

SCHEDULE

Article 3

AMENDMENTS OF INSTRUMENTS

PART I

NEW DEFINITIONS

The new definitions mentioned in Part II of this Schedule are as follows:—

“appointed doctor” means a fully registered medical practitioner appointed by written certificate of the Chief Employment Medical Adviser or of a Deputy Chief Employment Medical Adviser for such of the purposes of these Regulations as are specified in the certificate; and

“employment medical adviser” means an employment medical adviser appointed under the provisions of the Employment Medical Advisory Service Act 1972.

PART II

AMENDMENTS

| Instrument | Amendment |
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| Regulations, dated 21st January 1907, with respect to the manufacture of paints and colours, S.R. & O. 1907/17 (Rev. VII, p. 400: 1907, p. 139). | <p>The new definitions set out in Part I of this Schedule shall be inserted among the definitions.</p> <p>For references to the certifying or appointed surgeon, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 4, the second paragraph shall be omitted.</p> <p>For Regulation 5, there shall be substituted the following Regulation:—</p> <p>“5. A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in a lead process or at the roller mills would involve special danger to his health, shall not be employed in any such process or place unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor”.</p> <p>For Regulation 12, there shall be substituted the following Regulation:—</p> <p>“12. No person shall work in a lead process or at the roller mills while it is to his knowledge unlawful under Regulation 5 for him to be employed in such a process or place”.</p> |

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| <p>Regulations, dated 6th August 1907, with respect to the process of the manipulation of yarn dyed by means of a lead compound, S.R. & O. 1907/616 (Rev. VII, p. 472: 1907, p. 142).</p> | <p>The definitions of “surgeon” and “suspension” shall be omitted from the definitions.</p> <p>The new definitions set out in Part I of this Schedule shall be inserted among the definitions.</p> <p>For other references to the surgeon, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 4, for the second paragraph there shall be substituted the following paragraph:—</p> <p>“A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in the heading of yarn dyed by means of a lead compound would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 8, for paragraph (a) there shall be substituted the following paragraph:—</p> <p>“(a) work in the heading of yarn dyed by means of a lead compound while it is to his knowledge unlawful under Regulation 4 for him to be employed in such a process”.</p> |
| <p>Regulations, dated 18th December 1908, with respect to the process of vitreous enamelling of metal or glass, S.R. & O. 1908/1258 (Rev. VII, p. 312: 1908, p. 336).</p> | <p>The definitions of “surgeon” and “suspension” shall be omitted from the definitions.</p> <p>The new definitions set out in Part I of this Schedule shall be inserted among the definitions.</p> <p>For other references to the surgeon, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>For Regulation 10, there shall be substituted the following Regulation:—</p> <p>“10. A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in an enamelling process would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor”.</p> |

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| Regulations, dated 30th June 1909, with respect to the coating of metal articles with a mixture of tin and lead, or lead alone, S.R. & O. 1909/720 (Rev. VII, p. 455: 1909, p. 301). | <p>In Regulation 15, for paragraph (a) there shall be substituted the following paragraph:—</p> <p>“(a) work in any enamelling process while it is to his knowledge unlawful under Regulation 10 for him to be employed in such a process;”</p> <p>The definitions of “surgeon” and “suspension” shall be omitted from the definitions.</p> <p>The new definitions set out in Part I of this Schedule shall be inserted among the definitions.</p> <p>For other references to the surgeon, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 6, for the second paragraph there shall be substituted the following paragraph:—</p> <p>“A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in tinning would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 11, for paragraph (a) there shall be substituted the following paragraph:—</p> <p>“(a) work in tinning while it is to his knowledge unlawful under Regulation 6 for him to be employed in such a process;”</p> |
| Regulations, dated 12th August 1911, with respect to the smelting and manufacture of lead and flaked litharge, S.R. & O. 1911/752 (Rev. VII, p. 369: 1911, p. 55). | <p>The definitions of “surgeon” and “suspension” shall be omitted from the definitions.</p> <p>The new definitions set out in Part I of this Schedule shall be inserted among the definitions.</p> <p>For other references to the surgeon, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 13, for paragraph (c) there shall be substituted the following paragraph:—</p> <p>“(c) A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in any lead process would involve special</p> |

