
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 125

HEALTH AND SAFETY

**Equipment and Protective Systems Intended
for Use in Potentially Explosive Atmospheres
(Amendment) Regulations (Northern Ireland) 1999**

Made - - - - *16th March 1999*
Coming into operation *1st April 1999*

The Department of Economic Development, being a Department designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to measures relating to equipment and protective systems intended for use in potentially explosive atmospheres, 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 Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 1st April 1999.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the Department” means the Department of Economic Development;

“the Executive” means the Health and Safety Executive for Northern Ireland;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(1) S.I. 1995/751

(2) 1972 c. 68

(3) 1954 c. 33 (N.I.)

Amendment of the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 1996

3. The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 1996(4) shall be amended as follows—

- (a) in regulation 2(2), for the definition of “the Department” there shall be substituted, at the appropriate place in alphabetical order, the following definition—

““the Executive” means the Health and Safety Executive for Northern Ireland;”;
- (b) for the references to “the Department” in regulations 10(5), 12(1), (2), (4), (5) and (8), 13(1), 14(2)(a) and 15(2) and (4)(a) and (c) and in paragraphs 1(a), 2(1) and 4 of Schedule 13 there shall be substituted references to “the Executive”;
- (c) in regulation 13(1) the words “Without prejudice to the power of the Department, where it is a notified body, to charge fees pursuant to Regulations made under section 56 to the Finance Act 1973 and” and the words “other than the Department” shall be omitted.

References in statutory provisions, etc.

4.—(1) In the construction and for the purposes of any statutory provision, judgment, decree, order, award, deed, contract, regulation, bye-law, certificate or other document passed or made before the date of coming into operation of these Regulations, any reference to, or which is to be construed as a reference to, the Department shall, so far only as may be necessary for the purposes of these Regulations, be construed as a reference to the Executive.

(2) The transfer of functions from the Department to the Executive by these Regulations shall not affect any appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by or under the authority of the Department before the date of coming into operation of these Regulations, but any such matter shall, if in force immediately before that date, continue in force to the like extent and subject to the like conditions as if it has been duly made, given or done by or under the authority of the Executive.

(3) Anything commenced before the date of coming into operation of these Regulations by or under the authority of the Department may, so far as it relates to any function transferred to the Executive by these Regulations, be carried on or completed by or under the authority of the Executive.

(4) Where, at the date of coming into operation of these Regulations, any legal proceeding is pending to which the Department is a party and the proceeding relates to any of the functions transferred by these Regulations, the Executive shall be substituted in the proceeding for the Department, and the proceeding shall not abate by reason of the substitution.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

16th March 1999.

John J. L. Francey
Assistant Secretary

(4) [S.R. 1996 No. 247](#); to which there is an amendment not relevant to these Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 1996, [S.R. 1996 No. 247](#) (“the principal Regulations”), which implement as respects Northern Ireland the European Parliament and the Council Directive No. [94/9/EC](#) (OJ No. L100, 19.4.94, p. 1) on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres.

The Regulations provide for the Health and Safety Executive for Northern Ireland to assume the functions previously exercised by the Department of Economic Development under the principal Regulations.