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STATUTORY INSTRUMENTS

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**2004 No. 571**

**EDUCATION, ENGLAND**

**The Education (Hazardous Equipment and Materials) (England) Regulations 2004**

<i>Made</i>	- - - -	<i>3rd March 2004</i>
<i>Laid before Parliament</i>		<i>9th March 2004</i>
<i>Coming into force</i>	- -	<i>1st April 2004</i>

The Secretary of State for Education and Skills, being satisfied in accordance with section 203(2) of the Education Act 2002<sup>(1)</sup> that the equipment and materials specified in these Regulations might endanger a person's health or safety, in exercise of the powers conferred upon the Secretary of State by sections 218(9)(b) and 232(5) of the Education Reform Act 1988<sup>(2)</sup> and sections 203(1), 210(7) and 214(1) of the Education Act 2002, hereby makes the following Regulations:

**Citation, commencement and application**

1. These Regulations may be cited as the Education (Hazardous Equipment and Materials) (England) Regulations 2004 and shall come into force on 1st April 2004.
2. These Regulations apply in relation to England only.

**Revocations**

3. The instruments mentioned in the Schedule are revoked to the extent specified in that Schedule.

**Hazardous equipment and materials**

- 4.—(1) This regulation applies in relation to the use of—
  - (a) any radioactive material which has a specific activity in excess of 100 becquerels per gram, or
  - (b) any equipment in which electrons are accelerated by a potential difference of at least 5 kilovolts other than—
    - (i) a television receiving set, or

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(1) 2002 c. 32; see section 212(1) for the definition of "regulations".  
(2) 1988 c. 40.

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**Status:** This is the original version (as it was originally made).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

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(ii) equipment designed primarily to produce visual images derived from video recordings, closed circuit television equipment or the output of a computer.

(2) The governing body of a further education institution shall prevent the use in the institution of such equipment or materials unless that use is for the time being approved by the Secretary of State.

(3) The Secretary of State shall withdraw an approval if at any time he is of the opinion that arrangements made in relation to the equipment or materials to which the approval applies for the health and safety of persons at the institution are inadequate.

(4) An approval for the purposes of this regulation may apply generally (subject to such exceptions, if any, as are specified therein) or only in a particular case.

3rd March 2004

*Alan Johnson*  
Minister of State  
Department for Education and Skills

SCHEDULE  
REVOCATIONS

Regulation 3

<i>Instruments revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Education (Schools and Further and Higher Education) Regulations 1989	S.I. <a href="#">1989/351</a>	Regulation 2, 4(1)(b), (c) and (d), 4(2);  in regulation 7(2) the words “or further or higher education institution” and “or institution”; and  regulations 10 to 13, Schedule 1 and Schedule 2
The Education Act 2002 (Commencement No. 6 and Transitional and Savings Provisions) Order 2003	S.I. <a href="#">2003/1667</a>	Paragraph 1 of the Schedule

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke regulation 7 of the Education (Schools and Further and Higher Education) Regulations 1989 so far as it applies to the use of hazardous equipment and materials in further education institutions. They make new provision concerning the use of hazardous equipment and materials in such institutions. They also revoke regulation 7, so far as it applies to the use of hazardous equipment and materials in higher education institutions, and Part III of those Regulations (which relates to designated courses of initial teacher training).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of businesses.