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| <p>Regulations, dated 23rd August 1921, with respect to the manufacture of any carbonate, sulphate, nitrate or acetate of lead, S.R. & O. 1921/1443 (Rev. VII, p. 374: 1921, p. 246).</p> | <p>danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor”.</p> <p>For Regulation 18, there shall be substituted the following Regulation:—</p> <p>“18. No person shall work in a lead process while it is to his knowledge unlawful under Regulation 13 for him to be employed in such a process”.</p> <p>The definitions of “surgeon” and “suspension” shall be omitted from the definitions.</p> <p>The new definitions set out in Part I of this Schedule shall be inserted among the definitions.</p> <p>For other references to the surgeon, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 11—</p> <p>(a) in paragraph (a) the words from “who shall have the power” to the end of the paragraph shall be omitted; and</p> <p>(b) for paragraph (b), there shall be substituted the following paragraph:—</p> <p>“(b) A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in any lead process would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor”.</p> <p>For Regulation 24, there shall be substituted the following Regulation:—</p> <p>“24. No person shall work in a lead process while it is to his knowledge unlawful under Regulation 11 for him to be employed in such a process”.</p> |
| <p>Order, dated 8th November 1921, with respect to the employment of women and young persons in certain processes involving the use of a lead compound, S.R. & O. 1921/1714 (Rev. VII, p. 533: 1921, p. 252).</p> | <p>For references to the certifying surgeon, wherever they occur and however expressed, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Article 2, for the words “particulars of any directions given by him” there shall be substituted the words “particulars of any opinion formed by him that the continued employment in a lead</p> |

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| The India rubber Regulations 1922, S.R. & O. 1922/329 (Rev. VII, p. 358: 1922, p. 268). | <p>process of the person examined would involve special danger to her or his health”.</p> <p>For Article 3, there shall be substituted a new Article 3 containing the new definitions set out in Part I of this Schedule.</p> <p>The definitions of “surgeon” and “suspension” shall be omitted from the definitions.</p> <p>The new definitions set out in Part I of this Schedule shall be inserted among the definitions.</p> <p>For other references to the surgeon, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 12, for paragraph (c) there shall be substituted the following paragraph:—</p> <p>“(c) A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in any lead process or in any fume process would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor”.</p> |
| The Chemical Works Regulations 1922, S.R. & O. 1922/731 (Rev. VII, p. 246: 1922, p. 255). | <p>For Regulation 15, there shall be substituted the following Regulation:—</p> <p>“15. No person shall work in a lead process or a fume process while it is to his knowledge unlawful under Regulation 12 for him to be employed in such a process”.</p> <p>The definitions of “surgeon” and “suspension” shall be omitted from the definitions.</p> <p>The new definitions set out in Part I of this Schedule shall be inserted among the definitions.</p> <p>For other references to the surgeon, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 30, for paragraph (e) there shall be substituted the following paragraph:—</p> <p>“(e) A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded</p> |

