



**Isle of Man**

*Ellan Vannin*

V05

**DANGEROUS SUBSTANCES AND  
EXPLOSIVE ATMOSPHERES  
REGULATIONS 2025**



Consultation





# DANGEROUS SUBSTANCES AND EXPLOSIVE ATMOSPHERES REGULATIONS 2025

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Statutory Document No. 20XX/XXXX



*Health and Safety at Work etc. Act 1974*

## DANGEROUS SUBSTANCES AND EXPLOSIVE ATMOSPHERES REGULATIONS 2025

*Approved by Tynwald:*

*Coming into operation:*

*1 August 2028*

The Department of Environment, Food and Agriculture makes the following Regulations, after consulting such organisations as it considers represent the interests affected by the Regulations<sup>1</sup>, under sections 15(1), (2), (3)(a), (4) and (5), 80(1) and 82(3)(a) of, and paragraphs 1(1), (2) and (4), 6, 9, 11, 14, 16, 18(b) and 20 of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>2</sup> (of Parliament), as it has effect in the Island<sup>3</sup>.

### 1 Title

These Regulations are the Dangerous Substances and Explosive Atmospheres Regulations 2025.

### 2 Commencement

If approved by Tynwald<sup>4</sup>, these Regulations come into operation on 1 August 2028.

### 3 Interpretation

SI 2002/2776/2

In these Regulations —

“**the 1974 Act**” means the Health and Safety at Work Etc. Act 1974 (of Parliament) as that Act applies in the Island;

“**the CLP Regulation**” means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC and amending

<sup>1</sup> As required by section 82(4) of the 1974 Act.

<sup>2</sup> 1974 c.37.

<sup>3</sup> The Act applies in the Island by virtue of SD 2024/0073.

<sup>4</sup> Tynwald approval is required under section 82(5) of the 1974 Act 1974.

Regulation EC (No) 1907/2006, of which Articles 6(5), 11(3), 12, 14, 18(3)(b), 23, 25 to 29, 35(2) second and third sub-paragraphs and Annexes I to VII are to be read as amended from time to time<sup>5</sup>;

**“dangerous substance”** means —

- (a) a substance or mixture which meets the criteria for classification as hazardous within any physical hazard class provided for in the CLP Regulation, whether or not the substance is classified under that Regulation;
- (b) a substance or mixture which because of its physico-chemical or chemical properties and the way it is used or is present in the workplace creates a risk, not being a substance or mixture falling within subparagraph (a); or
- (c) any dust, whether in the form of solid particles of fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere, not being a substance or mixture falling within subparagraphs (a) or (b);

**“explosive atmosphere”** means a mixture, under atmospheric conditions, of air and one or more dangerous substances in the form of gases, vapours, mists or dusts in which, after ignition has occurred, combustion spreads to the entire unburned mixture;

**“hazard”** means the physico-chemical or chemical property of a dangerous substance which has the potential to —

- (a) give rise to a fire, explosion or other events which can result in harmful physical effects of a kind similar to those which can be caused by fire or explosion; or
- (b) be corrosive to metals,

affecting the safety of a person, and references in these Regulations to **“hazardous”** are to be construed accordingly;

**“mixture”** means a mixture or solution composed of 2 or more substances;

**“offshore installation”** has the meaning as given by regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995<sup>6</sup> (of Parliament) as that instrument applies to the Island by virtue of the Submarine Pipe-lines and Installations (Application and Amendment) Order 1995<sup>7</sup> insofar as the said regulation 3 extends to mineral extracting industries within the scope of Article 2(a) of Council Directive 92/91/EEC concerning the minimum requirements for

<sup>5</sup> This Regulation has been retained in the Island as part of the law of the Island following the United Kingdom’s exit from the European Union (see paragraph 67(5) of the Schedule to SD 2019/0037).

<sup>6</sup> S.I. 1995/738.

