{M2}

“the 1987 Act” means the Consumer Protection Act 1987 ^{M3};

“the 1994 Regulations” means the Electrical Equipment (Safety) Regulations 1994 ^{M4};

[^{F1}“authorised representative” means a person established within the EU appointed in accordance with regulation 14 (manufacturer’s authorised representatives);]

[^{F2}“declaration of conformity” means a declaration of conformity required to be drawn up in accordance with regulation 6 (declaration of conformity);]

“designated standard” has the meaning given to it in regulation 2A;]

^{F3}
...

“the Directive” means Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits [^{F4}(as it has effect immediately before IP completion day)];

“distributor” means any person in the supply chain, other than the manufacturer or the importer, who makes electrical equipment available on the market;

“district council” means a district council within the meaning of the Local Government Act (Northern Ireland) 1972^{M5};

“economic operator” means a manufacturer, importer, distributor or authorised representative;

“electrical equipment” means any electrical equipment to which these Regulations apply;

^{F5}
...

“enforcing authority” means any person enforcing these Regulations under regulation 41 (enforcement);

^{F6}
...

[^{F7}“importer” means a person who—

- (a) is established in the United Kingdom and places electrical equipment from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places electrical equipment on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;]

^{F8}
...

“making available on the market” means any supply of electrical equipment for distribution, consumption or use on the [^{F9}market of Great Britain] in the course of a commercial activity, whether in return for payment or free of charge, and related expressions are to be construed accordingly;

“manufacturer” means any person who—

- (a) manufactures electrical equipment, or has electrical equipment designed or manufactured; and
- (b) markets that electrical equipment under that person's name or trade mark;

“market surveillance authority”, in the United Kingdom, has the meaning set out in regulation 40 (designation of market surveillance authority);

^{F10}
...

“placing on the market” means the first making available of electrical equipment on the [^{F11}market of Great Britain], and related expressions are to be construed accordingly;

“principal elements of the safety objectives” means the principal elements of the safety objectives set out in Schedule 1;

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93^{M6};

“recall” means any measure aimed at achieving the return of electrical equipment that has already been made available to the end-user;

“relevant economic operator” means, in relation to electrical equipment, an economic operator with obligations in respect of that electrical equipment under these Regulations;

[^{F12}“relevant international safety provision” means a safety provision of a standard set out by the International Commission on the Rules for the Approval of Electrical Equipment or the International Electrotechnical Commission, which has been published by the Secretary of State in a manner the Secretary of State considers appropriate;]

“technical documentation” means the documentation referred to in paragraph 2 of Schedule 2;

“technical specification” means a document that prescribes technical requirements to be fulfilled by electrical equipment;

[^{F13}UK marking” means the marking in the form set out in Annex 2 of RAMS;]

“weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985^{M7};

“withdraw” means take any measure aimed at preventing electrical equipment in the supply chain from being made available on the market.

(2) In these Regulations, a reference to electrical equipment being “in conformity with Part 2” means that—

- (a) the electrical equipment is in conformity with the principal elements of the safety objectives; and
 - (b) each relevant economic operator has complied, or is complying, in relation to the electrical equipment, with the obligations imposed on them under Part 2 of these Regulations which must be satisfied at or before the time at which they make the electrical equipment available on the market.
- (3) In regulations 11 and 22 (monitoring), “risk” means a risk which could arise from lawful and readily predictable human behaviour.
- (4) In the other provisions of these Regulations, “risk” means a risk—
- (a) which could arise from lawful and readily predictable human behaviour; and
 - (b) which may result in harm to any of the following interests—
 - (i) the health and safety of persons;
 - (ii) domestic animals; or
 - (iii) property.
- (5) (a) Subject to sub-paragraph (b), in these Regulations, a reference to a member State is to be read as a reference to an EEA State and references to the EU are to be read as references to the European Economic Area.
- (b) Sub-paragraph (a) will not apply until the entry into force of any amendment made to Annex II (technical regulations, standards, testing and certification) to the EEA Agreement by a Decision of the EEA Joint Committee, inserting a reference to the Directive into that Annex.

Extent Information

- E1** 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** Words in reg. 2(1) substituted (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), regs. 1, **84(2)** (with regs. 3-5, 77)
- F2** Words in reg. 2(1) inserted (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. 23 para. 2(2)(c)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), **2**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 2(2)(b)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), **2**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in reg. 2(1) inserted (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. 23 para. 2(2)(d)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), **2** and S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(I)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 2(2)(e)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), **2**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 2(2)(f)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), **2**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Words in reg. 2(1) 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. 23 para. 2(2)(g)** (with

- Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 15(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 2(2)(h)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Words in reg. 2(1) 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. 23 para. 2(2)(i)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2, 4(11)(a)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 2(2)(j)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F11** Words in reg. 2(1) 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. 23 para. 2(2)(k)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2, 4(11)(b)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F12** Words in reg. 2(1) inserted (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. 23 para. 2(2)(l)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Words in reg. 2(1) inserted (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. 23 para. 2(2)(m)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

Marginal Citations

- M1** 1974 c.37.
- M2** S.I. 1978/1039 (N.I. 9).
- M3** 1987 c.43.
- M4** S.I. 1994/3260, revoked in relation to radio or telecommunications terminal equipment by S.I. 2000/730, amended by S.I. 2011/1043, S.I. 2014/469, S.I. 2015/1630.
- M5** 1972 Chapter 9.
- M6** OJ L 218, 13.8.2008, p. 30.
- M7** 1985 c.72; section 69 was amended by the Statute Law (Repeals) Act 1989 (c.43), **Schedule 1**, Part I, the Local Government etc. (Scotland) Act 1994 (c.39), **Schedule 13**, paragraph 144 and the Local Government (Wales) Act 1994 (c.19), **Schedule 16**, paragraph 75.

Interpretation **N.I.**

2.—(1) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974 ^{F94};

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978 ^{F95}

“the 1987 Act” means the Consumer Protection Act 1987 ^{F96};

“the 1994 Regulations” means the Electrical Equipment (Safety) Regulations 1994 ^{F97};

[^{F98}“authorised representative” means a person established within the [^{F99}relevant market] appointed in accordance with regulation 14 (manufacturer’s authorised representatives);]

“CE marking” means a marking which takes the form set out in Annex II of RAMS (as amended from time to time);

“the Directive” means Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits ^{F100};

“distributor” means any person in the supply chain, other than the manufacturer or the importer, who makes electrical equipment available on the market;

“district council” means a district council within the meaning of the Local Government Act (Northern Ireland) 1972 ^{F101};

“economic operator” means a manufacturer, importer, distributor or authorised representative;

“electrical equipment” means any electrical equipment to which these Regulations apply;

“EU declaration of conformity” means a declaration of conformity required to be drawn up in accordance with regulation 6 (EU declaration of conformity and CE marking);

“enforcing authority” means any person enforcing these Regulations under regulation 41 (enforcement);

“harmonised standard” has the meaning given by Article 2(1)(c) of Regulation (EU) 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and the Council, and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and the Council ^{F102} (as amended from time to time);

“importer” means any person who—

- (a) is established within the [^{F103}relevant market]; and
- (b) places electrical equipment from a [^{F104}market outside of the relevant market on the relevant] market;

“international safety provision” means a safety provision of a standard which has been published by the International Commission on the Rules for the Approval of Electrical Equipment or the International Electrotechnical Commission and which has been published in the Official Journal pursuant to Article 13 of the Directive;

“making available on the market” means any supply of electrical equipment for distribution, consumption or use on the [^{F105}relevant] market in the course of a commercial activity, whether in return for payment or free of charge, and related expressions are to be construed accordingly;

“manufacturer” means any person who—

- (a) manufactures electrical equipment, or has electrical equipment designed or manufactured; and
- (b) markets that electrical equipment under that person's name or trade mark;

“market surveillance authority”, in the United Kingdom, has the meaning set out in regulation 40 (designation of market surveillance authority);

“Official Journal” means the Official Journal of the European Union;

“placing on the market” means the first making available of electrical equipment on the [^{F106}relevant] market, and related expressions are to be construed accordingly;

“principal elements of the safety objectives” means the principal elements of the safety objectives set out in Schedule 1;

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 ^{F107};

“recall” means any measure aimed at achieving the return of electrical equipment that has already been made available to the end-user;

“relevant economic operator” means, in relation to electrical equipment, an economic operator with obligations in respect of that electrical equipment under these Regulations;

[^{F108}“relevant market” means—

- (a) the market in Northern Ireland; and
- (b) the markets of the EEA states;

“relevant state” means—

- (a) Northern Ireland; or
- (b) any EEA state;]

“technical documentation” means the documentation referred to in paragraph 2 of Schedule 2;

“technical specification” means a document that prescribes technical requirements to be fulfilled by electrical equipment;

“weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985^{F109};

“withdraw” means take any measure aimed at preventing electrical equipment in the supply chain from being made available on the market.

(2) In these Regulations, a reference to electrical equipment being “in conformity with Part 2” means that—

- (a) the electrical equipment is in conformity with the principal elements of the safety objectives; and
- (b) each relevant economic operator has complied, or is complying, in relation to the electrical equipment, with the obligations imposed on them under Part 2 of these Regulations which must be satisfied at or before the time at which they make the electrical equipment available on the market.

(3) In regulations 11 and 22 (monitoring), “risk” means a risk which could arise from lawful and readily predictable human behaviour.

(4) In the other provisions of these Regulations, “risk” means a risk—

- (a) which could arise from lawful and readily predictable human behaviour; and
- (b) which may result in harm to any of the following interests—
 - (i) the health and safety of persons;
 - (ii) domestic animals; or
 - (iii) property.

^{F110}(5)

Extent Information

E22 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F94 1974 c.37.

F95 S.I. 1978/1039 (N.I. 9).

F96 1987 c.43.

F97 S.I. 1994/3260, revoked in relation to radio or telecommunications terminal equipment by S.I. 2000/730, amended by S.I. 2011/1043, S.I. 2014/469, S.I. 2015/1630.

- F98** Words in reg. 2(1) substituted (26.12.2017) by The Radio Equipment Regulations 2017 (S.I. 2017/1206), regs. 1, **84(2)** (with regs. 3-5, 77)
- F99** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(a)**
- F100** OJ No L 96, 29.03.2014, p357.
- F101** 1972 Chapter 9.
- F102** OJ No L 316, 14.11.2012, p12.
- F103** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(b)(i)**
- F104** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(b)(ii)**
- F105** Word in reg. 2(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(c)(i)**
- F106** Word in reg. 2(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(c)(ii)**
- F107** OJ L 218, 13.8.2008, p. 30.
- F108** Words in reg. 2(1) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(d)**
- F109** 1985 c.72; section 69 was amended by the Statute Law (Repeals) Act 1989 (c.43), **Schedule 1**, Part I, the Local Government etc. (Scotland) Act 1994 (c.39), **Schedule 13**, paragraph 144 and the Local Government (Wales) Act 1994 (c.19), **Schedule 16**, paragraph 75.
- F110** Reg. 2(5) omitted (N.I.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(2)**

[^{F14}Designated standard

2A.—(1) Subject to paragraphs (6) and (7), in these Regulations a “designated standard” means a technical specification which is—

- (a) adopted by a recognised standardisation body [^{F15}or an international standardising body], for repeated or continuous application, with which compliance is not compulsory; and
- (b) designated by the Secretary of State by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

(2) For the purposes of paragraph (1), a “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

- (a) the characteristics required of a product, including—
 - (i) the levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and
 - (ii) the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures; and
- (b) the production methods and processes relating to the product, where these have an effect on the characteristics of the product.

