

## SCHEDULE 5

Regulation 19

### Consequential Amendments

#### **Amendment of the Personal Protective Equipment at Work Regulations 1992**

1. Regulation 4 (provision of personal protective equipment) of the Personal Protective Equipment at Work Regulations 1992<sup>(1)</sup> is amended as follows—

(a) for paragraph (3)(e) substitute the following—

“(e) it complies with any legal requirement which is applicable to that item of personal protective equipment.”; and

(b) after paragraph (4) insert—

“(5) In paragraph (3)(e), “any legal requirement” means any requirement of—

(a) an enactment (whether in an Act or instrument) which implements in Great Britain any provision on design or manufacture with respect to health or safety in any relevant Community Directive listed in Schedule 1; or

(b) Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).”.

#### **Amendment of the Control of Lead at Work Regulations 2002**

2. Regulation 6 (prevention or control of exposure to lead) of the Control of Lead at Work Regulations 2002<sup>(2)</sup> is amended as follows—

(a) in paragraph (7)(a) for “provision in the Personal Protective Equipment Regulations 2002” substitute “legal requirement”; and

(b) after paragraph (10) insert—

“(11) In paragraph (7)(a) “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).”.

#### **Amendment of the Control of Substances Hazardous to Health 2002**

3. Regulation 7 (prevention or control of exposure to substances hazardous to health) of the Control of Substances Hazardous to Health 2002<sup>(3)</sup> is amended as follows—

(a) in paragraph (9)(a) for “provision in the Personal Protective Equipment Regulations 2002” substitute “legal requirement”; and

(b) after paragraph (11) insert—

“(12) In paragraph (9)(a), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).”.

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(1) [S.I. 1992/2966](#). There are amendments not relevant to this instrument.

(2) [S.I. 2002/2676](#). There are amendments not relevant to this instrument.

(3) [S.I. 2002/2677](#). There are amendments not relevant to this instrument.

### **Amendment of the Control of Lead at Work Regulations (Northern Ireland) 2003**

4. Regulation 6 (prevention or control of exposure to lead) of the Control of Lead at Work Regulations (Northern Ireland) 2003(4) is amended as follows—

- (a) in paragraph (7)(a) for “provision in the Personal Protective Equipment Regulations 2002” substitute “legal requirement”; and
- (b) after paragraph (10) insert—

“(11) In paragraph (7)(a), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).”.

### **Amendment of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003**

5. Regulation 7 of the Control of Substances Hazardous to Health Regulations 2003(5) is amended as follows—

- (a) in paragraph (9)(a) for “provision in the Personal Protective Equipment Regulations 2002” substitute “legal requirement”; and
- (b) after paragraph (11) insert—

“(12) In paragraph (9)(a), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).”.

### **Amendment of the Enterprise Act 2002 (Part 9 Restrictions of Disclosure of Information) (Specification) Order 2004**

6. In Schedule 1 (specified subordinate legislation) to the Enterprise Act 2002 (Part 9 Restrictions of Disclosure of Information) (Specification) Order 2004(6) for “Personal Protective Equipment Regulations 2002” substitute “Personal Protective Equipment (Enforcement) Regulations 2018”.

### **Amendment of the Control of Noise at Work Regulations 2005**

7. Regulation 7 (hearing protection) of the Control of Noise at Work Regulations 2005(7) is amended as follows—

- (a) in paragraph (4) for “requirement of the Personal Protective Equipment Regulations 2002” substitute “legal requirement”; and
- (b) after paragraph (4) insert—

“(5) In paragraph (4), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).”.

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(4) [S.R. 2003/35](#). There are amendments not relevant to this instrument.  
(5) [S.R. 2003/34](#). There are amendments not relevant to this instrument.  
(6) [S.I. 2004/693](#). There are amendments not relevant to this instrument.  
(7) [S.I. 2005/1643](#). There are amendments not relevant to this instrument.

### **Amendment of the Control of Noise at Work Regulations (Northern Ireland) 2006**

8. Regulation 7 (hearing protection) of the Control of Noise at Work Regulations (Northern Ireland) 2006(8) is amended as follows—

- (a) in paragraph (4) for “requirement of the Personal Protective Equipment Regulations 2002” substitute “legal requirement”; and
- (b) after paragraph (4) insert—

“(5) In paragraph (4), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC (OJ No L81, 31.3.2016, p51).”.

