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STATUTORY INSTRUMENTS

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**1996 No. 1592**

**HEALTH AND SAFETY**

**The Construction (Health, Safety and Welfare) Regulations 1996**

*Made* - - - - *14th June 1996*  
*Laid before Parliament* *27th June 1996*  
*Coming into force* - - *2nd September 1996*

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2),(3)(a) and (c), (5)(b) and 82(3)(a) of, and paragraphs 1(1)(a) and (c), 1(2), 7, 9, 10, 11, 12, 14, 16 and 18(a) of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(1)</sup> (“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 Construction (Health, Safety and Welfare) Regulations 1996 and shall come into force on 2nd September 1996.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“construction site” means any place where the principal work activity being carried out is construction work;

“construction work” means the carrying out of any building, civil engineering or engineering construction work and includes any of the following—

- (a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of substances classified as corrosive or toxic for the purposes of regulation 5 of the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994<sup>(2)</sup>), de-commissioning, demolition or dismantling of a structure,

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(1) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.  
(2) S.I. 1994/669.

- (b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation, and laying or installing the foundations of the structure,
- (c) the assembly of prefabricated elements to form a structure or the disassembly of prefabricated elements which, immediately before such disassembly, formed a structure,
- (d) the removal of a structure or part of a structure or of any product or waste resulting from demolition or dismantling of a structure or from disassembly of prefabricated elements which, immediately before such disassembly, formed a structure, and
- (e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure,  
but does not include the exploration for or extraction of mineral resources or activities preparatory thereto carried out at a place where such exploration or extraction is carried out;

“excavation” includes any earthwork, trench, well, shaft, tunnel or underground working;

“fragile material” means any material which would be liable to fail if the weight of any person likely to pass across or work on that material (including the weight of anything for the time being supported or carried by that person) were to be applied to it;

“loading bay” means any facility for loading or unloading equipment or materials for use in construction work;

“personal suspension equipment” means suspended access equipment (other than a working platform) for use by an individual and includes a boatswain’s chair and abseiling equipment but it does not include a suspended scaffold or cradle;

“place of work” means any place which is used by any person at work for the purposes of construction work or for the purposes of any activity arising out of or in connection with construction work;

“plant and equipment” includes any machinery, apparatus, appliance or other similar device, or any part thereof, used for the purposes of construction work and any vehicle being used for such purpose;

“structure” means—

- (a) any building, steel or reinforced concrete structure (not being a building), railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipe-line (whatever, in either case, it contains or is intended to contain), cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure, or structure designed to preserve or alter any natural feature, and any other structure similar to the foregoing, or
- (b) any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work, or
- (c) any fixed plant in respect of work which is installation, commissioning, decommissioning or dismantling and where any such work involves a risk of a person falling more than 2 metres.

“traffic route” means any route the purpose of which is to permit the access to or egress from any part of a construction site for any pedestrians or vehicles, or both, and includes any doorway, gateway, loading bay or ramp;

“vehicle” includes any mobile plant and locomotive and any vehicle towed by another vehicle;

“working platform” means any platform used as a place of work or as a means of access to or egress from that place and includes any scaffold, suspended scaffold, cradle, mobile platform, trestle, gangway, run, gantry, stairway and crawling ladder.

- (2) Unless the context otherwise requires, any reference in these Regulations to—
- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
  - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

### **Application**

**3.—**(1) Subject to the following paragraphs of this regulation, these Regulations apply to and in relation to construction work carried out by a person at work.

(2) These Regulations shall not apply to any workplace on a construction site which is set aside for purposes other than construction work.

(3) Regulations 15, 19, 20, 21, 22 and 26(1) and (2) apply only to and in relation to construction work carried out by a person at work at a construction site.

### **Persons upon whom duties are imposed by these Regulations**

**4.—**(1) Subject to paragraph (5), it shall be the duty of every employer whose employees are carrying out construction work and every self-employed person carrying out construction work to comply with the provisions of these Regulations insofar as they affect him or any person at work under his control or relate to matters which are within his control.

