
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 281

HEALTH AND SAFETY

Control of Lead at Work Regulations (Northern Ireland) 1998

Made - - - - - *13th August 1998*

Coming into operation *1st October 1998*

The Department of Economic Development, being the Department concerned⁽¹⁾, in exercise of the powers conferred on it by Articles 17(1) to (6) and 55(2) of, and paragraphs 1(1) and (2), 2(2), 5(1), 6, 7, 8, 9, 10, 12(1) and (3), 13, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978⁽²⁾ 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 and commencement

1. These Regulations may be cited as the Control of Lead at Work Regulations (Northern Ireland) 1998 and shall come into operation on 1st October 1998.

Interpretation

2.—(1) In these Regulations—

“action level” means a blood-lead concentration of—

- (a) in respect of a woman of reproductive capacity, 25 µg/dl;
- (b) in respect of a young person, 40 µg/dl;
- (c) in respect of any other employee, 50 µg/dl;

“appointed doctor” means a registered medical practitioner appointed for the time being in writing by the Department for the purpose of these Regulations;

“approved” means approved for the time being in writing by the Department;

“biological monitoring” includes the measuring of a person’s blood-lead concentration or urinary lead concentration in accordance in either case with the method known as atomic absorption spectroscopy;

(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). Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)

“control measure” means a measure taken to prevent or reduce exposure to lead (including the provision of systems of work and supervision, the cleaning of workplaces, premises, plant and equipment, the use of engineering controls and the provision of personal protective equipment);

“the Department” means the Department of Economic Development;

“employment medical adviser” means an employment medical adviser appointed under Article 48 of the Health and Safety at Work (Northern Ireland) Order 1978;

“glaze” does not include engobe or slip;

“lead” means lead (including lead alkyls, lead alloys, any compounds of lead and lead as a constituent of any substance or material) which is liable to be inhaled, ingested or otherwise absorbed by persons except where it is given off from the exhaust system of a vehicle on a road within the meaning of Article 2 of the Road Traffic (Northern Ireland) Order 1995⁽³⁾;

“lead alkyls” means tetraethyl lead or tetramethyl lead;

“leadless glaze” means a glaze which contains less than 0·5 per cent lead by weight of the element of lead calculated with reference to the total weight of the preparation;

“low solubility glaze” means a glaze which does not yield to dilute hydrochloric acid more than 5 per cent of its dry weight of a soluble lead compound when determined in accordance with an approved method;

“medical surveillance” includes clinical assessment and biological monitoring;

“occupational exposure limit for lead” means—

- (a) in relation to lead other than lead alkyls, a concentration of lead in the atmosphere to which any employee is exposed of 0·15 mg/m³; and
- (b) in relation to lead alkyls, a concentration of lead contained in lead alkyls in the atmosphere to which any employee is exposed of 0·10 mg/m³,

in either case—

- (i) assessed by reference to the content of the element lead in the concentration; and
- (ii) assessed in relation to an 8 hour time-weighted average reference period when calculated by an approved method;

“personal protective equipment” means all equipment which is intended to be worn or held by a person at work and which protects that person against one or more risks to his health or safety, and any addition or accessory designed to meet that objective;

“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983⁽⁴⁾;

“relevant doctor” means an appointed doctor or an employment medical adviser;

“significant” in relation to exposure to lead means exposure in the following circumstances—

- (a) where any employee is or is liable to be exposed to a concentration of lead in the atmosphere exceeding half the occupational exposure limit for lead;
- (b) where there is a substantial risk of any employee ingesting lead; or
- (c) where there is a risk of contact between the skin and lead alkyls or other substances containing lead which can be absorbed through the skin;

“suspension level” means—

- (a) a blood-lead concentration of—
 - (i) in respect of a women of reproductive capacity, 30 µg/dl;

⁽³⁾ S.I. 1995/2994 (N.I. 18)

⁽⁴⁾ 1983 c. 54

- (ii) in respect of a young person, 50 µg/dl;
- (iii) in respect of any other employee, 60 µg/dl; or
- (b) a urinary-lead concentration of—
 - (i) in respect of a women of reproductive capacity, 25 µg Pb/g creatinine;
 - (ii) in respect of any other employee, 110 µg Pb/g creatinine;

“territorial waters” means United Kingdom territorial waters adjacent to Northern Ireland and “within territorial waters” includes on, over, or under them;

“woman of reproductive capacity” means an employee in respect of whom an entry has been made to that effect in that employee’s health record pursuant to regulation 10(9) by a relevant doctor;

“young person” means a person who has not attained the age of 18 and who is not a woman of reproductive capacity.