<sup>7</sup> SD 1995/0277.

improving the safety and health protection of workers in the mineral-extracting industries through drilling<sup>8</sup>;

**“personal protective equipment”** means all equipment which is intended to be worn or held by a person at work and which protects that person against one or more risks to his safety, and any addition or accessory designed to meet that objective;

**“public road”** means a highway maintainable at the public expense within the meaning of section 3 of the *Highways Act 1986*<sup>9</sup>

**“risk”** means the likelihood of a person’s safety being affected by harmful physical effects being caused to that person from fire, explosion or other events arising from the hazardous properties of a dangerous substance in connection with work and also the extent of that harm;

**“risk assessment”** means the assessment of risks required by regulation 5(1);

**“safety data sheet”** means a safety data sheet within the meaning of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals<sup>10</sup> as that Regulation has effect in England by virtue of section 3 of European Union (Withdrawal) Act 2018 (of Parliament)<sup>11</sup>;

**“substance”** means any natural or artificial substance whether in solid or liquid form or in the form of a gas or vapour;

**“workplace”** means any premises or part of premises used for or in connection with work, and includes —

- (a) any place within the premises to which an employee has access while at work; and
- (b) any room, lobby, corridor, staircase, road or other place —
  - (i) used as a means of access to or egress from that place of work; or
  - (ii) where facilities are provided for use in connection with that place of work,other than a public road; and

**“work processes”** means all technical aspects of work involving dangerous substances and includes —

- (a) appropriate technical means of supervision;
- (b) connecting devices;
- (c) control and protection systems;

<sup>8</sup> OJ L 348, 28.11.1992 pp 9-24.

<sup>9</sup> AT 17 of 1986.

<sup>10</sup> Regulation (EC) 1907/2006 OJ L 396 of 30/12/2006. p. 1.

<sup>11</sup> 2018 c. 16. Section 3 has been amended by 2020 c. 1 and S.I. 2020/1622, reg. 5. Further modifications are set out in S.I. 2019/758, as amended by S.I. 2020/858 and 1144.

- (d) engineering controls and solutions;
- (e) equipment;
- (f) materials;
- (g) machinery;
- (h) plant;
- (i) protective systems; and
- (j) warning and other communication systems.

#### 4 Application

SI 2002/2776/3

- (1) These Regulations do not apply to the master or crew of a ship or to the employer of such persons in respect of the normal ship-board activities of a ship's crew which are carried out solely by the crew under the direction of the master and, for the purposes of this paragraph —
  - (a) “ship” includes every description of vessel used in navigation, other than a ship forming part of His Majesty's Navy or an offshore installation; and
  - (b) the reference to the normal ship-board activities of a ship's crew includes —
    - (i) the construction, reconstruction or conversion of a ship in the territorial sea of the Island; and
    - (ii) the repair of a ship save repair when carried out in dry dock.
- (2) Regulations 6(4)(c), 8 and 12 do not apply to —
  - (a) areas used directly for and during the medical treatment of patients;
  - (b) the use of gas appliances burning gaseous fuel (that is to say, any fuel which is in a gaseous state at a temperature of 15°C under a pressure of 1 bar) which —
    - (i) are used for cooking, heating, hot water production, refrigeration, lighting or washing; and
    - (ii) have, where applicable, a normal water temperature not exceeding 105°C including forced draught burners and heating bodies to be equipped with such burners but not including an appliance specifically designed for use in an industrial process carried out on industrial premises;
  - (c) gas fittings within the meaning of the Gas Safety (Installation and Use) Regulations 1998 as applied by the Gas Safety (Installation, Use and Management) (Application) Order 2023<sup>12</sup> located in

<sup>12</sup> SD 2023/0189.

