

SCHEDULE 2

Regulation 14(1)

MODIFICATIONS

PART I

THE FACTORIES ACT 1961(1)

1. In section 30(6), for “breathing apparatus of a type approved by the chief inspector”, substitute “suitable breathing apparatus”.

PART II

THE COAL AND OTHER MINES (FIRE AND RESCUE) ORDER 1956(2)

2. In Schedule 1, in regulation 23(a), for “breathing apparatus of a type approved by the Minister”, substitute “suitable breathing apparatus”.

3. In Schedule 1, in regulation 23(b), for “smoke helmets or other apparatus serving the same purpose, being helmets or apparatus of a type approved by the Minister,”, substitute “suitable smoke helmets or other suitable apparatus serving the same purpose”.

4. In Schedule 1, in regulation 24(a), for “smoke helmet or other apparatus serving the same purpose, being a helmet or other apparatus of a type approved by the Minister,”, substitute “suitable smoke helmet or other suitable apparatus serving the same purpose”.

PART III

THE SHIPBUILDING AND SHIP-REPAIRING REGULATIONS 1960

5. In each of regulations 50, 51(1) and 60(1), for “breathing apparatus of a type approved for the purpose of this Regulation”, substitute “suitable breathing apparatus”.

PART IV

THE COAL MINES (RESPIRABLE DUST) REGULATIONS 1975(3)

6. In regulation 10(a), for “dust respirators of a type approved by the Executive for the purpose of this Regulation”, substitute “suitable dust respirators”.

PART V

THE CONTROL OF LEAD AT WORK REGULATIONS 1980

7. In regulation 7—

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- (1) 1961 c. 34; in section 30(6), by virtue of [S.I. 1974/1941](#), references to the chief inspector are to be construed as references to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised to act for the purposes of the provision in question.
- (2) [S.I. 1956/1768](#); to which there are amendments not relevant to these Regulations.
- (3) [S.I. 1975/1433](#); to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made).

- (a) after “respiratory protective equipment”, insert “which complies with regulation 8A or, where the requirements of that regulation do not apply, which is”; and
- (b) after “as will”, insert “, in either case,”.

8. In regulation 8, for “adequate protective clothing”, substitute “protective clothing which complies with regulation 8A or, where no requirement is imposed by virtue of that regulation, is adequate”.

9. After regulation 8, insert the following new regulations—

“Compliance with relevant Community directives

8A. Any respiratory protective equipment or protective clothing shall comply with any enactment (whether in an Act or instrument) which implements any provision on design or manufacture with respect to health or safety in any relevant Community directive listed in Schedule 1 to the Personal Protective Equipment at Work Regulations 1992 which is applicable to that item of respiratory protective equipment or protective clothing.

Assessment of respiratory protective equipment or protective clothing

8B.—(1) Before choosing respiratory protective equipment or protective clothing, an employer shall make an assessment to determine whether it will satisfy regulation 7 or 8, as appropriate.

(2) The assessment required by paragraph (1) shall involve—

- (a) definition of the characteristics necessary to comply with regulation 7 or, as the case may be, 8, and
- (b) comparison of the characteristics of respiratory protective equipment or protective clothing available with the characteristics referred to in sub-paragraph (a) of this paragraph.

(3) The assessment required by paragraph (1) shall be revised if—

- (a) there is reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the work to which it relates,

and, where, as a result of the review, changes in the assessment are required, the employer shall make them.”.

10. In regulation 9, for sub-paragraph (b), substitute the following sub-paragraph—

“(b) where he is required under regulations 7 or 8 to provide respiratory protective equipment or protective clothing, adequate changing facilities and adequate facilities for the storage of—

- (i) the respiratory protective equipment or protective clothing, and
- (ii) personal clothing not worn during working hours.”.

11. At the end of regulation 13, add the following new paragraph—

“(3) Every employee shall take all reasonable steps to ensure that any respiratory protective equipment provided to him pursuant to regulation 7 and protective clothing provided to him pursuant to regulation 8 is returned to the accommodation provided for it after use.”

12. In regulation 18(2), omit the full stop and add “and that any provision imposed by the European Communities in respect of the encouragement of improvements in the safety and health of workers at work will be satisfied.”.

PART VI

THE IONISING RADIATIONS REGULATIONS 1985

13. In regulation 23(1), after “that respiratory protective equipment”, insert “complies with paragraph (1A) or, where no requirement is imposed by that paragraph,”.

