

SCHEDULE 9

Regulation 34

MODIFICATIONS

The Mines and Quarries Act 1954

1. In sub-section (5) of section 184 of the Mines and Quarries Act 1954(1) —
 - (a) the words after the semi-colon shall be deleted; and
 - (b) in place of the semi-colon, there shall be substituted a full stop.

The Factories Act 1961

2. The Factories Act 1961(2) is modified as follows—
 - (a) in section 127, sub-section (3) shall cease to have effect;
 - (b) in section 176, in sub-section (1)—
 - (i) the definition of “building operation” shall be deleted and the following substituted—

““building operation” and “work of engineering construction” mean “construction work” within the meaning assigned to that phrase by regulation 2(1) of the Construction (Design and Management) Regulations 1994 (S.I. 1994/3140);”;
 - (ii) the definition of “work of engineering construction” is deleted.

The Construction (Lifting Operations) Regulations 1961

3. The Construction (Lifting Operations) Regulations 1961(3) are modified as follows—
 - (a) in regulation 3—
 - (i) in place of “regulation 47”, substitute “regulations 47 and 48A”;
 - (ii) after “48”, insert “, 48A”;
 - (b) after regulation 48 the following shall be added—

“Suspended scaffolds (not power operated)”

48A

48A.—(1) Without prejudice to any requirement of these Regulations as respects lifting appliances, chains, ropes and lifting gear used in connection therewith, the requirements of this regulation shall be observed as respects—

- (a) every suspended scaffold; and
- (b) plant or equipment which is permanent plant or equipment of a building and which, but for the fact that it is permanently provided, would be a suspended scaffold,

being in any case a suspended scaffold, plant or equipment which is not raised or lowered by a power-driven lifting appliance or power-driven lifting appliances and no such suspended scaffold, plant or equipment shall be used unless it complies with the requirements of this regulation.

(2) In the application of the succeeding paragraphs of this regulation, references therein to suspended scaffolds shall be construed as references to suspended scaffolds to which this

(1) 1954 c. 70.

(2) 1961 c. 34.

(3) S.I. 1961/1581; to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

regulation applies and as including references to plant or equipment of the kind referred to in sub-paragraph (b) of the foregoing paragraph of this regulation.

(3) Every suspended scaffold shall be provided with adequate and suitable chains or ropes and winches or other lifting appliances or similar devices and shall be suspended from suitable outriggers, joists, runways, rail tracks or other equally safe anchorage.

(4) The winches or other lifting appliances or similar devices of a suspended scaffold shall be—

- (a) provided with a brake or similar device which comes into operation when the operating handle or lever is released; and
- (b) adequately protected against the effects of weather, dust or material likely to cause damage.

(5) The outriggers for a suspended scaffold shall be of adequate length and strength and properly installed and supported and, subject to paragraph (12) of this regulation, shall be installed horizontally and provided with adequate stops at their outer ends. The outriggers shall be properly spaced having regard to the construction of the scaffold and of the runway, joist or rail track on which the scaffold is carried.

(6) Where counterweights are used with outriggers the counterweights shall be securely attached to the outriggers and shall be not less in weight than three times the weight which would counter-balance the weight suspended from the outrigger including the weight of the runway, joist or rail track, the suspended scaffold and persons and other loads thereon.

(7) The points of suspension of every suspended scaffold shall be an adequate horizontal distance from the face of the building or other structure.

(8) Every runway, joist and rail track supporting a suspended scaffold shall be of suitable and sound material, adequate strength for the purpose for which it is used and free from patent defect, shall be provided with adequate stops at each end and shall be properly secured to the building or other structure or, where outriggers are used, to the outriggers.

(9) The suspension ropes or chains of a suspended scaffold—

- (a) shall be securely attached to the outriggers or other supports and to the platform framework or to any lifting appliance or other device attached thereto, as the case may be; and
- (b) shall be kept in tension.