- domestic premises, not being gas appliances falling within subparagraph (b);
- (d) the manufacture, handling, use, storage and transport of explosives or chemically unstable substances;
  - (e) any activity at a quarry within the meaning of regulation 4 of the Quarries (Health and Safety) Regulations 2025<sup>13</sup> carried out for the purposes of the quarry;
  - (f) any activity at a place, which if it were in England, would be a borehole site within the meaning of regulation 2(1) of the Borehole Sites and Operations Regulations 1995 (of Parliament)<sup>14</sup> if carried out for the purposes of the borehole site;
  - (g) any activity at an offshore installation carried out for the purposes of the offshore installation; and
  - (h) the use of means of transport by land, water or air which is regulated by international agreements and the European Union Directives giving effect to them insofar as they fall within the disapplication in Article 1.2.(e) of Council Directive 99/92/EC on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres, except for any means of transport intended for use in a potentially explosive atmosphere.
- (3) Regulations 6(2)(f), (g), (h) and (i), 7(4)(d) and (5)(b) and (e) and 9(1)(d) and (e) and the requirements of paragraphs 5 and 6 of Schedule 1 do not apply to any activity at an offshore installation carried out for the purposes of the offshore installation.

## 5 Duties under these Regulations

SI 2002/2776/4

- (1) Where a duty is placed by these Regulations on an employer in respect of his or her employees, the employer must, so far as is reasonably practicable, be under a like duty in respect of any other person, whether at work or not, who may be affected by the work carried on by the employer, except that —
- (a) the duties of the employer under regulations 7(5)(f) and 8(5) (which relate, respectively, to the provision of suitable personal protective equipment and the provision of appropriate work clothing) do not extend to persons who are not his or her employees; and
  - (b) the duties of the employer under regulations 9 and 10 (which relate, respectively, to dealing with accidents and to provision of information, instruction and training) do not extend to persons

<sup>13</sup> SD 2025/0132.

<sup>14</sup> S.I.1995/1038,

who are not his or her employees, unless those persons are at the workplace where the work is being carried on and subject to the following, namely, that, in relation to the application of regulation 10 to such persons, regulation 10 applies to the extent that is required by the nature and the degree of the risk.

- (2) These Regulations apply to a self-employed person as they apply to an employer and an employee and as if that self-employed person were both an employer and employee.

## 6 Risk assessment

SI 2002/2776/5

- (1) Where a dangerous substance is or is liable to be present at the workplace, the employer must make a suitable and sufficient assessment of the risks to his or her employees which arise from that substance.
- (2) The risk assessment must include consideration of —
  - (a) the hazardous properties of the substance;
  - (b) information on safety provided by the supplier, including information contained in any relevant safety data sheet;
  - (c) the circumstances of the work including —
    - (i) the work processes and substances used and their possible interactions;
    - (ii) the amount of the substance involved;
    - (iii) where the work will involve more than one dangerous substance, the risk presented by such substances in combination; and
    - (iv) the arrangements for the safe handling, storage and transport of dangerous substances and of waste containing dangerous substances;
  - (d) activities, such as maintenance, where there is the potential for a high level of risk;
  - (e) the effect of measures which have been or will be taken under these Regulations;
  - (f) the likelihood that an explosive atmosphere will occur and its persistence;
  - (g) the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective;
  - (h) the scale of the anticipated effects of a fire or an explosion;
  - (i) any places which are or can be connected via openings to places in which explosive atmospheres may occur; and
  - (j) such additional safety information as the employer may need in order to complete the risk assessment.

- (3) The risk assessment must be reviewed by the employer regularly so as to keep it up to date and particularly if —
- (a) there is reason to suspect that the risk assessment is no longer valid; or
  - (b) there has been a significant change in the matters to which the risk assessment relates including when the workplace, work processes, or organisation of the work undergoes significant changes, extensions or conversions,
- and where, as a result of the review, changes to the risk assessment are required, those changes must be made.
- (4) Where the employer employs 5 or more employees, the employer must record the significant findings of the risk assessment as soon as is practicable after that assessment is made, including in particular —
- (a) the measures which have been or will be taken by the employer under these Regulations;
  - (b) sufficient information to show that the workplace and work processes are designed, operated and maintained with due regard for safety and that, in accordance with the Provision and Use of Work Equipment Regulations 2026<sup>15</sup>, adequate arrangements have been made for the safe use of work equipment; and
  - (c) where an explosive atmosphere may occur at the workplace and sufficient information to show —
    - (i) those places which have been classified into zones under regulation 8(1) and the classification of those places;
    - (ii) equipment which is required for, or helps to ensure, the safe operation of equipment located in places classified as hazardous under regulation 8(1);
    - (iii) that any verification of overall explosion safety required by regulation 8(4) has been carried out; and
    - (iv) the aim of any co-ordination required by regulation 12 and the measures and procedures for implementing it.
- (5) No new work activity involving a dangerous substance may commence unless —
- (a) an assessment has been made; and
  - (b) the measures required by these Regulations have been implemented.

