STATUTORY INSTRUMENTS

2016 No. 1101

CONSUMER PROTECTION
HEALTH AND SAFETY

The Electrical Equipment (Safety) Regulations 2016

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

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 [F1] in relation to measures for safety as respects electrical equipment [F2] and in relation to measures for consumer protection [F3].

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A [F4] of Schedule 2 to, the European Communities Act 1972.

F1 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). The enabling powers of section 2(2) were extended by virtue of the amendment of section 1(2) by section 1 of the European Economic Area Act 1993 (c.51).

F2 S.I. 1972/1811, superseded in relation to measures relating to consumer protection by S.I. 1993/2661.

F3 S.I. 1993/2661.

F4 Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008.

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 [F5];

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978 [F6]

"the 1987 Act" means the Consumer Protection Act 1987 [F7];

"the 1994 Regulations" means the Electrical Equipment (Safety) Regulations 1994 [F8];

[[F9]"authorised representative" means a person established within the EU appointed in accordance with regulation 14 (manufacturer's authorised representatives);**]**

[[F10]"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;**]**

[F11]...

"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 **[**[F12](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[F13]";

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

"electrical equipment" means any electrical equipment to which these Regulations apply;

[F14]...

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

[F15]...

[[F16]"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;**]**

[F17]...

"making available on the market" means any supply of electrical equipment for distribution, consumption or use on the **[**F18market 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);

F19...

"placing on the market" means the first making available of electrical equipment on the **[**F20market 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 339/93F21;

"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;

[F22"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;

[F23UK 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 F24;

"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.

(a) (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

F5 1974 c.37.

F6 S.I. 1978/1039 (N.I. 9).

F7 1987 c.43.

F8 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.

F9 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)

F10 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)**

F11 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)**

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)(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(l)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**

F13 1972 Chapter 9.

F14 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)**

F15 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)**

F16 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)**

F17 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)**

F18 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)**

F19 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)**

F20 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)**

F21 OJ L 218, 13.8.2008, p. 30.

F22 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)**

F23 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)**

F24 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 [F135];

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978 [F136]

"the 1987 Act" means the Consumer Protection Act 1987 [F137];

"the 1994 Regulations" means the Electrical Equipment (Safety) Regulations 1994 [F138];

[[F139]"authorised representative" means a person established within the **[**[F140]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 [F141];

"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 [F142]";

"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