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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 387**

**HEALTH AND SAFETY**

**Health and Safety (Young Persons)  
Regulations (Northern Ireland) 1997**

*Made* - - - - *22nd August 1997*

*Coming into operation* *1st October 1997*

The Department of Economic Development, being the Department concerned<sup>(1)</sup>, in exercise of the powers conferred on it by Articles 17(1) to (3) and 55(2) of, and paragraphs 6, 7(1) and 13 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978<sup>(2)</sup> and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Health and Safety (Young Persons) Regulations (Northern Ireland) 1997 and shall come into operation on 1st October 1997.

(2) In these Regulations “the Management Regulations” means the Management of Health and Safety at Work Regulations (Northern Ireland) 1992<sup>(3)</sup>.

**Amendment of the Management Regulations**

2.—(1) The Management Regulations shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 1(2)—

(a) for the definition of “the assessment” there shall be substituted the following definitions—

‘ “the assessment” means, in the case of an employer or self-employed person, the assessment made or changed by him in accordance with regulation 3;

“child” means a person who is not over compulsory school age within the meaning of Article 46 of the Education and Libraries (Northern Ireland) Order 1986;’;

(b) after the definition of “fixed-term contract of employment” the word “and” shall be revoked;

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

(2) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Article 3(1)

(3) S.R. 1992 No. 459; relevant amending Regulations are S.R. 1994 No. 478

- (c) the definition of “maternity leave period” shall be revoked; and
  - (d) after the definition of “the preventive and protective measures” there shall be added—
    - ‘; and
    - “young person” means any person who has not attained the age of eighteen’.
- (3) For regulation 2 there shall be substituted the following regulation—

**“Disapplication of these Regulations**

2.—(1) These Regulations shall not apply to or in relation to the master or crew of a sea-going ship or to the employer of such persons in respect of the normal ship-board activities of a ship’s crew under the direction of the master.

(2) Regulations 3(3A), (3B) and (3C), 8(2) and 13D shall not apply to occasional work or short-term work involving—

- (a) domestic service in a private household; or
- (b) work regarded as not being harmful, damaging or dangerous to young people in a family undertaking.”.

- (4) After regulation 3(3) there shall be inserted the following paragraphs—

“(3A) Subject to paragraph (3B), an employer shall not employ a young person unless he has, in relation to risks to the health and safety of young persons, made or reviewed an assessment in accordance with paragraphs (1) and (3C).

(3B) Where an employer is employing a young person when this paragraph comes into operation he shall, in relation to risks to the health and safety of young persons, review the assessment forthwith.

(3C) In making or reviewing the assessment, an employer who employs or is to employ a young person shall take particular account of—

- (a) the inexperience, lack of awareness of risks and immaturity of young persons;
- (b) the fitting-out and layout of the workplace and the workstation;
- (c) the nature, degree and duration of exposure to physical, biological and chemical agents;
- (d) the form, range and use of work equipment and the way in which it is handled;
- (e) the organisation of processes and activities;
- (f) the extent of the health and safety training provided or to be provided to young persons; and
- (g) risks from agents, processes and work listed in the Annex to Council Directive [94/33/EC](#) on the protection of young people at work.”.

- (5) Regulation 8 shall be re-numbered as paragraph (1) of that regulation and after that paragraph there shall be added the following paragraphs—

“(2) Every employer shall, before employing a child, provide a parent of the child with comprehensible and relevant information on—

- (a) the risks to the child’s health and safety identified by the assessment;
- (b) the preventive and protective measures; and
- (c) the risks notified to him in accordance with regulation 9(1)(c).

(3) In paragraph (2) the reference to the parent of a child includes a person who has for that child, parental responsibility within the meaning of Article 6 of the Children (Northern Ireland) Order 1995.”.

(6) After regulation 13C there shall be inserted the following regulation—

**“Protection of young persons**

**13D.**—(1) Every employer shall ensure that young persons employed by him are protected at work from any risks to their health or safety which are a consequence of their lack of experience, of absence or awareness of existing or potential risks or the fact that young persons have not yet fully matured.

