

2003 No. 423

HEALTH AND SAFETY

**Health and Safety (Miscellaneous Amendments) Regulations
(Northern Ireland) 2003**

Made - - - - - 25th September 2003

Coming into operation 3rd November 2003

The Department of Enterprise, Trade and Investment(a), being the Department concerned(b), in exercise of the powers conferred on it by Articles 17(1), (2), (3)(c) and 55(2) of, and paragraphs 1(1) and (2), 7(1), 8, 9, 10 and 13 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(d) and of every other power enabling it in that behalf and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(c) of that Order(e), after the carrying out by the said Executive of consultations in accordance with Article 46(3) of that Order(f), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Miscellaneous Amendments) Regulations (Northern Ireland) 2003 and shall come into operation on 3rd November 2003.

Amendment of the Health and Safety (First-Aid) Regulations (Northern Ireland) 1982

2. Regulation 3 of the Health and Safety (First-Aid) Regulations (Northern Ireland) 1982(g) shall be amended by adding the following paragraph –

“(5) Any first-aid room provided pursuant to this regulation shall be easily accessible to stretchers and to any other equipment needed to convey patients to and from the room and be sign-posted, and such sign to comply with regulation 4 of the Health and Safety (Safety Signs and Signals) Regulations (Northern Ireland) 1996(h) as if it were provided in accordance with that regulation.”.

Amendment of the Health and Safety (Display Screen Equipment) Regulations (Northern Ireland) 1992

3. The Health and Safety (Display Screen Equipment) Regulations (Northern Ireland) 1992(i) shall be amended –

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- (a) Formerly the Department of Economic Development: *see* S.I. 1999/283 (N.I. 1), Article 3(5)
(b) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(c) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)
(d) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Article 3(1). Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)
(e) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(f) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, and paragraphs 8 and 18(c)
(g) S.R. 1982 No. 429, to which there are amendments not relevant to these Regulations
(h) S.R. 1996 No. 119
(i) S.R. 1992 No. 513

(a) by substituting for regulation 5 the following regulation –

“5. Every employer shall ensure that any workstation which may be used for the purposes of his undertaking meets the requirements laid down in the Schedule, to the extent specified in paragraph 1 thereof.”;

(b) by substituting for paragraphs (1) and (2) of regulation 7 the following paragraphs –

“7.—(1) Where a person –

(a) is a user in the undertaking in which he is employed; or

(b) is to become a user in the undertaking in which he is, or is to become, employed, the employer who carries on the undertaking shall, if requested by that person, ensure that an appropriate eye and eyesight test is carried out on him by a competent person within the time specified in paragraph (2).

(2) The time referred to in paragraph (1) is –

(a) in the case of a person mentioned in sub-paragraph (a) of paragraph (1), as soon as practicable after the request; and

(b) in the case of a person mentioned in sub-paragraph (b) of paragraph (1), before he becomes a user.”;

(c) in paragraph (3) of regulation 7 by inserting, after the words “has been provided”, the words “(whether before or after becoming an employee)”;

(d) by substituting for paragraph (1) of regulation 8 the following paragraphs –

“8.—(1) Where a person –

(a) is a user in the undertaking in which he is employed; or

(b) is to become a user in the undertaking in which he is, or is to become, employed, the employer who carries on the undertaking shall ensure that he is provided with adequate health and safety training in the use of any workstation upon which he may be required to work.

(1A) In the case of a person mentioned in sub-paragraph (b) of paragraph (1) the training shall be provided before he becomes a user.”.

Amendment of the Manual Handling Operations Regulations (Northern Ireland) 1992

4. Regulation 4 of the Manual Handling Operations Regulations (Northern Ireland) 1992(a) shall be amended by adding the following paragraph –

“(3) In determining for the purposes of this regulation whether manual handling operations at work involve a risk of injury and in determining the appropriate steps to reduce that risk regard shall be had in particular to –

(a) the physical suitability of the employee to carry out the operations;

(b) the clothing, footwear or other personal effects he is wearing;

(c) his knowledge and training;

(d) the results of any relevant risk assessment carried out pursuant to regulation 3 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(b);

(e) whether the employee is within a group of employees identified by that assessment as being especially at risk; and

(f) the results of any health surveillance provided pursuant to regulation 6 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000.”.