(3) For the purposes of this regulation a “recognised standardisation body” means any one of the following organisations—

- (a) the European Committee for Standardisation (CEN);
- (b) the European Committee for Electrotechnical Standardisation (Cenelec);
- (c) the European Telecommunications Standards Institute (ETSI);
- (d) the British Standards Institution (BSI).

[^{F16}(3A) In this regulation “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time).]

(4) When considering whether the manner of publication of a reference is appropriate in accordance with paragraph (1)(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard.

(5) Before publishing the reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical specification is consistent with [^{F17}such] technical specifications adopted by the other recognised standardisation bodies [^{F18}or by international standardising bodies as the Secretary of State considers to be relevant.]

(6) The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph (1)(b).

(7) Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.

(8) In this regulation, a reference to a “product” is a reference to electrical equipment to which these Regulations apply.

(9) The Secretary of State may by regulations amend paragraph (3) to reflect any changes in the name or structure of the recognised standardisation bodies.

(10) Regulations made under paragraph (9) are to be made by statutory instrument.

(11) A statutory instrument containing regulations made under paragraph (9) is subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F14** Reg. 2A inserted (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. 23 para. 3** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in reg. 2A(1)(a) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 12(a)**; S.I. 2020/1662, reg. 2(ee)
- F16** Reg. 2A(3A) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 12(b)**; S.I. 2020/1662, reg. 2(ee)
- F17** Word in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 12(c)(i)**; S.I. 2020/1662, reg. 2(ee)
- F18** Words in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 12(c)(ii)**; S.I. 2020/1662, reg. 2(ee)

Electrical equipment to which these Regulations apply **E+W+S**

3.—(1) Subject to paragraph (2), these Regulations apply to electrical equipment—

- (a) placed on the market on or after the commencement date; and
 - (b) designed for use with a voltage rating of between 50 and 1000V for alternating current and between 75 and 1500V for direct current
- (2) These Regulations do not apply to—
- (a) electrical equipment for use in an explosive atmosphere;
 - (b) electrical equipment for radiology and medical purposes;
 - (c) electrical parts for goods and passenger lifts;
 - (d) electricity meters;
 - (e) plugs and socket outlets for domestic use;
 - (f) electric fence controllers;
 - (g) specialised electrical equipment for use on ships, aircraft or railways, which complies with the safety provisions drawn up by international bodies in which the member States participate;
 - (h) custom-built evaluation kits destined for professionals to be used at research and development facilities solely for research and development.
- (3) Save for regulations 4, 15, 25 (to the extent that it relates to conformity of the electrical equipment with the principal elements of the safety objectives) and 37, these Regulations do not apply to [F19]equipment covered by the Radio Equipment Regulations 2017].

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

- F19** Words in reg. 3(3) substituted (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), regs. 1, **84(3)** (with regs. 3-5, 77)

Electrical equipment to which these Regulations apply **N.I.**

- 3.—**(1) Subject to paragraph (2), these Regulations apply to electrical equipment—
- (a) placed on the market on or after the commencement date; and
 - (b) designed for use with a voltage rating of between 50 and 1000V for alternating current and between 75 and 1500V for direct current
- (2) These Regulations do not apply to—
- (a) electrical equipment for use in an explosive atmosphere;
 - (b) electrical equipment for radiology and medical purposes;
 - (c) electrical parts for goods and passenger lifts;
 - (d) electricity meters;
 - (e) plugs and socket outlets for domestic use;
 - (f) electric fence controllers;
 - (g) specialised electrical equipment for use on ships, aircraft or railways, which complies with the safety provisions drawn up by international bodies in which the [F111]relevant states] participate;

(h) custom-built evaluation kits destined for professionals to be used at research and development facilities solely for research and development.

(3) Save for regulations 4, 15, 25 (to the extent that it relates to conformity of the electrical equipment with the principal elements of the safety objectives) and 37, these Regulations do not apply to [^{F112}equipment covered by the Radio Equipment Regulations 2017].

Extent Information

E23 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F111 Words in reg. 3(2)(g) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 2(3)**

F112 Words in reg. 3(3) substituted (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), regs. 1, **84(3)** (with [regs. 3-5, 77](#))

Part 2

Obligations of economic operators

Manufacturers

Design and manufacture in accordance with safety objectives

4. Before placing electrical equipment on the market, a manufacturer must ensure that it has been designed and manufactured in accordance with the principal elements of the safety objectives.

Technical documentation and conformity assessment

5. Before placing electrical equipment on the market, a manufacturer must—
- draw up the technical documentation; and
 - carry out the conformity assessment procedure set out in Schedule 2 or have it carried out.

[^{F20}Declaration] of conformity and [^{F21}UK] marking **E+W+S**

6.—(1) Where the conformity of electrical equipment with the principal elements of the safety objectives has been demonstrated by the conformity assessment procedure set out in Schedule 2, a manufacturer must, before placing that electrical equipment on the market—

- draw up a declaration of conformity in accordance with regulation 38 (^{F22}... declaration of conformity); and
- affix the [^{F23}UK] marking in accordance with regulation 39 ([^{F23}UK] marking).

(2) The manufacturer must keep the ^{F24}... declaration of conformity up to date.

[^{F25}(3) Where electrical equipment is subject to more than one enactment requiring a declaration of conformity to be drawn up, the manufacturer must draw up a single declaration of conformity which identifies each enactment by its title.]

Extent Information

- E3** 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

- F20** Word in reg. 6 heading 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. 23 para. 4(a)(i)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Word in reg. 6 heading 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. 23 para. 4(a)(ii)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Word in reg. 6(1)(a) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 4(b)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Word in reg. 6(1)(b) 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. 23 para. 4(c)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Word in reg. 6(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 4(b)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Reg. 6(3) 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. 23 para. 4(d)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

EU declaration of conformity and CE marking **N.I.**

6.—(1) Where the conformity of electrical equipment with the principal elements of the safety objectives has been demonstrated by the conformity assessment procedure set out in Schedule 2, a manufacturer must, before placing that electrical equipment on the market—

- (a) draw up a declaration of conformity in accordance with regulation 38 (EU declaration of conformity); and
- (b) affix the CE marking in accordance with regulation 39 (CE marking).

(2) The manufacturer must keep the EU declaration of conformity up to date.

(3) Where electrical equipment is subject to more than one [^{F113}NI Protocol obligation] requiring a declaration of conformity to be drawn up, the manufacturer must draw up a single declaration of conformity which—

- (a) identifies the [^{F114}relevant] EU instruments; and
- (b) includes references to the publication of those EU instruments in the Official Journal.

[^{F115}(4) In paragraph (3) “NI Protocol obligation” means any obligation created or arising by or under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies.]

Extent Information

- E24** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F113** Words in reg. 6(3) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 3(1)(a)(i)**
- F114** Word in reg. 6(3)(a) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 3(1)(a)(ii)**
- F115** Reg. 6(4) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 3(1)(b)**

Retention of technical documentation and [^{F26}EU] declaration of conformity

7. A manufacturer must keep the technical documentation and the [^{F27}EU] declaration of conformity drawn up in respect of electrical equipment and make them available for inspection by the market surveillance authority for a period of 10 years beginning on the day on which the electrical equipment is placed on the market.

Textual Amendments

- F26** Word in reg. 7 heading omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 5** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Word in reg. 7 omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 5** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Labelling of electrical equipment

- 8.—(1) Before placing electrical equipment on the market, a manufacturer must—
- (a) ensure that it bears a type, batch or serial number or other element allowing its identification; and
 - (b) ensure that it is marked with—
 - (i) the name, registered trade name or registered trade mark of the manufacturer; and
 - (ii) a single postal address at which the manufacturer can be contacted.
- (2) Where it is not possible for information specified in 1(a) or (b) to be indicated on the electrical equipment, the manufacturer must ensure that the information is indicated on its packaging or in a document accompanying the electrical equipment.
- (3) The contact details referred to in paragraph (1)(b) must be in a language easily understood by end-users and market surveillance authorities.
- (4) The information referred to in paragraph (1) must be indicated in a form that is clear, understandable and intelligible.

[^{F28}Instructions and safety information **E+W+S**

9. When placing electrical equipment on the market, a manufacturer must ensure that it is accompanied by instructions and safety information that are clear, legible and in easily understandable English.]

Extent Information

- E4** 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

- F28** Reg. 9 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. 23 para. 6** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Instructions and safety information **N.I.**

9.—(1) When placing electrical equipment on the market, a manufacturer must ensure that it is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users.

(2) Such instructions and safety information must be clear, understandable and intelligible.

(3) Where the electrical equipment is placed on the market in [^{F116}Northern Ireland], the language referred to in paragraph (1) must be English.

Extent Information

- E25** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F116** Words in reg. 9(3) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 3(2)**

Compliance procedures for series production **E+W+S**

10.—(1) A manufacturer of electrical equipment which is manufactured by series production must ensure that procedures are in place to ensure that any electrical equipment so manufactured will be in conformity with Part 2.

(2) In doing so, the manufacturer must take adequate account of—

- (a) any changes in electrical equipment design or characteristics; and
(b) any change in a [^{F29}designated] standard or in another technical specification by reference to which the ^{F30}... declaration of conformity was drawn up.

Extent Information

- E5** 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

- F29** Word in reg. 10(2)(b) 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. 23 para. 7(a)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F30 Word in reg. 10(2)(b) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 23 para. 7(b) (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Compliance procedures for series production **N.I.**

10.—(1) A manufacturer of electrical equipment which is manufactured by series production must ensure that procedures are in place to ensure that any electrical equipment so manufactured will be in conformity with Part 2.

(2) In doing so, the manufacturer must take adequate account of—

- (a) any changes in electrical equipment design or characteristics; and
- (b) any change in a harmonised standard or in another technical specification by reference to which the EU declaration of conformity was drawn up.

Extent Information

E26 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Monitoring

11.—(1) When appropriate, with regard to the risks to the health and safety of consumers presented by electrical equipment, the manufacturer must—

- (a) carry out sample testing of electrical equipment made available on the market;
- (b) investigate complaints that electrical equipment is not in conformity with Part 2;
- (c) keep a register of—
 - (i) complaints that electrical equipment is not in conformity with Part 2;
 - (ii) electrical equipment which is found not to be in conformity with Part 2; and
 - (iii) electrical equipment recalls; and
- (d) keep distributors informed of any monitoring carried out under this regulation.

(2) The manufacturer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Duty to take action in respect of electrical equipment placed on the market which is considered not to be in conformity **E+W+S**

12.—(1) A manufacturer who considers, or has reason to believe, that electrical equipment which that manufacturer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the electrical equipment into conformity;
- (b) withdraw the electrical equipment; or
- (c) recall the electrical equipment.