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<sup>15</sup> SD 2026/xxxx.

## 7 Elimination or reduction of risks from dangerous substances

SI 2002/2776/6

- (1) Every employer must ensure that risk is either eliminated or reduced so far as is reasonably practicable.
- (2) In complying with the employer's duty under paragraph (1), substitution must by preference be undertaken, under which the employer must avoid, so far as is reasonably practicable, the presence or use of a dangerous substance at the workplace by replacing it with a substance or process which either eliminates or reduces the risk.
- (3) Where it is not reasonably practicable to eliminate risk in accordance with paragraphs (1) and (2), the employer must, so far as is reasonably practicable, apply measures, consistent with the risk assessment and appropriate to the nature of the activity or operation —
  - (a) to control risks, including the measures specified in paragraph (4); and
  - (b) to mitigate the detrimental effects of a fire or explosion or the other harmful physical effects arising from dangerous substances, including the measures specified in paragraph (5).
- (4) The following measures are, in order of priority, those specified for the purposes of paragraph (3)(a) —
  - (a) the reduction of the quantity of dangerous substances to a minimum;
  - (b) the avoidance or minimising of the release of a dangerous substance;
  - (c) the control of the release of a dangerous substance at source;
  - (d) the prevention of the formation of an explosive atmosphere, including the application of appropriate ventilation;
  - (e) ensuring that any release of a dangerous substance which may give rise to risk is suitably collected, safely contained, removed to a safe place, or otherwise rendered safe, as appropriate;
  - (f) the avoidance of —
    - (i) ignition sources including electrostatic discharges; and
    - (ii) adverse conditions which could cause dangerous substances to give rise to harmful physical effects; and
  - (g) the segregation of incompatible dangerous substances.
- (5) For the purposes of paragraph (3)(b), the following measures are specified —
  - (a) the reduction to a minimum of the number of employees exposed;
  - (b) the avoidance of the propagation of fires or explosions;
  - (c) the provision of explosion pressure relief arrangements;

- (d) the provision of explosion suppression equipment;
  - (e) the provision of plant which is constructed so as to withstand the pressure likely to be produced by an explosion; and
  - (f) the provision of suitable personal protective equipment.
- (6) The employer must arrange for the safe handling, storage and transport of dangerous substances and waste containing dangerous substances.
- (7) The employer must ensure that any conditions necessary for ensuring the elimination or reduction of risk in accordance with these Regulations are maintained.
- (8) The employer must, so far as is reasonably practicable, take the general safety measures specified in Schedule 1, subject to those measures being consistent with the risk assessment and appropriate to the nature of the activity or operation.

## **8 Places where explosive atmospheres may occur**

SI 2002/2776/7

- (1) Every employer must classify places at the workplace where an explosive atmosphere may occur into hazardous or non-hazardous places in accordance with paragraph 1 of Schedule 2 and must classify those places so classified as hazardous into zones in accordance with paragraph 2 of that Schedule; and that Schedule has effect subject to the notes at the end of that Schedule.
- (2) The employer must ensure that the requirements specified in Schedule 3 are applied to equipment and protective systems in the places classified as hazardous under paragraph (1).
- (3) Where necessary, places classified as hazardous under paragraph (1) must be marked by the employer with signs at their points of entry in accordance with Schedule 4.
- (4) Before a workplace containing places classified as hazardous under paragraph (1) is used for the first time, the employer must ensure that its overall explosion safety is verified by a person who is competent in the field of explosion protection as a result of his experience or any professional training or both.
- (5) The employer must ensure that appropriate work clothing which does not give rise to electrostatic discharges is provided for use in places classified as hazardous under paragraph (1).

