

1992 No. 256

HEALTH AND SAFETY**Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1992**

Made 5th June 1992

Coming into operation 20th July 1992

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) 1992 and shall come into operation on 20th July 1992.

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.

Amendment to the principal Regulations

3.—(1) In regulation 2(1) of the principal Regulations, in the definition of “the Gassy Mines Directive” there shall be inserted at the end “and as amended by Commission Directive No. 91/269/EEC(e)”.

(2) After regulation 11 of the principal Regulations there shall be inserted the following new regulation:—

(a) S.I. 1972/1811
 (b) 1972 c. 68
 (c) S.R. 1990 No. 284 to which there is an amendment not relevant to these Regulations
 (d) 1954 c. 33 (N.I.)
 (e) O.J. No. L134, 29.5.91, p. 51

“Transitional provisions

12.—(1) On or after 20th July 1992 a manufacturer of electrical equipment to which the Gassy Mines Directive applies may apply to the certification body for issue of a certificate of conformity before 1st January 1993 attesting that the equipment which is the subject of the application conforms to the harmonised standards prescribed 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) An application for a certificate of conformity made under regulation 4 or for review under regulation 7 of the unamended Regulations before 20th July 1992 shall continue to be dealt with under the unamended Regulations as if the Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations (Northern Ireland) 1992 had not been made; and, subject to regulation 6, a certificate of conformity issued before 1st January 1993, whether before, on or after 20th July 1992 in accordance with the principal Regulations (attesting that the electrical equipment to which the Gassy Mines Directive applies conforms to the harmonised standards prescribed in the unamended Regulations) or by virtue of paragraph (1) shall remain valid until 31st December 2009.

(3) In this regulation “the unamended Regulations” means these Regulations as in force immediately before 20th July 1992.”.

Sealed with the Official Seal of the Department of Economic Development on 5th June 1992.

(L.S.)

Suzanna Cooper

Assistant Secretary

(This note is not part of the Regulations.)

These Regulations amend the Electrical Equipment for Explosive Atmospheres (Certification) Regulations (Northern Ireland) 1990 (“the principal Regulations”) to give effect, with respect to Northern Ireland, to the provisions of the Commission Directive 91/269/EEC (“the Commission Directive”) adapting to technical progress Council Directive 82/130/EEC (“the Gassy Mines Directive”) concerning electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp.

Regulation 3(1) of these Regulations amends the definition of “the Gassy Mines Directive” in regulation 2(1) of the principal Regulations to give effect to Article 1 of the Commission Directive.

Regulation 3(2) of these Regulations inserts a new regulation 12 in the principal Regulations (transitional provisions). The new regulation permits a manufacturer of electrical equipment to which the Gassy Mines Directive applies who makes application to the Department of Economic Development for a certificate of conformity for issue before 1st January 1993 to apply for that certificate to be issued in accordance with regulation 4 of the principal Regulations as in force immediately before the coming into operation of these Regulations and in that case the provisions of the principal Regulations, as appropriate, will apply. It also preserves the application of the principal Regulations to, or in relation to, a certificate of conformity issued under those Regulations at any time before 1st January 1993 (whether issued before, on, or after, the coming into operation of these Regulations) (attesting that the electrical equipment to which the Gassy Mines Directive applies conforms to the harmonised standards prescribed in the principal Regulations) and it also provides that, subject to regulation 6 of the principal Regulations, such a certificate and a certificate of conformity issued by virtue of paragraph (1) of new regulation 12 in regulation 3(2) shall remain valid until 31st December 2009.