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STATUTORY INSTRUMENTS

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**1989 No. 728**

**The Low Voltage Electrical  
Equipment (Safety) Regulations 1989**

**Citation and commencement**

1. These Regulations may be cited as the Low Voltage Electrical Equipment (Safety) Regulations 1989 and shall come into force on 1st June 1989.

**Revocations, disapplications and defence**

2.—(1) The Electric Blankets (Safety) Regulations 1971(1), the Electric Blankets (Safety) Regulations (Northern Ireland) 1972(2), the Electrical Equipment (Safety) Regulations 1975(3), the Electrical Equipment (Safety) (Amendment) Regulations 1976(4) and the Electrical Equipment (Safety) Regulations (Northern Ireland) 1977(5) are hereby revoked.

(2) The Heating Appliances (Fireguards) Regulations 1973(6) and the Heating Appliances (Fireguards) Regulations (Northern Ireland) 1975(7) shall cease to have effect in so far as they relate to electrical equipment.

(3) In any proceedings against a person for an offence under any of the relevant statutory provisions (as defined in section 53(1) of the Health and Safety at Work etc. Act 1974(8) or article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978(9)) which impose requirements with respect to any matter it shall be a defence for that person to show that the requirements of these Regulations were satisfied in relation to that matter.

(4) Where an improvement notice or a prohibition notice has been served on any person pursuant to section 21 or, as the case may be, section 22 of the Health and Safety at Work etc. Act 1974(10) (or pursuant to article 23 or, as the case may be, article 24 of the Health and Safety at Work (Northern Ireland) Order 1978(11)), if the person upon whom the notice was served appeals to an industrial tribunal pursuant to section 24 of the said Act (or article 26 of the said Order) and shows that the notice relates to any matter in respect of which the requirements of these Regulations are satisfied, the tribunal shall cancel the notice.

**Interpretation**

3.—(1) In these Regulations—  
“the 1987 Act” means the Consumer Protection Act 1987(12);

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(1) S.I. 1971/1961.

(2) S.R. & O. (N.I.) 1972 No. 69.

(3) S.I. 1975/1366.

(4) S.I. 1976/1208.

(5) S.R. (N.I.) 1977 No. 137.

(6) S.I. 1973/2106.

(7) S.R. (N.I.) 1975 No. 310.

(8) 1974 c. 37.

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

(10) S.I. 1974 c. 37.

(11) S.I. 1978/1039 (N.I.9); relevant amending instruments are S.I. 1984/1159 (N.I.9) and S.I. 1987/2049 (N.I.20).

(12) 1987 c. 43.

“CENELEC Harmonisation Documents HD 21” means those documents relating to polyvinyl chloride insulated cables which contain technical specifications relating to the construction and testing of flexible cables and cords, that is, harmonisation documents numbered HD 21.1 S2, HD 21.2 S2, HD 21.5 S2 all published on 1st July 1984 and Amendment 1 to harmonisation document HD 21.5 S2 published on 1st January 1988, subject to any amendments made to any document in the series and approved by the Secretary of State;

“CENELEC Harmonisation Documents HD 22” means those documents relating to rubber insulated cables which contain technical specifications relating to the construction and testing of flexible cables and cords, that is, harmonisation documents numbered HD 22.1 S2, HD 22.2 S2, HD 22.3 S2 and HD 22.4 S2 all published on 1st July 1984, subject to any amendments made to any document in the series and approved by the Secretary of State;

“Community certification body” means a body which has been notified under article 11 of the low voltage Directive as a body which may establish the marks and certificates in accordance with article 10 of that Directive;

“electrical equipment” means, unless the context otherwise requires, any electrical equipment to which these Regulations apply by virtue of regulation 4 below;

“harmonised standard” means a standard harmonised in accordance with article 5 of the low voltage Directive;

“international safety provision” means a safety provision of a standard which has been published by the International Commission on the Rules for the Approval of Electrical Equipment or the International Electrotechnical Commission and which has been published in the Official Journal of the Communities pursuant to article 6 of the low voltage Directive;

“the low voltage Directive” means Council Directive No. [73/23/EEC\(13\)](#) on the harmonisation of the laws of member States relating to electrical equipment designed for use within certain voltage limits;

