
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 90

HEALTH AND SAFETY

The Equipment and Protective Systems
Intended for Use in Potentially Explosive
Atmospheres Regulations (Northern Ireland) 2017

Made - - - - *15th June 2017*

Coming into operation *10th July 2017*

THE EQUIPMENT AND PROTECTIVE SYSTEMS
INTENDED FOR USE IN POTENTIALLY EXPLOSIVE
ATMOSPHERES REGULATIONS (NORTHERN IRELAND) 2017

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. Scope
4. Exceptions for trade fairs, exhibitions and demonstrations

PART 2

OBLIGATIONS OF ECONOMIC OPERATORS

CHAPTER 1

MANUFACTURERS

5. Design and manufacture in accordance with essential health and safety requirements
6. Technical documentation and conformity assessment
7. EU declaration of conformity and CE marking
8. Retention of technical documentation and EU declaration of conformity
9. Compliance procedures for series production
10. Monitoring
11. Labelling and packaging of products

12. Labelling and packaging of products, other than components
13. Information identifying manufacturer
14. Instructions and safety information
15. Duty to take action in respect of a product placed on the market which is considered not to be in conformity
16. Provision of information and cooperation
17. Authorised representatives

CHAPTER 2

IMPORTERS

18. Prohibition on placing on the market products which are not in conformity
19. Requirements which shall be satisfied before an importer places a product on the market
20. Prohibition on placing on the market products considered not to be in conformity with the essential health and safety requirements
21. Information identifying importer
22. Instructions and safety information
23. Storage and transport
24. Monitoring
25. Duty to take action in respect of a product placed on the market which is considered not to be in conformity
26. Provision of information and cooperation
27. Retention of technical documentation and EU declaration of conformity

CHAPTER 3

DISTRIBUTORS

28. Duty to act with due care
29. Requirements which shall be satisfied before a distributor makes a product available on the market
30. Storage and transport
31. Prohibition on making available on the market where product not considered to be in conformity with safety objectives
32. Duty to take action in respect of products made available on the market which are not in conformity
33. Provision of information and cooperation

CHAPTER 4

IMPORTERS AND DISTRIBUTORS

34. Cases in which obligations of manufacturers apply to importers and distributors

CHAPTER 5

ALL ECONOMIC OPERATORS

- 35. Identification of economic operators
- 36. Prohibition on improper use of CE marking
- 37. Translation of declaration of conformity

PART 3

CONFORMITY ASSESSMENT

- 38. Presumption of conformity
- 39. Conformity assessment procedures
- 40. EU declaration of conformity
- 41. CE marking
- 41A UK(NI) indication
- 41B Register of notified bodies established in the United Kingdom

PART 4

NOTIFICATION OF CONFORMITY ASSESSMENT BODIES

- 42. Notified bodies
- 43. Presumption of conformity of notified bodies
- 44. Notification
- 45. Contents of notification
- 46. Monitoring
- 47. United Kingdom Accreditation Service
- 48. Changes to notifications
- 49. Operational obligations of notified bodies
- 50. Subsidiaries and contractors

PART 5

MARKET SURVEILLANCE AND ENFORCEMENT

- 51. Designation of market surveillance authority
- 52. Enforcement
- 53. Enforcement powers
- 54. Exercise of enforcement powers
- 55. Evaluation of a product presenting a risk
- 56. Enforcement action in respect of products which are not in conformity and which present a risk
- 57. EU safeguard procedure
- 58. Enforcement action in respect of products which are in conformity, but present a risk
- 59. Enforcement action in respect of formal non-compliance
- 60. Restrictive measures
- 61. Offences
- 62. Penalties
- 63. Defence of due diligence
- 64. Liability of persons other than principal offender
- 65. Time limit for prosecution of offences
- 66. Service of documents
- 67. Recovery of expenses of enforcement

- 68. Action by the Executive
- 69. Appeals against notices
- 70. Appropriate court for appeals against notices

PART 6

MISCELLANEOUS

- 71. Transitional provisions
- 71A Transitional provision in relation to notification of conformity assessment bodies
- 72. Consequential amendments, revocations and savings
Signature

SCHEDULE 1 ESSENTIAL HEALTH AND SAFETY REQUIREMENTS

- ESSENTIAL HEALTH AND SAFETY REQUIREMENTS RELATING TO THE DESIGN AND CONSTRUCTION OF EQUIPMENT AND PROTECTIVE SYSTEMS INTENDED FOR USE IN POTENTIALLY EXPLOSIVE ATMOSPHERES (Annex II to the ATEX Directive)
- 1. Preliminary observations
 - COMMON REQUIREMENTS FOR EQUIPMENT AND PROTECTIVE SYSTEMS

