
STATUTORY INSTRUMENTS

2001 No. 3766

**The Equipment and Protective Systems
Intended for Use in Potentially Explosive
Atmospheres (Amendment) Regulations 2001**

Amendment of the principal Regulations

3.—(1) The principal Regulations shall have effect as amended by the following provisions of this regulation.

(2) In regulation 2—

(a) in paragraph (2), in the definition of “responsible person” there shall be inserted the following words—

(i) after the first occurrence of the words “on the market”, “or puts that equipment, protective system or device into service”; and

(ii) after the second occurrence of the words “on the market”, “or puts it into service”; and

(b) after paragraph (2), the following shall be added—

“(3) For the purposes of these Regulations, equipment, protective systems or devices shall not be regarded as having been put into service where a person—

(a) being a manufacturer of equipment, protective systems or devices for his own use; or

(b) having imported equipment, protective systems or devices from a country or territory outside the Community for his own use,

puts that equipment, protective system or device into service otherwise than in the course of a business.”.

(3) In regulation 3, in paragraph (2)—

(a) in sub-paragraph (a), for the words “or the processing of material” there shall be substituted the words “and the processing of material, as the case may be,”; and

(b) in sub-paragraph (b), for the definition of “protective systems” there shall be substituted the following—

““protective systems” means devices other than components of equipment which are intended to halt incipient explosions immediately or limit the effective range of an explosion or both, as the case may be, and which systems are separately placed on the market for use as autonomous systems;”.

(4) In regulation 5, in paragraph (1), there shall be inserted the words “and put into service” after the first occurrence of the words “placed on the market”.

(5) In regulation 6, in paragraph (1), there shall be inserted the words “or put into service” after the words “place on the market”.

(6) In regulation 8, in sub-paragraph (b) of paragraph (2) there shall be substituted the words “written attestation” for the word “certificate”.

(7) In regulation 9, there shall be substituted the words “or device shall not be regarded as being placed on the market and put into service”, for the first occurrence of the word “device”.

(8) In regulation 14, in sub-paragraph (b) of paragraph (1), there shall be substituted the words “written attestation” for the word “certificate”.

(9) In Schedule 2—

(a) in section 5, there shall be substituted the words “equipment, protective systems and devices” for the words “equipment and protective systems”; and

(b) in section 9, there shall be substituted the words “equipment, protective systems or devices” for both occurrences of the words “equipment or protective systems”.

(10) In Schedule 3(1)—

(a) in point 1.1.3, there shall be substituted the word “mechanical” for the word “impact”;

(b) in point 1.2.3, there shall be substituted—

(i) the words “releases of” for the word “developing” in the second paragraph of that point; and

(ii) the word “releases” for the word “escapes” in the third paragraph of that point;

(c) in point 1.2.7, paragraph (d), there shall be substituted the word “do” for the word “shall”;

(d) in point 1.5.1, there shall be—

(i) inserted the words “or both measurement and control devices” after the words “measurement or control devices” in the first paragraph of that point; and

(ii) substituted the word “The” for the words “For electrical circuits the” in the third paragraph of that point;

(e) in point 2.1.1, there shall be substituted the italicised word “mists” for the italicised word “hazes”; and

(f) in point 3.0.2, there shall be substituted the word “positioned” for the word “positional”.

(11) In Schedule 4(2), section 2, in the second sub-paragraph of paragraph (b), there shall be inserted the word “occasionally” after the word “occur”.

(12) In Schedule 6(3), in the second paragraph of section 5, there shall be substituted the word “significant” for the word “relevant”.

(13) In Schedule 7(4), in the second indent of section 4.2, there shall be substituted the word “test” for the word “text”.

(14) In Schedule 8(5), section 4.1 there shall be substituted the word “equivalent” for the word “equipment” the last time the word “equipment” occurs in that section.

(15) In Schedule 9(6)—

(a) in section 1, there shall be substituted -

(i) the word “satisfies” for the word “satisfy”, and

(ii) the word “it” for the word “them”; and

(b) in section 2, the words “or protective systems” shall be omitted.

(16) In Schedule 10(7), section 3—

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- (1) Annex II to the ATEX Directive.
 (2) Annex I to the ATEX Directive.
 (3) Annex III to the ATEX Directive.
 (4) Annex IV to the ATEX Directive.
 (5) Annex V to the ATEX Directive.
 (6) Annex VI to the ATEX Directive.
 (7) Annex VII to the ATEX Directive.

- (a) in point 3.1, the words “and protective systems” shall be omitted; and
 - (b) in point 3.2, in the first paragraph, there shall be substituted the word “instructions” for the word “instruments”.
- (17) In Schedule 11(8), in section 1, there shall be substituted the word “satisfies” for the word “satisfy”.