
STATUTORY INSTRUMENTS

2018 No. 390

**The Personal Protective Equipment
(Enforcement) Regulations 2018**

PART 1

Preliminary

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Personal Protective Equipment (Enforcement) Regulations 2018 and come into force on 21st April 2018.

(2) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974**(1)**;

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978**(2)**;

“the 1987 Act” means the Consumer Protection Act 1987**(3)**;

“the 2002 Regulations” means the Personal Protective Equipment Regulations 2002**(4)**;

“district council” means a district council within the meaning of the Local Government Act (Northern Ireland) 1972**(5)**;

“EU Regulation 2016/425” means Regulation (EU) No 2016/425**(6)** of the European Parliament and of the Council on personal protective equipment, repealing Council [Directive 89/686/EEC](#)**(7)**, as amended from time to time;

“RAMS” means Regulation [\(EC\) No 765/2008](#) of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation [\(EEC\) No 339/93](#)**(8)**, as amended from time to time;

“risk” means a risk which may result in harm to the health or safety of persons, domestic animals or property, if personal protective equipment (“PPE”) is used in a normal and predictable manner; and

“weights and measures authority” means a local weights and measures authority within the meaning set out in section 69 of the Weights and Measures Act 1985**(9)**.

(3) In these Regulations a reference to—

(1) 1974 c.37.

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

(3) 1987 c.43.

(4) S.I. 2002/1144 as amended by S.I. 2004/693, 2012/1848 and 2015/1630.

(5) 1972 Chapter 9.

(6) OJ No L81, 31.3.2016, p.51.

(7) OJ No L399, 30.12.1989, p.18.

(8) OJ No L 218, 13.8.2008, p.30.

(9) 1985 c.72; section 69 was amended by the Local Government (Wales) Act 1994 (c.19), section 66 and Schedule 16, paragraph 75; the Local Government etc. (Scotland) Act 1994 (c.39), section 180 and Schedule 13, paragraph 144; and the Statute Law (Repeals) Act 1989 (c.43) Schedule 1, Part 1.

- (a) a numbered regulation, paragraph or Schedule is a reference to the regulation, paragraph or Schedule as numbered in these Regulations unless otherwise stated;
 - (b) an Article, paragraph of an Article or Annex is a reference to the Article, paragraph of an Article or Annex as numbered in EU Regulation 2016/425;
 - (c) a “relevant economic operator” in relation to PPE means an economic operator with obligations in respect of PPE under EU Regulation 2016/425; and
 - (d) an “enforcement authority” is to be construed in accordance with regulation 4.
- (4) Expressions and words used in these Regulations which are used in EU Regulation 2016/425 have the same meaning as in EU Regulation 2016/425.

Application, transitional provisions, savings and revocation

- 2.—(1) These Regulations apply to PPE placed on the market on or after 21st April 2018.
- (2) These Regulations do not apply to PPE—
- (a) designed for the uses specified in Article 2(2)(a) to (d); or
 - (b) that falls within Article 2(2)(e).
- (3) Nothing in these Regulations prevents the showing of PPE at trade fairs, exhibitions, demonstrations or the like, which is not in compliance with the provisions of EU Regulation 2016/425, provided that a visible sign clearly indicates that such PPE does not comply with those provisions and that it is not for sale until it is made compliant.
- (4) The 2002 Regulations continue to apply, as if they had not been revoked, to PPE placed on the market before 21st April 2019⁽¹⁰⁾, and in any such case the consequential amendments made by Schedule 5 do not apply.
- (5) If, before 21st April 2019—
- (a) an EC type-examination certificate is issued by an approved body under the 2002 Regulations, pursuant to the EC type-examination procedure set out in Schedule 7 to those Regulations, or
 - (b) an approval decision is made under, and in accordance with, Part B of Schedule 8 (system for ensuring EC quality of production by means of monitoring) to the 2002 Regulations,
- that certificate or decision remains valid until 21st April 2023⁽¹¹⁾, or until its’ expiry date if earlier, for the purpose of satisfying the requirements of an EU declaration of conformity set out in paragraphs 7 or 8 of Annex IX.
- (6) The 2002 Regulations are revoked save to the extent required to give effect to paragraphs (4) and (5).

⁽¹⁰⁾ Article 47(1) of EU Regulation 2016/425 provides for PPE which is in conformity with Council [Directive 89/686/EEC](#) to be placed on the market until 21 April 2019. The 2002 Regulations transposed Council [Directive 89/686/EEC](#).

⁽¹¹⁾ Article 47(2) of the EU Regulation 2016/425 provides for EC type-examination certificates and approval decisions issued under Council [Directive 89/686/EEC](#) to remain valid until 21 April 2023 unless they expire before that date.