- (2) Any reference in these Regulations to either—
 - (a) an employee being exposed to lead; or
 - (b) any place being contaminated by lead,

is a reference to exposure to or, as the case may be, contamination by lead arising out of or in connection with work which is under the control of the employer of such employees as may be affected by such exposure or contamination.

Duties under these Regulations

3.—(1) Where any duty is placed by these Regulations on an employer in respect of his employees, he shall, so far as is reasonably practicable, be under a like duty in respect of any other person, whether at work or not, who may be affected by the work carried on by the employer except that the duties of the employer—

- (a) under regulation 10 (medical surveillance) shall not extend to persons who are not his employees other than employees of another employer who are working under the direction of the first-mentioned employer; and
- (b) under regulations 9 (air monitoring) and 11 (information, instruction and training) shall not extend to persons who are not his employees, unless those persons are on the premises where the work is being carried on.

(2) These Regulations shall apply to a self-employed person as they apply to an employer and an employee and as if that self-employed person were both an employer and an employee, except that regulation 9 (air monitoring) shall not apply to a self-employed person.

(3) The duties imposed by these Regulations shall not extend to the master or crew of a sea-going ship or to the employer of such persons in relation to the normal shipboard activities of a ship’s crew under the direction of the master.

Prohibitions

4.—(1) An employer shall not use any glaze other than a leadless glaze or a low solubility glaze in the manufacture of pottery.

(2) An employer shall not employ a young person or a woman of reproductive capacity in any activity specified in Schedule 1.

Assessment of health risks created by work involving exposure to lead

5. Without prejudice to regulation 3 of the Management of Health and Safety at Work Regulations (Northern Ireland) 1992⁽⁵⁾, an employer shall not carry on any work which is liable to expose any employees to lead at work unless he has made a suitable and sufficient assessment of whether the exposure of any employees to lead is liable to be significant.

Prevention or control of exposure to lead

6.—(1) Every employer shall ensure that the exposure of his employees to lead is either prevented or, where this is not reasonably practicable, adequately controlled by means of appropriate control measures.

(2) So far as is reasonably practicable, the prevention or adequate control of exposure of employees to lead shall be secured by control measures other than the provision of personal protective equipment.

(3) Where, notwithstanding the control measures taken in accordance with paragraph (2), the exposure of any employee to lead is, or is liable to be, significant, the employer shall provide such employee with suitable and sufficient protective clothing.

(4) Where the control measures taken in accordance with paragraph (2) do not prevent, or provide adequate control of, exposure to airborne lead, then, in addition to taking those measures, the employer shall provide those employees with such suitable respiratory protective equipment as will adequately control such exposure.

(5) Without prejudice to the generality of paragraph (1), in this regulation control of exposure shall, so far as the inhalation of lead is concerned, only be treated as being adequate if the occupational exposure limit for lead is not exceeded.

(6) Any personal protective equipment provided by an employer in pursuance of this regulation shall—

- (a) comply with any provision in the Personal Protective Equipment (EC Directive) Regulations 1992⁽⁶⁾ which is applicable to that item of personal protective equipment; or
- (b) where no provision referred to in sub-paragraph (a) applies, be of an approved type, or conform to an approved standard.

(7) Every employer who provides any control measure, personal protective equipment or other thing or facility pursuant to this regulation shall take all reasonable steps to ensure that it is properly used or applied as the case may be.

(8) Every employee shall make full and proper use of any control measure, personal protective equipment or other thing or facility provided pursuant to this regulation and shall take all reasonable steps to ensure it is returned after use to any accommodation provided for it and, if he discovers any defect therein, shall report it forthwith to his employer.