(2) Where the electrical equipment presents a risk, the manufacturer must immediately inform the market surveillance authority^{F31}... of the risk, giving details of—

- (a) the respect in which the electrical equipment is considered not to be in conformity with Part 2; and

- (b) any corrective measures taken.

Extent Information

E6 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

F31 Words in reg. 12(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 8** (with Sch. 23 para. 30) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Duty to take action in respect of electrical equipment placed on the market which is considered not to be in conformity **N.I.**

12.—(1) A manufacturer who considers, or has reason to believe, that electrical equipment which that manufacturer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the electrical equipment into conformity;
- (b) withdraw the electrical equipment; or
- (c) recall the electrical equipment.

(2) Where the electrical equipment presents a risk, the manufacturer must immediately inform the market surveillance authority and the competent national authorities of any other [^{F117}relevant state] in which the manufacturer made the electrical equipment available on the market, of the risk, giving details of—

- (a) the respect in which the electrical equipment is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E27 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F117 Words in reg. 12(2) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 3(3)**

Provision of information and cooperation

13.—(1) Following a request from an enforcing authority, and within such period as the authority may specify, a manufacturer must provide the authority with all the information and documentation necessary to demonstrate that the electrical equipment is in conformity with Part 2.

- (2) A request referred to in paragraph (1)—
- (a) may only be made during the period of 10 years beginning on the day the equipment was placed on the market; and
 - (b) must be accompanied by the reasons for making the request.

- (3) The information and documentation referred to in paragraph (1)—
- (a) may be provided electronically; and
 - (b) must be in a language which can be easily understood by the enforcing authority.
- (4) A manufacturer must, at the request of the enforcing authority, cooperate with that authority on any action taken to—
- (a) evaluate electrical equipment in accordance with regulation 44 (evaluation of electrical equipment presenting a risk); or
 - (b) eliminate the risks posed by electrical equipment which the manufacturer has placed on the market.

Authorised representatives

Manufacturer's authorised representatives

14.—(1) A manufacturer may, by written mandate, appoint a person [^{F32}established in the United Kingdom] as their authorised representative to perform specified tasks on the manufacturer's behalf.

(2) The mandate must allow the authorised representative to do at least the following in relation to electrical equipment covered by the mandate—

- (a) perform the manufacturer's obligations under regulation 7 (retention of technical documentation and [^{F33}EU] declaration of conformity); and
- (b) perform the manufacturer's obligations under regulation 13 (provision of information and cooperation).

(3) The obligations laid down in regulation 4 (design and manufacture in accordance with safety objectives) and regulation 5(a) (technical documentation) must not form part of an authorised representative's mandate.

(4) An authorised representative must comply with all the duties imposed on the manufacturer in relation to each obligation under these Regulations that the representative is appointed by the manufacturer to perform and, accordingly as far as those duties, as well as the penalties for failure to comply with those duties, are concerned, references in these Regulations (except in this regulation) to the manufacturer are to be taken as including a reference to the authorised representative.

(5) A manufacturer who has appointed an authorised representative to perform on the manufacturer's behalf a task under these Regulations remains responsible for the proper performance of that obligation.

Textual Amendments

F32 Words in [reg. 14\(1\)](#) inserted (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. 23 para. 9\(a\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F33 Word in [reg. 14\(2\)\(a\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 23 para. 9\(b\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Importers

Prohibition on placing on the market electrical equipment which is not in conformity

15. An importer must not place electrical equipment on the market unless it is in conformity with Part 2.

Requirements which must be satisfied before an importer places electrical equipment on the market **E+W+S**

16. Before placing electrical equipment on the market, an importer must ensure that—
- (a) the conformity assessment procedure set out in Schedule 2 has been carried out;
 - (b) the manufacturer has drawn up the technical documentation;
 - (c) the electrical equipment bears the [^{F34}UK] marking; and
 - (d) the manufacturer has complied with the requirements of regulation 8 (labelling of electrical equipment).

Extent Information

- E7** 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

- F34** Word in [reg. 16\(c\)](#) 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. 23 para. 10](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Requirements which must be satisfied before an importer places electrical equipment on the market **N.I.**

16. Before placing electrical equipment on the market, an importer must ensure that—
- (a) the conformity assessment procedure set out in Schedule 2 has been carried out;
 - (b) the manufacturer has drawn up the technical documentation;
 - (c) the electrical equipment bears the CE marking; and
 - (d) the manufacturer has complied with the requirements of regulation 8 (labelling of electrical equipment).

Extent Information

- E28** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Prohibition on placing on the market electrical equipment considered not to be in conformity with the safety objectives

17.—(1) Where an importer considers, or has reason to believe, that electrical equipment is not in conformity with the principal elements of the safety objectives, the importer must not place the electrical equipment on the market.

(2) Where the electrical equipment presents a risk, the importer must inform the manufacturer and the market surveillance authority of that risk.

Information identifying importer **E+W+S**

18.—(1) Before placing electrical equipment on the market, an importer must indicate on the electrical equipment—

- (a) the name, registered trade name or registered trade mark of the importer; and

- (b) a postal address at which the importer can be contacted.
- (2) The information specified in paragraph (1) must be in a language easily understood by end-users and the market surveillance authority ^{F35}....
- [^{F36}(3) Paragraph (1) does not apply where—
- (a) either—
- (i) it is not possible to set out the information referred to in paragraph (1) on the electrical equipment; or
- (ii) the importer has imported the electrical equipment from an EEA state or Switzerland and places it on the market within the period of [^{F37}seven years] beginning with IP completion day; and
- (b) before placing the electrical equipment on the market, the importer sets out the information referred to in paragraph (1)—
- (i) on the packaging; or
- (ii) in a document accompanying the electrical equipment.]

Extent Information

- E8** 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

- F35** Words in reg. 18(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 23 para. 11\(a\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F36** Reg. 18(3) 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. 23 para. 11\(b\)](#) (with [Sch. 23 para. 30](#)) (as amended by: [S.I. 2019/1246](#), regs. 1(3), [S. 7\(1\)](#); [S.I. 2020/676](#), regs. 1(1), [2](#); [S.I. 2020/852](#), regs. [2\(2\)](#), [4\(2\)](#), [Sch. 1 para. 1\(i\)\(iii\)](#); and [S.I. 2020/1460](#), reg. 1(4), [Sch. 3 para. 2\(1\)\(h\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F37** Words in reg. 18(3)(a)(ii) substituted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), 4, [Sch. 3 para. \(j\)](#)

Modifications etc. (not altering text)

- C1** [Reg. 18](#) modified (temp.) by [S.I. 2019/392](#), [reg. 6](#) (as inserted (10.9.2019) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), regs. 1(2)(4), [2\(3\)](#) (with [reg. 18](#)))

Information identifying importer **N.I.**

- 18.**—(1) Before placing electrical equipment on the market, an importer must indicate on the electrical equipment—
- (a) the name, registered trade name or registered trade mark of the importer; and
- (b) a postal address at which the importer can be contacted.
- (2) The information specified in paragraph (1) must be in a language easily understood by end-users and the market surveillance authority in the [^{F118}relevant state] in which it is to be made available to such end-users.

(3) Where it is not possible to indicate the information specified in paragraph (1) on the electrical equipment, the importer must indicate that information—

- (a) on the packaging; or
- (b) in a document accompanying the electrical equipment.

Extent Information

E29 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F118 Words in reg. 18(2) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 3(3)**

Modifications etc. (not altering text)

C2 [Reg. 18](#) modified (temp.) by [S.I. 2019/392](#), **reg. 6** (as inserted (10.9.2019) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), regs. 1(2)(4), **2(3)** (with reg. 18))

[^{F38}Instructions and safety information **E+W+S**]

19. When placing electrical equipment on the market, an importer must ensure that it is accompanied by instructions and safety information that are clear, legible and in easily understandable English.]

Extent Information

E9 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

F38 [Reg. 19](#) 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. 23 para. 12** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Instructions and safety information **N.I.**

19.—(1) When placing electrical equipment on the market, an importer must ensure that it is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users.

(2) Where the electrical equipment is placed on the market in [^{F119}Northern Ireland], the language referred to in paragraph (1) must be English.

Extent Information

E30 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F119 Words in [reg. 19\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 11 para. 3\(2\)](#)

Storage and transport of electrical equipment

20. Where an importer has responsibility for electrical equipment, the importer must ensure that the conditions under which it is stored or transported do not jeopardise its conformity with the principal elements of the safety objectives.

Retention of technical documentation and [^{F39}EU] declaration of conformity

21. An importer must, for a period of 10 years beginning on the day on which electrical equipment is placed on the market, keep and, upon request, make available to an enforcing authority the following in relation to the electrical equipment—

- (a) a copy of the [^{F40}EU] declaration of conformity; and
- (b) the technical documentation.

Textual Amendments

F39 Word in [reg. 21 heading](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 23 para. 13](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F40 Word in [reg. 21\(a\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 23 para. 13](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Monitoring

22.—(1) Where appropriate, having regard to the risks to the health and safety of consumers presented by electrical equipment, the importer must—

- (a) carry out sample testing of electrical equipment made available on the market by the importer;
- (b) investigate complaints that electrical equipment made available on the market by the importer is not in conformity with Part 2;
- (c) keep a register of—
 - (i) complaints that electrical equipment is not in conformity with Part 2;
 - (ii) electrical equipment which is found not to be in conformity with Part 2; and
 - (iii) electrical equipment recalls; and
- (d) keep distributors informed of any monitoring carried out under this regulation.

(2) The importer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Duty to take action in respect of electrical equipment placed on the market which is considered not to be in conformity E+W+S

23.—(1) An importer who considers, or has reason to believe, that electrical equipment which that importer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring that electrical equipment into conformity;
- (b) withdraw the electrical equipment; or
- (c) recall the electrical equipment.

(2) Where the electrical equipment presents a risk, the importer must immediately inform the market surveillance authority ^{F41}... of the risk, giving details of—

- (a) the respect in which the electrical equipment is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E10 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

F41 Words in reg. 23(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 14** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Duty to take action in respect of electrical equipment placed on the market which is considered not to be in conformity N.I.

23.—(1) An importer who considers, or has reason to believe, that electrical equipment which that importer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring that electrical equipment into conformity;
- (b) withdraw the electrical equipment; or
- (c) recall the electrical equipment.

(2) Where the electrical equipment presents a risk, the importer must immediately inform the market surveillance authority and the competent national authorities of any other [^{F120}relevant state] in which the manufacturer made the electrical equipment available on the market of the risk, giving details of—

- (a) the respect in which the electrical equipment is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E31 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F120 Words in [reg. 23\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 11 para. 3\(3\)](#)

Provision of information and cooperation

24.—(1) Following a request from an enforcing authority, and within such period as the authority may specify, an importer must provide the authority with all the information and documentation necessary to demonstrate that electrical equipment is in conformity with Part 2.