(10) Where winches are used with suspended scaffolds the suspension ropes shall be of such length that at the lowest positions at which the scaffold is intended to be used there are not less than two turns of rope remaining on each winch drum and the length of each rope shall be clearly marked on its winch.

(11) If a suspended scaffold is carried on fibre ropes and pulley blocks the ropes shall be spaced not more than 3.20 metres apart.

(12) Where the work to be carried out from a suspended scaffold is of such a light nature and the material required for the work is such that a cradle or similar light-weight suspended scaffold can be used with safety and where such suspended scaffold is used, the requirements of paragraph (5) that the outriggers shall be installed horizontally and that stops shall be provided shall not apply.

48B. In regulation 48A—

“slung scaffold” means a scaffold suspended by means of lifting gear, ropes or chains or rigid members and not provided with means of raising or lowering by a lifting appliance or similar device;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“suspended scaffold” means a scaffold (not being a slung scaffold) suspended by means of ropes or chains and capable of being raised or lowered but does not include a boatswain’s chair or similar appliance.”

The Health and Safety (Enforcing Authority) Regulations 1989

4. In regulation 2 of the Health and Safety (Enforcing Authority) Regulations 1989(4), in paragraph (1) for the definitions of “construction work” and “contractor”, substitute—

““construction work” and “contractor” have the meanings assigned to them by regulation 2(1) of the Construction (Design and Management) Regulations 1994 [S.I. 1994/3140];”.

The Workplace (Health, Safety and Welfare) Regulations 1992

5. The following sub-paragraph shall be substituted for sub-paragraph (b) of regulation 3(1) of the Workplace (Health, Safety and Welfare) Regulations 1992(5) —

“(b) a workplace where the only activity being undertaken is construction work within the meaning assigned to that phrase by regulation 2(1) of the Construction (Health, Safety and Welfare) Regulations 1996 [S.I. 1996/], except for any workplace from which the application of the said Regulations is excluded by regulation 3(2) of those Regulations;”.

The Management and Administration of Safety and Health at Mines Regulations 1993

6. Paragraph (3) of regulation 40 of the Management and Administration of Safety and Health at Mines Regulations 1993(6) shall be deleted and the following substituted—

“(3) Those provisions of the 1961 Act which are applied by section 127 of that Act to building operations shall apply, as respects premises forming part of a mine, to building operations undertaken above ground, and in this paragraph the term “building operation” has the same meaning as in section 176(1) of the 1961 Act.”.

The Railways (Safety Case) Regulations 1994

7. In regulation 2(1) of the Railways (Safety Case) Regulations 1994(7) —

(a) the definition of “building operation” shall be deleted and the following substituted—

““building operation” means the construction, structural alteration, repair or maintenance of a building (including repointing, redecoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction;”.

(b) the definition of “work of engineering construction” shall be deleted and the following substituted—

““work of engineering construction” means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including repointing and repainting) or demolition of any tunnel, bridge or viaduct, except where carried on upon a railway;”.

The Railways (Safety Critical Work) Regulations 1994

8. In regulation 2(1) of the Railways (Safety Critical Work) Regulations 1994(8) —

(4) S.I. 1989/1903.
(5) S.I. 1992/3004.
(6) S.I. 1993/1897.
(7) S.I. 1994/237.
(8) S.I. 1994/299.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the definition of “building operation” shall be deleted and the following substituted—
- ““building operation” means the construction, structural alteration, repair or maintenance of a building (including repointing, redecoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction;”;
- (b) the definition of “work of engineering construction” shall be deleted and the following substituted—
- ““work of engineering construction” means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including repointing and repainting) or demolition of any tunnel, bridge or viaduct, except where carried on upon a railway or tramway.”.

The Construction (Design and Management) Regulations 1994

9. In regulation 2(1) of the Construction (Design and Management) Regulations 1994, the definition of “construction work” shall be amended so that, in sub-paragraph (a) of that definition, in place of the words “regulation 7 of the Chemicals (Hazard Information and Packaging) Regulations 1993,” there shall be substituted “regulation 5 of the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994 [[S.I. 1994/669](#)],”.