## **9 Arrangements to deal with accidents, incidents and emergencies**

SI 2002/2776/8

- (1) Subject to paragraph (4), in order to protect the safety of his or her employees from an accident, incident or emergency related to the

presence of a dangerous substance at the workplace, the employer must ensure that —

- (a) procedures, including the provision of appropriate first-aid facilities and relevant safety drills (which must be tested at regular intervals), have been prepared which can be put into effect when such an event occurs;
  - (b) information on emergency arrangements, including —
    - (i) details of relevant work hazards and hazard identification arrangements; and
    - (ii) specific hazards likely to arise at the time of an accident, incident or emergency, is available;
  - (c) suitable warning and other communication systems are established to enable an appropriate response, including remedial actions and rescue operations, to be made immediately when such an event occurs;
  - (d) where necessary, before any explosion conditions are reached, visual, or audible, warnings are given and employees withdrawn; and
  - (e) where the risk assessment indicates it is necessary, escape facilities are provided and maintained to ensure that, in the event of danger, employees can leave endangered places promptly and safely.
- (2) Subject to paragraph (4), the employer must ensure that information on the matters referred to in paragraph (1)(a), (c) to (e) and the information required by paragraph (1)(b) is —
- (a) made available to relevant accident and emergency services to enable those services, whether internal or external to the workplace, to prepare their own response procedures and precautionary measures; and
  - (b) displayed at the workplace, unless the results of the risk assessment make this unnecessary.
- (3) Subject to paragraph (4), in the event of an accident, incident or emergency related to the presence of a dangerous substance at the workplace, the employer must ensure that —
- (a) immediate steps are taken to —
    - (i) mitigate the effects of the event,
    - (ii) restore the situation to normal, and
    - (iii) inform those of his employees who may be affected; and
  - (b) only those persons who are essential for the carrying out of repairs and other necessary work are permitted in the affected area and they are provided with —

- (i) appropriate personal protective equipment and protective clothing, and
  - (ii) any necessary specialised safety equipment and plant, which must be used until the situation is restored to normal.
- (4) Paragraphs (1) to (3) do not apply if —
  - (a) the results of the risk assessment show that, because of the quantity of each dangerous substance at the workplace, there is only a slight risk to employees; and
  - (b) the measures taken by the employer to comply with his duty under regulation 7(1) are sufficient to control that risk.

## **10 Information, instruction and training**

SI 2002/2776/9

- (1) Where a dangerous substance is present at the workplace, the employer must provide his or her employees with —
  - (a) suitable and sufficient information, instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard that employee and other employees at the workplace;
  - (b) the details of any such substance including —
    - (i) the name of the substance and the risk which it presents;
    - (ii) access to any relevant safety data sheet; and
    - (iii) legislative provisions which concern the hazardous properties of the substance; and
  - (c) the significant findings of the risk assessment.
- (2) The information, instruction and training required by paragraph (1) must be —
  - (a) adapted to take account of significant changes in the type of work carried out or methods of work used by the employer; and
  - (b) provided in a manner appropriate to the risk assessment.

## **11 Identification of hazardous contents of containers and pipes**

SI 2002/2776/10 and drafting

- (1) Where containers and pipes used at work for dangerous substances are not marked in accordance with relevant requirements of the legislation listed in paragraph (2), the employer must, subject to any derogations provided for in that legislation, ensure that the contents of those containers and pipes, together with the nature of those contents and any associated hazards, are clearly identifiable.
- (2) The legislation referred to in paragraph (1) is —

- (a) the Health and Safety (Safety Signs and Signals) Regulations 2026<sup>16</sup>;
- (b) regulation 14 of the Road Vehicles Carrying Dangerous Goods (Maintenance and Use) Regulations 2000<sup>17</sup>;
- (c) regulation 18 of the Road Vehicles Carrying Dangerous Goods (Construction and Use) Regulations 2008<sup>18</sup>; and
- (d) the CLP Regulation.