(2) It shall be the duty of every person (other than a person having a duty under paragraph (1) or (3)) who controls the way in which any construction work is carried out by a person at work to comply with the provisions of these Regulations insofar as they relate to matters which are within his control.

(3) Subject to paragraph (5), it shall be the duty of every employee carrying out construction work to comply with the requirements of these Regulations insofar as they relate to the performance of or the refraining from an act by him.

(4) It shall be the duty of every person at work—

- (a) as regards any duty or requirement imposed on any other person under these Regulations, to co-operate with that person so far as is necessary to enable that duty or requirement to be performed or complied with; and
- (b) where working under the control of another person, to report to that person any defect which he is aware may endanger the health or safety of himself or another person.

(5) This regulation shall not apply to regulations 22 and 29(2), which expressly say on whom the duties are imposed.

### **Safe places of work**

**5.—**(1) There shall, so far as is reasonably practicable, be suitable and sufficient safe access to and egress from every place of work and to any other place provided for the use of any person while at work, which access and egress shall be without risks to health and properly maintained.

(2) Every place of work shall, so far as is reasonably practicable, be made and kept safe for, and without risks to health to, any person at work there.

(3) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that no person gains access to any place which does not comply with the requirements of paragraphs (1) or (2).

(4) Paragraphs (1) to (3) shall not apply in relation to a person engaged in work for the purpose of making any place safe, provided all practicable steps are taken to ensure the safety of that person whilst engaged in that work.

(5) Every place of work shall, so far as is reasonably practicable and having regard to the nature of the work being carried out there, have sufficient working space and be so arranged that it is suitable for any person who is working or who is likely to work there.

## **Falls**

6.—(1) Suitable and sufficient steps shall be taken to prevent, so far as is reasonably practicable, any person falling.

(2) In any case where the steps referred to in paragraph (1) include the provision of—

- (a) any guard-rail, toe-board, barrier or other similar means of protection; or
- (b) any working platform,

it shall comply with the provisions of Schedule 1 and Schedule 2 respectively.

(3) Without prejudice to the generality of paragraph (1) and subject to paragraph (6), where any person is to carry out work at a place from which he is liable to fall a distance of 2 metres or more or where any person is to use a means of access to or egress from a place of work from which access or egress he is liable to fall a distance of 2 metres or more—

- (a) there shall, subject to sub-paragraphs (c) and (d) below and paragraph (9), be provided and used suitable and sufficient guard-rails and toe-boards, barriers or other similar means of protection to prevent, so far as is reasonably practicable, the fall of any person from that place, which guard-rails, toe-boards, barriers and other similar means of protection shall comply with the provisions of Schedule 1; and
- (b) where it is necessary in the interest of the safety of any person that a working platform be provided, there shall, subject to sub-paragraphs (c) and (d) below, be so provided and used a sufficient number of working platforms which shall comply with the provisions of Schedule 2; and
- (c) where it is not practicable to comply with all or any of the requirements of sub-paragraphs (a) or (b) above or where due to the nature or the short duration of the work compliance with such requirements is not reasonably practicable, there shall, subject to sub-paragraph (d) below, be provided and used suitable personal suspension equipment which shall comply with the provisions of Schedule 3; and
- (d) where it is not practicable to comply with all or any of the requirements of sub-paragraphs (a), (b) or (c) above or where due to the nature or the short duration of the work compliance with such requirements is not reasonably practicable, such requirements of those sub-paragraphs as can be complied with shall be complied with and, in addition, there shall be provided and used suitable and sufficient means for arresting the fall of any person which shall comply with the provisions of Schedule 4.

(4) Means for the prevention of, or for protection from, falls provided pursuant to sub-paragraph (a) and (d) of paragraph (3) may be removed for the time and to the extent necessary for the movement of materials, but shall be replaced as soon as practicable.