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| | <p>his opinion that the continued employment of that person in any chrome process or in any nitro or amido process would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor”.</p> |
| <p>The Electric Accumulator Regulations 1925, S.R. & O. 1925/28 (Rev. VII, p. 296: 1925, p. 337).</p> | <p>The definitions of “surgeon” and “suspension” shall be omitted from the definitions.</p> <p>The new definitions set out in Part I of this Schedule shall be inserted among the definitions.</p> <p>For other references to the surgeon, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 13, for paragraph (c) there shall be substituted the following paragraph:—</p> <p>“(c) A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in a lead process would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 20, for paragraph (b) there shall be substituted the following paragraph:—</p> <p>“(b) No person shall work in a lead process while it is to his knowledge unlawful under Regulation 13 for him to be employed in such a process”.</p> |
| <p>The Vehicle Painting Regulations 1926, S.R. & O. 1926/299 (Rev. VII, p. 397: 1926, p. 537).</p> | <p>The new definitions set out in Part I of this Schedule shall be inserted among the definitions.</p> <p>In Regulation 9, for the reference to the certifying factory surgeon for the district or a duly qualified medical practitioner appointed by written certificate by the Chief Inspector of Factories, there shall be substituted a reference to “an employment medical adviser or an appointed doctor”.</p> |
| <p>Order dated 24th December 1926 modifying the application of certain provisions of the Factory and Workshop Act 1901 in cases where persons are employed in painting buildings, S.R. & O.</p> | <p>Paragraph (1) of the Order shall be omitted.</p> |

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| 1926/1620 (Rev. VII, p. 474: 1926, p. 551). | |
| The Lead Paint Regulations 1927, S.R. & O. 1927/847 (Rev. VII, p. 476: 1927, p. 441). | In Regulation 6— (a) after the words “make arrangements for the periodic examination”, there shall be inserted the words “by an employment medical adviser or an appointed doctor”; and (b) at the end, there shall be inserted the new definitions set out in Part I of this Schedule. |
| The Patent Fuel Manufacture (Health and Welfare) Special Regulations 1946, S.R. & O. 1946/258 (Rev. VII, p. 404: 1946 I, p. 496). | For Regulation 3, there shall be substituted a Regulation containing the new definitions set out in Part I of this Schedule. In Regulation 16— (a) in paragraph (1), for the reference to the surgeon there shall be substituted a reference to “an employment medical adviser or an appointed doctor”; and (b) for paragraphs (2) and (3), there shall be substituted the following paragraph:— “(2) The occupier shall arrange for every person employed in the factory to be examined by an employment medical adviser or an appointed doctor within six months after the commencement of his employment and to be examined again at intervals of not more than six months so long as his employment continues”. (c) in paragraph (5)— (i) for the words “Except where otherwise authorised or directed in writing by the inspector for the district”, there shall be substituted the words “Except where the occupier is otherwise directed in writing by an employment medical adviser or an appointed doctor”; and (ii) for the words “paragraphs (2) and (3)”, there shall be substituted the words “paragraph (2)”. |
| The Pottery (Health and Welfare) Special Regulations 1950, S.I. 1950/65(1950 I, p. 657), as amended by the Mule Spinning and Pottery Appointed Doctor (Amendment) Regulations 1963, S.I. 1963/879 (1963 II, p. 1427). | In Regulation 2— (a) the definitions of “appointed doctor” and “suspension” shall be omitted; and (b) the new definitions set out in Part I of this Schedule shall be inserted. For other references to the appointed doctor, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”. In Regulation 7— (a) in the proviso to paragraph (2), for the words “determined by the Minister under section 127 of the principal Act” there shall be substituted the words “fixed by order of the Secretary of State under the Employment Medical Advisory Service Act 1972”; and (b) for paragraphs (3) and (4) there shall be substituted the following paragraph:— |