## 12 Duty of co-ordination

SI 2002/2776/11

Where 2 or more employers share the same workplace (whether on a temporary or a permanent basis) where an explosive atmosphere may occur, the employer responsible for the workplace must co-ordinate the implementation of all the measures required by these Regulations to be taken to protect employees from any risk from the explosive atmosphere.

## 13 Application to the territorial sea

SI 2002/2776/12 and drafting

These Regulations apply to the territorial sea to the same extent as the 1974 Act applies there by virtue of the Health and Safety at Work etc. Act 1974 (Application to the Territorial Sea) Order 2025<sup>19</sup>.

## 14 Exemption certificates

SI 2002/2776/13

- (1) Subject to paragraph (2), the Department of Environment, Food and Agriculture may, by a certificate in writing exempt any person or class of persons or any dangerous substance or class of dangerous substances from all or any of the requirements or prohibitions imposed by or under these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.
- (2) The Department of Environment, Food and Agriculture must 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 requirements imposed by or under any enactments which apply to the case,

<sup>16</sup> S.I. 1996/341

<sup>17</sup> SD 2000/0403.

<sup>18</sup> SD 2008/0566.

<sup>19</sup> SD 2026/xxxx.

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 and that the exemption will be compatible with the requirements of the Directives.

- (3) For the purposes of paragraph (2), “the Directives” means Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work and Council Directive 99/92/EC on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres.

## **15 Exemptions for the Armed Forces of the Crown etc.**

SI 2002/2776/14

- (1) In this regulation —
- (a) “His Majesty’s Forces” means any of the naval, military or air forces of the Crown, whether raised inside or outside the United Kingdom and whether any such force is a regular, auxiliary or reserve force, and includes any civilian employed by those forces; and
  - (b) “visiting force” has the same meaning as it does for the purposes of any provision of Part 1 of the Visiting Forces Act 1952 (of Parliament) <sup>20</sup>.
- (2) The Department of Environment, Food and Agriculture may, in the interests of national security (whether of the Island or of the United Kingdom), by a certificate in writing, exempt —
- (a) any of His Majesty’s Forces;
  - (b) any visiting force; or
  - (c) any person engaged in work involving dangerous substances, if that person is under the direct supervision of a representative of the Secretary of State for Defence,

from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing, except that, where any such exemption is granted, suitable arrangements must be made for the assessment of the risk to safety created by the work involving dangerous substances and for adequately controlling the risk to persons to whom the exemption relates.

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<sup>20</sup> Applied to the Island by SI 1962/170.

## 16 Transitional provision

- (1) The requirements of regulation 8(2) and Schedule 3 do not apply to equipment and protective systems for use in places where explosive atmospheres may occur which are or have been in use or made available at the workplace on or before 31 July 2028.
- (2) Subject to paragraphs (1) and (3), a workplace which contains places where explosive atmospheres may occur—
  - (a) which is or has been in use on or before 31 July 2028 must comply with the requirements of regulations 8 and 12 no later than 31 July 2029 and the employer's duties under those regulations in respect of such a workplace apply accordingly;
  - (b) which is used for the first time after 31 July 2028 must comply with the requirements of regulations 8 and 12 from the date that it is first used and the employer's duties under those regulations in respect of such a workplace apply accordingly.
- (3) If, after 31 July 2028, any modification, extension or restructuring is undertaken in workplaces containing places where explosive atmospheres may occur, the employer shall take the necessary steps to ensure that the modification, extension or restructuring complies with the requirements of regulations 8 and 12 and the employer's duties under those regulations and in respect of such a modification, extension or restructuring apply accordingly.