(9) In the event of the failure of a control measure or an unforeseen event which, in either case, is likely to lead to a significant increase in exposure to lead, the employer shall ensure that only those persons who are responsible for the carrying out of repairs and other necessary work are permitted in the affected area and they are provided with suitable personal protective equipment.

(10) In this regulation, “adequate” means adequate having regard only to the nature and degree of exposure to lead.

(5) S.R. 1992 No. 459 as amended by S.R. 1994 No. 478, S.R. 1995 No. 340 and S.R. 1997 No. 387

(6) S.I. 1992/3139 as amended by S.I. 1993/3074, S.I. 1994/2326 and S.I. 1996/3039

Eating, drinking and smoking

7.—(1) Every employer shall take such steps as are adequate to ensure, so far as is reasonably practicable, that his employees do not eat, drink or smoke in any place which is, or is liable to be, contaminated by lead.

(2) An employee shall not eat, drink or smoke in any place which he has reason to believe to be contaminated by lead.

(3) Nothing in this regulation shall prevent the provision and use of drinking facilities in a place which is liable to be contaminated by lead provided such facilities are not liable to be contaminated by lead and where they are required for the welfare of employees who are exposed to lead.

Maintenance, examination and testing of control measures

8.—(1) Every employer who provides any control measure to meet the requirements of regulation 6 shall ensure that it is, where appropriate, maintained in a clean condition, in an efficient state, in efficient working order and in good repair.

(2) Where engineering controls are provided to meet the requirements of regulation 6, the employer shall ensure that thorough examinations and tests of those controls are carried out—

- (a) in the case of local exhaust ventilation plant, at least once every 14 months; and
- (b) in any other case, at suitable intervals.

(3) Where respiratory protective equipment (other than disposable respiratory protective equipment) is provided to meet the requirements of regulation 6, the employer shall ensure that at suitable intervals thorough examinations and, where appropriate, tests of that equipment are carried out.

(4) Every employer shall keep a suitable record of the examinations and tests carried out in pursuance of paragraph (2) or (3) and of any repairs carried out as a result of those examinations and tests, and that record or a suitable summary thereof shall be kept available for at least 5 years from the date on which it was made.

(5) Except where protective clothing is cleaned in accordance with paragraph (6), every employer shall ensure that protective clothing which may be contaminated by lead remains within the premises.

(6) Where an undertaking does not carry out cleaning of protective clothing on the premises, the employer shall ensure that—

- (a) the cleaning is carried out only by a suitably equipped laundry; and
- (b) contaminated clothing is transported in closed containers.

Air monitoring

9.—(1) Where any employees are liable to receive significant exposure to lead, the employer shall ensure that the concentration of lead in air to which his employees are exposed is measured in accordance with a suitable procedure.

(2) Where the exposure referred to in paragraph (1) is to lead other than lead alkyls, the procedure required by that paragraph shall accord with Articles 3 and 7 of, and Annex II to, Council Directive [82/605/EEC](#)(7) (on the protection of workers from the risks related to exposure to metallic lead and its ionic compounds at work) and with any specification established in accordance with the requirements of Article 4.4(b) of, and paragraph 4 of Part B of Annex IIa to, Council Directive [80/1107/EEC](#)(8) (on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work).

(7) O.J. No. L247, 23.8.82, p. 12

(8) O.J. No. L327, 3.12.80, p. 8; as amended by Directive [88/642/EEC](#) (O.J. No. L356, 24.12.88, p. 74)

(3) Subject to paragraph (4), the monitoring referred to in paragraph (1) shall be carried out at least every 3 months.

(4) Except where the exposure referred to in paragraph (1) arises wholly or in part from exposure to lead alkyls, the interval between each occasion of monitoring may be increased to a maximum of 12 months where—

- (a) there has been no material change in the work or the conditions of exposure since the last occasion of monitoring; and
- (b) the lead in air concentration for each group of employees or work area has not exceeded 0.10 mg/m^3 on the two previous consecutive occasions on which monitoring was carried out.