General requirements

- 2. Principles of integrated explosion safety
- 3. Special checking and maintenance conditions
- 4. Surrounding area conditions
- 5. Marking
- 6. Instructions
- 7. Selection of materials
- 8. Design and construction
- 9. Enclosed structures and prevention of leaks
- 10. Dust deposits
- 11. Additional means of protection
- 12. Safe opening
- 13. Protection against other hazards
- 14. Overloading of equipment
- 15. Flameproof enclosure systems
 - POTENTIAL IGNITION SOURCES
- 16. Hazards arising from different ignition sources
- 17. Hazards arising from static electricity
- 18. Hazards arising from stray electric and leakage currents
- 19. Hazards arising from overheating
- 20. Hazards arising from pressure compensation operations
- 21. Hazards arising from external effects
- 22. Requirements in respect of safety-related devices
- 23. Control and display units

24. Requirements in respect of devices with a measuring function for explosion protection
 25. Risks arising from software
 26. Integration of safety requirements relating to the system
 27. Hazards arising from power failure
 28. Hazards arising from connections
 29. Placing of warning devices as parts of equipment
- SUPPLEMENTARY REQUIREMENTS IN RESPECT OF EQUIPMENT

Requirements applicable to equipment in equipment-group I

30. Requirements applicable to equipment in category M 1 of equipment-group I
31. Requirements applicable to equipment in category M 2 of equipment-group I

Requirements applicable to equipment in category 1 of equipment-group II

32. Explosive atmospheres caused by gases, vapours or mists
33. Explosive atmospheres caused by air and dust mixtures

Requirements applicable to equipment in category 2 of equipment-group II

34. Explosive atmospheres caused by gases, vapours or mists
35. Explosive atmospheres caused by air and dust mixtures

Requirements applicable to equipment in category 3 of equipment-group II

36. Explosive atmospheres caused by gases, vapours or mists
37. Explosive atmospheres caused by air and dust mixtures

Supplementary requirements in respect of protective systems

38. General requirements

Planning and design

39. Characteristics of materials
40. Pressure-relief systems
41. Explosion suppression systems
42. Explosion decoupling systems
43. Protective systems shall be capable of being integrated into a...

SCHEDULE NOTIFIED BODY REQUIREMENTS

2

1. A conformity assessment body shall be established in the United...
2. A conformity assessment body shall be a third party body...

3. A body belonging to a business association or professional federation...
 4. (1) A conformity assessment body, its top level management and...
 5. A conformity assessment body, its top level management and the...
 6. A conformity assessment body, its top level management and the...
 7. A conformity assessment body shall ensure that the activities of...
 8. A conformity assessment body and its personnel shall carry out...
 9. A conformity assessment body shall be capable of carrying out...
 10. A conformity assessment body shall have— (a) personnel with technical...
 11. A conformity assessment body shall have the means necessary to...
 12. The personnel responsible for carrying out conformity assessment activities shall...
 13. A conformity assessment body shall be able to demonstrate the...
 14. The remuneration of the top level management and the personnel...
 15. A conformity assessment body shall have, and shall satisfy the...
 16. A conformity assessment body shall ensure that its personnel observe...
 17. Paragraph 16 does not prevent the personnel from providing information...
 18. A conformity assessment body shall participate in, or ensure that...
- SCHEDULE 3
OPERATIONAL OBLIGATIONS OF NOTIFIED BODIES
1. A notified body shall carry out conformity assessments in accordance...
 2. A notified body shall carry out conformity assessments in a...
 3. A notified body shall perform its activities taking due account...
 4. A notified body shall respect the degree of rigour and...
 5. Where a notified body finds that essential health and safety...
 6. Where, in the course of the monitoring of conformity following...
 7. Where the notified body has required a manufacturer to take...
 8. Paragraph 9 applies where a notified body is minded to—...
 9. Where this paragraph applies, the notified body shall—
 10. A notified body shall inform the Executive of—
 11. A notified body shall make provision in its contracts with...
 12. A notified body shall provide other bodies notified under the...
 13. A notified body shall participate in the work of any...
 14. A notified body shall— (a) acknowledge receipt of the technical...
- SCHEDULE 4
ENFORCEMENT POWERS OF THE HEALTH AND SAFETY EXECUTIVE FOR NORTHERN IRELAND UNDER THE 1978 ORDER
1. Enforcement powers under the 1978 Order
 2. Modifications to the 1978 Order
- SCHEDULE 5
COMPLIANCE, WITHDRAWAL AND RECALL NOTICES
1. Compliance notice
 2. Withdrawal notice
 3. Recall notice
 4. Interpretation
- SCHEDULE 6
EU DECLARATION OF CONFORMITY (No. XXXX)
1. Product model/product (product, type, batch or serial number):

2. Name and address of manufacturer and, where applicable, the authorised...
 3. This declaration of conformity is issued under the sole responsibility...
 4. Object of the declaration (identification of product allowing traceability; it...
 5. The object of the declaration described above is in conformity...
 6. References to the relevant harmonised standards used or references to...
 7. Where applicable, the notified body (name, number) performed (description of...
 8. Additional information: Signed for and on behalf of: (place and...
- SCHEDULE
7
SCHEDULE
8
- AMENDMENTS
- REVOCATIONS
- Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations (Northern Ireland) 2017.