

## STATUTORY INSTRUMENTS

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# 2016 No. 1101

## The Electrical Equipment (Safety) Regulations 2016

### PART 1

#### Preliminary

#### Interpretation **E+W+S**

2.—(1) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974 <sup>M1</sup>;

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978 <sup>M2</sup>

“the 1987 Act” means the Consumer Protection Act 1987 <sup>M3</sup>;

“the 1994 Regulations” means the Electrical Equipment (Safety) Regulations 1994 <sup>M4</sup>;

[<sup>F1</sup>“authorised representative” means a person established within the EU appointed in accordance with regulation 14 (manufacturer’s authorised representatives);]

[<sup>F2</sup>“declaration of conformity” means a declaration of conformity required to be drawn up in accordance with regulation 6 (declaration of conformity);]

“designated standard” has the meaning given to it in regulation 2A;]

<sup>F3</sup>  
...

“the Directive” means Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits [<sup>F4</sup>(as it has effect immediately before IP completion day)];

“distributor” means any person in the supply chain, other than the manufacturer or the importer, who makes electrical equipment available on the market;

“district council” means a district council within the meaning of the Local Government Act (Northern Ireland) 1972<sup>M5</sup>;

“economic operator” means a manufacturer, importer, distributor or authorised representative;

“electrical equipment” means any electrical equipment to which these Regulations apply;

<sup>F5</sup>  
...

“enforcing authority” means any person enforcing these Regulations under regulation 41 (enforcement);

<sup>F6</sup>  
...

[<sup>F7</sup>“importer” means a person who—

- (a) is established in the United Kingdom and places electrical equipment from a country outside of the United Kingdom on the market; or

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent*

*Changes to legislation: The Electrical Equipment (Safety) Regulations 2016, Section 2 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) is established in Northern Ireland and places electrical equipment on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;]

F8 ...

“making available on the market” means any supply of electrical equipment for distribution, consumption or use on the [F9 market of Great Britain] in the course of a commercial activity, whether in return for payment or free of charge, and related expressions are to be construed accordingly;

“manufacturer” means any person who—

- (a) manufactures electrical equipment, or has electrical equipment designed or manufactured; and
- (b) markets that electrical equipment under that person's name or trade mark;

“market surveillance authority”, in the United Kingdom, has the meaning set out in regulation 40 (designation of market surveillance authority);

F10 ...

“placing on the market” means the first making available of electrical equipment on the [F11 market of Great Britain], and related expressions are to be construed accordingly;

“principal elements of the safety objectives” means the principal elements of the safety objectives set out in Schedule 1;

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93<sup>M6</sup>;

“recall” means any measure aimed at achieving the return of electrical equipment that has already been made available to the end-user;

“relevant economic operator” means, in relation to electrical equipment, an economic operator with obligations in respect of that electrical equipment under these Regulations;

[F12“relevant international safety provision” means a safety provision of a standard set out by the International Commission on the Rules for the Approval of Electrical Equipment or the International Electrotechnical Commission, which has been published by the Secretary of State in a manner the Secretary of State considers appropriate;]

“technical documentation” means the documentation referred to in paragraph 2 of Schedule 2;

“technical specification” means a document that prescribes technical requirements to be fulfilled by electrical equipment;

[F13UK marking” means the marking in the form set out in Annex 2 of RAMS;]

“weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985<sup>M7</sup>;

“withdraw” means take any measure aimed at preventing electrical equipment in the supply chain from being made available on the market.

(2) In these Regulations, a reference to electrical equipment being “in conformity with Part 2” means that—

- (a) the electrical equipment is in conformity with the principal elements of the safety objectives; and
- (b) each relevant economic operator has complied, or is complying, in relation to the electrical equipment, with the obligations imposed on them under Part 2 of these Regulations

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which must be satisfied at or before the time at which they make the electrical equipment available on the market.

(3) In regulations 11 and 22 (monitoring), “risk” means a risk which could arise from lawful and readily predictable human behaviour.

(4) In the other provisions of these Regulations, “risk” means a risk—

(a) which could arise from lawful and readily predictable human behaviour; and

(b) which may result in harm to any of the following interests—

(i) the health and safety of persons;

(ii) domestic animals; or

(iii) property.

(5) (a) Subject to sub-paragraph (b), in these Regulations, a reference to a member State is to be read as a reference to an EEA State and references to the EU are to be read as references to the European Economic Area.

(b) Sub-paragraph (a) will not apply until the entry into force of any amendment made to Annex II (technical regulations, standards, testing and certification) to the EEA Agreement by a Decision of the EEA Joint Committee, inserting a reference to the Directive into that Annex.

