

2013 No. 1512

HEALTH AND SAFETY

**The Health and Safety (Miscellaneous Revocations and
Amendments) Regulations 2013**

Made - - - - - *20th June 2013*

Laid before Parliament *27th June 2013*

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 15(1), (2) and (3)(a) and 43(2) of, and paragraphs 1(2), 8, 9, 10 and 14 of Schedule 3 to, the Health and Safety at Work etc. Act 1974 (“the 1974 Act”)(a).

The Regulations give effect without modification to proposals submitted to the Secretary of State by the Health and Safety Executive under section 11(3) of the 1974 Act(b).

Before submitting those proposals to the Secretary of State, the Health and Safety Executive consulted the bodies that appeared to it to be appropriate as required by section 50(3) of the 1974 Act(c).

Citation and commencement

1.—(1) These Regulations may be cited as the Health and Safety (Miscellaneous Revocations and Amendments) Regulations 2013.

(2) These Regulations come into force—

- (a) as to this regulation and regulations 2 and 4, on 1st October 2013; and
- (b) as to regulations 3 and 5, on 6th April 2014.

Revocation in relation to the Health and Safety (First-Aid) Regulations 1981

2. Regulation 18 of and Schedule 14 to the Health and Safety (Fees) Regulations 2012(d) (fees for applications for approvals under the Health and Safety (First-Aid) Regulations 1981) are revoked.

(a) 1974 c.37; section 15(1) was inserted by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 6; section 15(1) was further amended by S.I. 2002/794.
(b) Section 11(3) was inserted by S.I. 2008/960.
(c) Section 50(3) was amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraph 16(3); it was further amended by the Health and Social Care Act 2012 (c.7), Schedule 7, paragraph 6.
(d) S.I. 2012/1652, to which there are amendments not relevant to these Regulations.

Revocations in relation to the Docks Regulations 1988

3. The revocations listed in the Schedule have effect.

Amendment to the Health and Safety (First-Aid) Regulations 1981

4. For regulation 3(2) of the Health and Safety (First-Aid) Regulations 1981(a) (duty of employer to make provision for first-aid), substitute—

“(2) Subject to paragraphs (3) and (4), an employer shall provide, or ensure that there is provided, such number of suitable persons as is adequate and appropriate in the circumstances for rendering first-aid to his employees if they are injured or become ill at work; and for this purpose a person shall not be suitable unless he has undergone such training and has such qualifications as may be appropriate in the circumstances of that case.”.

Amendments to the Work at Height Regulations 2005

- 5.—(1) The Work at Height Regulations 2005(b) are amended as follows.
- (2) After regulation 8, insert—

“8A Dock Operations

In relation to work at height where people are engaged in dock operations, every employer shall ensure that Schedule 9 is complied with.”.

- (3) After Schedule 8, add—

“SCHEDULE 9

Regulation 8A

REQUIREMENTS FOR WORK IN DOCKS

1. In relation to work at height where people are engaged in dock operations, there shall be secure and adequate guardrails at the following places—

- (a) every break, dangerous corner and other dangerous part or edge of a dock, wharf, quay or jetty; and
- (b) every open side of a gangway, footway over a bridge, caisson or dock gate,

except in so far as the provision of such guardrails is impracticable because of the nature of the work carried out there and the work is in progress.

2. In this Schedule—

“dock gate” means any lock gate or other gate which can close off the entrance to the dock or part of the dock from the sea or other waterway but does not include any gate on land which controls access by vehicles or pedestrians;

“dock operations” means—

- (a) the loading or unloading of goods on or from a ship at dock premises;
- (b) the embarking or disembarking of passengers on or from a ship at dock premises;
- (c) any activity incidental to the activities in sub-paragraph (a) or (b) which takes place on dock premises, including any of the following—
 - (i) the fuelling and provisioning of a ship;

(a) S.I. 1981/917, to which there are amendments not relevant to these Regulations.

(b) S.I. 2005/735.

