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STATUTORY RULES OF NORTHERN IRELAND

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2000 No. 87

**HEALTH AND SAFETY**

**Police (Health and Safety) Regulations (Northern Ireland) 2000**

*Made* . . . . . 14th March 2000

*Coming into operation* . . . . . 24th April 2000

The Department of Enterprise, Trade and Investment<sup>(a)</sup>, being the Department concerned<sup>(b)</sup>, in exercise of the powers conferred on it by Articles 4(4), 17(1) and (2) and 47A(4) of, and paragraphs 1(1) and (2) and 10 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978<sup>(c)</sup> (“the 1978 Order”) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1)<sup>(d)</sup> of the 1978 Order with the Health and Safety Executive 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 Police (Health and Safety) Regulations (Northern Ireland) 2000 and shall come into operation on 24th April 2000.

*Amendment of the meaning of “employee” and “at work” in Regulations made under Part II of the 1978 Order*

2. For the purposes of Regulations made under Part II of the 1978 Order before the coming into operation of the Police (Health and Safety) (Northern Ireland) Order 1997<sup>(e)</sup>—

(a) a person who, otherwise than under a contract of employment, holds the office of constable shall be treated as an employee of the relevant officer referred to in Article 47A of the 1978 Order; 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.

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(a) Formerly the Department of Economic Development; *see* Article 3(5) of S.I. 1999/283 (N.I. 1)  
(b) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)  
(c) S.I. 1978/1039 (N.I. 9); 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)  
(d) Article 46(1) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 8  
(e) S.I. 1997/1774 (N.I. 16)

*Amendment of the Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979*

**3.**—(1) The Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979(a) shall be amended in accordance with paragraphs (2) to (6).

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

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

*“Body to be treated as a recognised trade union*

**2A.** In relation to the undertaking listed in column 1 of Schedule 1, the body specified in column 2 shall be treated as a recognised trade union, recognised by the person specified in column 3.”.

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

(5) The Schedule shall be numbered as Schedule 2 and before that Schedule there shall be inserted as Schedule 1 the Schedule set out as follows—

“SCHEDULE 1

Regulation 2A

**Body to be treated as a recognised trade union**

Column 1 <i>Name of undertaking</i>	Column 2 <i>Name of body</i>	Column 3 <i>Specified person</i>
National Criminal Intelligence Service	Police Association for Northern Ireland	Director General of the National Criminal Intelligence Service

.”.

*Amendment of the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993*

**4.**—(1) The Personal Protective Equipment at Work Regulations (Northern Ireland) 1993(b) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 4(1), for the words “Every employer”, there shall be substituted the words “Subject to paragraph (1A), every employer”.

(3) After paragraph (1), there shall be inserted 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

(a) S.R. 1979 No. 437; the relevant amending Regulations are S.R. 1992 No. 459

(b) S.R. 1993 No. 20; to which there are amendments not relevant to these Regulations

performance of police duties, that requirement shall be complied with so far as is reasonably practicable.”.

*Amendment of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999*

5. For regulation 4(4) of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999<sup>(a)</sup> 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 Article 22(2) of the Public Order (Northern Ireland) Order 1987<sup>(b)</sup> 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, means suitable in any respect which it is reasonably foreseeable will affect the health or safety of such person.”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 14th March 2000.

(L.S.)

*Adrienne L. Brown*

A senior Officer of the Department  
of Enterprise, Trade and Investment

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<sup>(a)</sup> S.R. 1999 No. 305  
<sup>(b)</sup> S.I. 1987/463 (N.I. 7)

## EXPLANATORY NOTE

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

1. These Regulations extend to police officers Regulations made under Part II of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)) prior to the coming into operation of the Police (Health and Safety) (Northern Ireland) Order 1997 (S.I. 1997/1774 (N.I. 16)). 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 operation before the commencement of the Police (Health and Safety) (Northern Ireland) Order 1997 is extended to include constables (*regulation 2*).

3. The Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979 (S.R. 1979 No. 437) are amended to make provision for the Police Association for Northern Ireland to be treated as a recognised trade union (*regulation 3*).

4. The Personal Protective Equipment at Work Regulations (Northern Ireland) 1993 (S.R. 1993 No. 20) 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 (Northern Ireland) 1999 (S.R. 1999 No. 305) 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 (*regulation 5*).

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