Amendment of the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993

5. The Personal Protective Equipment at Work Regulations (Northern Ireland) 1993(c) shall be amended –

(a) S.R. 1992 No. 535

(b) S.R. 2000 No. 388

(c) S.R. 1993 No. 20

- (a) by substituting for sub-paragraphs (a) and (b) of paragraph (3) of regulation 4 the following sub-paragraphs –
 - “(a) it is appropriate for the risk or risks involved, the conditions at the place where exposure to such risk or risks may occur, and the period for which it is worn;
 - (b) it takes account of ergonomic requirements and the state of health of the person or persons who may wear it, and of the characteristics of the workstation of each such person;”;
- (b) by adding to regulation 4 the following paragraph –
 - “(4) Where it is necessary to ensure that personal protective equipment is hygienic and otherwise free of risk to health, every employer and every self-employed person shall ensure that personal protective equipment provided is provided to a person for use only by him.”;
- (c) in paragraph (2) of regulation 6 –
 - (i) by deleting the word “and” after sub-paragraph (b);
 - (ii) by substituting a semi-colon for the full stop at the end of sub-paragraph (c) and after that by adding the word “and”; and
 - (iii) by adding after sub-paragraph (c) the following sub-paragraph –
 - “(d) an assessment as to whether the personal protective equipment is compatible with other personal protective equipment which is in use and which an employee would be required to wear simultaneously.”;
- (d) in paragraph (1) of regulation 9 –
 - (i) by substituting a comma for the full stop at the end of sub-paragraph (c); and
 - (ii) by adding after sub-paragraph (c) the words “and shall ensure that such information is kept available to employees.”;
- (e) by adding after paragraph (2) of regulation 9 the following paragraph –
 - “(3) Without prejudice to the generality of paragraph (1) the employer shall, where appropriate, and at suitable intervals, organise demonstrations in the wearing of personal protective equipment.”.

Amendment of the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993

6. The Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993(a) shall be amended –

- (a) in regulation 2(1), by inserting, before the definition of “new workplace”, the following definition –
 - “ “disabled person” has the meaning given by section 1 of the Disability Discrimination Act 1995(b);”;
- (b) in the definition of “workplace” in regulation 2(1) –
 - (i) by substituting a full stop for the comma at the end of sub-paragraph (b); and
 - (ii) by deleting the words “but shall not” to the end of the definition;
- (c) by inserting after regulation 4 the following regulation –

“Stability and solidity

4A. Where a workplace is in a building, the building shall have a stability and solidity appropriate to the nature of the use of the workplace.”;

- (d) in regulation 5(3) –
 - (i) by deleting the word “and” after sub-paragraph (a);
 - (ii) by substituting a semi colon for the full stop at the end of sub-paragraph (b) and after that by adding the word “and”; and
 - (iii) by adding, after sub-paragraph (b), the following sub-paragraph –

(a) S.R. 1993 No. 37
 (b) 1995 c. 50

- “(c) equipment and devices intended to prevent or reduce hazards.”;
- (e) by deleting regulation 6(3);
- (f) in regulation 7, by inserting after paragraph (1) the following paragraph –
 - “(1A) Without prejudice to the generality of paragraph (1) –
 - (a) a workplace shall be adequately thermally insulated where it is necessary, having regard to the type of work carried out and the physical activity of the persons carrying out the work; and
 - (b) excessive effects of sunlight on temperature shall be avoided.”;
- (g) in paragraph (2) of regulation 24, by adding, after the words “men and women”, the words “and the facilities are easily accessible, of sufficient capacity and provided with seating”;
- (h) in regulation 25, by substituting for paragraph (3) the following paragraph –
 - “(3) Rest rooms and rest areas shall –
 - (a) include suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke; and
 - (b) be equipped with –
 - (i) an adequate number of tables and adequate seating with backs for the number of persons at work likely to use them at any one time; and
 - (ii) seating which is adequate for the number of disabled persons at work and suitable for them.”;
- (i) by inserting after regulation 25 the following regulation –

“Disabled persons

25A. Where necessary, those parts of the workplace (including in particular doors, passageways, stairs, showers, washbasins, lavatories and workstations) used or occupied directly by disabled persons at work shall be organised to take account of such persons.”.

Amendment of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999

7. The Provision and Use of Work Equipment Regulations (Northern Ireland) 1999(a) shall be amended –

- (a) by substituting for paragraphs (1) and (2) of regulation 10 the following paragraphs –
 - “**10.**—(1) Every employer shall ensure that an item of work equipment conforms at all times with any essential requirements, other than requirements which, at the time of its being first supplied or put into service in any place in which these Regulations apply, did not apply to work equipment of its type.
 - (2) In this regulation “essential requirements”, in relation to an item of work equipment, means requirements relating to the design and construction of work equipment of its type in any of the statutory provisions listed in Schedule 2 (being statutory provisions which give effect to Community directives concerning the safety of products)”;
- (b) by substituting for paragraph (2) of regulation 11 the following paragraph –
 - “(2) The measures required by paragraph (1) shall consist of –
 - (a) the provision of fixed guards enclosing every dangerous part or rotating stock-bar where and to the extent that it is practicable to do so, but where or to the extent that it is not, then
 - (b) the provision of other guards or protection devices where and to the extent that it is practicable to do so, but where or to the extent that it is not, then
 - (c) the provision of jigs, holders, push-sticks or similar protection appliances used in conjunction with the machinery where and to the extent that it is practicable to do so,