### **Amendment of the Legislative and Regulatory Reform (Regulatory Functions) Order 2007**

9. The Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007(9) is amended as follows—

- (a) in Part 3, under the heading “Public health and safety”, omit “Personal Protective Equipment Regulations 2002” and at the end insert “Personal Protective Equipment (Enforcement) Regulations 2018”;
- (b) in Part 8, omit “Personal Protective Equipment Regulations 2002” and in the appropriate place insert “Personal Protective Equipment (Enforcement) Regulations 2018”; and
- (c) in Part 13, omit “Personal Protective Equipment Regulations 2002” and in the appropriate place insert “Personal Protective Equipment (Enforcement) Regulations 2018”.

### **Amendment of the REACH Enforcement Regulations 2008**

10. Schedule 5B (placing on the market and use of paint stripper containing dichloromethane) to the REACH Enforcement Regulations 2008(10) is amended as follows—

- (a) in paragraphs 2(b) and 3(a)(ii) for “the Personal Protective Equipment Regulations 2002” substitute “any legal requirement applicable to that equipment”; and
- (b) after paragraph 4 insert—

“5. In this Schedule “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC (OJ No L81, 31.3.2016, p51).”.

### **Amendment of the Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009**

11. The Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009(11) is amended as follows—

- (a) in Part 4 of Schedule 1, omit “Personal Protective Equipment Regulations 2002” and at the end insert “Personal Protective Equipment (Enforcement) Regulations 2018”; and

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(8) S.R. 2006/1. Paragraph (4) was amended by the Health and Safety (Miscellaneous Amendments and Revocation) Regulations (Northern Ireland) 2009 (S.R. 2009/227).

(9) S.I. 2007/3544. There are amendments not relevant to this instrument.

(10) S.I. 2008/2852. There are amendments not relevant to this instrument.

(11) S.I. 2009/669. There are amendments not relevant to this instrument.

*Status: This is the original version (as it was originally made).*

- (b) in Part 2 of Schedule 2, omit “Personal Protective Equipment Regulations 2002” and in the appropriate place insert “Personal Protective Equipment (Enforcement) Regulations 2018”.

#### **Amendment of the Control of Asbestos Regulations 2012**

**12.** Regulation 11 (prevention or reduction of exposure to asbestos) of the Control of Asbestos Regulations 2012(**12**) is amended as follows—

- (a) in paragraph (4)(a) for “provision of the Personal Protective Equipment Regulations 2002” substitute “legal requirement”; and
- (b) after paragraph (5) insert—

“(6) In paragraph (4)(a), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).”.

#### **Amendment of the Control of Asbestos Regulations (Northern Ireland) 2012**

**13.** Regulation 11 (prevention or reduction of exposure to asbestos) of the Control of Asbestos Regulations (Northern Ireland) 2012(**13**) is amended as follows—

- (a) in paragraph (4)(a) for “provision of the Personal Protective Equipment Regulations 2002” substitute “legal requirement”; and
- (b) after paragraph (5) insert—

“(6) In paragraph (4)(a), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).”.

#### **Amendment of the Ionising Radiations Regulations 2017**

**14.** Regulation 10 (personal protective equipment) of the Ionising Radiations Regulations 2017(**14**) is amended as follows—

- (a) in paragraph (1)(a) for “provision of the Personal Protective Equipment Regulations 2002” substitute “legal requirement”; and
- (b) after paragraph (2) insert—

“(3) In paragraph (1)(a), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).”.

#### **Amendment of the Ionising Radiations Regulations (Northern Ireland) 2017**

**15.** Regulation 10 (personal protective equipment) of the Ionising Radiations Regulations (northern Ireland) 2017(**15**) is amended as follows—

- (a) in paragraph (1)(a) for “provision of the Personal Protective Equipment Regulations 2002” substitute “legal requirement”; and

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(12) [S.I. 2012/632](#). There are amendments not relevant to this instrument.

(13) [S.R. 2012/179](#). There are amendments not relevant to this instrument.

(14) [S.I. 2017/1075](#). There are amendments not relevant to this instrument.

(15) [S.R. 2017/229](#). There are amendments not relevant to this instrument.

(b) after paragraph (2) insert—

“(3) In paragraph (1)(a), “legal requirement” means any requirement of the Personal Protective Equipment Regulations 2002 or Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council [Directive 89/686/EEC](#) (OJ No L81, 31.3.2016, p51).”.