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STATUTORY INSTRUMENTS

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**1996 No. 192**

**The Equipment and Protective Systems Intended for Use  
in Potentially Explosive Atmospheres Regulations 1996**

*Amendment and disapplication of law in Great Britain*

**General provisions**

**20.**—(1) In sub-paragraph (d) of regulation 19(2) of The Electricity at Work Regulations 1989<sup>(1)</sup>, for the words “Commission Directive 88/35/EEC<sup>(2)</sup>” there shall be substituted the words “Commission Directives 88/35/EEC<sup>(3)</sup>, 91/269/EEC<sup>(4)</sup> and 94/44/EC<sup>(5)</sup>” and, for the purposes of the enforcement of that sub-paragraph, this substitution shall have effect as if it had been made under section 15 of the Health and Safety at Work etc. Act 1974<sup>(6)</sup>.

(2) Subject to regulation 1(2) above, in respect of any equipment, protective system, device or component to which these Regulations apply, there shall be disapplied—

- (a) in the Coal and Other Mines (Locomotives) Regulations 1956<sup>(7)</sup>—
  - (i) paragraphs (1) and (2) of regulation 3; and
  - (ii) regulations 4 and 5;
- (b) in both The Bentinck Mine (Diesel Engined Stone Dusting Machine) Regulations 1976<sup>(8)</sup> and The Point of Ayr Mine (Diesel Vehicles) Regulations 1980<sup>(9)</sup>, regulation 4; and
- (c) in the Regulations specified in the first column of Schedule 15 hereto, the regulations respectively specified in the third column of that Schedule.

**Consequential amendment of the Provision and Use of Work Equipment Regulations 1992**

**21.**—(1) At the end of Schedule 1 to the Provision and Use of Work Equipment Regulations 1992<sup>(10)</sup>, there shall be added the following—

“**37.** European Parliament and Council Directive 94/9/EC on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres (OJNo. L100, 19.4.94, p. 1).”.

(2) These Regulations shall have effect for the purposes of the enforcement of regulation 10 of the Provision and Use of Work Equipment Regulations 1992 as if the addition of the reference to the

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(1) S.I. 1989/635.

(2) OJ No. L20, 26.1.88, p. 28.

(3) OJ No. L20, 26.1.88, p. 28.

(4) OJ No. L134, 29.5.91, p. 51.

(5) OJ No. L248, 23.9.94, p. 22.

(6) 1974 c. 37; section 15 was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 6. There are other amendments to section 15 which are not relevant to this provision.

(7) S.I. 1956/1771.

(8) S.I. 1976/2046.

(9) S.I. 1980/1705.

(10) S.I. 1992/2932.

ATEX Directive in Schedule 1, effected by paragraph (1) above, had been made under section 15 of the Health and Safety at Work etc. Act 1974.