

---

STATUTORY INSTRUMENTS

---

**2002 No. 2776**

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

**Application**

**3.—**(1) These Regulations, apart from regulations 15, 16 and 17(4) to (5), shall not apply to the master or crew of a ship or to the employer of such persons in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master and, for the purposes of this paragraph—

- (a) “ship” includes every description of vessel used in navigation, other than a ship forming part of Her Majesty's Navy or an offshore installation; and
- (b) the reference to the normal ship-board activities of a ship's crew includes—
  - (i) the construction, reconstruction or conversion of a ship outside, but not inside, Great Britain; and
  - (ii) the repair of a ship save repair when carried out in dry dock.

(2) Regulations 5(4)(c), 7 and 11 shall not apply to—

- (a) areas used directly for and during the medical treatment of patients;
- (b) the use of gas appliances burning gaseous fuel (that is to say, any fuel which is in a gaseous state at a temperature of 15°C under a pressure of 1 bar) which—
  - (i) are used for cooking, heating, hot water production, refrigeration, lighting or washing; and
  - (ii) have, where applicable, a normal water temperature not exceeding 105°C including forced draught burners and heating bodies to be equipped with such burners but not including an appliance specifically designed for use in an industrial process carried out on industrial premises;
- (c) gas fittings within the meaning of the Gas Safety (Installation and Use) Regulations 1998<sup>(1)</sup> located in domestic premises, not being gas appliances falling within subparagraph (b);
- (d) the manufacture, handling, use, storage and transport of explosives or chemically unstable substances;
- (e) any activity at a mine within the meaning of section 180 of the Mines and Quarries Act 1954<sup>(2)</sup> carried out for the purposes of the mine;
- (f) any activity at a quarry within the meaning of regulation 3 of the Quarries Regulations 1999<sup>(3)</sup> carried out for the purposes of the quarry;

---

(1) S.I. 1998/2451.

(2) 1954 c. 70, extended by the Mines and Quarries (Tips) Act 1969 (c. 10) and the Mines Management Act 1971 (c. 20); relevant amending instruments are S.I. 1974/2013, 1976/2063 and 1993/1897.

(3) S.I. 1999/2024.

- (g) any activity at a borehole site within the meaning of regulation 2(1) of the Borehole Sites and Operations Regulations 1995<sup>(4)</sup> carried out for the purposes of the borehole site;
  - (h) any activity at an offshore installation carried out for the purposes of the offshore installation; and
  - (i) the use of means of transport by land, water or air which is regulated by international agreements and the European Community Directives giving effect to them insofar as they fall within the disapplication in Article 1.2.(e) of Council Directive 99/92/EC on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres<sup>(5)</sup>, except for any means of transport intended for use in a potentially explosive atmosphere.
- (3) Regulations 5(2)(f), (g), (h) and (i), 6(4)(d), 6(5)(b) and (e) and 8(1)(d) and (e) and the requirements of paragraphs 5 and 6 of Schedule 1 shall not apply to any activity at an offshore installation carried out for the purposes of the offshore installation.

---

<sup>(4)</sup> S.I. 1995/2038.

<sup>(5)</sup> OJ No. L 23, 28.1.00, p. 57.