(2) A request referred to in paragraph (1)—

- (a) may only be made during the period of 10 years beginning on the day the importer places the equipment on the market; and
- (b) must be accompanied by the reasons for making the request.

(3) The information referred to in paragraph (1)—

- (a) may be provided electronically; and
- (b) must be in a language which can be easily understood by the enforcing authority.

(4) An importer must, at the request of the enforcing authority, cooperate with that authority on any action taken to—

- (a) evaluate electrical equipment in accordance with regulation 44 (evaluation of electrical equipment presenting a risk); or
- (b) eliminate the risks posed by electrical equipment which the importer has placed on the market.

Distributors

Duty to act with due care

25. When making electrical equipment available on the market, a distributor must act with due care to ensure that it is in conformity with Part 2.

Requirements which must be satisfied before a distributor makes electrical equipment available on the market **E+W+S**

26.—(1) Before making electrical equipment available on the market, the distributor must verify that—

(a) the electrical equipment—

- (i) bears the ^[F42]UK marking;
- (ii) is accompanied by the required documents;
- (iii) ^[F43]is accompanied by instructions and safety information that are clear, legible and easily understandable English;

(b) the manufacturer has complied with the requirements of regulation 8 (labelling of electrical equipment);

(c) the importer has complied with the requirements of regulation 18 (information identifying importer).

(2) In paragraph (1)(a)(ii), “required documents” means the documents that the manufacturer or importer is required to provide with the electrical equipment pursuant to—

- (a) regulation 8 (labelling of electrical equipment);
- (b) regulation 9 or 19 (instructions and safety information); and
- (c) regulation 18 (information identifying importer).

^{F44}(3)

Extent Information

E11 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

- F42** Word in reg. 26(1)(a)(i) 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. 23 para. 15(a)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F43** Reg. 26(1)(a)(iii) 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. 23 para. 15(b)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F44** Reg. 26(3) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 15(c)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Requirements which must be satisfied before a distributor makes electrical equipment available on the market **N.I.**

26.—(1) Before making electrical equipment available on the market, the distributor must verify that—

- (a) the electrical equipment—
 - (i) bears the CE marking;
 - (ii) is accompanied by the required documents;
 - (iii) is accompanied by instructions and safety information in a language which can be easily understood by consumers and other end-users in the [^{F121}relevant state] in which the electrical equipment is to be made available on the market;
- (b) the manufacturer has complied with the requirements of regulation 8 (labelling of electrical equipment);
- (c) the importer has complied with the requirements of regulation 18 (information identifying importer).

(2) In paragraph (1)(a)(ii), “required documents” means the documents that the manufacturer or importer is required to provide with the electrical equipment pursuant to—

- (a) regulation 8 (labelling of electrical equipment);
- (b) regulation 9 or 19 (instructions and safety information); and
- (c) regulation 18 (information identifying importer).

(3) Where the electrical equipment is to be made available on the market in [^{F122}Northern Ireland], the language referred to in paragraph (1)(a)(iii) must be English.

Extent Information

- E32** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F121** Words in [reg. 26\(1\)\(a\)\(iii\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 11 para. 3\(3\)](#)
- F122** Words in [reg. 26\(3\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 11 para. 3\(2\)](#)

Prohibition on making available on the market where electrical equipment considered not to be in conformity with safety objectives

27.—(1) Where a distributor considers or has reason to believe that electrical equipment is not in conformity with the principal elements of the safety objectives, the distributor must not make the electrical equipment available on the market until it has been brought into conformity.

(2) Where the electrical equipment presents a risk, the distributor must inform the following persons of the risk—

- (a) the manufacturer or the importer; and
- (b) the market surveillance authority.

Storage and transport of electrical equipment

28. A distributor must ensure that, while electrical equipment is the distributor's responsibility, its storage or transport conditions do not jeopardise its conformity with the principal elements of the safety objectives.

Duty to take action in respect of electrical equipment [^{F45}made available] on the market which is considered not to be in conformity **E+W+S**

29.—(1) A distributor who considers, or has reason to believe, that electrical equipment which that distributor has [^{F46}made available] on the market is not in conformity with Part 2 must ensure that the necessary corrective measures are taken to—

- (a) bring that electrical equipment into conformity;
- (b) withdraw the electrical equipment; or
- (c) recall the electrical equipment.

(2) Where the electrical equipment presents a risk, the distributor must immediately inform the market surveillance authority ^{F47}... of that risk, giving details of—

- (a) the respect in which the electrical equipment is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

- E12** 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

- F45** Words in reg. 29 heading substituted (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), [regs. 1, 84\(4\)\(a\)](#) (with [regs. 3-5, 77](#))
- F46** Words in reg. 29(1) substituted (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), [regs. 1, 84\(4\)\(b\)](#) (with [regs. 3-5, 77](#))
- F47** Words in reg. 29(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 23 para. 16](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#))

Duty to take action in respect of electrical equipment [^{F123}made available] on the market which is considered not to be in conformity **N.I.**

29.—(1) A distributor who considers, or has reason to believe, that electrical equipment which that distributor has [^{F124}made available] on the market is not in conformity with Part 2 must ensure that the necessary corrective measures are taken to—

- (a) bring that electrical equipment into conformity;
- (b) withdraw the electrical equipment; or
- (c) recall the electrical equipment.

(2) Where the electrical equipment presents a risk, the distributor must immediately inform the market surveillance authority and the competent national authorities of the other [^{F125}relevant states] in which the distributor has made the electrical equipment available on the market, of that risk, giving details of—

- (a) the respect in which the electrical equipment is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

- E33** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F123** Words in reg. 29 heading substituted (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), [regs. 1, 84\(4\)\(a\)](#) (with [regs. 3-5, 77](#))
- F124** Words in reg. 29(1) substituted (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), [regs. 1, 84\(4\)\(b\)](#) (with [regs. 3-5, 77](#))
- F125** Words in [reg. 29\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\), Sch. 11 para. 3\(4\)](#))

Provision of information and cooperation

30.—(1) Following a request from an enforcing authority, and within such period as the authority may specify, a distributor must provide the authority with all the information and documentation necessary to demonstrate that electrical equipment is in conformity with Part 2.

(2) The information referred to in paragraph (1)—

- (a) may be provided electronically; and
- (b) must be in a language which can be easily understood by the enforcing authority.

(3) A distributor must, at the request of the enforcing authority, cooperate with that authority on any action taken to—

- (a) evaluate electrical equipment in accordance with regulation 44 (evaluation of electrical equipment presenting a risk); or
- (b) eliminate the risks posed by electrical equipment which the distributor has made available on the market.

Cases in which obligations of manufacturers apply to importers and distributors

31.—(1) An importer or distributor (“A”) is to be considered a manufacturer for the purposes of these Regulations, and is subject to the relevant obligations of the manufacturer under this Part, where A—

- (a) places electrical equipment on the market under A's own name or trademark; or
- (b) modifies electrical equipment already placed on the market in such a way that it may affect whether the electrical equipment is in conformity with Part 2.

(2) In paragraph (1), “relevant obligations” means the obligations under regulations 4 (design and manufacture in accordance with safety objectives) to 13 (provision of information and cooperation).

All economic operators

Translation of declaration of conformity

[^{F48}32.—(1) Before making electrical equipment available on the market, an economic operator must ensure that the EU declaration of conformity is prepared in, or translated into, the language required by the [^{F49}relevant state] in which it is to be made available on the market.

(2) Where the electrical equipment is to be made available on the market in [^{F50}Northern Ireland], the language required is English.]

Textual Amendments

- F48** Reg. 32 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 23 para. 17** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F49** Words in [reg. 32\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 3(3)**
- F50** Words in [reg. 32\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 3(5)**

Identification of economic operators

33.—(1) An economic operator (“E”) who receives a request in relation to electrical equipment from the market surveillance authority before the end of the relevant period must, within such period as that authority may specify, identify to the authority—

- (a) any other economic operator who has supplied E with the electrical equipment; and
- (b) any other economic operator to whom E has supplied the electrical equipment.

(2) The relevant period is—

- (a) for information under paragraph (1)(a), 10 years beginning on the day on which E was supplied with the electrical equipment;
- (b) for information under paragraph (1)(b), 10 years beginning on the day on which E supplied the electrical equipment.

Prohibition on improper use of [F51UK] marking **E+W+S**

34.—(1) An economic operator must not affix the [F52UK] marking to electrical equipment unless—

- (a) that economic operator is the manufacturer; and
- (b) the conformity of the electrical equipment with the principal elements of the safety objectives has been demonstrated by the conformity assessment procedure set out in Schedule 2.

(2) An economic operator must not affix to electrical equipment a marking which—

- (a) is not the [F52UK] marking; but
- (b) purports to attest that the electrical equipment is in conformity with the principal elements of the safety objectives.

(3) An economic operator must not affix to electrical equipment a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the [F52UK] marking.

(4) An economic operator must not affix to electrical equipment any other marking if the visibility, legibility and meaning of the [F52UK] marking would be impaired as a result.

Extent Information

E13 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

F51 Word in [reg. 34](#) heading 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. 23 para. 18](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F52 Word in [reg. 34](#) 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. 23 para. 18](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Prohibition on improper use of CE marking **N.I.**

34.—(1) An economic operator must not affix the CE marking to electrical equipment unless—

- (a) that economic operator is the manufacturer; and

- (b) the conformity of the electrical equipment with the principal elements of the safety objectives has been demonstrated by the conformity assessment procedure set out in Schedule 2.
- (2) An economic operator must not affix to electrical equipment a marking which—
 - (a) is not the CE marking; but
 - (b) purports to attest that the electrical equipment is in conformity with the principal elements of the safety objectives.
- (3) An economic operator must not affix to electrical equipment a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking.
- (4) An economic operator must not affix to electrical equipment any other marking if the visibility, legibility and meaning of the CE marking would be impaired as a result.

Extent Information

E34 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F53} Obligations which are met by complying with obligations in the Directive

- 34A.**—(1) In this regulation—
- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
 - (b) “CE marking” has the meaning given to it in Article 2(14); and
 - (c) “harmonised standard” has the meaning given to it in Article 2(9).
- (2) Paragraph (3) applies where, before placing electrical equipment on the market, the manufacturer—
- (a) ensures that the electrical equipment has been designed and manufactured in accordance with the principal elements of the safety objectives set out in Annex I;
 - (b) ensures that the conformity assessment procedure that applies to that equipment in accordance with Annex III has been carried out;
 - (c) draws up the technical documentation referred to in Annex III;
 - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared or translated into English;
 - (e) affixes a CE marking, in accordance with Articles 16 and 17(1) and (2);
 - (f) draws up an EU declaration of conformity, in accordance with Article 15; and
 - (g) ensures that the EU declaration of conformity is prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) the requirements of regulations 4, 5, 6(1) and (3) are to be treated as being satisfied;
 - (b) regulations 2(2)(a), 6(2), 7, 10(2), 14(2), and 34 apply subject to the modifications in paragraph (8);
 - (c) Part 3 does not apply; and
 - (d) regulation 48(1) does not apply.
- (4) Paragraph (5) applies where, before placing electrical equipment on the market, the importer ensures that—

- (a) the conformity assessment procedure that applies to that equipment in accordance with Annex III has been carried out;
 - (b) the manufacturer has drawn up the technical documentation referred to in Annex III; and
 - (c) the equipment bears the CE marking.
- (5) Where this paragraph applies—
- (a) the requirements of regulation 16(a) to (c) are to be treated as being satisfied; and
 - (b) regulations 2(2)(a), 17(1), 20 and 21 apply subject to the modifications in paragraph (8).
- (6) Paragraph (7) applies where, before making electrical equipment available on the market, a distributor ensures that the equipment bears the CE marking.
- (7) Where this paragraph applies—
- (a) regulation 26(1)(a)(i) is to be treated as being satisfied; and
 - (b) regulations 27(1) and 28 apply subject to the modifications in paragraph (10).
- (8) The modifications referred to in sub-paragraphs (3)(b), (5)(b) and (7)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
 - (c) any reference to “principal elements of the safety objectives” is to be read as a reference to the principal elements of the safety objectives referred to in Annex I;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard within the meaning of Article 2(9);
 - (e) any reference to “conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the equipment in accordance with Annex III; and
 - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex III.

