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STATUTORY INSTRUMENTS

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**2002 No. 2776**

**The Dangerous Substances and Explosive  
Atmospheres Regulations 2002**

**Transitional provisions**

17.—(1) The requirements of regulation 7(2) and Schedule 3 shall not apply to equipment and protective systems for use in places where explosive atmospheres may occur which are or have been in use or made available at the workplace on or before 30th June 2003.

(2) Subject to paragraphs (1) and (3), a workplace which contains places where explosive atmospheres may occur—

(a) which is or has been in use on or before 30th June 2003 shall comply with the requirements of regulations 7 and 11 no later than 30th June 2006 and the employer's duties under those regulations in respect of such a workplace shall apply accordingly;

(b) which is used for the first time after 30th June 2003 shall comply with the requirements of regulations 7 and 11 from the date that it is first used and the employer's duties under those regulations in respect of such a workplace shall apply accordingly.

(3) If, after 30th June 2003, any modification, extension or restructuring is undertaken in workplaces containing places where explosive atmospheres may occur, the employer shall take the necessary steps to ensure that the modification, extension or restructuring complies with the requirements of regulations 7 and 11 and the employer's duties under those regulations and in respect of such a modification, extension or restructuring shall apply accordingly.

(4) Notwithstanding the amendment made to section 2(1) of the Petroleum (Consolidation) Act 1928(1) (provisions as to licences) made by regulation 15(1) and paragraph 2(1) and (2) of Schedule 6, a petroleum-spirit licence applying in any harbour which was granted by a harbour authority pursuant to section 2 of that Act and which is in force immediately before the date of the coming into force of regulation 15(1) and paragraph 2(1) and (2) of Schedule 6 shall continue in force in accordance with such conditions as were attached to it before that date, except that, where it makes provision for the renewal of the licence by the harbour authority, it shall have effect as if it provided for its renewal by the licensing authority under section 2(1)(a) or (c) of that Act for the area in which the harbour is situated; and any application for renewal made to the harbour authority before that date and not determined at that date shall have effect as if it had been made to that licensing authority.

(5) Notwithstanding the repeal of section 9 of the Petroleum (Consolidation) Act 1928 (byelaws as to loading, conveyance and landing of petroleum-spirit in and upon canals) by regulation 16(1) and Part 1 of Schedule 7, byelaws made or having effect under that section in force immediately before the date of the coming into force of regulation 16(1) and Part 1 of Schedule 7 shall continue in force.

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(1) 1928 c. 32. Section 2(1) is amended by the Local Government Act 1972 (c. 70) section 251 and Schedule 29, Part II paragraph 32, by the Local Government Act 1985 (c. 51) section 37 and Schedule II paragraph 4, by the Local Government (Wales) Act 1994 (c. 19) section 22(3) and Schedule 9 paragraph 2 and by S.I. 1995/2923.