(a) S.R. 1999 No. 305

and the provision of such information, instruction, training and supervision as is necessary.”;

(c) by substituting for paragraph (1) of regulation 18 the following paragraph –

“**18.**—(1) Every employer shall ensure, so far as is reasonably practicable, that all control systems of work equipment –

(a) are safe; and

(b) are chosen making due allowance for the failures, faults, and constraints to be expected in the planned circumstances of use.”;

(d) in paragraph (2) of regulation 35, by substituting “33” for “33(1)(a) or (2)”.

Amendment of the Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999

8. The Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999(a) shall be amended, in the definition of “accessory for lifting” in regulation 2, by substituting for the word “work” the word “lifting”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 25th September 2003.

(L.S.)

Michael J. Bohill

A senior officer of the Department of Enterprise, Trade and Investment

(a) S.R. 1999 No. 304

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations amend the regulations relating to health and safety at work which are specified below, to give effect in Northern Ireland to European requirements. They also contain drafting changes.

2. Regulation 2 amends regulation 3 of the Health and Safety (First-Aid) Regulations (Northern Ireland) 1982, so as to require that a first-aid room shall be easily accessible and be sign-posted. It gives effect to point 19.2 of Annex 2 to Council Directive 89/654/EEC (O.J. No. L393, 30.12.1989, p. 1) concerning the minimum safety requirements for the workplace (“the Workplace Directive”).

3. Regulation 3 amends the Health and Safety (Display Screen Equipment) Regulations (Northern Ireland) 1992 –

- (a) by removing, in relation to workstations, the limitation in regulation 5 to those used by “users” and “operators”, so as to give full effect to Articles 4 and 5 of Council Directive 90/270/EEC (O.J. No. L156, 21.6.90, p. 14) on the minimum safety and health requirements for work with display screen equipment;
- (b) by making minor and drafting changes to regulations 7 and 8.

4. Regulation 4 amends the Manual Handling Operations Regulations (Northern Ireland) 1992 by adding regulation 4(3). It specifies factors to be taken account of in determining whether operations involve risk. It gives effect to Annex II to Council Directive 90/269/EEC (O.J. No. L156, 21.6.90, p. 9) on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers.

5. Regulation 5 amends the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993 to give full effect to Article 4(3), (4), (5) and (8) (general provisions) and, in relation to the addition of regulation 4(4), to Article 5(1) (assessment) of Council Directive 89/656/EEC (O.J. No. L393, 30.12.89, p. 18) on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace.

6. Regulation 6 amends the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993 to variously give complete, or clearer, effect to the following provisions of the Workplace Directive –

- (a) Article 2 (meaning of workplace) (regulation 6(b));
- (b) Article 6, fourth indent (maintenance of equipment to prevent hazards) (regulation 6(d));
- (c) Annex 1 point 2 (stability and solidity) (regulation 6(c));
- (d) Annex 1 point 7.3 (excessive effects of sunlight) and 9.1 second paragraph (thermal insulation) (regulation 6(f));
- (e) Annex 1 point 16.2 (tables and seats in rest rooms) (regulation 6(h));
- (f) Annex 1 point 18.1.1 (changing rooms) (regulation 6(g));
- (g) Annex 1 point 20 (handicapped workers) (regulation 6(a) and (i)),

and revokes regulation 6(3) in consequence of the repeal or revocation of the provisions to which it refers.

7. Regulation 7 amends regulations 10 (conformity with Community requirements) and 11 (dangerous parts of machinery) of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 to give clearer effect to Article 4 of, and point 2.8 of Annex 1 to, Council Directive 89/655/EEC (O.J. No. L393, 30.12.89, p. 13) on the minimum health and safety requirements for the use of work equipment as amended by Council Directive 95/63/EC (O.J. No. L335, 30.12.95, p. 28).

8. Regulation 8 makes a minor drafting change to the Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999.

9. In Great Britain the corresponding Regulations are the Health and Safety (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/2174). The Great Britain Health and Safety Executive has prepared a regulatory impact assessment in respect of these regulations and a copy of that assessment together with a Northern Ireland Supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast, BT6 9FR from where a copy may be obtained on request.

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