(5) The employer shall keep a suitable record of any monitoring carried out for the purpose of this regulation and that record or a suitable summary thereof shall be kept available for at least 5 years.

Medical surveillance

10.—(1) Every employer shall ensure that each of his employees who is or is liable to be exposed to lead is under suitable medical surveillance by a relevant doctor where—

- (a) the exposure of the employee to lead is, or is liable to be, significant; or
- (b) a relevant doctor certifies that the employee should be under such medical surveillance.

(2) Medical surveillance required by paragraph (1) shall be carried out at such intervals and in accordance with such provisions as are set out in Schedule 2.

(3) The employer shall ensure that an adequate health record in respect of each of his employees to whom paragraph (1) applies is made and maintained and that the record or a copy thereof is kept in a suitable form for at least 40 years from the date of the last entry made in it.

(4) Where the blood-lead concentration for any employee equals or exceeds the appropriate action level, the employer shall take steps to determine the reason or reasons for the high level of lead in blood and shall, so far as is reasonably practicable, give effect to measures designed to reduce the blood-lead concentration of that employee to a level below the appropriate action level.

(5) Where a relevant doctor has certified by an entry in the health record of any employee that in his professional opinion that employee should not be engaged in work which exposes the employee to lead or that the employee should only be so engaged under conditions specified in the record, the employer shall not permit the employee to be engaged in work which exposes that employee to lead except in accordance with the conditions, if any, specified in the health record, unless that entry has been cancelled by a relevant doctor.

(6) Where medical surveillance is carried out on the premises of the employer, the employer shall ensure that suitable facilities are made available for the purpose.

(7) An employee to whom this regulation applies shall, when required by his employer and at the cost of the employer, present himself during his working hours for such medical surveillance procedures as may be required for the purposes of paragraph (1) and shall furnish the relevant doctor with such information concerning his health as the relevant doctor may reasonably require.

(8) Where for the purpose of carrying out his functions under these Regulations a relevant doctor requires to inspect any workplace or any record kept for the purposes of these Regulations, the employer shall permit that doctor to do so.

(9) The employer shall ensure that in respect of each female employee whose exposure to lead is or is liable to be significant an entry is made in the health record of that employee by a relevant doctor as to whether or not that employee is of reproductive capacity.

(10) Where an employee or an employer is aggrieved by a decision recorded in the health record by a relevant doctor—

- (a) under paragraph (5) that an employee should not be engaged in work which exposes that employee to lead (or which imposes conditions on such work); or
- (b) under paragraph (9) that a female employee is of reproductive capacity,

the employee or employer may, by an application in writing to the Department within 28 days of the date upon which the decision was notified to the employee or the employer as the case may be, apply for that decision to be reviewed in accordance with a procedure approved for the purposes of this paragraph, and the result of that review shall be notified to the employee and employer and entered in the health record in accordance with the approved procedure.

Information, instruction and training

11.—(1) Every employer who undertakes work which is liable to expose any of his employees to lead shall provide that employee with such information, instruction and training as is suitable and sufficient for him to know—

- (a) the risks to health created by such exposure; and
- (b) the precautions which should be taken.

(2) Without prejudice to the generality of paragraph (1), the information provided under that paragraph shall include—

- (a) information on the results of any monitoring of exposure to lead carried out in accordance with regulation 9;
- (b) information on the collective results of any medical surveillance undertaken in accordance with regulation 10 in a form calculated to prevent it from being identified as relating to any particular person; and
- (c) an explanation as to the significance of the information given pursuant to sub-paragraph (a) or (b).

(3) Every employer shall ensure that any person (whether or not his employee) who carries out any work in connection with the employer's duties under these Regulations has the necessary information, instruction and training.

Exemption certificates

12.—(1) Subject to paragraph (2) and to any of the provisions imposed by the Communities in respect of the protection of workers from the risks related to the exposure to lead and its compounds, the Department may, by a certificate in writing, exempt any person or class of persons from all or any of the requirements or prohibitions 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.

(2) The Department 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 or prohibitions imposed by or under any statutory provisions 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 in consequence of it.