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| | <p>“(3) A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register or in the employed person's portable register recorded his opinion that the continued employment of that person in a process included in Part I of Schedule 1 to these Regulations would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor, and no person shall work in any such process while it is to his knowledge unlawful under this paragraph for him to be employed in such a process”.</p> <p>In Regulation 8(2), for the words “and any certificates of suspension or sanction given by him under that Regulation” there shall be substituted the words “and any entry made under Regulation 7(3)”.</p> |
| <p>The Mule Spinning (Health) Special Regulations 1953, S.I. 1953/1545(1953 I, p. 740), as amended by the Mule Spinning and Pottery Appointed Doctor (Amendment) Regulations 1963, S.I. 1963/879 (1963 II, p. 1427).</p> | <p>In Regulation 2—</p> <ul style="list-style-type: none"> (a) the definition of “appointed doctor” shall be omitted; and (b) the new definitions set out in Part I of this Schedule shall be inserted. <p>In Regulation 6, for references to the appointed doctor, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> |
| <p>The Work in Compressed Air Special Regulations 1958, S.I.1958/61(1958 I, p. 1115).</p> | <p>In Regulation 3—</p> <ul style="list-style-type: none"> (a) the definition of “appointed doctor” shall be omitted; and (b) the new definitions set out in Part I of this Schedule shall be inserted. <p>For other references to the appointed doctor, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> |
| <p>The Diving Operations Special Regulations 1960, S.I.1960/688(1960 II, p. 1410).</p> | <p>In Regulation 3—</p> <ul style="list-style-type: none"> (a) the definition of “appointed doctor” shall be omitted; and (b) the new definitions set out in Part I of this Schedule shall be inserted. <p>In Regulation 9, for references to the appointed doctor, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> |
| <p>The Lead Processes (Medical Examinations) Regulations 1964, S.I.1964/1728(1964 III, p. 3846).</p> | <p>In Regulation 3, for the definition of “approved” there shall be substituted the following definition:—</p> <p>““approved” means approved for the time being by certificate of the Chief Employment Medical Adviser or a Deputy Chief Employment Medical Adviser.”</p> <p>means approved for the time being by certificate of the Chief Employment Medical Adviser or a Deputy Chief Employment Medical Adviser.</p> |

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| The Carcinogenic Substances Regulations 1967, S.I.1967/879(1967 II, p. 2619). | <p>In Regulation 2—</p> <ul style="list-style-type: none">(a) the definition of “appointed doctor” shall be omitted; and(b) the new definitions set out in Part I of this Schedule shall be inserted. <p>In Regulation 8—</p> <ul style="list-style-type: none">(a) for references to the appointed doctor, wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”; and(b) in paragraph (3), for the words “Except where otherwise authorised or directed in writing by the inspector for the district” there shall be substituted the words “Except where the occupier is otherwise directed in writing by an employment medical adviser or an appointed doctor”. |
| The Ionising Radiations (Unsealed Radioactive Substances) Regulations 1968, S.I.1968/780(1968 II, p. 2153). | <p>In Regulation 2—</p> <ul style="list-style-type: none">(a) the definition of “appointed doctor” shall be omitted;(b) the new definitions set out in Part I of this Schedule shall be inserted; and(c) for the definition of “approved” there shall be substituted the following definition:— ““approved” means— <ul style="list-style-type: none">(i) in Regulation 32(2), approved for the time being for the purposes of these Regulations by certificate of the Chief Employment Medical Adviser or a Deputy Chief Employment Medical Adviser; and(ii) elsewhere, approved for the time being for the purposes of these Regulations by certificate of the Chief Inspector.” means— (i)in Regulation 32(2), approved for the time being for the purposes of these Regulations by certificate of the Chief Employment Medical Adviser or a Deputy Chief Employment Medical Adviser; and (ii)elsewhere, approved for the time being for the purposes of these Regulations by certificate of the Chief Inspector. <p>For other references to the “appointed doctor” wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 20, paragraph (b) shall be omitted.</p> <p>In Regulation 31, for paragraph (1) there shall be substituted the following paragraph:—</p> <p>“(1) Except where the occupier is otherwise directed in writing by an employment medical adviser or an appointed doctor, any medical examination by an employment medical adviser or an appointed doctor for the purposes of these Regulations shall take place at the factory”.</p> <p>For Regulation 33, there shall be substituted the following Regulation:—</p> |