14. After regulation 23(1), insert the following paragraphs—

“(1A) For the purposes of paragraph (1), personal protective equipment complies with this paragraph if it complies with any 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 to the Personal Protective Equipment at Work Regulations 1992 which is applicable to that item of personal protective equipment.

(1B) Before choosing personal protective equipment, an employer shall make an assessment to determine whether it will satisfy regulation 6(3).

(1C) The assessment required by paragraph (1B) shall involve—

- (a) definition of the characteristics necessary to comply with regulation 6(3), and
- (b) comparison of the characteristics of available personal protective equipment with the characteristics referred to in sub-paragraph (a) of this paragraph.

(1D) The assessment required by paragraph (1B) shall be reviewed if—

- (a) there is reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the work to which it relates,

and where, as a result of the review, changes in the assessment are required, the employer shall make them.”.

15. Add at the end of regulation 23 the following additional paragraphs—

“(2A) Every employer shall ensure that appropriate accommodation is provided for personal protective equipment when it is not being worn.

(2B) Every employee shall take all reasonable steps to ensure that personal protective equipment provided to him is returned to the accommodation provided for it after use.”.

PART VII

THE CONTROL OF ASBESTOS AT WORK REGULATIONS 1987

16. In regulation 8(3), after “shall” the first time that word appears, insert “comply with paragraph (3A) or, where no requirement is imposed by that paragraph, shall”.

17. Insert the following new paragraph after regulation 8(3)—

“(3A) Any respiratory protective equipment provided in pursuance of paragraph (2) or protective clothing provided in pursuance of regulation 11(1) shall comply with this paragraph if it complies with any 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 to the Personal Protective Equipment at Work Regulations 1992 which is applicable to that item of respiratory protective equipment or protective clothing.”.

18. In regulation 20(2), omit the fullstop and add “and that any provision imposed by the European Communities in respect of the encouragement of improvements in the safety and health of workers at work will be satisfied.”.

PART VIII

THE CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 1988

- 19.** In regulation 7, after paragraph (3), insert the following new paragraph—

“(3A) Any personal protective equipment provided by an employer in pursuance of this regulation shall comply with any 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 to the Personal Protective Equipment at Work Regulations 1992 which is applicable to that item of personal protective equipment.”.

- 20.** In regulation 7, in paragraph (6)(b), insert at the beginning “complies with paragraph (3A) or, where no requirement is imposed by virtue of that paragraph,”.

- 21.** In regulation 8(2), after “these regulations”, insert “and shall take all reasonable steps to ensure it is returned after use to any accommodation provided for it”.

PART IX

THE NOISE AT WORK REGULATIONS 1989

- 22.** Add the following new paragraph at the end of regulation 8—

“(3) Any personal ear protectors provided by virtue of this regulation shall comply with any 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 to the Personal Protective Equipment at Work Regulations 1992 which is applicable to those ear protectors.”.

PART X

THE CONSTRUCTION (HEAD PROTECTION) REGULATIONS 1989

- 23.** Add the following paragraphs at the end of regulation 3—

“(3) Any head protection provided by virtue of this regulation shall comply with any enactment (whether in an Act or instrument) which implements any provision on design or manufacture with respect to health or safety in any relevant Community directive listed in Schedule 1 to the Personal Protective Equipment at Work Regulations 1992 which is applicable to that head protection.

(4) Before choosing head protection, an employer or self-employed person shall make an assessment to determine whether it is suitable.

(5) The assessment required by paragraph (4) of this regulation shall involve—

- (a) the definition of the characteristics which head protection must have in order to be suitable;
- (b) comparison of the characteristics of the protection available with the characteristics referred to in sub-paragraph (a) of this paragraph.

(6) The assessment required by paragraph (4) shall be reviewed if—

- (a) there is reason to suspect that it is no longer valid; or

(b) there has been a significant change in the work to which it relates, and where as a result of the review changes in the assessment are required, the relevant employer or self-employed person shall make them.

(7) Every employer and every self-employed person shall ensure that appropriate accommodation is available for head protection provided by virtue of these Regulations when it is not being used.”.

24. For regulation 6(4), substitute the following paragraph—

“(4) Every employee or self-employed person who is required to wear suitable head protection by or under these Regulations shall—

(a) make full and proper use of it; and

(b) take all reasonable steps to return it to the accommodation provided for it after use.”.

25. In regulation 9(2), omit the full stop and add “and that any provision imposed by the European Communities in respect of the encouragement of improvements in the safety and health of workers at work will be satisfied.”.