

---

## EXPLANATORY NOTE

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

1. These Regulations impose requirements and prohibitions with respect to the health and safety of persons carrying out work in confined spaces (as defined in regulation 2).

2. The Regulations do not apply to activities on-board ship, below ground at a mine or to any diving operation within the meaning of the Diving Operations at Work Regulations 1981 (regulation 3).

3. The Regulations give effect as respects Great Britain to points 6.2 and 6.3 of Part A of Annex IV to Council Directive [92/57/EEC](#) (OJNo. L245, 26.8.92, p.6) on the implementation of minimum safety and health requirements at temporary or mobile construction sites.

4. The Regulations—

- (a) prohibit the entry into a confined space for the purpose of carrying out work where it is reasonably practicable to carry out the work by other means (regulation 4(1));
- (b) require work in a confined space to be carried out only in accordance with a safe system of work (regulation 4(2));
- (c) impose requirements with regard to the preparation and implementation of adequate arrangements for the rescue of any person at work in a confined space in the event of an emergency (regulation 5);
- (d) provide that the Health and Safety Executive may grant exemptions from any requirement or prohibition of the Regulations in specified circumstances (regulation 6);
- (e) provide a defence in proceedings in respect of the duty to implement emergency arrangements (regulation 7);
- (f) extend the application of the Regulations to specified activities within territorial waters (regulation 8);
- (g) provide for the repeal and revocation of specified enactments (regulation 9).

5. A copy of the cost benefit assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Safety Policy Directorate, Branch B, Rose Court, 2, Southwark Bridge, London, SE1 9HS. A copy has been placed in the Library of each House of Parliament.