Textual Amendments

F53 Regs. 34A-34C inserted (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. 23 para. 19** (as amended by S.I. 2020/1460, reg 1(4), **Sch. 3 para. 15(3)**); 2020 c.1, **Sch.5 para 1(10)**, see reg.1

Expiry of regulation 34A

34B.—(1) Subject to paragraph (2), regulation 34A ceases to have effect at the end of the period of [^{F54}four years] beginning with IP completion day.

- (2) Notwithstanding the expiry of regulation 34A—
- (a) any electrical equipment which was placed on the market pursuant to regulation 34A may continue to be made available on the market on or after the expiry of regulation 34A;
 - (b) any obligation to which a person was subject under regulation 34A in respect of electrical equipment placed on the market pursuant to regulation 34A continues to have effect after the expiry of regulation 34A, in respect of that electrical equipment.

Textual Amendments

- F53** Regs. 34A-34C inserted (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. 23 para. 19** (as amended by S.I. 2020/1460, reg 1(4), **Sch. 3 para. 15(3)**); 2020 c.1, **Sch.5 para 1(10)**, see reg. 1
- F54** Words in reg. 34B(1) substituted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), 2, **Sch. 1** para. (m)

Qualifying Northern Ireland Goods

34C.—(1) Where paragraph (2) applies electrical equipment is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) electrical equipment—

- (i) is in conformity with Part 2, as that Part applies in Northern Ireland; and
- (ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the electrical equipment on the market, the importer—

(a) complies with regulation 18;

(b) ensures that—

- (i) the relevant conformity assessment procedure has been carried out in relation to the electrical equipment, in accordance with Part 3, as that Part applies in Northern Ireland;
- (ii) the manufacturer has drawn up the technical documentation; and
- (iii) the electrical equipment bears the CE marking.

(4) In this regulation—

“CE marking” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.]

Textual Amendments

- F53** Regs. 34A-34C inserted (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. 23 para. 19** (as amended by S.I. 2020/1460, reg 1(4), **Sch. 3 para. 15(3)**); 2020 c.1, **Sch.5 para 1(10)**, see reg. 1

Safe connection of electrical equipment intended for use in the United Kingdom **E+W+S**

35.—(1) This regulation applies to electrical equipment intended for domestic use in the United Kingdom and made available by an economic operator for that purpose.

(2) Where the electrical equipment is a plug in device intended to be connected, without the use of a mains lead or plug, directly to the United Kingdom public electricity supply via a socket outlet

conforming to BS 1363, the economic operator must ensure that the plug in device is compatible with socket outlets conforming to BS 1363.

(3) Where the electrical equipment has a flexible lead and plug assembly and is intended to be connected to the United Kingdom public electricity supply by means of a socket outlet conforming to BS 1363, the economic operator must ensure that that plug assembly—

- (a) is a correctly fitted standard plug; or
- (b) is—
 - (i) a correctly fitted non-UK plug, conforming to the safety provisions of IEC 884-1 and correctly fitted with a compatible conversion plug; and
 - (ii) fitted with a fuse link which conforms to BS 1362 and which is rated in accordance with the electrical equipment manufacturer's instructions.

(4) In this regulation, “socket”, “BS 1363”, “standard plug”, “non-UK plug”, “IEC 884-1”, “conversion plug”, “fuse link” and “BS 1362” have the meanings given in the Plugs and Sockets etc. (Safety) Regulations 1994 ^{M8}.

Extent Information

E14 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Marginal Citations

M8 S.I. 1994/1768 amended by S.I. 2011/1043.

Safe connection of electrical equipment intended for use in [^{F126}Northern Ireland] **N.I.**

35.—(1) This regulation applies to electrical equipment intended for domestic use in [^{F127}Northern Ireland] and made available by an economic operator for that purpose.

(2) Where the electrical equipment is a plug in device intended to be connected, without the use of a mains lead or plug, directly to the United Kingdom public electricity supply via a socket outlet conforming to BS 1363, the economic operator must ensure that the plug in device is compatible with socket outlets conforming to BS 1363.

(3) Where the electrical equipment has a flexible lead and plug assembly and is intended to be connected to the United Kingdom public electricity supply by means of a socket outlet conforming to BS 1363, the economic operator must ensure that that plug assembly—

- (a) is a correctly fitted standard plug; or
- (b) is—
 - (i) a correctly fitted non-UK plug, conforming to the safety provisions of IEC 884-1 and correctly fitted with a compatible conversion plug; and
 - (ii) fitted with a fuse link which conforms to BS 1362 and which is rated in accordance with the electrical equipment manufacturer's instructions.

(4) In this regulation, “socket”, “BS 1363”, “standard plug”, “non-UK plug”, “IEC 884-1”, “conversion plug”, “fuse link” and “BS 1362” have the meanings given in the Plugs and Sockets etc. (Safety) Regulations 1994 ^{F128}.

Extent Information

- E35** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F126** Words in [reg. 35](#) heading substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 11 para. 3\(5\)](#)
- F127** Words in [reg. 35\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 11 para. 3\(5\)](#)
- F128** [S.I. 1994/1768](#) amended by [S.I. 2011/1043](#).

PART 3

Conformity assessment

Presumption of conformity on the basis of [^{F55}designated] standards **E+W+S**

36.—(1) Electrical equipment which is in conformity with a [^{F56}designated] standard (or part of such a standard) ^{F57}... is to be presumed to be in conformity with the principal elements of the safety objectives covered by that standard (or that part of that standard).

(2) The presumption in paragraph (1) is rebuttable.

Extent Information

- E15** 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

- F55** Word in [reg. 36](#) heading 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. 23 para. 20\(a\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F56** Word in [reg. 36\(1\)](#) 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. 23 para. 20\(a\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F57** Words in [reg. 36\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 23 para. 20\(b\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Presumption of conformity on the basis of harmonised standards **N.I.**

36.—(1) Electrical equipment which is in conformity with a harmonised standard (or part of such a standard) the reference to which has been published in the Official Journal is to be presumed to be in conformity with the principal elements of the safety objectives covered by that standard (or that part of that standard).

(2) The presumption in paragraph (1) is rebuttable.

Extent Information

E36 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Conformity with other standards and requirements **E+W+S**

37.—(1) Where there are no relevant [^{F58}designated] standards, electrical equipment [^{F59}which complies with relevant international safety provisions] is to be presumed to be in conformity with the principal elements of the safety objectives unless there are reasonable grounds for suspecting that the electrical equipment does not so comply.

(2) When there are no relevant [^{F60}designated] standards and no relevant international safety provisions, electrical equipment is to be taken to comply with the principal elements of the safety objectives where—

- (a) the equipment has been manufactured in accordance with the national safety provisions applicable to that equipment in the member State of manufacture; and
- (b) as a result of its compliance with those national safety provisions, at the time when it is made available on the market it is at least as safe as it would be if it were in conformity with the principal elements of the safety objectives.

^{F61}(3)

Extent Information

E16 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

- F58** Word in [reg. 37\(1\)](#) 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. 23 para. 21\(a\)\(i\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F59** Words in [reg. 37\(1\)](#) 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. 23 para. 21\(a\)\(ii\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F60** Word in [reg. 37\(2\)](#) 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. 23 para. 21\(b\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F61** [Reg. 37\(3\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 23 para. 21\(c\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Conformity with other standards and requirements **N.I.**

37.—(1) Where there are no relevant harmonised standards, electrical equipment which satisfies safety provisions of international standards notified by the Commission is to be presumed to be in conformity with the principal elements of the safety objectives unless there are reasonable grounds for suspecting that the electrical equipment does not so comply.

(2) When there are no relevant harmonised standards and no relevant international safety provisions, electrical equipment is to be taken to comply with the principal elements of the safety objectives where—

- (a) the equipment has been manufactured in accordance with the national safety provisions applicable to that equipment in the [^{F129}relevant state] of manufacture; and
 - (b) as a result of its compliance with those national safety provisions, at the time when it is made available on the market it is at least as safe as it would be if it were in conformity with the principal elements of the safety objectives.
- (3) In this regulation, “international standards notified by the Commission” means international standards set out by the International Electrotechnical Commission—
- (a) which have been notified by the European Commission to the member States; and
 - (b) in respect of which no objection to their recognition has been made by a [^{F130}relevant state] within three months of that notification.

Extent Information

E37 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F129 Words in [reg. 37\(2\)\(a\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 11 para. 4\(a\)](#)

F130 Words in [reg. 37\(3\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 11 para. 4\(b\)](#)

[^{F62}Declaration] of conformity **E+W+S**

38. The ^{F63}... declaration of conformity for electrical equipment must—
- (a) state that the fulfilment of the principal elements of the safety objectives has been demonstrated in respect of the electrical equipment;
 - (b) have the model structure set out in Schedule 8; and
 - (c) contain the elements specified in Schedule 2 for Module A Internal production control.

Extent Information

E17 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

F62 Word in [reg. 38](#) heading 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. 23 para. 22\(a\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F63 Word in [reg. 38](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 23 para. 22\(b\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

EU declaration of conformity **N.I.**

38. The EU declaration of conformity for electrical equipment must—

- (a) state that the fulfilment of the principal elements of the safety objectives has been demonstrated in respect of the electrical equipment;
- (b) have the model structure set out in Schedule 8; and
- (c) contain the elements specified in Schedule 2 for Module A Internal production control.

Extent Information

E38 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F64}UK] marking **E+W+S**

39.—[^{F65}(1) The UK marking must be affixed visibly, legibly and indelibly to—

- (a) the electrical equipment;
- (b) its data plate; or
- (c) where paragraph (1A) applies, to—
 - (i) a label affixed to the electrical equipment; or
 - (ii) to a document accompanying the electrical equipment.]

[^{F66}(1A) For a period of [^{F67}seven years] beginning with IP completion day, the UK marking may be affixed to—

- (a) a label affixed to the electrical equipment; or
- (b) to a document accompanying the electrical equipment;]

(2) Where [^{F68}paragraph (1A) does not apply and] it is not possible or warranted, on account of the nature of the electrical equipment, to affix the [^{F69}UK] marking in accordance with paragraph (1), the [^{F69}UK] marking must be affixed to—

- (a) the packaging; and
- (b) the accompanying documents.