“national safety provision” means a safety provision which has the force of law in a member State of the European Economic Community or which is contained in a standard published and not withdrawn by a national standards body, not being a safety provision which is to the same effect as a safety provision of a harmonised standard or as an international safety provision;

“national standards body” means a body which has been notified under article 11 of the low voltage Directive for the purposes of article 5 of that Directive;

“safe” has the same meaning as in section 19(1) of the 1987 Act, except that, for the purpose of these Regulations, the references in that subsection to “risk” shall be construed as including references to any risk of–

- (a) death or injury to domestic animals; and
- (b) damage to property;

and as excluding any risk arising from the improper installation or maintenance of the electrical equipment in question or from the use of the equipment in applications for which it is not made;

“safety provision” means a provision made for the purpose of ensuring that the equipment in question is safe;

“supply” (except in reference to the electricity supply) includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly.

(2) For the purposes of regulation 7(2) below a national safety provision is applicable to equipment in a particular member State of the European Economic Community if–

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(13) OJ No. L77, 26.3.73, p.29.

- (a) the provision has the force of law in that member State or the national standards body publishing it has its principal office there, and
  - (b) the equipment was not manufactured in any other member State of the European Economic Community.
- (3) Any reference in these Regulations to an electric shock is a reference to an electric shock of such severity as to be liable to cause death or personal injury.

### **Application**

4.—(1) Subject to paragraphs (2) and (3) below, these Regulations apply to any electrical equipment (including any electrical apparatus or device) designed or adapted for use with voltage (in the case of alternating current) of not less than 50 volts nor more than 1,000 volts or (in the case of direct current) of not less than 75 volts nor more than 1,500 volts.

(2) These Regulations do not apply to the electrical equipment set out in Schedule 1 to these Regulations.

(3) These Regulations do not apply to any electrical equipment supplied for export to a place which is not within any member State of the European Economic Community.

### **Requirement for electrical equipment to be safe etc.**

5.—(1) Electrical equipment shall be—

- (a) safe; and
- (b) constructed in accordance with principles generally accepted within the member States of the European Economic Community as constituting good engineering practice in relation to safety matters.

(2) Subject to regulations 6 and 7 below, in determining whether electrical equipment satisfies the requirements of paragraph (1) above due regard shall be had to the principal elements of the safety objectives for electrical equipment in Annex I to the low voltage Directive as set out in Schedule 2 to these Regulations.

(3) In determining whether electrical equipment satisfies the requirements of paragraph (1) above, no regard shall be had to any liability of the equipment to cause radio-electrical interference.

### **Harmonised standards**

6. Subject to regulation 8 below, electrical equipment which satisfies the safety provisions of harmonised standards shall be taken to satisfy the requirements of regulation 5(1) above.

### **Conformity with other standards and requirements**

7.—(1) Subject to regulation 8 below, where there are no relevant harmonised standards, electrical equipment which satisfies international safety provisions shall be taken to satisfy the requirements of regulation 5(1) above.

(2) Subject to regulation 8 below, where there are no relevant harmonised standards and no relevant international safety provisions, electrical equipment which—

- (a) has been manufactured in accordance with the national safety provisions applicable to that equipment in a member State and the compliance of the equipment with such provisions results in the equipment being at the time when the equipment is supplied in the United Kingdom at least as safe as it would be if it satisfied the requirements of regulation 5(1) above; or

(b) satisfies the safety provisions contained in standards published by national standards bodies which are approved in accordance with the provisions of the Approval of Safety Standards Regulations 1987<sup>(14)</sup> and which are appropriate to that equipment, shall be taken to satisfy the requirements of regulation 5(1) above.

(3) Electrical equipment to which the requirements of the relevant statutory provisions (as defined in section 53(1) of the Health and Safety at Work etc. Act 1974)<sup>(15)</sup> or article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978<sup>(16)</sup> apply shall be taken to satisfy the requirements of regulation 5(1) above if the requirements of those provisions are satisfied in relation to that equipment.

