

1989 No. 2209

**HEALTH AND SAFETY**

**The Construction (Head Protection) Regulations 1989**

*Made* - - - - - 27th November 1989  
*Laid before Parliament* . . . . . 11th December 1989  
*Coming into force* . . . . . 30th March 1990

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (5)(b) and (9) of, and paragraphs 1(1)(c), 11, 15(1) and 21(a) of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act") and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Construction (Head Protection) Regulations 1989 and shall come into force on 30th March 1990.

(2) In these Regulations, unless the context otherwise requires, "suitable head protection" means head protection which—

- (a) is designed to provide protection, so far as is reasonably practicable, against foreseeable risks of injury to the head to which the wearer may be exposed;
- (b) after any necessary adjustment, fits the wearer; and
- (c) is suitable having regard to the work or activity in which the wearer may be engaged.

**Application of these Regulations**

2.—(1) Subject to paragraph (2) of this regulation, these Regulations shall apply to—

- (a) building operations; and
- (b) works of engineering construction,

within, in either case, the meaning of the Factories Act 1961(b).

(2) These Regulations shall not apply to a diving operation as construed in accordance with regulation 2(2)(a) of the Diving Operations at Work Regulations 1981(c).

**Provision, maintenance and replacement of suitable head protection**

3.—(1) Every employer shall provide each of his employees who is at work on operations or works to which these Regulations apply with suitable head protection and shall maintain it and replace it whenever necessary.

(2) Every self-employed person who is at work on operations or works to which these Regulations apply shall provide himself with suitable head protection and shall maintain it and replace it whenever necessary.

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(a) 1974 c.37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraphs 6 and 16 respectively.

(b) 1961 c.34; section 176 has been extended by S.I. 1960/421 and 1968/1530.

(c) S.I. 1981/399.

### **Ensuring suitable head protection is worn**

4.—(1) Every employer shall ensure so far as is reasonably practicable that each of his employees who is at work on operations or works to which these Regulations apply wears suitable head protection, unless there is no foreseeable risk of injury to his head other than by his falling.

(2) Every employer, self-employed person or employee who has control over any other person who is at work on operations or works to which these Regulations apply shall ensure so far as is reasonably practicable that each such other person wears suitable head protection, unless there is no foreseeable risk of injury to that other person's head other than by his falling.

### **Rules and directions**

5.—(1) The person for the time being having control of a site where operations or works to which these Regulations apply are being carried out may, so far as is necessary to comply with regulation 4 of these Regulations, make rules regulating the wearing of suitable head protection on that site by persons at work on those operations or works.

(2) Rules made in accordance with paragraph (1) of this regulation shall be in writing and shall be brought to the notice of persons who may be affected by them.

(3) An employer may, so far as is necessary to comply with regulation 4(1) of these Regulations, give directions requiring his employees to wear suitable head protection.

(4) An employer, self-employed person or employee who has control over any other self-employed person may, so far as is necessary to comply with regulation 4(2) of these Regulations, give directions requiring each such other self-employed person to wear suitable head protection.

### **Wearing of suitable head protection**

6.—(1) Every employee who has been provided with suitable head protection shall wear that head protection when required to do so by rules made or directions given under regulation 5 of these Regulations.

(2) Every self-employed person shall wear suitable head protection when required to do so by rules made or directions given under regulation 5 of these Regulations.

(3) Every self-employed person who is at work on operations or works to which these Regulations apply, but who is not under the control of another employer or self-employed person or of an employee, shall wear suitable head protection unless there is no foreseeable risk of injury to his head other than by his falling.

(4) Every employee or self-employed person who is required to wear suitable head protection by or under these Regulations shall do so properly.

### **Reporting the loss of, or defect in, suitable head protection**

7. Every employee who has been provided with suitable head protection by his employer shall take reasonable care of it and shall forthwith report to his employer any loss of, or obvious defect in, that head protection.

### **Extension outside Great Britain**

8. These Regulations shall apply to any activity to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply by virtue of article 7 of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989<sup>(a)</sup> other than the activities specified in sub-paragraphs (b), (c) and (d) of that article as they apply to any such activity in Great Britain.

### **Exemption certificates**

9.—(1) Subject to paragraph (2) below, the Health and Safety Executive may, by certificate in writing, exempt any person or class of persons or any activity or class of activities from any requirement 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.

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(a) S.I. 1989/840.

(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 because of it.

Signed by order of the Secretary of State.

27th November 1989

*Patrick Nicholls*  
Parliamentary Under Secretary of State,  
Department of Employment

## EXPLANATORY NOTE

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

These Regulations impose requirements for the provision of suitable head protection for and the wearing of suitable head protection by persons at work on building operations or works of engineering construction within the meaning of the Factories Act 1961.

Regulation 3 requires an employer to provide suitable head protection for his employees, and the self-employed to provide it for themselves. It also imposes requirements for the maintenance and replacement of that head protection. Employees are required by regulation 7 to report to their employer losses of or defects in their head protection.

Regulation 4 imposes requirements on employers and others having control over workers to ensure that head protection is worn and regulation 5 allows rules to be made or directions given as to the wearing of head protection in specified circumstances. Regulation 6 imposes requirements on persons at work to wear head protection.

The Regulations are extended to certain activities outside Great Britain by regulation 8 and regulation 9 sets out circumstances in which the Health and Safety Executive may issue exemption certificates.

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