**MADE**

**CLARE BARBER**

*Minister for Environment, Food and Agriculture*

## SCHEDULE 1

### GENERAL SAFETY MEASURES

[Regulation 7(8)]

SI 2002/2776/Schedule 1

1. The following measures are those specified for the purposes of regulation 7(8).

#### *Workplace and Work Processes*

2. Ensuring that the workplace is designed, constructed and maintained so as to reduce risk.
3. Designing, constructing, assembling, installing, providing and using suitable work processes so as to reduce risk.
4. Maintaining work processes in an efficient state, in efficient working order and in good repair.
5. Ensuring that equipment and protective systems meet the following requirements —
  - (a) where power failure can give rise to the spread of additional risk, equipment and protective systems must be able to be maintained in a safe state of operation independently of the rest of the plant in the event of power failure;
  - (b) means for manual override must be possible, operated by employees competent to do so, for shutting down equipment and protective systems incorporated within automatic processes which deviate from the intended operating conditions, provided that the provision or use of such means does not compromise safety;
  - (c) on operation of emergency shutdown, accumulated energy must be dissipated as quickly and as safely as possible or isolated so that it no longer constitutes a hazard; and
  - (d) necessary measures must be taken to prevent confusion between connecting devices.

#### *Organisational Measures*

6. The application of appropriate systems of work including —
  - (a) the issuing of written instructions for the carrying out of the work; and

- (b) a system of permits to work with such permits being issued by a person with responsibility for this function prior to the commencement of the work concerned,

where the work is carried out in hazardous places or involves hazardous activities.

Consultation

## SCHEDULE 2

### CLASSIFICATION OF PLACES WHERE EXPLOSIVE ATMOSPHERES MAY OCCUR

[Regulation 8(1)]

SI 2002/2776/Schedule 2

#### **1 Places where explosive atmospheres may occur**

A place in which an explosive atmosphere may occur in such quantities as to require special precautions to protect the health and safety of the workers concerned is deemed to be hazardous within the meaning of these Regulations.

A place in which an explosive atmosphere is not expected to occur in such quantities as to require special precautions is deemed to be non-hazardous within the meaning of these Regulations.

#### **2 Classification of hazardous places**

Hazardous places are classified in terms of zones on the basis of the frequency and duration of the occurrence of an explosive atmosphere.

##### *Zone 0*

A place in which an explosive atmosphere consisting of a mixture with air of dangerous substances in the form of gas, vapour or mist is present continuously or for long periods or frequently.

##### *Zone 1*

A place in which an explosive atmosphere consisting of a mixture with air of dangerous substances in the form of gas, vapour or mist is likely to occur in normal operation occasionally.

##### *Zone 2*

A place in which an explosive atmosphere consisting of a mixture with air of dangerous substances in the form of gas, vapour or mist is not likely to occur in normal operation but, if it does occur, will persist for a short period only.

##### *Zone 20*

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is present continuously, or for long periods or frequently.

##### *Zone 21*

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is likely to occur in normal operation occasionally.

*Zone 22*

A place in which an explosive atmosphere in the form of a cloud of combustible dust in air is not likely to occur in normal operation but, if it does occur, will persist for a short period only.

*Notes:*

1. Layers, deposits and heaps of combustible dust must be considered as any other source which can form an explosive atmosphere.
2. “Normal operation” means the situation when installations are used within their design parameters.

### SCHEDULE 3

#### CRITERIA FOR THE SELECTION OF EQUIPMENT AND PROTECTIVE SYSTEMS

[Regulation 8(2)]

SI 2002/2776/Schedule 3

1. Equipment and protective systems for all places in which explosive atmospheres may occur must be selected on the basis of the requirements set out in the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 (of Parliament)<sup>21</sup> unless the risk assessment finds otherwise.
2. In particular, the following categories of equipment must be used in the zones indicated, provided they are suitable for gases, vapours, mists, dusts or mists and dusts, as appropriate:
  - in zone 0 or zone 20, category 1 equipment,
  - in zone 1 or zone 21, category 1 or 2 equipment,
  - in zone 2 or zone 22, category 1, 2 or 3 equipment.
3. For the purposes of this Schedule and regulations 8(2) and 18(1) —
  - (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 and the processing of material, as the case may be, and which are capable of causing an explosion through their own potential sources of ignition;
  - (b) “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;
  - (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; and

<sup>21</sup> S.I. 2016/1107, as amended by S.I. 2019/696, 2020 c. 29 and S.I. 2020/676 and 1662.

- (e) “potentially explosive atmosphere” means an atmosphere which could become explosive due to local and operational conditions.

