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STATUTORY INSTRUMENTS

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**1989 No. 635**

**The Electricity at Work Regulations 1989**

**PART IV**

**MISCELLANEOUS AND GENERAL**

**Defence**

**29.** In any proceedings for an offence consisting of a contravention of regulations 4(4), 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 or 25, it shall be a defence for any person to prove that he took all reasonable steps and exercised all due diligence to avoid the commission of that offence.

**Exemption certificates**

**30.**—(1) Subject to paragraph (2), the Health and Safety Executive may, by a certificate in writing, exempt—

- (a) any person;
- (b) any premises;
- (c) any electrical equipment;
- (d) any electrical system;
- (e) any electrical process;
- (f) any activity,

or any class of the above, from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

**Extension outside Great Britain**

**31.** These Regulations shall apply to and in relation to premises and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply by virtue of Articles 6 and 7 of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1977(1) as they apply within Great Britain.

### **Disapplication of duties**

**32.** The duties imposed by these Regulations shall not extend to—

- (a) the master or crew of a sea-going ship or to the employer of such persons, in relation to the normal ship-board activities of a ship's crew under the direction of the master; or
- (b) any person, in relation to any aircraft or hovercraft which is moving under its own power.

### **Revocations and modifications**

**33.**—(1) The instruments specified in column 1 of Part I of Schedule 2 are revoked to the extent specified in the corresponding entry in column 3 of that Part.

(2) The enactments and instruments specified in Part II of Schedule 2 shall be modified to the extent specified in that Part.

(3) In the Mines and Quarries Act 1954, the Mines and Quarries (Tips) Act 1969<sup>(2)</sup> and the Mines Management Act 1971<sup>(3)</sup>, and in regulations made under any of those Acts, or in health and safety regulations, any reference to any of those Acts shall be treated as including a reference to these Regulations.

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(2) 1969 c. 10.  
(3) 1971 c. 20.