Extent Information

E18 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

- F64** Word in reg. 39 heading 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. 23 para. 23(1)(a)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [\(S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 15(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F65** Reg. 39(1) 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. 23 para. 23(1)(b)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [\(S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 15(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F66** Reg. 39(1A) inserted (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. 23 para. 23(1)(c)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [\(S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 15(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**

- F67** Words in reg. 39(1A) substituted (E.W.S.) (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 3, **Sch. 2** para. (l)
- F68** Words in reg. 39(2) inserted (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. 23 para. 23(1)(d)(i)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2 and (S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 15(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F69** Word in reg. 39(2) 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. 23 para. 23(1)(d)(ii)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2 and (S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 15(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**

CE marking **N.I.**

39.—(1) The CE marking must be affixed visibly, legibly and indelibly to the electrical equipment or to its data plate.

(2) Where it is not possible or warranted, on account of the nature of the electrical equipment, to affix the CE marking in accordance with paragraph (1), the CE marking must be affixed to—

- (a) the packaging; and
- (b) the accompanying documents.

Extent Information

- E39** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

PART 4

Market surveillance and enforcement

Designation of market surveillance authority

40.—(1) The market surveillance authority is—

- (a) in the case of electrical equipment for use or operation in the circumstances in paragraph (2)—
 - (i) subject to paragraph (3), in Great Britain, the Health and Safety Executive ^{M9}; and
 - (ii) in Northern Ireland, the Health and Safety Executive for Northern Ireland ^{M10} ;
- (b) in the case of electrical equipment for private use or consumption (other than as referred to in paragraph (2)(b))—
 - (i) in Great Britain, within its area, a weights and measures authority; and
 - (ii) in Northern Ireland, within its area, a district council.

(2) The circumstances referred to in paragraph (1)(a) are where—

- (a) electrical equipment is designed for use or operation, whether exclusively or not, by persons at work; or

- (b) electrical equipment is designed for use, otherwise than at work, in non-domestic premises made available to persons at a place where they may use the equipment provided for their own use there.
- (3) In so far as these Regulations apply to electrical equipment intended exclusively or primarily for use on relevant nuclear sites, the market surveillance authority is the Office for Nuclear Regulation.
- (4) In paragraph (3), “relevant nuclear site” means a site which is—
 - (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013 ^{M11});
 - (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998 ^{M12}); or
 - (c) a new nuclear build site (within the meaning given in those Regulations).

Marginal Citations

M9 Established under section 10 of the Health and Safety at Work etc Act 1974.

M10 Established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978.

M11 2013 c.32.

M12 S.I. 1998/494, amended by S.I. 2014/469; there are other amendments not relevant to these Regulations.

Enforcement

41.—(1) Subject to paragraph (2), these Regulations and RAMS (in its application to electrical equipment) must be enforced by the market surveillance authority.

(2) The Secretary of State, or a person appointed by the Secretary of State to act on behalf of the Secretary of State, may enforce these Regulations and RAMS (in its application to electrical equipment).

(3) Before taking enforcement action under paragraph (2), an enforcing authority which is not the market surveillance authority must notify the market surveillance authority of the proposed action.

(4) In Scotland, only the Lord Advocate may commence proceedings for an offence under these Regulations.

Enforcement powers

42.—(1) Schedule 3 (enforcement powers of weights and measures authorities, district councils and the Secretary of State under the 1987 Act) has effect where the enforcing authority is—

- (a) a weights and measures authority;
- (b) a district council; or
- (c) the Secretary of State.

(2) Schedule 4 (enforcement powers of the Health and Safety Executive and the Office for Nuclear Regulation under the 1974 Act) has effect where the enforcing authority is the Health and Safety Executive or the Office for Nuclear Regulation.

(3) Schedule 5 (enforcement powers of the Health and Safety Executive for Northern Ireland under the 1978 Order) has effect where the enforcing authority is the Health and Safety Executive for Northern Ireland.

(4) In addition to the powers available to an enforcing authority by virtue of, as appropriate, paragraph (1), (2) or (3), the authority may use the powers in Schedule 6 (compliance, withdrawal and recall notices) ^{M13}.

(5) This regulation does not prevent an enforcing authority from taking action in respect of electrical equipment under the General Product Safety Regulations 2005 ^{M14}.

Marginal Citations

M13 For the investigatory powers available to an enforcing authority for the purposes of the duty imposed by this regulation, see [Schedule 5](#) to the [Consumer Rights Act 2015 \(c.15\)](#).

M14 [S.I. 2005/1083](#).

Exercise of enforcement powers

43. When enforcing these Regulations the enforcing authority must exercise its powers in a manner which is consistent with—

- (a) regulation 44 (evaluation of electrical equipment presenting a risk);
- (b) regulation 45 (enforcement action in respect of electrical equipment which is not in conformity and which presents a risk);
- (c) [^{F70}regulation 46 (Union safeguard procedure);]
- (d) regulation 47 (enforcement action in respect of electrical equipment which are in conformity, but which present a risk);
- (e) regulation 48 (enforcement action in respect of formal non-compliance);
- (f) regulation 49 (restrictive measures).

Textual Amendments

F70 [Reg. 43\(c\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 23 para. 24](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Evaluation of electrical equipment presenting a risk

44.—(1) Where the market surveillance authority has sufficient reason to believe that electrical equipment presents a risk, the market surveillance authority must carry out an evaluation in relation to the electrical equipment covering the relevant requirements of Part 2 applying in respect of that electrical equipment.

(2) Where an enforcing authority other than the market surveillance authority has sufficient reason to believe that electrical equipment presents a risk, that enforcing authority may carry out an evaluation in relation to the electrical equipment covering the requirements of Part 2 applying in respect of that electrical equipment.

Enforcement action in respect of electrical equipment which is not in conformity and which presents a risk **E+W+S**

45.—(1) Where, in the course of an evaluation referred to in regulation 44, an enforcing authority finds that electrical equipment is not in conformity with Part 2, it must, without delay, require a relevant economic operator to—

- (a) take all appropriate corrective actions to bring the electrical equipment into conformity with those requirements within a prescribed period;
 - (b) withdraw the electrical equipment within a prescribed period; or
 - (c) recall the electrical equipment within a prescribed period.
- (2) Where the enforcing authority is not the Secretary of State and it considers that the lack of conformity referred to in paragraph (1) is not restricted to the United Kingdom, it must notify the Secretary of State of—
- (a) the results of the evaluation; and
 - (b) the actions which it has required the economic operator to take.
- ^{F71}(3)
- (4) Where the relevant economic operator does not take adequate corrective action within the prescribed period referred to in paragraph (1), the enforcing authority must take all appropriate measures to—
- (a) prohibit or restrict the electrical equipment being made available on the market in the United Kingdom;
 - (b) withdraw the electrical equipment from the United Kingdom market; or
 - (c) recall the electrical equipment.
- (5) Where the enforcing authority is not the Secretary of State and it takes measures under paragraph (4), it must notify the Secretary of State of those measures without delay.
- ^{F72}(6)
- (7) The [^{F73}notice in paragraph (5)] must include, where available—
- (a) the data necessary for the identification of the electrical equipment which is not in conformity with Part 2;
 - (b) the origin of the electrical equipment;
 - (c) the nature of the lack of conformity alleged and the risk involved;
 - (d) the nature and duration of the measures taken;
 - (e) the arguments put forward by the relevant economic operator; and
 - (f) a statement as to whether the lack of conformity is due to—
 - (i) failure of the electrical equipment to meet relevant requirements relating to a risk; or
 - (ii) shortcomings in a [^{F74}designated] standard referred to in regulation 36 conferring a presumption of conformity.
- (8) In this regulation, “prescribed period” means a period which is—
- (a) prescribed by the enforcing authority; and
 - (b) reasonable and commensurate with the nature of the risk presented by the electrical equipment.

Textual Amendments

- F71** Reg. 45(3) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 25(a)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F72** Reg. 45(6) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 25(a)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

- F73** Words in reg. 45(7) 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. 23 para. 25(b)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F74** Word in reg. 45(7)(f)(ii) 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. 23 para. 25(c)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Enforcement action in respect of electrical equipment which is not in conformity and which presents a risk N.I.

45.—(1) Where, in the course of an evaluation referred to in regulation 44, an enforcing authority finds that electrical equipment is not in conformity with Part 2, it must, without delay, require a relevant economic operator to—

- (a) take all appropriate corrective actions to bring the electrical equipment into conformity with those requirements within a prescribed period;
- (b) withdraw the electrical equipment [^{F131}from Northern Ireland] within a prescribed period; or
- (c) recall the electrical equipment [^{F132}from the market in Northern Ireland] within a prescribed period.

(2) Where the enforcing authority is not the Secretary of State and it considers that the lack of conformity referred to in paragraph (1) is not restricted to [^{F133}Northern Ireland], it must notify the Secretary of State of—

- (a) the results of the evaluation; and
- (b) the actions which it has required the economic operator to take.

(3) [^{F134}Subject to paragraph (3A)] where the Secretary of State receives a notice under paragraph (2) or otherwise considers that the lack of conformity referred to in paragraph (1) is not restricted to [^{F135}Northern Ireland], the Secretary of State must inform the European Commission and the other [^{F136}relevant states] of—

- (a) the results of the evaluation; and
- (b) the actions which the enforcing authority has required the economic operator to take.

[^{F137}(3A) Paragraph (3) does not require the Secretary of State to inform the Commission or the other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.]

(4) Where the relevant economic operator does not take adequate corrective action within the prescribed period referred to in paragraph (1), the enforcing authority must take all appropriate measures to—

- (a) prohibit or restrict the electrical equipment being made available on the market in [^{F138}Northern Ireland];
- (b) withdraw the electrical equipment from the [^{F139}market in Northern Ireland]; or
- (c) recall the electrical equipment.

(5) Where the enforcing authority is not the Secretary of State and it takes measures under paragraph (4), it must notify the Secretary of State of those measures without delay.

(6) Where the Secretary of State receives a notice under paragraph (5), or takes measures under paragraph (4), the Secretary of State must notify the European Commission and the other [^{F140}relevant states] of those measures without delay.

- (7) The notices in paragraphs (5) and (6) must include, where available—
- (a) the data necessary for the identification of the electrical equipment which is not in conformity with Part 2;
 - (b) the origin of the electrical equipment;
 - (c) the nature of the lack of conformity alleged and the risk involved;
 - (d) the nature and duration of the measures taken;
 - (e) the arguments put forward by the relevant economic operator; and
 - (f) a statement as to whether the lack of conformity is due to—
 - (i) failure of the electrical equipment to meet relevant requirements relating to a risk; or
 - (ii) shortcomings in a harmonised standard referred to in regulation 36 conferring a presumption of conformity.
- (8) In this regulation, “prescribed period” means a period which is—
- (a) prescribed by the enforcing authority; and
 - (b) reasonable and commensurate with the nature of the risk presented by the electrical equipment.