Application within territorial waters

13. Within territorial waters these Regulations shall apply only to and in relation to the premises and activities specified in paragraphs 2 to 6 of Schedule 3.

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Repeals and revocations

14.—(1) Sections 73, 126, 129 and 130 of the Factories Act (Northern Ireland) 1965⁽⁹⁾ are hereby repealed.

(2) The Regulations specified in column 1 of Schedule 4 are revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

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

L.S.

13th August 1998.

Suzanna Cooper
Assistant Secretary

(9) 1965 c. 20 (N.I.)

SCHEDULE 1

Regulation 4(2)

Activities in which the employment of young persons and women of reproductive capacity is prohibited

1. In lead smelting and refining processes—
 - (a) work involving the handling, treatment, sintering, smelting or refining of ores or materials containing not less than 5 per cent lead; and
 - (b) the cleaning of any place where any of the above processes are carried out.
2. In lead-acid battery manufacturing processes—
 - (a) the manipulation of lead-oxides;
 - (b) mixing or pasting in connection with the manufacture or repair of lead-acid batteries;
 - (c) the melting or casting of lead;
 - (d) the trimming, abrading or cutting of pasted plates in connection with the manufacture or repair of lead-acid batteries; and
 - (e) the cleaning of any place where any of the above processes are carried out.
3. In this Schedule, “lead oxides” means powdered lead oxides in the form of lead, lead monoxide, lead dioxide, red lead or any combination of lead used in oxide manufacture or lead-acid battery pasting processes.

SCHEDULE 2

Regulation 10(2)

Provisions as to medical surveillance

1. Without prejudice to paragraph 2, the medical surveillance required by regulation 10(1) shall—
 - (a) so far as is reasonably practicable, be commenced before an employee for the first time commences any work giving rise to exposure to lead and in any event within 14 working days of such commencement; and
 - (b) subsequently be conducted at intervals of not more than 12 months or such shorter intervals as the relevant doctor may require.
2. Biological monitoring shall be carried out at intervals not exceeding those set out below—
 - (a) in respect of an employee other than a young person or a woman of reproductive capacity, at least every 6 months, but where the results of the measurements for individuals or for groups of workers have shown on the previous two consecutive occasions on which monitoring was carried out a lead in air exposure greater than 0.075 mg/m³ but less than 0.100 mg/m³ and where the blood-lead concentration of any individual employee is less than 30 µg/dl, the frequency of monitoring may be reduced to once a year;
 - (b) in respect of any young person or a woman of reproductive capacity, at such intervals as the relevant doctor shall specify, being not greater than 3 months.
3. In any case where the blood-lead concentration or urinary lead concentration of an employee reaches the appropriate suspension level, the employer shall ensure that an entry is made in the health record of the employee by a relevant doctor certifying whether in the professional opinion of the doctor the employee should be suspended from any work which is liable to expose that employee to lead; where in the opinion of the relevant doctor the employee need not be suspended from such work the entry shall include—

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- (a) the reasons for that opinion; and
- (b) the conditions, if any, under which the employee may continue to be employed in such work.

SCHEDULE 3

Regulation 13

Premises and activities within territorial waters

Interpretation

1.—(1) In this Schedule—

“designated area” means any area designated by order under section 1(7) of the Continental Shelf Act 1964⁽¹⁰⁾ and “within a designated area” includes over and under it;

“offshore installation” shall be construed in accordance with paragraph 2(4) and (5);

“stand-by vessel” means a vessel which is ready to give assistance in the event of an emergency on or near an offshore installation;

“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

(2) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(3) For the purposes of this Schedule, a person shall be deemed to be engaged in diving operations throughout any period from the time when he commences to prepare for diving until the time when—

- (a) he is no longer subjected to raised pressure;
- (b) he has normal inert gas partial pressure in his tissues; and
- (c) if he entered the water, he has left it,

and diving operations include the activity of any person in connection with the health and safety of a person who is, or is deemed to be, engaged in diving operations.

(4) Any reference in this Schedule to premises and activities (howsoever described) shall include a reference to any person, article or substance on those premises or engaged in or, as the case may be, used or for use in connection with any such activity but does not include a reference to an aircraft which is airborne.

