

1988 No. 1222

HEALTH AND SAFETY

**The Health and Safety (Training for Employment)
Regulations 1988**

<i>Made - - - -</i>	<i>14th July 1988</i>
<i>Laid before Parliament</i>	<i>22nd July 1988</i>
<i>Coming into force</i>	<i>5th September 1988</i>

The Secretary of State, in exercise of the powers conferred on him by section 52(2) and (3) of the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act") and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Training for Employment) Regulations 1988, and shall come into force on 5th September 1988.

Interpretation

2. In these Regulations, unless the context otherwise requires—
- "the 1974 Act" means the Health and Safety at Work etc. Act 1974;
 - "educational establishment" means a university, polytechnic, college, school or similar educational or technical institute; it does not include a skillcentre or similar establishment run by the Training Commission;
 - "relevant training" means training provided pursuant to arrangements made (whether before or after the coming into force of section 25 of the Employment Act 1988(b)) under section 2 of the Employment and Training Act 1973(c) and known by any of the names specified in the Schedule to these Regulations, except training—
 - (a) provided at an educational establishment on a course run by the establishment; or
 - (b) received under a contract of employment;
- "training" means training for employment or work experience, or both.

Meaning of "work" and "at work"

3. For the purposes of Part I of the 1974 Act—
- (a) the meaning of the word "work" shall be extended to include relevant training;
 - (b) a person provided with relevant training is at work throughout the time when he would be in the course of his employment if he were receiving such training

(a) 1974 c.37; sections 50 and 52 were amended by the Employment Protection Act 1975 (c.71) Schedule 15, paragraphs 16 and 17 respectively.

(b) 1988 c.19.

(c) 1973 c.50; section 2 was substituted by section 25 of the Employment Act 1988.

under a contract of employment, but not otherwise, and the meaning of "at work" shall be so extended;
and in that connection, in the other relevant statutory provisions, "work" and "at work" shall be construed accordingly.

Meaning of "employee", "employer" etc.

4. For the purposes of the relevant statutory provisions a person provided with relevant training shall be treated as being the employee of the person whose undertaking (whether carried on by him for profit or not) is for the time being the immediate provider to that person of the training; and "employee", "worker", "employer" and related expressions in those provisions shall be construed accordingly.

Revocation

5. The Health and Safety (Youth Training Scheme) Regulations 1983 (a) are hereby revoked.

Signed by order of the Secretary of State.

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

14th July 1988

THE SCHEDULE

Regulation 2

ARRANGEMENTS TO WHICH THESE REGULATIONS APPLY

1. YTS.
2. Employment Training.
3. Employment Rehabilitation.
4. Job Training Scheme.
5. Individual Training Throughout With An Employer.
6. Voluntary Projects Programme.
7. Community Programme.
8. Wider Opportunities Training Programme.
9. Management Extension Programme.
10. Graduate Gateway Programme.
11. Professional Training Scheme.
12. Special Training Provision.

(a) S.I. 1983/1919.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give to certain trainees who are not employees the protection for and duties of employees under the relevant statutory provisions as defined in the Health and Safety at Work etc. Act 1974.

The Regulations apply to training provided pursuant to arrangements made under section 2 of the Employment and Training Act 1973 and known by any of the names specified in the Schedule.

For the purposes of the relevant statutory provisions, regulation 3 extends the meaning of "work" and "at work" to include relevant training as defined in regulation 2; and regulation 4 provides that the trainees shall be treated as if they were employees of the person whose undertaking is the immediate provider of the training.

The Regulations do not apply to training provided at an educational establishment on a course run by it unless it is a skillcentre or similar establishment run by the Training Commission.

Regulation 5 revokes the Health and Safety (Youth Training Scheme) Regulations 1983.