Extent Information

- E40** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F131** Words in reg. 45(1)(b) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(1)(a)**
- F132** Words in reg. 45(1)(c) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(1)(b)**
- F133** Words in reg. 45(2) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(1)(c)**
- F134** Words in reg. 45(3) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(1)(d)(i)**
- F135** Words in reg. 45(3) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(1)(c)(d)(ii)**
- F136** Words in reg. 45(3) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(1)(d)(iii)**
- F137** Reg. 45(3A) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(1)(e)**
- F138** Words in reg. 45(4)(a) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(1)(f)(i)**
- F139** Words in reg. 45(4)(b) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(1)(f)(ii)**

F140 Words in reg. 45(6) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(1)(g)**

Union safeguard procedure

^{F75}46.—(1) Where another [^{F76}relevant state] has initiated the procedure under Article 19(4) of the Directive (as amended from time to time), each enforcing authority (other than the Secretary of State) must, without delay, inform the Secretary of State of—

- (a) any measures taken by that enforcing authority [^{F77}in Northern Ireland] in respect of the electrical equipment which is the subject of that procedure;
- (b) any additional information which the enforcing authority has at its disposal relating to the lack of conformity of that electrical equipment.

(2) Where another [^{F78}relevant state] has initiated the procedure under Article 19(4) of the Directive (as amended from time to time), the Secretary of State must, without delay, inform the European Commission and the other [^{F79}relevant states] of—

- (a) any measures taken by an enforcing authority in respect of the electrical equipment which is the subject of that procedure;
- (b) any additional information which an enforcing authority has at its disposal relating to the lack of conformity of that electrical [^{F80}equipment.]

^{F81}(c)

(3) Where a measure taken by another [^{F82}relevant state] in respect of electrical equipment is considered justified by the European Commission under Article 20(1) of the Directive, the market surveillance authority must take the necessary measures to ensure that electrical equipment is withdrawn from the [^{F83}market in Northern Ireland].

(4) Where the market surveillance authority is not the Secretary of State and it has taken action under paragraph (3), it must inform the Secretary of State.

(5) Where the Secretary of State receives a notice under paragraph (4) or has taken action under paragraph (3), the Secretary of State must inform the European Commission of the action taken [^{F84}in respect of Northern Ireland].

(6) If a measure taken by an enforcing authority pursuant to regulation 45 is considered unjustified by the European Commission under Article 20(1) of the Directive (as amended from time to time), the enforcing authority must withdraw that measure [^{F85}in respect of Northern Ireland].

Textual Amendments

- F75** [Reg. 46](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 23 para. 26** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F76** Words in [reg. 46\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(2)(a)(i)**
- F77** Words in [reg. 46\(1\)\(a\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 11 para. 5(2)(a)(ii)**

| | |
|------------|---|
| F78 | Words in reg. 46(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 11 para. 5(2)(b)(i) |
| F79 | Words in reg. 46(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 11 para. 5(2)(b)(ii) |
| F80 | Word in reg. 46(2)(b) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 11 para. 5(2)(b)(iii) |
| F81 | Reg. 46(2)(c) omitted (N.I.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 11 para. 5(2)(b)(iv) |
| F82 | Words in reg. 46(3) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 11 para. 5(2)(c)(i) |
| F83 | Words in reg. 46(3) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 11 para. 5(2)(c)(ii) |
| F84 | Words in reg. 46(5) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 11 para. 5(2)(d) |
| F85 | Words in reg. 46(6) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), Sch. 11 para. 5(2)(d) |

Enforcement action in respect of electrical equipment which is in conformity, but presents a risk **E+W+S**

47.—(1) Where, having carried out an evaluation under regulation 44, an enforcing authority finds that although electrical equipment is in conformity with Part 2, it presents a risk, the enforcing authority must require a relevant economic operator to take all appropriate measures to—

- (a) ensure that the electrical equipment concerned, when placed on the market, no longer presents a risk;
- (b) withdraw the electrical equipment within a prescribed period; or
- (c) recall the electrical equipment within a prescribed period.

(2) Where an enforcing authority is not the Secretary of State and it takes measures under paragraph (1), it must notify the Secretary of State immediately.

^{F86}(3)

(4) The [^{F87}notice referred to in paragraph (2)] must include, where available—

- (a) the data necessary for the identification of the electrical equipment concerned;
- (b) the origin and the supply chain of the electrical equipment;
- (c) the nature of the risk involved; and
- (d) the nature and duration of the measures taken by the enforcing authority.

(5) In this regulation, “prescribed period” means a period which is—

- (a) prescribed by the enforcing authority; and
- (b) reasonable and commensurate with the nature of the risk presented by the electrical equipment.

Extent Information

- E19** 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

- F86** Reg. 47(3) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 23 para. 27(a)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F87** Words in reg. 47(4) 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. 23 para. 27(b)** (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Enforcement action in respect of electrical equipment which is in conformity, but presents a risk **N.I.**

47.—(1) Where, having carried out an evaluation under regulation 44, an enforcing authority finds that although electrical equipment is in conformity with Part 2, it presents a risk, the enforcing authority must require a relevant economic operator to take all appropriate measures to—

- (a) ensure that the electrical equipment concerned, when placed on the market, no longer presents a risk;
- (b) withdraw the electrical equipment [^{F141}from the market in Northern Ireland] within a prescribed period; or
- (c) recall the electrical equipment [^{F142}from the market in Northern Ireland] within a prescribed period.

(2) Where an enforcing authority is not the Secretary of State and it takes measures under paragraph (1), it must notify the Secretary of State immediately.

(3) Where the Secretary of State receives a notice under paragraph (2) or takes measures under paragraph (1), the Secretary of State must notify the European Commission and the other [^{F143}relevant states] immediately.

(4) The notices referred to in paragraphs (2) and (3) must include, where available—

- (a) the data necessary for the identification of the electrical equipment concerned;
- (b) the origin and the supply chain of the electrical equipment;
- (c) the nature of the risk involved; and
- (d) the nature and duration of the measures taken by the enforcing authority.

(5) In this regulation, “prescribed period” means a period which is—

- (a) prescribed by the enforcing authority; and
- (b) reasonable and commensurate with the nature of the risk presented by the electrical equipment.

Extent Information

- E41** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F141** Words in reg. 47(1)(b) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 11 para. 5\(3\)\(a\)](#)
- F142** Words in reg. 47(1)(c) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 11 para. 5\(3\)\(a\)](#)
- F143** Words in reg. 47(3) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 11 para. 5\(3\)\(b\)](#)

Enforcement action in cases of formal non-compliance **E+W+S**

48.—(1) Where an enforcing authority makes one of the following findings in relation to electrical equipment, it must require a relevant economic operator to remedy the non-compliance concerned within such reasonable period as the enforcing authority specifies—

- (a) the ^{F88}[UK] marking—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulations 34 (Prohibition on improper use of ^{F88}[UK] marking) and 39 (^{F88}[UK] marking);
- (b) the ^{F89}... declaration of conformity—
 - (i) has not been drawn up; or
 - (ii) has been drawn up otherwise than in accordance with regulations 6 (^{F89}... declaration of conformity and ^{F90}[UK] marking) and 38 (European Union ^{F89}... declaration of conformity);
- (c) the technical documentation is either not available or not complete;
- (d) the following information is absent, false or incomplete—
 - (i) the information specified in regulation 8 (labelling of electrical equipment); or
 - (ii) the information specified in regulation 9 (instructions and safety information);
- (e) any other administrative requirement provided for in regulation 6 or 8 has not been fulfilled.

(2) The enforcing authority must not commence proceedings under these Regulations, or take any other enforcement action under these Regulations, against the relevant economic operator in respect of the non-compliance concerned until the period referred to in paragraph (1) has elapsed.

(3) Where the non-compliance referred to in paragraph (1) persists, the enforcing authority must take all appropriate measures to—

- (a) restrict or prohibit the electrical equipment being made available on the market;
 - (b) ensure that the electrical equipment is withdrawn; or
 - (c) ensure that the electrical equipment is recalled.
- (4) This regulation does not apply where electrical equipment presents a risk.

Extent Information

- E20** 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

- F88** Word in reg. 48(1)(a) 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. 23 para. 28(a)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F89** Word in reg. 48(1)(b) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 28(b)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F90** Word in reg. 48(1)(b) 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. 23 para. 28(a)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Enforcement action in cases of formal non-compliance **N.I.**

48.—(1) Where an enforcing authority makes one of the following findings in relation to electrical equipment, it must require a relevant economic operator to remedy the non-compliance concerned within such reasonable period as the enforcing authority specifies—

- (a) the CE marking—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulations 34 (Prohibition on improper use of CE marking) and 39 (CE marking);
- (b) the EU declaration of conformity—
 - (i) has not been drawn up; or
 - (ii) has been drawn up otherwise than in accordance with regulations 6 (EU declaration of conformity and CE marking) and 38 (EU declaration of conformity);
- (c) the technical documentation is either not available or not complete;
- (d) the following information is absent, false or incomplete—
 - (i) the information specified in regulation 8 (labelling of electrical equipment); or
 - (ii) the information specified in regulation 9 (instructions and safety information);
- (e) any other administrative requirement provided for in regulation 6 or 8 has not been fulfilled.

(2) The enforcing authority must not commence proceedings under these Regulations, or take any other enforcement action under these Regulations, against the relevant economic operator in respect of the non-compliance concerned until the period referred to in paragraph (1) has elapsed.

(3) Where the non-compliance referred to in paragraph (1) persists, the enforcing authority must take all appropriate measures to—

- (a) restrict or prohibit the electrical equipment being made available on the market;
 - (b) ensure that the electrical equipment is withdrawn; or
 - (c) ensure that the electrical equipment is recalled.
- (4) This regulation does not apply where electrical equipment presents a risk.

Extent Information

- E42** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Restrictive measures

49. When enforcing these Regulations, an enforcing authority must comply with the requirements of Article 21 of RAMS (as amended from time to time) in relation to any measure to—

- (a) prohibit or restrict electrical equipment being made available on the market;
- (b) withdraw electrical equipment;
- (c) recall electrical equipment.

Offences

50.—(1) It is an offence for a person to contravene or fail to comply with any requirement of regulations 4 to 12, 13(4), 15 to 23, [F9124(4)], 25 to 29, 30(3) or 33 to 35.

(2) It is an offence for any person to contravene or fail to comply with any requirement of a withdrawal or recall notice served on that person by an enforcing authority under these Regulations.

Textual Amendments

F91 Word in reg. 50(1) substituted (1.2.2019) by [The Weights and Measures etc. \(Miscellaneous\) \(Amendment\) Regulations 2019 \(S.I. 2019/5\)](#), regs. 1, **6(2)**

Penalties

51.—(1) A person guilty of an offence under regulation 50 (other than an offence arising from a contravention of or failure to comply with a requirement of regulation 7 or regulation 21) 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 3 months, or to both;
 - (iii) in Northern Ireland, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding 3 months, or to both;
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or to both.

