STATUTORY RULES OF NORTHERN IRELAND

2000 No. 85

HEALTH AND SAFETY

Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 2000

Made - - - -	*14th March 2000*
Coming into operation	*24th April 2000*

The Department of Enterprise, Trade and Investment(**1**), being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to measures for safety and consumer protection as respects electrical equipment and any provisions concerning the composition, labelling, marketing, classification or description of electrical equipment, in exercise of the powers conferred on it by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 24th April 2000.

Interpretation

2.—(1) In these Regulations "the principal Regulations" means the Electrical Equipment for Explosive Atmospheres (Certification) Regulations (Northern Ireland) 1990(**4**).

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(**1**) Formerly the Department of Economic Development; *see* Article 3(5) of S.I.1999/283 (N.I. 1)
(**2**) S.I. 1972/1811
(**3**) 1972 c. 68
(**4**) S.R. 1990 No. 284; relevant amending Regulations are S.R. 1992 No. 256, S.R. 1995 No. 275, S.R. 1998 No. 77 and S.R. 1999 No. 124
(**5**) 1954 c. 33 (N.I.)

(2) In regulation 2(1), for the definition of "the Gassy Mines Directive" there shall be substituted —

""the Gassy Mines Directive" means Council Directive No.82/130/EEC(**6**) concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp, as adapted to technical progress by Commission Directive No. 88/35/EEC(**7**) and as amended by Commission Directive No. 91/269/EEC(**8**) and as further adapted to technical progress by Commission Directives No. 94/44/EC(**9**) and No. 98/65/EC(**10**);".

(3) For regulation 12(**11**) there shall be substituted the following regulation:—

"**Transitional provisions in respect of electrical equipment to which the Gassy Mines Directive applies**

12.—(1) The provisions of paragraphs (2) to (7) shall apply to electrical equipment to which the Gassy Mines Directive applies.

(2) Subject to paragraph (4), on or after 24th April 2000, a manufacturer of electrical equipment may apply to the certification body for a certificate of conformity attesting that the electrical equipment which is the subject of the application conforms to the harmonised standards prescribed for that equipment in the unamended Regulations; and in that case the provisions of the unamended Regulations, as appropriate, shall apply as if the application had been made under regulation 4 of those Regulations.

(3) Subject to paragraph (4), an application for a certificate of conformity made under regulation 4 of the unamended Regulations or for review under regulation 7 of those Regulations before 24th April 2000 shall continue to be dealt with under the unamended Regulations.

(4) A certificate of conformity shall not be issued by the certification body under paragraph (2) or (3) in respect of electrical equipment after 30th June 2003.

(5) Subject to regulation 6 and without prejudice to paragraph (6), a certificate of conformity issued in accordance with the unamended Regulations before 1st July 2003, in respect of electrical equipment irrespective of whether such certificate was issued before, on or after 24th April 2000, shall be regarded as in force for the purposes of regulation 11 (Use of the distinctive Community mark) until 30th June 2003.

(6) Subject to regulation 6, a certificate of conformity issued—

(a) before 1st January 1993 in accordance with regulation 12 of these Regulations as amended by the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1992(**12**) applying the harmonised standards in force immediately before 20th July 1992; or

(b) before 1st January 1997 in accordance with regulation 12 of these Regulations applying the harmonised standards in force immediately before 21st August 1995,

shall be regarded as in force for the purposes of the said regulation 11 until 30th June 2003.

(7) In this regulation references to "the unamended Regulations" mean these Regulations as in operation immediately before 24th April 2000.".

(**6**) O.J. No. L59, 2.3.82, p. 28
(**7**) O.J. No. L20, 26.1.88 p. 28
(**8**) O.J. No. L134, 29.5.91, p. 51
(**9**) O.J. No. L248, 23.9.94, p. 22
(**10**) O.J. No. L257, 19.9.98, p. 29
(**11**) Regulation 12 was inserted into the principal Regulations by regulation 3(2) of S.R. 1992 No. 256, subsequently substituted by regulation 3(3) of S.R. 1995 No. 275 and amended by regulation 3(3) of S.R. 1998 No. 77
(**12**) S.R. 1992 No. 256