Offshore installations

2.—(1) Any offshore installation and any activity on it.

(2) Any activity, including diving operations, in connection with an offshore installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, on or from a vessel or in any other manner, other than—

- (a) transporting, towing or navigating the installation; and
- (b) any activity on or from a vessel being used as a stand-by vessel.

(3) Diving operations involving the survey and preparation of the sea bed for an offshore installation.

(4) Subject to sub-paragraph (5), in this Schedule “offshore installation” means a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water—

⁽¹⁰⁾ 1964 c. 29; section 1(7) was amended by the Oil and Gas (Enterprise) Act 1982 (c. 23), Schedule 3, paragraph 1

- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
 - (b) for the storage of gas in or under the shore or bed of any water or the recovery of gas so stored;
 - (c) for the conveyance of things by means of a pipe; or
 - (d) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this sub-paragraph,
- and which is not an excepted structure.

- (5) For the purposes of sub-paragraph (4), the excepted structures are—
- (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
 - (b) a well;
 - (c) a structure which has ceased to be used for any of the purposes specified in sub-paragraph (4) and has since been used for a purpose not so specified;
 - (d) a mobile structure which has been taken out of use and is not for the time being intended to be used for any of the purposes specified in sub-paragraph (4); and
 - (e) any part of a pipeline.

Wells

- 3.—(1) Subject to sub-paragraph (2)—
- (a) a well and any activity in connection with it; and
 - (b) an activity which is immediately preparatory to any activity referred to in head (a).
- (2) Sub-paragraph (1) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

Pipelines

- 4.—(1) Any pipeline.
- (2) Any pipeline works.
- (3) The following activities in connection with pipeline works—
- (a) the loading, unloading, fuelling or provisioning of a vessel;
 - (b) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel,
- being in either case a vessel which is engaged in pipeline works.
- (4) In this paragraph—
- “pipeline” means a pipe or system of pipes for the conveyance of any thing, together with—
- (a) any apparatus for inducing or facilitating the flow of any thing through, or through a part of, the pipe or system;
 - (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;
 - (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
 - (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in paragraphs (a) to (c);
 - (e) apparatus for the transmission of information for the operation of the pipe or system;

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- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system, but not including a pipeline of which no initial or terminal point is situated in the United Kingdom or within territorial waters, United Kingdom territorial waters adjacent to Great Britain or a designated area;

“pipeline works” means—

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the bed of the sea for the purposes of the works mentioned in paragraphs (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in paragraphs (a) to (d);
- (f) diving operations in connection with any of the works mentioned in paragraphs (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

Mines

5.—(1) The working of a mine, and work for the purpose of or in connection with the working of any part of a mine.

(2) In this paragraph “mine” and “working of a mine” have the same meaning as in the Mines Act (Northern Ireland) 1969(11).

Other activities

6.—(1) Subject to sub-paragraph (2)—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, demolition and dismantling of any building or other structure not being a vessel, or any preparation for any such activity;
- (b) the loading, unloading, fuelling or provisioning of a vessel;
- (c) diving operations;
- (d) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel; and
- (e) the maintaining on station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(5)(d) relates.

(2) Sub-paragraph (1) shall not apply to vessels which are registered outside the United Kingdom and are on passage through territorial waters.

(11) 1969 c. 6 (N.I.)

SCHEDULE 4

Regulation 14(2)

Revocations

Column (1) <i>Title of Regulations</i>	Column (2) <i>Reference</i>	Column (3) <i>Extent of revocation</i>
The Manufacture of Paints and Colours Regulations 1907.	S.R. & O. 1907 No. 17.	The whole Regulations.
The Yarn (Dyed by Lead Compounds) Heading Regulations 1907.	S.R. & O. 1907 No. 616.	The whole Regulations.
The Vitreous Enamelling Regulations 1908.	S.R. & O. 1908 No. 1258.	The whole Regulations.
The Tinning of Metal Hollow-ware, Iron Drums, and Harness Furniture Regulations 1909.	S.R. & O. 1909 No. 720.	The whole Regulations.
The Lead Smelting and Manufacture Regulations 1911.	S.R. & O. 1911 No. 752.	The whole Regulations.
The Manufacture and Decoration of Pottery Regulations 1913.	S.R. & O. 1913 No. 2.	(a) (a) in Part I, regulations 1 to 9, 11 to 25, 27 and 28; and (b) in Part II, regulations 29 to 36.
Electric Accumulator Special Regulations (Northern Ireland) 1945.	S.R. & O. (N.I.) 1945 No. 41 (p. 56).	The whole Regulations.
Control of Lead at Work Regulations (Northern Ireland) 1986.	S.R. 1986 No. 36 .	The whole Regulations.

