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## EXPLANATORY NOTE

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

1. These Regulations re-enact the Management of Health and Safety at Work Regulations (Northern Ireland) 1992, as amended, with modifications.

2. A new regulation 4 requires an employer to implement preventive and protective measures on the basis of general principles set out in Article 6(2)(a) to (i) of Council Directive 89/391/EEC (“the Directive”) (O.J. No. L183, 29.6.89, p. 1) and specified in Schedule 1.

3. A new regulation 7(8) requires that a competent person in the employer’s employment shall be appointed for the purpose of regulation 7(1) in preference to a competent person who is not in such employment. Minor consequential amendments are made to regulation 7(5).

4. A new regulation 9 requires every employer to arrange any necessary contacts with external services, especially as regards first-aid, emergency medical care and rescue work.

5. A new regulation 21 provides that an employer is not to be afforded a defence for contravention of the relevant statutory provisions as defined in Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978 (“the 1978 Order”) by reason of any act or default caused by his employee or by a person appointed by the employer under regulation 7.

6. A new regulation 23 specifies the premises and activities within United Kingdom territorial waters adjacent to Northern Ireland to which the Regulations apply.

7. The Regulations revoke regulation 6 of the Health and Safety (First-Aid) Regulations (Northern Ireland) 1982 which confers power on the Health and Safety Executive for Northern Ireland (“the Executive”) to grant exemptions from those Regulations (regulation 24). The Regulations also amend the Offshore Installations and Pipeline Works (First-Aid) Regulations (Northern Ireland) 1993 to limit the scope of the exemptions that may be granted by the Executive to those specified in regulation 5(1)(b) and (c) and (2)(a) of those Regulations, and to impose a condition that where an exemption is granted the person provided under regulation 5(1)(a) shall have undergone adequate training (regulation 25).

8. The Regulations amend the Mines Miscellaneous Health and Safety Provisions Regulations (Northern Ireland) 1995 so as to give effect to Article 8(1) and (2) of the Directive. A new regulation 4(5) requires that a fire protection plan be included in all cases in the health and safety document prepared under the Regulations. In respect of all parts of a mine other than buildings on the surface, the provision requires every mine owner to designate in the document the persons who are to implement the plan and to include in the document the arrangements for the necessary contacts with external services especially as regards rescue work and fire-fighting (regulation 26).

9. The Regulations amend the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996 so as to give full effect to Article 8(1) and (2) of the Directive. Regulation 20 is amended so that arrangements for dealing with foreseeable emergencies on construction sites include the designation of persons to implement the arrangements and the inclusion of necessary contacts with external services, especially as regards rescue work and fire-fighting (regulation 27).

10. The Regulations revoke the Management of Health and Safety at Work Regulations (Northern Ireland) 1992, the Management of Health and Safety at Work (Amendment) Regulations (Northern Ireland) 1994 and the Health and Safety (Young Persons) Regulations (Northern Ireland) 1997. The

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Regulations also make consequential amendments to the statutory provisions specified in Schedule 3 (regulation 28).

**11.** In Great Britain the corresponding Regulations are the Management of Health and Safety at Work Regulations 1999 ([S.I. 1999/3242](#)). The Health and Safety Executive has prepared a regulatory impact assessment in respect of those Regulations and a copy of that assessment, together with a Northern Ireland version prepared by the Department of Enterprise, Trade and Investment, is held at the offices of the Health and Safety Executive for Northern Ireland at 83 Ladas Drive, Belfast BT6 9FR from where copies may be obtained.

**12.** A person who contravenes these Regulations or any requirement or prohibition imposed thereunder is guilty of an offence under Article 31 of the 1978 Order 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.