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| <p>The Ionising Radiations (Sealed Sources) Regulations 1969, S.I.1969/808(1969 II, p. 2296).</p> | <p style="text-align: center;">“Notice of unfitness for certain employments</p> <p>33.—(1) A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in work as a classified worker or in total enclosures, active areas, decontamination areas, radiation areas or tracer areas would involve special danger to his health, shall not be employed in any such work unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor, and no person shall perform any such work while it is to his knowledge unlawful under this paragraph for him to be employed in such work.</p> <p>(2) The occupier shall forthwith notify the inspector for the district of the making of any entry by an employment medical adviser or an appointed doctor recording his opinion as aforesaid.”</p> <p>In Regulation 2—</p> <p>(a) the definition of “appointed doctor” shall be omitted;</p> <p>(b) the new definitions set out in Part I of this Schedule shall be inserted; and</p> <p>(c) for the definition of “approved” there shall be substituted the following definition:—</p> <p>““approved” means—</p> <p>(i) in Regulation 29(2), approved for the time being for the purposes of these Regulations by certificate of the Chief Employment Medical Adviser or a Deputy Chief Employment Medical Adviser; and</p> <p>(ii) elsewhere, approved for the time being for the purposes of these Regulations by certificate of the Chief Inspector.” means— (i)in Regulation 29(2), approved for the time being for the purposes of these Regulations by certificate of the Chief Employment Medical Adviser or a Deputy Chief Employment Medical Adviser; and (ii)elsewhere, approved for the time being for the purposes of these Regulations by certificate of the Chief Inspector.</p> <p>For other references to the “appointed doctor” wherever they occur, there shall be substituted references to “an employment medical adviser or an appointed doctor”.</p> <p>In Regulation 17, paragraph (b) shall be omitted.</p> <p>In Regulation 28, for paragraph (1) there shall be substituted the following paragraph:—</p> <p>“(1) Except where the occupier is otherwise directed in writing by an employment medical adviser or an appointed doctor, any medical examination by an employment medical adviser or an</p> |

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| | <p>appointed doctor for the purposes of these Regulations shall take place at the factory”.</p> <p>For Regulation 30, there shall be substituted the following Regulation:—</p> <p style="text-align: center;">“Notice of unfitness for certain employments</p> <p>30.—(1) A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in work as a classified worker or in a radiation area would involve special danger to his health, shall not be employed in any such work unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor, and no person shall perform any such work while it is to his knowledge unlawful under this paragraph for him to be employed in such work.</p> <p>(2) The occupier shall forthwith notify the inspector for the district of the making of any entry by an employment medical adviser or an appointed doctor recording his opinion as aforesaid.”</p> |

PART III

TRANSITIONAL PROVISIONS

1. This Order shall not affect the validity of anything done before the coming into operation of this Order by or in relation to a medical practitioner acting for the purposes of any instrument amended by this Order.

2. A person, for whom it is unlawful immediately before the coming into operation of this Order to be employed or work in employment of any description in consequence of having been suspended from such employment in pursuance of a provision amended by this Order, shall not be employed or work in such employment unless an employment medical adviser or an appointed doctor as defined in Part I of this Schedule has certified that person is fit for such employment.

3. A medical practitioner who immediately before the coming into operation of this Order is a person authorised by the Chief Inspector of Factories under any of the instruments specified in Part II of this Schedule to perform functions for the purposes of those instruments shall be deemed for those purposes to be an appointed doctor as defined in Part I of this Schedule until that authority is revoked under this paragraph by the Chief Employment Medical Adviser or a Deputy Chief Employment Medical Adviser.

4. Certificates of approval given before the coming into operation of this Order by the Chief Inspector of Factories for the purposes of the Lead Processes (Medical Examinations) Regulations 1964, Regulation 32(2) of the Ionising Radiations (Unsealed Radioactive Substances) Regulations 1968 and Regulation 29(2) of the Ionising Radiations (Sealed Sources) Regulations 1969 shall remain in force until revoked under this paragraph by certificate of the Chief Employment Medical Adviser or a Deputy Chief Employment Medical Adviser.