**Conditions which all electrical equipment (except that mentioned in regulation 7(3)) must satisfy in order to satisfy regulation 5(1).**

8. Electrical equipment, other than the equipment referred to in regulation 7(3) above, shall be taken to satisfy the requirements of regulation 5(1) above only if the conditions set out below are satisfied in relation to that equipment—

- (a) the equipment is designed and constructed to ensure that it is safe when connected to the electricity supply system and provides an equivalent level of protection against electric shock as equipment which relies on a combination of insulation and the protective earthing conductor contained within that system;
- (b) flexible cables and cords intended for the connection of equipment to the electricity supply system comply with CENELEC Harmonisation Documents HD 21 or HD 22 or an equivalent standard of safety; and
- (c) where it is necessary for the safe use of any equipment to which these regulations apply that the user should be aware of any particular characteristic of the equipment, the necessary information is given in markings on the equipment itself or, where this is not practicable, in a notice accompanying the equipment. It is not sufficient compliance with this condition to give the information only in a language other than English.

**Reports on safety etc. of electrical equipment**

9. Where any electrical equipment may not be taken by virtue of regulations 6 or 7 above to satisfy the requirements of regulation 5(1) above and the question of whether or not it satisfies those requirements has arisen (whether in any proceedings or otherwise) any report prepared by a body notified in accordance with the procedure set out in article 11 of the low voltage Directive for the purposes of article 8 of that Directive may be relied upon for the purpose of establishing that the equipment does in fact satisfy those requirements and due regard shall be had to any such report by any person or court by whom that question falls to be determined.

**Marks as to conformity**

10. Where electrical equipment bears a mark distinctive of a Community certification body or is accompanied by a certificate issued by such a body or, where such a certificate has not been issued or is not available, by a written declaration of conformity made by the manufacturer of the equipment, and the mark indicates, or the certificate or declaration is to the effect, that the equipment satisfies—

- (a) the safety provisions of harmonised standards;
- (b) international safety provisions; or

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<sup>(14)</sup> S.I. 1987/1911.

<sup>(15)</sup> 1974 c. 37.

<sup>(16)</sup> S.I. 1978/1039 (N.I.9).

(c) sub-paragraph (a) or (b) or regulation 7(2) above,  
then the equipment shall, unless the contrary be proved, be taken to satisfy those safety provisions, international safety provisions or the relevant sub-paragraph, as the case may be.

### **Prohibition on supply**

- 11.** No person shall supply—
- (a) any electrical equipment in respect of which the requirements of regulation 5(1) above are not satisfied; or
  - (b) any goods which are designed to be used as component parts of any type of electrical equipment to which these Regulations apply by virtue of regulation 4 above and which would, if so used, cause equipment of that type to contravene those requirements.

### **Duties of enforcement authorities**

- 12.** Every authority and council on whom a duty is imposed by virtue of section 27 of the 1987 Act—
- (a) shall have regard, in performing that duty in so far as it relates to any provision of these Regulations, to matters specified in any direction issued by the Secretary of State with respect to that provision; and
  - (b) shall give immediate notice to the Secretary of State of any suspension notice served by it or any application made by it for an order for forfeiture of any goods to which these Regulations apply or any other thing done in respect of any such goods for the purposes of or in connection with sections 14 to 17 of that Act.

### **Commencement of Proceedings**

**13.** In England, Wales and Northern Ireland a magistrates' court may try an information (in the case of England and Wales) or a complaint (in the case of Northern Ireland) in respect of an offence committed under section 12 of the 1987 Act in relation to a contravention of these Regulations if (in the case of England and Wales) the information is laid or (in the case of Northern Ireland) the complaint is made within twelve months from the time when the offence is committed, and in Scotland summary proceedings for such an offence may be begun at any time within twelve months from the time when the offence is committed.

### **Regulations to be treated as safety regulations within the meaning of the 1987 Act.**

- 14.—**(1) Subject to paragraph (2) below, these Regulations shall be treated for all purposes as if they were safety regulations within the meaning of section 45(1) of the 1987 Act.
- (2) Where a contravention of regulation 11 above arises from the supply of electrical equipment which fails to satisfy the requirements of regulation 5(1) above or of goods which would cause the relevant equipment to contravene those requirements because there is in each case a risk of death or injury to domestic animals or damage to property, or both, but no risk of the death of a person or of personal injury the person who contravenes regulation 11 shall be guilty of an offence punishable on summary conviction with imprisonment for not more than three months or with a fine not exceeding level five on the standard scale.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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26th April 1989

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