(5) A ladder shall not be used as, or as a means of access to or egress from, a place of work unless it is reasonable to do so having regard to—

- (a) the nature of the work being carried out and its duration; and

- (b) the risks to the safety to any person arising from the use of the ladder.
- (6) Where a ladder is used pursuant to paragraph (5)—
  - (a) it shall comply with the provisions of Schedule 5; and
  - (b) the provisions of paragraph (3) shall not apply.
- (7) Any equipment provided pursuant to this regulation shall be properly maintained.
  - (a) (8) (a) The installation or erection of any scaffold provided pursuant to paragraph (1) or sub-paragraph (b) of paragraph (3) and any substantial addition or alteration to such scaffold shall be carried out only under the supervision of a competent person.
  - (b) The installation or erection of any personal suspension equipment or any means of arresting falls provided pursuant to sub-paragraphs (c) or (d) of paragraph (3) shall be carried out only under the supervision of a competent person, and for the purposes of this paragraph installation shall not include the personal attachment of any equipment or means of preventing falls to the person for whose safety such equipment or means is provided.
- (9) No toe-boards shall be required in respect of any stairway, or any rest platform forming part of a scaffold, where such stairway or platform is used solely as a means of access to or egress from any place of work, provided that the stairway or platform is not being used for the keeping or storing of any material or substance.

### **Fragile material**

- 7.—(1) Suitable and sufficient steps shall be taken to prevent any person from falling through any fragile material.
- (2) Without prejudice to the generality of paragraph (1),
    - (a) no person shall pass across, or work on or from, fragile material through which he would be liable to fall 2 metres or more unless suitable and sufficient platforms, coverings or other similar means of support are provided and used so that the weight of any person so passing or working is supported by such supports; and
    - (b) no person shall pass or work near fragile material through which he would be liable to fall 2 metres or more unless there are provided suitable and sufficient guard-rails, coverings or other similar means for preventing, so far as is reasonably practicable, any person so passing or working from falling through that material; and
    - (c) where any person may pass across or near or work on or near fragile material through which, were it not for the provisions of sub-paragraphs (a) and (b) above, he would be liable to fall 2 metres or more, prominent warning notices shall be affixed at the approach to the place where the material is situated.

### **Falling objects**

- 8.—(1) Where necessary to prevent danger to any person, suitable and sufficient steps shall be taken to prevent, so far as is reasonably practicable, the fall of any material or object.
- (2) In any case where the steps referred to in paragraph (1) include the provision of—
    - (a) any guard-rail, toe-board, barrier or other similar means of protection; or
    - (b) any working platform,
- it shall comply with the provisions of Schedule 1 and Schedule 2 respectively.
- (3) Where it is not reasonably practicable to comply with the requirements of paragraph (1) or where it is otherwise necessary in the interests of safety, suitable and sufficient steps shall be taken to prevent any person from being struck by any falling material or object which is liable to cause injury.

(4) No material or object shall be thrown or tipped from a height in circumstances where it is liable to cause injury to any person.

(5) Materials and equipment shall be stored in such a way as to prevent danger to any person arising from the collapse, overturning or unintentional movement of such materials or equipment.

### **Stability of structures**

**9.**—(1) All practicable steps shall be taken, where necessary to prevent danger to any person, to ensure that any new or existing structure or any part of such structure which may become unstable or in a temporary state of weakness or instability due to the carrying out of construction work (including any excavation work) does not collapse accidentally.

(2) No part of a structure shall be so loaded as to render it unsafe to any person.

(3) Any buttress, temporary support or temporary structure used to support a permanent structure pursuant to paragraph (1) shall be erected or dismantled only under the supervision of a competent person.

### **Demolition or dismantling**

**10.**—(1) Suitable and sufficient steps shall be taken to ensure that the demolition or dismantling of any structure, or any part of any structure, being demolition or dismantling which gives rise to a risk of danger to any person, is planned and carried out in such a manner as to prevent, so far as is practicable, such danger.