- (ii) the mooring of a ship;
- (iii) the storing, sorting, inspecting, checking, weighing or handling of goods;
- (iv) the movement of goods, passengers or vehicles;
- (v) the use of welfare amenities in relation to the activities in sub-paragraph (a), (b) or (c)(i) to (iv);
- (vi) attending dock premises for the purposes of the activities in sub-paragraph (a), (b) or (c)(i) to (v); or the embarking or disembarking on or from a ship of its crew at dock premises,

but does not include—

- (d) the loading or unloading of goods or embarking or disembarking of persons on or from a pleasure craft or any activity incidental to those activities; or
- (e) beach landing operations wholly carried out by serving members of Her Majesty's Forces or visiting forces within the meaning of the provisions of Part I of the Visiting Forces Act 1952(a) or a combination of both;

“dock premises” means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities;

“freight container” means a container as defined in regulation 2 of the Freight Containers (Safety Convention) Regulations 1984(b);

“goods” includes—

- (a) animals;
- (b) pallets and freight containers;
- (c) waste;
- (d) solid ballast;
- (e) vehicles which are being transported as cargo;

“pleasure craft” means any description of vessel when used solely for sport or recreation, other than for carrying fare paying passengers;

“ship” includes all vessels and hovercraft which operate on water or land and water;

“vehicle” includes all lift trucks, locomotives and rolling-stock, and trailers and semi-trailers and other mechanical plant which moves on wheels, tracks, skids or any combination thereof;

“vessel” means any description of craft used for the transport of goods or passengers or the storage of goods or the accommodation of passengers on water, whether used in navigation or not;

“welfare amenities” means—

- (a) sanitary conveniences;
- (b) baths and shower baths;
- (c) washing facilities;
- (d) a supply of wholesome drinking water;
- (e) a supply of protective clothing, that is to say, clothing suitable for the protection of the wearer in refrigerated spaces or against dirt from handling dirty goods or against inclement weather;
- (f) accommodation and facilities for changing into clothing worn during working hours and for storing and drying clothing;

(a) 1952 c.67, to which there are amendments not relevant to these Regulations.

(b) S.I. 1984/1890, to which there are amendments not relevant to these Regulations.

- (g) canteens, or accommodation and facilities (including facilities for heating food and boiling water) for workers employed at dock premises to eat meals provided by themselves;
- (h) shelters for use during inclement weather.”.

Signed by authority of the Secretary of State for Work and Pensions

Freud
Parliamentary Under Secretary of State
Department of Work and Pensions

20th June 2013

SCHEDULE Regulation 3
REVOCATIONS IN RELATION TO THE DOCKS REGULATIONS
1988

<i>Instrument</i>	<i>Reference</i>	<i>Revocation</i>
The Docks Regulations 1988	S.I. 1988/1655	The whole Regulations
The Merchant Shipping (Safe Loading and Unloading of Bulk Carriers) Regulations 2003	S.I. 2003/2002	Regulation 12(2)(b)
The Work at Height Regulations 2005	S.I. 2005/735	Regulation 3(4)(b)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make revocations and amendments to legislation relating to health and safety using powers under the Health and Safety at Work etc. Act 1974. The revocations and amendments concern, discretely, first-aid and docks.

Regulation 4 amends regulation 3(2) of the Health and Safety (First-aid) Regulations 1981 to remove the requirement for the HSE to approve the training and qualifications of appointed first-aid personnel. Regulation 2 is a consequential amendment revoking provisions on fees for these applications and approvals.

Regulation 3 introduces the Schedule, which provides for the revocation of the Docks Regulations 1988 (“the 1988 Regulations”). The requirements in the 1988 Regulations are covered by more recent legislation, including that which has been transposed from directives of the European Union. As a consequence of the revocation of the 1988 Regulations, regulation 12(2)(b) of the Merchant Shipping (Safe Loading and Unloading of Bulk Carriers) Regulations 2003 and regulation 3(4)(b) of the Work at Height Regulations 2005 (“the 2005 Regulations”) are also revoked. Regulation 5 amends the 2005 Regulations as a consequence of the revocation of the 1988 Regulations, such that special provision for people working at height while engaged in dock operations remains.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Health and Safety Executive, Redgrave Court, Merton Road, Merseyside, L20 7HS and is available in the libraries of both Houses of Parliament, and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.

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