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

These Regulations revoke and re-enact the Control of Lead at Work Regulations (Northern Ireland) 1986 (“the 1986 Regulations”) with modifications. The 1986 Regulations imposed requirements for the protection of employees who might be exposed to lead at work and of others who might be affected by such work.

The Regulations implement in part Council Directive [82/605/EEC](#) (O.J. No. L247, 23.8.82, p. 12) on the protection of workers from the risks related to exposure to metallic lead and its ionic compounds at work.

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In addition to minor and drafting amendments, the Regulations make the following changes of substance—

- (a) the Regulations extend the definition of “lead” to include lead alkyls (*regulation 2(1)*);
- (b) the Regulations repeal or revoke various statutory provisions relating to lead including provisions imposing general prohibitions on the employment of women and young persons in work with lead (*regulation 14 and Schedule 4*).

In addition the Regulations—

- (a) introduce a definition of “leadless glaze” (*regulation 2(1)*);
- (b) introduce occupational exposure limits for lead and lead alkyls (*regulation 2(1)*);
- (c) introduce—
 - (i) blood-lead action levels; and
 - (ii) blood-lead suspension levels and urinary lead suspension levels, for women of reproductive capacity and young persons (as defined) and other employees (*regulation 2(1)*);
- (d) reimpose a prohibition in respect of women of reproductive capacity and young persons in specified activities only (*regulation 4(2) and Schedule 1*);
- (e) require an employer to carry out an assessment as to whether the exposure of any employee to lead is liable to be significant (as defined) (*regulation 5*);
- (f) require an employer to ensure that only persons responsible for undertaking necessary work are permitted into an area where a significant increase in exposure to lead is likely to occur as a result of the failure of a control measure (*regulation 6(9)*);
- (g) impose requirements concerning the examination and testing of engineering controls and respiratory protective equipment and the keeping of personal protective equipment (*regulation 8(2), (3), (5) and (6)*);
- (h) impose new sampling procedures in respect of air monitoring (*regulation 9(2) to (4)*);
- (i) impose requirements in relation to medical surveillance providing for—
 - (i) medical surveillance to be carried out at appropriate intervals (*regulation 10(2) and Schedule 2*),
 - (ii) an investigation to be undertaken by an employer when the blood-lead concentration of an employee reaches a specified action level (*regulation 10(4)*),
 - (iii) suitable facilities to be made available for the purpose (*regulation 10(6)*) and for inspection by a relevant doctor (*regulation 10(8)*),
 - (iv) an appropriate entry to be made in the health record of each female employee (*regulation 10(9)*) and
 - (v) an employer or an employee aggrieved by a decision recorded in the health record of an employee to apply for a review of the decision (*regulation 10(10)*);
- (j) require that information given to employees by employers includes the results of air monitoring and health surveillance and its significance (*regulation 11(2)*);
- (k) require the keeping of records in respect of examination and testing of control measures, air monitoring and health surveillance for specified periods (*regulations 8(4), 9(5) and 10(3)*).

In Great Britain the corresponding Regulations are the Control of Lead at Work Regulations 1998 (S.I. 1998/543). The Health and Safety Executive has prepared a cost benefit assessment in relation to those Regulations and a copy of that assessment, together with a Northern Ireland Supplement

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prepared by the Department of Economic Development, is held at that Department's offices at 83 Ladas Drive, Belfast BT6 9FJ, from where copies may be obtained.

A person who contravenes the Regulations 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.