
STATUTORY INSTRUMENTS

2016 No. 1101

The Electrical Equipment (Safety) Regulations 2016

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⁽¹⁾; and
 - (ii) in Northern Ireland, the Health and Safety Executive for Northern Ireland⁽²⁾ ;
 - (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⁽³⁾);
 - (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998⁽⁴⁾); or
 - (c) a new nuclear build site (within the meaning given in those Regulations).

(1) Established under section 10 of the Health and Safety at Work etc Act 1974.

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

(3) 2013 c.32.

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