

1999 No. 860

HEALTH AND SAFETY

The Police (Health and Safety) Regulations 1999

<i>Made</i> - - - -	<i>17th March 1999</i>
<i>Laid before Parliament</i>	<i>24th March 1999</i>
<i>Coming into force</i>	<i>14th April 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 2(4), 15(1), (2), and (8), 51A(4) and 82(3)(a) of, and paragraphs 1(1)(a) and (2) and 11 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 and commencement

1. These Regulations may be cited as the Police (Health and Safety) Regulations 1999 and shall come into force on 14th April 1999.

Amendment to the meaning of “employee” and “at work” in regulations made under Part I of the Health and Safety at Work etc. Act 1974

2. For the purposes of regulations made under Part I of the 1974 Act before the coming into force of the Police (Health and Safety) Act 1997—

- (a) a person who, otherwise than under a contract of employment, holds the office of constable or an appointment as police cadet shall be treated as an employee of the relevant officer referred to in section 51A of the 1974 Act; and
- (b) a person holding the office of constable shall be treated as at work throughout the time when he is on duty but not otherwise,

and any reference to an “employee” and “at work” in those regulations shall have effect accordingly.

Amendments to the Safety Representatives and Safety Committees Regulations 1977

3.—(1) The Safety Representatives and Safety Committees Regulations 1977(b) shall be amended in accordance with paragraphs (2) to (6) of this regulation.

(2) In paragraph (1) of regulation 2, in the definition of “recognised trade union”, before the words “means an independent trade union” the words “subject to regulation 2A” shall be inserted.

(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; section 51A was inserted by section 1, and sections 52 and 53 were amended by sections 2 and 6 respectively, of the Police (Health and Safety) Act 1997 (c. 42).
(b) S.I. 1977/500; amended by S.I. 1992/2051 and S.I. 1996/1513.

(3) After regulation 2, the following regulation shall be inserted—

“Bodies to be treated as recognised trade unions

2A. In relation to each of the undertakings listed in column 1 of Schedule 1, each of the bodies specified in the corresponding entries in column 2 shall be treated as a recognised trade union, recognised by the person specified in the corresponding entry in column 3.”.

(4) In paragraph (2) of regulation 4, the words “Schedule 2” shall be substituted for the words “the Schedule”.

(5) There shall be inserted as Schedule 1 the contents of the Schedule to these Regulations.

(6) The Schedule shall be numbered Schedule 2.

Amendments to the Personal Protective Equipment at Work Regulations 1992

4.—(1) The Personal Protective Equipment at Work Regulations 1992(**a**) shall be amended in accordance with paragraphs (2) and (3) of this regulation.

(2) In paragraph (1) of regulation 4, before the words “Every employer”, there shall be inserted the words “Subject to paragraph (1A).”.

(3) After paragraph (1), there shall be added the following paragraph—

“(1A) Where the characteristics of any policing activity are such that compliance by the relevant officer with the requirement in paragraph (1) would lead to an inevitable conflict with the exercise of police powers or performance of police duties, that requirement shall be complied with so far as is reasonably practicable.”.

Amendment to the Provision and Use of Work Equipment Regulations 1998

5.—(1) For paragraph (4) of regulation 4 of the Provision and Use of Work Equipment Regulations 1998(**b**) there shall be substituted the following paragraph—

“(4) In this regulation “suitable”—

(a) subject to sub-paragraph (b), means suitable in any respect which it is reasonably foreseeable will affect the health or safety of any person;

(b) in relation to—

(i) an offensive weapon within the meaning of section 1(4) of the Prevention of Crime Act 1953(**c**) provided for use as self-defence or as deterrent equipment; and

(ii) work equipment provided for use for arrest or restraint,

by a person who holds the office of constable or an appointment as police cadet, means suitable in any respect which it is reasonably foreseeable will affect the health or safety of such person.”.

Signed by authority of the Secretary of State

Alan Meale
Parliamentary Under-Secretary of State,
Department of the Environment,
Transport and the Regions

17th March 1999

(a) S.I. 1992/2966, amended by S.I. 1994/3017, 1994/3246.

(b) S.I. 1998/2306.

(c) 1953 c. 14. Section 1(4) was amended by the Public Order Act 1986 (c. 64), section 40(2) and Schedule 2, paragraph 2.

SCHEDULE

Regulation 3(5)

“SCHEDULE 1

Regulation 2A

BODIES TO BE TREATED AS RECOGNISED TRADE UNIONS

<i>(1)</i> <i>Name of undertaking</i>	<i>(2)</i> <i>Name of body</i>	<i>(3)</i> <i>Specified person</i>
The National Criminal Intelligence Service	The Chief Police Officers’ Staff Association The Association of Chief Police Officers in Scotland The Police Superintendents’ Association of England and Wales The Association of Scottish Police Superintendents The Police Federation of England and Wales The Scottish Police Federation	The Director General
The National Crime Squad	The Chief Police Officers’ Staff Association The Police Superintendents’ Association of England and Wales The Police Federation of England and Wales.”	The Director General

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations extend to police officers regulations made under Part I of the Health and Safety at Work etc Act 1974 following the coming into force of the Police (Health and Safety) Act 1997. The Regulations also amend certain health and safety regulations to take account of the position of the police.
2. The definition of “employee” in health and safety regulations which were in force before the commencement of the Police (Health and Safety) Act 1997 is extended to include constables and police cadets (*regulation 2*).
3. The Safety Representatives and Safety Committees Regulations 1977 are amended to make provision for certain named police staff associations to be treated as recognised trade unions (*regulation 3*).
4. The Personal Protective Equipment at Work Regulations 1992 are amended so that where there is an inevitable conflict between the exercise of police powers and an employer’s duty to ensure that suitable personal protective equipment is provided to employees, the duty shall be complied with so far as is reasonably practicable (*regulation 4*).
5. The Provision and Use of Work Equipment Regulations 1998 are amended so that work equipment used by the police for arrest, restraint, self-defence or as deterrent equipment must be suitable for use in any respect which it is reasonably foreseeable will affect the health or safety of a constable or police cadet (*regulation 5*).

£1.50

© Crown copyright 1999

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty’s Stationery Office and Queen’s Printer of
Acts of Parliament

WO 4370 3/99 ON (MFK)