
STATUTORY INSTRUMENTS

1996 No. 192

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

PART II

APPLICATION

Equipment, Protective Systems, Devices and Components

3.—(1) Subject to regulations 4 and 5 below, these Regulations apply to equipment and protective systems intended for use in potentially explosive atmospheres, devices and components.

(2) For the purposes of these Regulations,

- (a) “equipment” means machines, apparatus, fixed or mobile devices, control components and instrumentation thereof and detection or prevention systems which, separately or jointly, are intended for the generation, transfer, storage, measurement, control and conversion of energy or the processing of material and which are capable of causing an explosion through their own potential sources of ignition;
- (b) “protective systems” means design units which are intended to halt incipient explosions immediately and/or to limit the effective range of explosion flames and explosion pressures; protective systems may be integrated into equipment or separately placed on the market for use as autonomous systems;
- (c) “devices” means safety devices, controlling devices and regulating devices intended for use outside potentially explosive atmospheres but required for or contributing to the safe functioning of equipment and protective systems with respect to the risks of explosion;
- (d) “component” means any item essential to the safe functioning of equipment and protective systems but with no autonomous function;
- (e) “intended use” means the use of equipment, protective systems, and devices in accordance with the equipment group and category and with all the information supplied by the manufacturer which is required for the safe functioning of equipment, protective systems and devices;
- (f) “explosive atmosphere” means the mixture with air, under atmospheric conditions, of flammable substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture; and
- (g) “potentially explosive atmosphere” means an atmosphere which could become explosive due to local and operational conditions.

Excluded equipment, protective systems, devices and components

4. These Regulations do not apply—

- (a) to the equipment, protective systems and devices specified in Schedule 5 hereto; and

- (b) components for the equipment, protective systems or devices referred to in paragraph (a) above.

Exclusion until 30th June 2003 of equipment and protective systems complying with health and safety provisions in force on 23rd March 1994

5.—(1) Subject to paragraph (2) below, these Regulations do not apply to equipment or a protective system placed on the market in the Community on or before 30th June 2003 which complies with any health and safety provisions with which it would have been required to comply for it to be lawfully placed on the market in Great Britain on 23rd March 1994.

(2) The exclusion provided in paragraph (1) above does not apply in the case of equipment or a protective system which—

- (a) unless required to bear the CE marking pursuant to any other Community obligation, bears the CE marking or an inscription liable to be confused therewith; or
- (b) bears or is accompanied by any other indication, howsoever expressed, that it complies with the ATEX Directive.

(3) In this regulation, “health and safety provisions” means any requirement imposed by an enactment which has the same, or substantially the same, effect as any of the essential health and safety requirements and which would, but for the provisions of this regulation, be applicable to that equipment or protective system for the purposes of complying with these Regulations.