
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

2.—(1) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974⁽¹⁾;

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978⁽²⁾

“the 1987 Act” means the Consumer Protection Act 1987⁽³⁾;

“the 1994 Regulations” means the Electrical Equipment (Safety) Regulations 1994⁽⁴⁾;

“authorised representative” means a person appointed in accordance with regulation 14;

“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⁽⁵⁾;

“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⁽⁶⁾;

“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);

(1) 1974 c.37.

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

(3) 1987 c.43.

(4) 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.

(5) OJ No L 96, 29.03.2014, p357.

(6) 1972 Chapter 9.

“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⁽⁷⁾ (as amended from time to time);

“importer” means any person who—

- (a) is established within the EU; and
- (b) places electrical equipment from a third country on the EU 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 EU 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 EU 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](#)⁽⁸⁾;

“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;

“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⁽⁹⁾;

(7) OJ No L 316, 14.11.2012, p12.

(8) OJ L 218, 13.8.2008, p. 30.

(9) [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.

“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.

Electrical equipment to which these Regulations apply

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 apparatus covered by the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000⁽¹⁰⁾.

⁽¹⁰⁾ S.I. 2000/730, amended by S.I. 2003/1903; there are other amendments not relevant to these Regulations.