
EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations amend the Electrical Equipment for Explosive Atmospheres (Certification) Regulations (Northern Ireland) 1990, [S.R. 1990 No. 284](#), (“the principal Regulations”) to give effect, with respect to Northern Ireland, to the provisions of Commission Directive No. [97/53/EC](#) (O.J. No. L257, 20.9.97, p. 27) which further adapt to technical progress Council Directive No. [79/196/EEC](#) (O.J. No. L43, 20.2.79, p. 20) (“the First Specific Directive”) concerning electrical equipment for use in potentially explosive atmospheres employing certain types of protection.

2. The principal Regulations enable a manufacturer to apply to the Department of Economic Development for a certificate of conformity attesting that the electrical equipment, the subject of the application, conforms to the harmonised standards as defined in those Regulations. Regulation 3(2) of these Regulations extends the definition of the First Specific Directive in the principal Regulations in order to bring into effect updated harmonised standards.

3. In respect of electrical equipment to which Council Directive No. [76/117/EEC](#) (O.J. No. L24, 30.1.76, p. 45) (“the Framework Directive”) applies, regulation 3(3) provides that the provisions of regulation 12 in the principal Regulations (Transitional provisions) in respect of such equipment shall cease to have effect; regulation 12 will, however, continue to apply to electrical equipment to which Council Directive No. [82/130/EEC](#) (O.J. No. L59, 2.3.82, p. 10) (“the Gassy Mines Directive”) applies and to which the principal Regulations also relate.

4. Regulation 3(4) adds a new regulation 12A to the principal Regulations which substitutes the following transitional arrangements in respect only of electrical equipment to which the Framework Directive applies (paragraph (1)):

- (a) paragraph (2) enables a manufacturer of electrical equipment which applies to the Department of Economic Development for a certificate of conformity to have that equipment certified by reference to the harmonised standards in the principal Regulations as in force immediately before the coming into operation of these Regulations (in these Regulations referred to as “the unamended Regulations”). In that case the application is treated as if it had been made under the unamended Regulations. Paragraph (3) provides that applications for a certificate of conformity or a review before the coming into operation of these Regulations shall continue to be dealt with under the unamended Regulations;
- (b) however, the Department of Economic Development may not issue a certificate of conformity under either paragraph (2) or (3) after 30th September 1998 (paragraph (4));
- (c) paragraph (5) provides that certificates of conformity issued before 1st October 1998, irrespective of whether they were issued before, on or after the coming into operation of these Regulations, shall be regarded as in force for the purposes of regulation 11 (Use of the distinctive Community mark), subject to regulation 6 (Withdrawal of certificate), until 30th June 2003; and
- (d) paragraph (6) preserves the position in respect of certificates of conformity issued in accordance with the transitional provisions of regulation 12 of the principal Regulations (as in operation immediately before 21st August 1995) but includes provisions similar to those in paragraph (5) as regards the effectiveness of such certificates until 30th June 2003.

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

5. These Regulations also amend the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 1996 ([S.R. 1996 No. 247](#)) to include reference to them in regulation 1(2) in order to give effect to their revocation with effect from 1st July 2003.