STATUTORY RULES OF NORTHERN IRELAND

1998 No. 77

HEALTH AND SAFETY

Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*6th March 1998*
Coming into operation	*20th April 1998*

The Department of Economic Development, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) 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) 1998 and shall come into operation on 20th April 1998.

Interpretation

2.—(1) In these Regulations, "the principal Regulations" means the Electrical Equipment for Explosive Atmospheres (Certification) Regulations (Northern Ireland) 1990(**3**) and, for the purposes of regulation 3(3), "the Framework Directive" has the same meaning as in the principal Regulations.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendments to the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) for the definition of "the First Specific Directive" there shall be substituted —

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) S.R. 1990 No. 284; relevant amending Regulations are S.R. 1995 No. 275
(**4**) 1954 c. 33 (N.I.)

""the First Specific Directive" means Council Directive No.79/196/EEC(**5**) concerning electrical equipment for use in potentially explosive atmospheres employing certain types of protection, as adapted to technical progress by Commission Directives No. 84/47/EEC(**6**) and No. 88/571/EEC(**7**) and as amended by Council Directive No. 90/487/EEC(**8**) and as further adapted to technical progress by Commission Directives No. 94/26/EC(**9**) and No. 97/53/EC(**10**);".

(3) In regulation 12, the provisions in respect of electrical equipment to which the Framework Directive applies shall cease to have effect in relation to that equipment.

(4) After regulation 12 there shall be added the following regulation—

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

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

(2) Subject to paragraph (4), on or after 20th April 1998, 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 20th April 1998 shall continue to be dealt with under the unamended Regulations.

(4) Notwithstanding regulation 12(3)(*a*) of the unamended Regulations, a certificate of conformity shall not be issued by the certification body under paragraph (2) or (3) in respect of electrical equipment after 30th September 1998.

(5) Subject to regulation 6 and without prejudice to paragraph (6), a certificate of conformity issued in accordance with the unamended Regulations before 1st October 1998, irrespective of whether such certificate was issued before, on or after 20th April 1998, 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 before 1st March 1996 in accordance with regulation 12 of the principal regulations as in operation 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 20th April 1998.".

(**5**) O.J. No. L43, 20.2.79, p. 20
(**6**) O.J. No. L31, 2.2.84, p. 19
(**7**) O.J. No. L311, 17.11.88, p. 46
(**8**) O.J. No. L270, 2.10.90, p. 23
(**9**) O.J. No. L157, 24.6.94, p. 33
(**10**) O.J. No. L257, 20.9.97, p. 27; Article 1 of, and the Annex to, this Directive replaced Annex 1 to the First Specific Directive