Consultation

## SCHEDULE 4

### WARNING SIGN FOR PLACES WHERE EXPLOSIVE ATMOSPHERES MAY OCCUR

[Regulation 8(3)]

SI 2002/2776/Schedule 4

Distinctive features:

- (a) triangular shape;
- (b) black letters on a yellow background with black edging (the yellow part to take up at least 50% of the area of the sign).





Consultation

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations impose requirements for the purpose of eliminating or reducing risks to safety from fire, explosion or other events arising from the hazardous properties of a “dangerous substance” in connection with work.

Regulations 1 to 3 deal respectively with the title, commencement, and interpretation, of the Regulations.

“Dangerous substance” is defined by regulation 3(1) to mean:

- (a) a substance or mixture which meets the criteria in Regulation (EC) No 1272/2008 (“the CLP Regulation”) for classification as a substance or preparation which is explosive, corrosive, extremely flammable, highly flammable or flammable, whether or not that substance or preparation is classified under that Regulation;
- (b) a substance or preparation which because of its physico-chemical or chemical properties and the way it is used or is present at the workplace creates a risk, not being a substance or preparation falling within subparagraph (a) above; or
- (c) any dust, whether in the form of solid particles or fibrous materials or otherwise, which can form an explosive mixture with air or an explosive atmosphere, not being a substance or preparation falling within subparagraphs (a) or (b) above.

Regulation 4 disapplies certain provisions of the Regulations. Regulations 5 to 13 do not apply to the normal ship-board activities of a ship’s crew (regulation 4(1)). The duties under the Regulations on an employer in relation to his employees extend to non-employees, with certain savings (regulation 5(1)). The duties under the Regulations also extend to self-employed persons (regulation 5(2)).

An employer is required to carry out a suitable and sufficient assessment of the risks to his or her employees where a dangerous substance is or may be present at the workplace (regulation 6). “Risk” is defined as meaning “the likelihood of a person’s safety being affected by harmful physical effects being caused to him from fire, explosion or other events arising from the hazardous properties of a dangerous substance in connection with work and also the extent of that harm” (regulation 3(1)). Under regulation 3 of the Management of Health and Safety at Work Regulations 2003 (SD 2003/0877), an employer is already required to carry out a risk assessment. However, where a dangerous substance is or may be present at the workplace, he will now additionally need to assess the risks in the light of the requirements for the assessment under regulation 6 of these Regulations.

Employers are required by these Regulations to eliminate or reduce risk so far as is reasonably practicable. Where risk is not eliminated, employers are required, so far as

is reasonably practicable and consistent with the risk assessment, to apply measures to control risks and mitigate any detrimental effects (regulation 7(3)).

Places at the workplace where explosive atmospheres may occur must be classified as hazardous or non-hazardous and hazardous places must be classified into zones on the basis of the frequency and duration of the occurrence of an explosive atmosphere (regulation 8(1) and Schedule 2). Equipment and protective systems in hazardous places must comply with the requirements of Schedule 3 (regulation 8(2)) and, where necessary, hazardous places must be marked with signs at their points of entry in accordance with Schedule 4 (regulation 8(3)).

Employers are required to make arrangements for dealing with accidents, incidents and emergencies (regulation 9). Employers will also need to provide employees with precautionary information, instruction and training where a dangerous substance is present at the workplace (regulation 10). Containers and pipes used at work for dangerous substances must, where not already marked in accordance with the requirements of the legislation listed in regulation 11(2), clearly identify their contents (regulation 11).

Where 2 or more employers share a workplace where an explosive atmosphere may occur, the employer responsible for the workplace is to co-ordinate the implementation of the measures required by these Regulations (regulation 12).

Regulation 13 deals with the application of the 1974 Act to the Island's territorial sea.

Regulations 14 and 15 allow for exemptions to be made from any or all of the requirements of these Regulations.

Regulation 16 makes transitional provision in relation to systems in use when the Regulations come into operation, effectively granting a 3 year grace period for such systems unless a system is modified after the commencement of the Regulations.