
STATUTORY INSTRUMENTS

2016 No. 1107

HEALTH AND SAFETY

The Equipment and Protective Systems Intended for Use
in Potentially Explosive Atmospheres Regulations 2016

Made - - - - 15th November 2016
Laid before Parliament 16th November 2016
Coming into force 8th December 2016

THE EQUIPMENT AND PROTECTIVE SYSTEMS
INTENDED FOR USE IN POTENTIALLY
EXPLOSIVE ATMOSPHERES REGULATIONS 2016

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Changes to legislation: There are currently no known outstanding effects for the The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016. (See end of Document for details)

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SCHEDULE 1 — Essential Health and Safety Requirements

ESSENTIAL HEALTH AND SAFETY REQUIREMENTS RELATING TO THE DESIGN AND CONSTRUCTION OF EQUIPMENT AND PROTECTIVE SYSTEMS INTENDED FOR USE IN POTENTIALLY EXPLOSIVE ATMOSPHERES (Annex II of the ATEX Directive)

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COMMON REQUIREMENTS FOR EQUIPMENT AND PROTECTIVE SYSTEMS

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28. Hazards arising from connections
29. Placing of warning devices as parts of equipment

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Requirements applicable to equipment in equipment - group I

30. Requirements applicable to equipment in category M 1 of equipment-group I
31. Requirements applicable to equipment in category M 2 of equipment-group I

Requirements applicable to equipment in category 1 of equipment - group II

32. Explosive atmospheres caused by gases, vapours or mists
33. Explosive atmospheres caused by air and dust mixtures

Requirements applicable to equipment category 2 of equipment - group II

34. Explosive atmospheres caused by gases, vapours or mists
35. Explosive atmospheres caused by air and dust mixtures

Requirements applicable to equipment category 3 of equipment – group II

36. Explosive atmospheres caused by gases, vapours or mists
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39. Characteristics of materials
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42. Explosion decoupling systems
43. Protective systems must be capable of being integrated into a...

SCHEDULE 1A — Criteria determining the classification of equipment-groups into categories (Annex I to the ATEX Directive)

1. Equipment group I (a) Equipment category M 1 comprises equipment...
2. Equipment-group II (a) Equipment category 1 comprises equipment designed to...

SCHEDULE 2 — Approved body requirements

1. A conformity assessment body must be established in Great Britain...
2. A conformity assessment body must be a third party body...
3. A body belonging to a business association or professional federation...
4. (1) A conformity assessment body, its top level management and...
5. A conformity assessment body, its top level management and the...
6. A conformity assessment body, its top level management and the...
7. A conformity assessment body must ensure that the activities of...
8. A conformity assessment body and its personnel must carry out...

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9. A conformity assessment body must be capable of carrying out...
10. A conformity assessment body must have —
11. A conformity assessment body must have the means necessary to...
12. The personnel responsible for carrying out conformity assessment activities must...
13. A conformity assessment body must be able to demonstrate the...
14. The remuneration of the top level management and the personnel...
15. A conformity assessment body must have, and must satisfy the...
16. A conformity assessment body must ensure that its personnel observe...
17. Paragraph 16 does not prevent the personnel from providing information...
18. A conformity assessment body must participate in, or ensure that...

SCHEDULE 3 — Operational obligations of approved bodies

1. An approved body must carry out conformity assessments in accordance...
2. An approved body must carry out conformity assessments in a...
3. An approved body must perform its activities taking due account...
4. An approved body must respect the degree of rigour and...
5. Where an approved body finds that essential health and safety...
6. Where, in the course of the monitoring of conformity following...
7. Where the approved body has required a manufacturer to take...
8. Paragraph 9 applies where an approved body is minded to—...
9. Where this paragraph applies, the approved body must—
10. An approved body must inform the Secretary of State of—...
11. An approved body must make provision in its contracts with...
12. An approved body must provide other bodies approved under these...
13. An approved body must participate in the work of any...
14. An approved body must— (a) acknowledge receipt of the technical...

SCHEDULE 3A — Conformity Assessment Procedures (Annexes III to IX of the ATEX Directive)

PART 1

1. TYPE EXAMINATION
2. Type examination shall be carried out with the examination of...
3. The manufacturer shall lodge an application for Type examination with...
4. The approved body shall:
 - 4.1 examine the technical documentation, verify that the specimen(s) have been...
 - 4.2 carry out appropriate examinations and tests, or have them carried...
 - 4.3 carry out appropriate examinations and tests, or have them carried...
 - 4.4 agree with the manufacturer on a location where the examinations...
5. The approved body shall draw up an evaluation report that...
6. Where the type meets the requirements of these Regulations that...
7. The approved body shall keep itself apprised of any changes...
8. Each approved body shall inform the Secretary of State concerning...
9. The manufacturer shall keep a copy of the Type examination...
10. The manufacturer's authorised representative may lodge the application referred to...

PART 2 — CONFORMITY TO TYPE BASED ON QUALITY ASSURANCE OF THE PRODUCTION PROCESS

1. Conformity to type based on quality assurance of the production...
2. Manufacturing
3. Quality system
- 3.1 The manufacturer shall lodge an application for assessment of his...

