
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.

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)*),

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- (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 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.