1995 No. 275

HEALTH AND SAFETY

Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1995

Made	*3rd July 1995*
Coming into operation . .	*21st August 1995*

The Department of Economic Development, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) 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) 1995 and shall come into operation on 21st August 1995.

Interpretation

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

(2) The Interpretation Act (Northern Ireland) 1954(**d**) 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) and (3).

(2) In regulation 2(1)—

(*a*) for the definition of "the First Specific Directive" there shall be substituted—

" "the First Specific Directive" means Council Directive No. 79/196/EEC(**e**) concerning electrical equipment for use in potentially explosive atmospheres employing certain types of

(a) S.I. 1972/1811
(b) 1972 c. 68
(c) S.R. 1990 No. 284 as amended by S.R. 1991 No. 339 and S.R. 1992 No. 256
(d) 1954 c. 33 (N.I.)
(e) O.J. No. L43, 20.2.79, p. 20

protection, as adapted to technical progress by Commission Directives No. 84/47/EEC(**a**) and No. 88/571/EEC(**b**) and as amended by Council Directive No. 90/487/EEC(**c**) and as further adapted to technical progress by Commission Directive No. 94/26/EC(**d**);"; and

(*b*) for the definition of "the Gassy Mines Directive" there shall be substituted—

" "the Gassy Mines Directive" means Council Directive No. 82/130/EEC(**e**) 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(**f**) and as amended by Commission Directive No. 91/269/EEC(**g**) and as further adapted to technical progress by Commission Directive No. 94/44/EC(**h**);".

(3) For regulation 12 of the principal Regulations(**i**) there shall be substituted the following regulation:

"*Transitional provisions*

12.—(1) Subject to paragraph (3), on or after 21st August 1995, 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.

(2) Subject to paragraph (3), 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 21st August 1995 shall continue to be dealt with under the unamended Regulations.

(3) A certificate of conformity shall not be issued by the certification body under paragraph (1) or (2)—

(*a*) in respect of electrical equipment to which the Framework Directive applies, after 29th February 1996, or

(*b*) in respect of electrical equipment to which the Gassy Mines Directive applies, after 31st December 1996.

(4) Subject to regulation 6 and without prejudice to paragraph (5), a certificate of conformity issued in accordance with the unamended Regulations—

(**a**) O.J. No. L31, 2.2.84, p. 19
(**b**) O.J. No. L311, 17.11.88, p. 46
(**c**) O.J. No. L270, 2.10.90, p. 23
(**d**) O.J. No. L157, 24.6.94, p. 33
(**e**) O.J. No. L59, 2.3.82, p. 10
(**f**) O.J. No. L20, 26.1.88, p. 28
(**g**) O.J. No. L134, 29.5.91, p. 51
(**h**) O.J. No. L248, 23.9.94, p. 22
(**i**) Regulation 12 was inserted into the principal Regulations by regulation 3(2) of S.R. 1992 No. 256