#### Extent Information

**E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Textual Amendments

**F1** Words in reg. 2(1) substituted (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\)](#), [regs. 1, 84\(2\)](#) (with [regs. 3-5, 77](#))

**F2** Words in reg. 2(1) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 23 para. 2\(2\)\(c\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F3** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 23 para. 2\(2\)\(b\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F4** Words in reg. 2(1) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 23 para. 2\(2\)\(d\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#) and [S.I. 2020/852](#), [regs. 2\(2\), 4\(2\)](#), [Sch. 1 para. 1\(1\)\(ii\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F5** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 23 para. 2\(2\)\(e\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F6** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 23 para. 2\(2\)\(f\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F7** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 23 para. 2\(2\)\(g\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#) and [S.I. 2020/1460](#), [reg. 1\(4\)](#), [Sch. 3 para. 15\(2\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**F8** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 23 para. 2\(2\)\(h\)](#) (with [Sch. 23 para. 30](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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- F9** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 2(2)(i)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2, 4(11)(a)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 2(2)(j)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F11** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 2(2)(k)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2, 4(11)(b)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F12** Words in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 2(2)(l)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F13** Words in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 23 para. 2(2)(m)** (with Sch. 23 para. 30) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Marginal Citations

- M1** 1974 c.37.
- M2** S.I. 1978/1039 (N.I. 9).
- M3** 1987 c.43.
- M4** S.I. 1994/3260, revoked in relation to radio or telecommunications terminal equipment by S.I. 2000/730, amended by S.I. 2011/1043, S.I. 2014/469, S.I. 2015/1630.
- M5** 1972 Chapter 9.
- M6** OJ L 218, 13.8.2008, p. 30.
- M7** 1985 c.72; section 69 was amended by the Statute Law (Repeals) Act 1989 (c.43), **Schedule 1**, Part I, the Local Government etc. (Scotland) Act 1994 (c.39), **Schedule 13**, paragraph 144 and the Local Government (Wales) Act 1994 (c.19), **Schedule 16**, paragraph 75.

## Interpretation **N.I.**

### 2.—(1) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974 <sup>F14</sup>;

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978 <sup>F15</sup>

“the 1987 Act” means the Consumer Protection Act 1987 <sup>F16</sup>;

“the 1994 Regulations” means the Electrical Equipment (Safety) Regulations 1994 <sup>F17</sup>;

[<sup>F18</sup>“authorised representative” means a person established within the [<sup>F19</sup>relevant market] appointed in accordance with regulation 14 (manufacturer’s authorised representatives);]

“CE marking” means a marking which takes the form set out in Annex II of RAMS (as amended from time to time);

“the Directive” means Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits <sup>F20</sup>;

“distributor” means any person in the supply chain, other than the manufacturer or the importer, who makes electrical equipment available on the market;

“district council” means a district council within the meaning of the Local Government Act (Northern Ireland) 1972 <sup>F21</sup>;

“economic operator” means a manufacturer, importer, distributor or authorised representative;

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**Changes to legislation:** The Electrical Equipment (Safety) Regulations 2016, Section 2 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“electrical equipment” means any electrical equipment to which these Regulations apply;

“EU declaration of conformity” means a declaration of conformity required to be drawn up in accordance with regulation 6 (EU declaration of conformity and CE marking);

“enforcing authority” means any person enforcing these Regulations under regulation 41 (enforcement);

“harmonised standard” has the meaning given by Article 2(1)(c) of Regulation (EU) 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and the Council, and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and the Council <sup>F22</sup> (as amended from time to time);

“importer” means any person who—

- (a) is established within the [<sup>F23</sup>relevant market]; and
- (b) places electrical equipment from a [<sup>F24</sup>market outside of the relevant market on the relevant] market;

“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 pursuant to Article 13 of the Directive;

“making available on the market” means any supply of electrical equipment for distribution, consumption or use on the [<sup>F25</sup>relevant] market in the course of a commercial activity, whether in return for payment or free of charge, and related expressions are to be construed accordingly;

“manufacturer” means any person who—

- (a) manufactures electrical equipment, or has electrical equipment designed or manufactured; and
- (b) markets that electrical equipment under that person's name or trade mark;

“market surveillance authority”, in the United Kingdom, has the meaning set out in regulation 40 (designation of market surveillance authority);

“Official Journal” means the Official Journal of the European Union;

“placing on the market” means the first making available of electrical equipment on the [<sup>F26</sup>relevant] market, and related expressions are to be construed accordingly;

“principal elements of the safety objectives” means the principal elements of the safety objectives set out in Schedule 1;

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 <sup>F27</sup>;