- 3.2 The quality system shall ensure that the products are in...
- 3.3 The approved body shall assess the quality system to determine...
- 3.4 The manufacturer shall undertake to fulfil the obligations arising out...
- 3.5 The manufacturer shall keep the approved body that has approved...
 4. Surveillance under the responsibility of the approved body
- 4.1 The purpose of surveillance is to make sure that the...
- 4.2 The manufacturer shall, for assessment purposes, allow the approved body...
- 4.3 The approved body shall carry out periodic audits to make...
- 4.4 In addition, the approved body may pay unexpected visits to...
 5. UK marking, declaration of conformity and attestation of conformity
- 5.1 The manufacturer shall affix the UK marking and, under the...
- 5.2 The manufacturer shall draw up a written declaration of conformity...
- 5.3 The manufacturer shall draw up a written attestation of conformity...
6. The manufacturer shall, for a period ending 10 years after...
7. Each approved body shall inform the Secretary of State of...
8. Authorised representative

PART 3 — CONFORMITY TO TYPE BASED ON PRODUCT VERIFICATION

1. Conformity to type based on product verification is the part...
2. Manufacturing
3. Verification
4. Verification of conformity by examination and testing of every product
- 4.1 All products shall be individually examined, and appropriate tests set...
- 4.2 The approved body shall issue a certificate of conformity in...
 5. UK marking, declaration of conformity and attestation of conformity
- 5.1 The manufacturer shall affix the UK marking and, under the...
- 5.2 The manufacturer shall draw up a written declaration of conformity...
- 5.3 The manufacturer shall draw up a written attestation of conformity...
6. If the approved body agrees and under its responsibility, the...
7. Authorised representative

PART 4 — CONFORMITY TO TYPE BASED ON INTERNAL PRODUCTION CONTROL PLUS SUPERVISED PRODUCT TESTING

1. Conformity to type based on internal production control plus supervised...
2. Manufacturing
3. Product checks
4. UK marking, declaration of conformity and attestation of conformity
- 4.1 The manufacturer shall affix the UK marking to each individual...
- 4.2 The manufacturer shall draw up a written declaration of conformity...
- 4.3 The manufacturer shall draw up a written attestation of conformity...
5. Authorised representative

PART 5 — CONFORMITY TO TYPE BASED ON PRODUCT QUALITY ASSURANCE

1. Conformity to type based on product quality assurance is that...
2. Manufacturing
3. Quality System
- 3.1 The manufacturer shall lodge an application for assessment of his...
- 3.2 The quality system shall ensure compliance of the products with...
- 3.3 The approved body shall assess the quality system to determine...
- 3.4 The manufacturer shall undertake to fulfil the obligations arising out...
- 3.5 The manufacturer shall keep the approved body that has approved...
4. Surveillance under the responsibility of the approved body

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- 4.1 The purpose of surveillance is to make sure that the...
- 4.2 The manufacturer shall, for assessment purposes, allow the approved body...
- 4.3 The approved body shall carry out periodic audits to make...
- 4.4 In addition, the approved body may pay unexpected visits to...
 5. UK marking, declaration of conformity and attestation of conformity
- 5.1 The manufacturer shall affix the UK marking and, under the...
- 5.2 The manufacturer shall draw up a written declaration of conformity...
- 5.3 The manufacturer shall draw up a written attestation of conformity...
6. The manufacturer shall, for a period ending 10 years after...
7. Each approved body shall inform the Secretary of State of...
8. Authorised representative

PART 6 — INTERNAL PRODUCTION CONTROL

1. Internal production control is the conformity assessment procedure whereby the...
 2. Technical documentation
 3. Manufacturing
 4. UK marking, declaration of conformity and attestation of conformity
- 4.1 The manufacturer shall affix the UK marking to each individual...
- 4.2 The manufacturer shall draw up a written declaration of conformity...
- 4.3 The manufacturer shall draw up a written attestation of conformity...
5. Authorised representative

PART 7 — CONFORMITY BASED ON UNIT VERIFICATION

1. Conformity based on unit verification is the conformity assessment procedure...
 2. Technical documentation
- 2.1 The manufacturer shall establish the technical documentation and make it...
- 2.2 The manufacturer shall keep the technical documentation at the disposal...
3. Manufacturing
4. Verification
5. UK marking, declaration of conformity and attestation of conformity
- 5.1 The manufacturer shall affix the UK marking and, under the...
- 5.2 The manufacturer shall draw up a written declaration of conformity...
- 5.3 The manufacturer shall draw up a written attestation of conformity...
6. Authorised representative

SCHEDULE 4 — Enforcement powers of the Health and Safety Executive and the Office for Nuclear Regulation under the 1974 Act

1. Enforcement powers under the 1974 Act
2. Modifications to the 1974 Act

SCHEDULE 5 — Compliance, withdrawal and recall notices

1. Compliance notice
2. Withdrawal notice
3. Recall notice
4. Interpretation

SCHEDULE 6 — EU Declaration of Conformity (No. XXXX)

1. Product model/product (product, type, batch or serial number):
2. Name and address of manufacturer and, where applicable, the authorised...
3. This declaration of conformity is issued under the sole responsibility...
4. Object of the declaration (identification of product allowing traceability; it...

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5. The object of the declaration described above is in conformity...
6. References to the relevant designated standards used or references to...
7. Where applicable, the approved body (name, number) performed (description of...
8. Additional information: Signed for and on behalf of: (place and...

Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016.