(2) A person guilty of an offence arising from a contravention of or failure to comply with a requirement of regulation 7 or regulation 21 is liable on summary conviction—

- (a) in England and Wales, to a fine or imprisonment for a term not exceeding three months, or to both;
- (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding three months, or to both.

Defence of due diligence

52.—(1) In proceedings for an offence under regulation 50, it is a defence for a person (“P”) to show that P took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) P may not rely on a defence under paragraph (1) which involves a third party allegation unless P has—

- (a) served a notice in accordance with paragraph (3); or
- (b) obtained the leave of the court.

(3) The notice must—

- (a) give any information in P's possession which identifies or assists in identifying the person who—
 - (i) committed the act or default; or
 - (ii) supplied the information on which P relied, and
- (b) be served on the person bringing the proceedings not less than seven clear days before—
 - (i) in England, Wales and Northern Ireland, the hearing of the proceedings;
 - (ii) in Scotland, the trial diet.

(4) P may not rely on a defence under paragraph (1) which involves an allegation that the commission of the offence was due to reliance on information supplied by another person unless it was reasonable for P to have relied upon the information, having regard in particular—

- (a) to the steps that P took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) to whether P had any reason to disbelieve the information.

(5) In this regulation, “third party allegation” means an allegation that the commission of the offence was due—

- (a) to the act or default of another person; or
- (b) to reliance on information supplied by another person.

Liability of persons other than principal offender

53.—(1) Where the commission of an offence under regulation 50 is due to anything which another person did or failed to do in the course of business, that other person is guilty of the offence and may be proceeded against and punished, whether or not proceedings are taken against the first person.

(2) Where a body corporate commits an offence, a relevant person is also guilty of the offence where the offence was committed by the body corporate—

- (a) with the consent or connivance of the relevant person; or
- (b) as a result of the negligence of the relevant person.

(3) In paragraph (2), “relevant person” means—

- (a) a director, manager, secretary or other similar officer of the body corporate;
- (b) in relation to a body corporate managed by its members, a member of that body corporate performing managerial functions;
- (c) in relation to a Scottish partnership, a partner;
- (d) a person purporting to act as a person described in subparagraphs (a), (b) or (c).

Time limit for prosecution of offences

54.—(1) In England and Wales an information relating to an offence under regulation 50 that is triable by a magistrates' court may be so tried if it is laid within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the knowledge of the prosecutor.

(2) In Scotland—

- (a) summary proceedings for an offence may be commenced before the end of 12 months after the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to the Lord Advocate's knowledge; and

- (b) section 136(3) of the Criminal Procedure (Scotland) Act 1995 ^{M15} (time limit for certain offences) applies for the purpose of this paragraph as it applies for the purpose of that section.

(3) In Northern Ireland summary proceedings for an offence under regulation 50 may be instituted within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to the knowledge of the prosecutor.

(4) No proceedings may be brought more than three years after the commission of the offence.

(5) For the purposes of this regulation a certificate of the prosecutor (or in Scotland, the Lord Advocate) as to the date on which the evidence referred to paragraph (1), (2) or (3) came to light, is conclusive evidence.

(6) This regulation has effect subject to paragraph (1)(n) of Schedule 4 (enforcement powers of the Health and Safety Executive and the Office for Nuclear Regulation under the 1974 Act) and to paragraph (1)(n) of Schedule 5 (enforcement powers of the Health and Safety Executive for Northern Ireland under the 1978 Order).

Marginal Citations

M15 1995 c.46.

Service of documents

55.—(1) Any document required or authorised by these Regulations to be served on a person may be served by—

- (a) delivering it to that person in person;
- (b) leaving it at that person's proper address;
- (c) sending it by post or electronic means to that person's proper address;

(2) In the case of a body corporate, a document may be served on a director of that body.

(3) In the case of a partnership, a document may be served on a partner or a person having control or management of the partnership business.

(4) For the purposes of this regulation, “proper address” means—

- (a) in the case of a body corporate or its director—
 - (i) the registered or principal office of that body; or
 - (ii) the email address of the secretary or clerk of that body;
- (b) in the case of a partnership, a partner or person having control or management of the partnership business—
 - (i) the principal office of the partnership; or
 - (ii) the email address of a partner or person having that control or management;
- (c) in any other case, a person's last known address, which address may be an email address.

(5) If a person to be served with a document has specified an address in the United Kingdom (other than that person's proper address) at which that person or someone on that person's behalf will accept service, that address must also be treated as that person's proper address.

(6) In this regulation, “partnership” includes a Scottish partnership.

Recovery of expenses of enforcement

56.—(1) This regulation applies where a person commits an offence under regulation 50.

(2) The court may (in addition to any other order it may make as to costs or expenses) order the person to reimburse the enforcing authority for any expenditure which the enforcing authority has incurred in investigating the offence.

Action by enforcing authority

57.—(1) An enforcing authority may itself take action which an economic operator could have been required to take by a notice served under regulation 42 (enforcement powers) where the conditions for serving such a notice are met and either—

- (a) the enforcing authority has been unable to identify any economic operator on whom to serve such a notice; or
- (b) the economic operator on whom such a notice has been served has failed to comply with it.

(2) If the enforcing authority has taken action under paragraph (1) following the failure of an economic operator to comply with a notice, the authority may recover from that person as a civil debt any costs or expenses reasonably incurred by the enforcing authority in taking the action.

(3) A civil debt recoverable under paragraph (2) may be recovered summarily—

- (a) in England and Wales by way of a complaint pursuant to section 58 of the Magistrates' Courts Act 1980 ^{M16};
- (b) in Northern Ireland in proceedings under Article 62 of the Magistrates' Court (Northern Ireland) Order 1981 ^{M17}.

Marginal Citations

M16 1980 c.43; section 58 was amended by the [Crime and Courts Act 2013 \(c.22\)](#), [Schedule 10 paragraph 40](#).

M17 [S.I. 1981/1675 \(N.I. 26\)](#).

Appeals against notices

58.—(1) An application for an order to vary or set aside the terms of a notice served under regulation 42 (enforcement powers) may be made—

- (a) by the economic operator on whom the notice has been served; and
- (b) in the case of a notice other than a recall notice, by a person having an interest in electrical equipment in respect of which the notice has been served.

(2) An application must be made before the end of the period of 21 days beginning with the day on which the notice was served.

(3) The appropriate court may only make an order setting aside a notice served under regulation 42 if satisfied—

- (a) that the requirements of these Regulations have been complied with in respect of electrical equipment to which the notice relates; or
- (b) that the enforcing authority failed to comply with regulation 36 (presumption of conformity) when serving the notice.

(4) On an application to vary the terms of a notice served under regulation 42, the appropriate court may vary the terms of the notice as it considers appropriate.

(5) In this regulation—

- (a) the “appropriate court” is to be determined in accordance with regulation 59 (appropriate court for appeals against notices); and

- (b) “notice” means—
- (i) a prohibition notice served in accordance with Schedule 3;
 - (ii) a notice to warn served in accordance with Schedule 3;
 - (iii) a suspension notice served in accordance with Schedule 3;
 - (iv) a compliance notice served in accordance with Schedule 6;
 - (v) a withdrawal notice served in accordance with Schedule 6; or
 - (vi) a recall notice served in accordance with Schedule 6.

Appropriate court for appeals against notices

59.—(1) In England and Wales or Northern Ireland, the appropriate court for the purposes of regulation 58 is—

- (a) the court in which proceedings have been brought in relation to electrical equipment for an offence under regulation 50 (offences);
 - (b) an employment tribunal seized of appeal proceedings against a notice which relates to electrical equipment and which has been served under or by virtue of paragraph 1 of Schedule 4;
 - (c) an industrial tribunal seized of appeal proceedings against a notice which relates to electrical equipment and which has been served under or by virtue of paragraph 1 of Schedule 5 (enforcement powers of the Health and Safety Executive for Northern Ireland under the 1978 Order); or
 - (d) in any other case, a magistrates' court.
- (2) In Scotland, the appropriate court for the purposes of regulation 58 is—
- (a) the sheriff of a sheriffdom in which the person making the appeal resides or, as the case may be, has a registered or principal office; or
 - (b) an employment tribunal seized of appeal proceedings against a notice which relates to the electrical equipment and which has been served under or by virtue of paragraph 1 of Schedule 4.
- (3) A person aggrieved by an order made by a magistrates' court in England and Wales or Northern Ireland pursuant to an application under regulation 58, or by a decision of such a court not to make such an order, may appeal against that order or decision—
- (a) in England and Wales, to the Crown Court;
 - (b) in Northern Ireland, to the county court.

Compensation

60.—(1) When an enforcing authority other than the Health and Safety Executive, the Health and Safety Executive for Northern Ireland or the Office for Nuclear Regulation serves a relevant notice in respect of electrical equipment, that authority is liable to pay compensation to a person having an interest in the electrical equipment for any loss or damage suffered by reason of the notice if both of the conditions in paragraph (2) are met.

- (2) The conditions are that—
- (a) the electrical equipment in respect of which the relevant notice was served neither—
 - (i) presents a risk; nor
 - (ii) contravenes any requirement of these Regulations; and

- (b) the relevant notice was not served because of neglect or default by a relevant economic operator.
- (3) In this regulation, “relevant notice” means a suspension, withdrawal or recall notice as referred to in regulation 58(5)(b).

PART 5

Miscellaneous

Review **E+W+S**

- 61.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.
- (3) The report must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning on the commencement date.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Extent Information

E21 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Review **N.I.**

- 61.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other [^{F144}relevant States].
- (3) The report must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and

- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning on the commencement date.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Extent Information

E43 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F144 Words in [reg. 61\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 11 para. 6](#)

Transitional provisions and savings

62.—(1) The 1994 Regulations continue to apply, as if they had not been revoked, to electrical equipment placed on the market before the commencement date [^{F92}subject to the modification that references to the Community are to be read as including the United Kingdom] .

(2) In relation to electrical equipment placed on the market before the commencement date, the amendments in paragraph 3 of Schedule 7 do not apply.

Textual Amendments

F92 Words in [reg. 62\(1\)](#) inserted (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. 23 para. 29](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

[^{F93}Transitional provision in relation to EU Exit

62A.—(1) In this regulation—

“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day;

“product” means electrical equipment to which these Regulations apply.

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 23 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the Member States of any matter; or
- (b) any obligation to take action outside of the United Kingdom in respect of that product.]

Changes to legislation: There are currently no known outstanding effects for the The Electrical Equipment (Safety) Regulations 2016. (See end of Document for details)

Textual Amendments

F93 Reg. 62A inserted (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. 23 para. 30** (as amended by S.I. 2020/676, regs. 1(1), **2** and S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(1)(iv)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Revocations and amendments

63. The 1994 Regulations are revoked, save to the extent required to give effect to regulation 62.

64. Schedule 7 (consequential amendments) has effect.

Department for Business, Energy and Industrial
Strategy

Margot James
Parliamentary Under Secretary of State Minister
for Small Business, Consumers and Corporate
Responsibility

Changes to legislation:

There are currently no known outstanding effects for the The Electrical Equipment (Safety) Regulations 2016.