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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 227**

**HEALTH AND SAFETY**

**The Health and Safety (Miscellaneous Amendments  
and Revocation) Regulations (Northern Ireland) 2009**

*Made* - - - - *9th June 2009*

*Coming into operation* *13th July 2009*

The Department of Enterprise, Trade and Investment<sup>(1)</sup>, being the Department concerned<sup>(2)</sup>, makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972<sup>(3)</sup> (“the 1972 Act”) and Articles 17(1) to (6), 20(2), 54(1) and 55(2) of, and paragraphs 1 to 3, 5, 7 to 13, 14(1), 15, 17, 19 and 20(b) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978<sup>(4)</sup> (“the 1978 Order”).

The Department was designated<sup>(5)</sup> for the purposes of section 2(2) of the 1972 Act in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations and in relation to persistent organic pollutants, dangerous substances, preparations and chemicals.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)<sup>(6)</sup> of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)<sup>(7)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Health and Safety (Miscellaneous Amendments and Revocation) Regulations (Northern Ireland) 2009 and shall come into operation on 13th July 2009.

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(1) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see* S.I. 1982/846 (N.I. 11), Article 3

(2) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)

(3) 1972 c. 68: the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51). Section 2(2) was further amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51)

(4) S.I. 1978/1039 (N.I. 9)

(5) S.I. 1976/897 for the designation in relation to the regulation and control of classification, packaging and labelling of dangerous substances and preparations and S.I. 2007/1349 in relation to persistent organic pollutants, dangerous substances, preparations and chemicals

(6) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

(7) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

(2) The Interpretation Act (Northern Ireland) 1954<sup>(8)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

#### **Amendment of the Control of Noise at Work Regulations (Northern Ireland) 2006**

2. Regulation 7(4) (*Hearing protection*) of the Control of Noise at Work Regulations (Northern Ireland) 2006 shall be amended as follows—

- (a) for the full stop at the end of sub-paragraph (b) substitute a comma; and
- (b) after sub-paragraph (b) add, “and shall comply with any requirement of the Personal Protective Equipment Regulations 2002<sup>(9)</sup> which is applicable to them.”.

#### **Amendment of the Quarries Regulations (Northern Ireland) 2006**

3. In Schedule 2, Part II (*Amendments*) to the Quarries Regulations (Northern Ireland) 2006<sup>(10)</sup>, relating to the amendments to the definition of “nominated person” in Schedule 5 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997, for “paragraph (b)” substitute “paragraph (a)”.

#### **Revocation**

4. Paragraph 5 of Schedule 3 (*Exceptions to the prohibitions on the supply and use of chrysotile*) to the Control of Asbestos Regulations (Northern Ireland) 2007 is revoked.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 9th June 2009.



*M. Bohill*  
A senior officer of the Department of Enterprise,  
Trade and Investment

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<sup>(8)</sup> 1954 c. 33 (N.I.)  
<sup>(9)</sup> S.I. 2002/1144  
<sup>(10)</sup> S.R. 2006 No. 205

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## EXPLANATORY NOTE

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

These Regulations—

- (a) amend the Control of Noise at Work Regulations (Northern Ireland) 2006 ([S.R. 2006 No. 1](#)) to fully implement Article 6(1) of Directive [2003/10/EC](#) (O.J. No. L42, 15.2.2003, p.38) on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise) (seventeenth individual Directive within the meaning of Article 16(1) of Directive [89/391/EEC](#)) read with Article 4(1) of Council Directive [89/656/EEC](#) on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (O.J. No. L393, 30.12.1989, p. 18-28) (*regulation 2*);
- (b) make minor drafting changes to the Quarries Regulations (Northern Ireland) 2006 ([S.R. 2006 No. 205](#)) (*regulation 3*); and
- (c) revoke paragraph 5 of Schedule 3 to the Control of Asbestos Regulations (Northern Ireland) 2007 ([S.R. 2007 No. 31](#)), which is superfluous (*regulation 4*).