“recall” means any measure aimed at achieving the return of electrical equipment that has already been made available to the end-user;

“relevant economic operator” means, in relation to electrical equipment, an economic operator with obligations in respect of that electrical equipment under these Regulations;

[<sup>F28</sup>“relevant market” means—

- (a) the market in Northern Ireland; and
- (b) the markets of the EEA states;

“relevant state” means—

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**Changes to legislation:** The Electrical Equipment (Safety) Regulations 2016, Section 2 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) Northern Ireland; or
- (b) any EEA state;]

“technical documentation” means the documentation referred to in paragraph 2 of Schedule 2;

“technical specification” means a document that prescribes technical requirements to be fulfilled by electrical equipment;

“weights and measures authority” means a local weights and measures authority within the meaning of section 69 of the Weights and Measures Act 1985<sup>F29</sup>;

“withdraw” means take any measure aimed at preventing electrical equipment in the supply chain from being made available on the market.

(2) In these Regulations, a reference to electrical equipment being “in conformity with Part 2” means that—

- (a) the electrical equipment is in conformity with the principal elements of the safety objectives; and
- (b) each relevant economic operator has complied, or is complying, in relation to the electrical equipment, with the obligations imposed on them under Part 2 of these Regulations which must be satisfied at or before the time at which they make the electrical equipment available on the market.

(3) In regulations 11 and 22 (monitoring), “risk” means a risk which could arise from lawful and readily predictable human behaviour.

(4) In the other provisions of these Regulations, “risk” means a risk—

- (a) which could arise from lawful and readily predictable human behaviour; and
- (b) which may result in harm to any of the following interests—
  - (i) the health and safety of persons;
  - (ii) domestic animals; or
  - (iii) property.

<sup>F30</sup>(5) .....

**Extent Information**

**E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

**Textual Amendments**

- F14** 1974 c.37.
- F15** S.I. 1978/1039 (N.I. 9).
- F16** 1987 c.43.
- F17** S.I. 1994/3260, revoked in relation to radio or telecommunications terminal equipment by S.I. 2000/730, amended by S.I. 2011/1043, S.I. 2014/469, S.I. 2015/1630.
- F18** Words in reg. 2(1) substituted (26.12.2017) by The Radio Equipment Regulations 2017 (S.I. 2017/1206), regs. 1, 84(2) (with regs. 3-5, 77)
- F19** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(a)**
- F20** OJ No L 96, 29.03.2014, p357.
- F21** 1972 Chapter 9.
- F22** OJ No L 316, 14.11.2012, p12.



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- F23** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(b)(i)**
- F24** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(b)(ii)**
- F25** Word in reg. 2(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(c)(i)**
- F26** Word in reg. 2(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(c)(ii)**
- F27** OJ L 218, 13.8.2008, p. 30.
- F28** Words in reg. 2(1) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(1)(d)**
- F29** 1985 c.72; section 69 was amended by the Statute Law (Repeals) Act 1989 (c.43), **Schedule 1**, Part I, the Local Government etc. (Scotland) Act 1994 (c.39), **Schedule 13**, paragraph 144 and the Local Government (Wales) Act 1994 (c.19), **Schedule 16**, paragraph 75.
- F30** Reg. 2(5) omitted (N.I.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 11 para. 2(2)**

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

**Changes to legislation:**

The Electrical Equipment (Safety) Regulations 2016, Section 2 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- reg. 2(1) words omitted by [S.I. 2024/696 reg. 14\(2\)](#)
- reg. 2(1) words substituted by [S.I. 2019/696 Sch. 23 para. 2\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 23 para. 2(2)(a) omitted immediately before IP completion day by virtue of S.I. 2020/1460, reg. 1(4), Sch. 3 para. 3)
- reg. 2(1) words substituted by [S.I. 2019/696 Sch. 23 para. 2\(2\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Sch. 23 para. 2(2)(i) substituted immediately before IP completion day by S.I. 2020/676, regs. 1(1), 4(11)(a))
- reg. 2(1) words substituted by [S.I. 2019/696 Sch. 23 para. 2\(2\)\(k\)](#) (This amendment not applied to legislation.gov.uk. Sch. 23 para. 2(2)(k) substituted immediately before IP completion day by S.I. 2020/676, regs. 1(1), 4(11)(b))
- reg. 2(1) words substituted in earlier amending provision S.I. 2019/696, Sch. 23 para. 2(2)(a) by [S.I. 2020/852 reg. 4\(2\) Sch. 1 para. 1\(1\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Sch. 1 para. 1(1)(i) omitted immediately before it comes into force by virtue of S.I. 2020/1460, regs. 1(3), Sch. 4 para. 1(3))