(2) Subject to paragraph (3), an employer shall not employ a young person for work—

- (a) which is beyond his physical or psychological capacity;
- (b) involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage or harm to the unborn child or which in any other way chronically affect human health;
- (c) involving harmful exposure to radiation;
- (d) involving the risk of accidents which it may reasonably be assumed cannot be recognised or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; or
- (e) in which there is a risk to health from—
  - (i) extreme cold or heat;
  - (ii) noise; or
  - (iii) vibration,

and in determining whether the work will involve harm or risk for the purposes of this paragraph, regard shall be had to the results of the assessment.

(3) Nothing in paragraph (2) shall prevent the employment of a young person who is no longer a child for work—

- (a) where it is necessary for his training;
- (b) where the young person will be supervised by a competent person; and
- (c) where any risk will be reduced to the lowest level that is reasonably practicable.”.

(7) For paragraph (2) of regulation 15 there shall be substituted the following paragraph—

“(2) Paragraph (1) shall not apply to any duty imposed by these Regulations on an employer—

- (a) to the extent that it relates to risk referred to in regulation 13A(1) to an employee; or
- (b) which is contained in regulation 13D.”.

**Repeals and revocations**

**3.**—(1) The statutory provisions specified in column 2 of Schedule 1 are hereby repealed to the extent specified in column 3 of that Schedule.

(2) The statutory provisions specified in column 1 of Schedule 2 are hereby revoked to the extent specified in column 3 of that Schedule.

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

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Sealed with the Official Seal of the Department of Economic Development on

L.S.

22nd August 1997.

*Philip B. Strong*  
Assistant Secretary

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## SCHEDULE 1

Regulation 3(1)

## Repeals of statutory provisions

Column 1 Reference	Column 2 Short title	Column 3 Extent of repeal
<a href="#">1965 c. 20 (N.I.)</a>	Factories Act (Northern Ireland) 1965	Sections 21 and 22.
<a href="#">1966 c. 26 (N.I.)</a>	Office and Shop Premises Act (Northern Ireland) 1966	Section 18.

## SCHEDULE 2

Regulation 3(2)

## Revocations of statutory provisions

Column 1 Citation	Column 2 Reference	Column 3 Extent of revocation
Locomotives and Waggon (Used on Lines and Sidings) Regulations 1906(4)	S.R. & O. <a href="#">1906/679</a>	Regulations 20(c) and 21.
Factories (Prescribed Dangerous Machines) Order (Northern Ireland) 1967	<a href="#">S.R. &amp; O. (N.I.) 1967 No. 225</a>	The whole Order.
Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976(5)	<a href="#">S.I. 1976/1019</a>	Regulation 28.

**EXPLANATORY NOTE**

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

1. These Regulations, by regulation 2, amend the Management of Health and Safety at Work Regulations (Northern Ireland) 1992 (“the Management Regulations”) so that they give effect in Northern Ireland to Articles 6 and 7 of Council Directive [94/33/EC](#) (O.J. No. L216, 20.8.94, p. 12), on the protection of young people at work, save as permitted by Article 2.2.

- (4) These Regulations were made under the Factory and Workshop Act 1901 which Act was consolidated by the Factories Act (Northern Ireland) 1938 which in turn was consolidated by the Factories Act (Northern Ireland) 1965
- (5) These Regulations were made under the Mineral Workings (Offshore Installations) Act 1971 which, by virtue of Article 3(1) and (3) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992, is an existing statutory provision

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2. In particular, regulation 2 substitutes a new regulation for regulation 2 (disapplication) and inserts new paragraphs in regulation 3 (risk assessment) and regulation 8 (information for employees), of the Management Regulations. It also introduces into those Regulations a new regulation 13D, which imposes obligations on employers for the protection of young persons.

3. Regulation 2 also revokes the definition in regulation 1(2) of the Management Regulations of “maternity leave period”.

4. Regulation 3 repeals or revokes certain provisions relating to young persons.

5. In Great Britain the corresponding Regulations are the Health and Safety (Young Persons) Regulations 1997. The Great Britain Health and Safety Executive has prepared a cost benefit assessment in relation to those Regulations and a copy of that assessment together with the Northern Ireland Supplement prepared by the Department of Economic Development is held at 83 Ladas Drive, Belfast, BT6 9FJ from where a copy may be obtained on request.

6. A person who contravenes the Regulations or any requirement or prohibition imposed thereunder, is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.