(2) Demolition or dismantling to which paragraph (1) applies shall be planned and carried out only under the supervision of a competent person.

### **Explosives**

**11.** An explosive charge shall be used or fired only if suitable and sufficient steps have been taken to ensure that no person is exposed to risk of injury from the explosion or from projected or flying material caused thereby.

### **Excavations**

**12.**—(1) All practicable steps shall be taken, where necessary to prevent danger to any person, to ensure that any new or existing excavation or any part of such excavation which may be in a temporary state of weakness or instability due to the carrying out of construction work (including other excavation work) does not collapse accidentally.

(2) Suitable and sufficient steps shall be taken to prevent, so far as is reasonably practicable, any person from being buried or trapped by a fall or dislodgement of any material.

(3) Without prejudice to the generality of paragraph (2), where it is necessary for the purpose of preventing any danger to any person from a fall or dislodgement of any material from a side or the roof of or adjacent to any excavation, that excavation shall as early as practicable in the course of the work be sufficiently supported so as to prevent, so far as is reasonably practicable, the fall or dislodgement of such material.

(4) Suitable and sufficient equipment for supporting an excavation shall be provided to ensure that the requirements of paragraphs (1) to (3) may be complied with.

(5) The installation, alteration or dismantling of any support for an excavation pursuant to paragraphs (1), (2) or (3) shall be carried out only under the supervision of a competent person.

(6) Where necessary to prevent danger to any person, suitable and sufficient steps shall be taken to prevent any person, vehicle or plant and equipment, or any accumulation of earth or other material, from falling into any excavation.

(7) Where a collapse of an excavation would endanger any person, no material, vehicle or plant and equipment shall be placed or moved near any excavation where it is likely to cause such collapse.

(8) No excavation work shall be carried out unless suitable and sufficient steps have been taken to identify and, so far as is reasonably practicable, prevent any risk of injury arising from any underground cable or other underground service.

### **Cofferdams and caissons**

**13.**—(1) Every cofferdam or caisson and every part thereof shall be of suitable design and construction, of suitable and sound material and of sufficient strength and capacity for the purpose for which it is used, and shall be properly maintained.

(2) The construction, installation, alteration or dismantling of a cofferdam or caisson shall take place only under the supervision of a competent person.

### **Prevention of drowning**

**14.**—(1) Where during the course of construction work any person is liable to fall into water or other liquid with a risk of drowning, suitable and sufficient steps shall be taken—

- (a) to prevent, so far as is reasonably practicable, such person from so falling; and
- (b) to minimise the risk of drowning in the event of such a fall; and
- (c) to ensure that suitable rescue equipment is provided, maintained and, when necessary, used so that such person may be promptly rescued in the event of such a fall.

(2) Suitable and sufficient steps shall be taken to ensure the safe transport of any person conveyed by water to or from any place of work.

(3) Any vessel used to convey any person by water to or from a place of work—

- (a) shall be of suitable construction; and
- (b) shall be properly maintained; and
- (c) shall be under the control of a competent person; and
- (d) shall not be overcrowded or overloaded.

### **Traffic routes**

**15.**—(1) Every construction site shall be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move safely and without risks to health.

(2) Traffic routes shall be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

(3) Without prejudice to the generality of paragraph (2), traffic routes shall not satisfy the requirements of that paragraph unless suitable and sufficient steps are taken to ensure that—

- (a) pedestrians or, as the case may be, vehicles may use a traffic route without causing danger to the health or safety of persons near it;
- (b) any door or gate used or intended to be used by pedestrians and which leads onto a traffic route for vehicles is sufficiently separated from that traffic route to enable pedestrians from a place of safety to see any approaching vehicle or plant;
- (c) there is sufficient separation between vehicles and pedestrians to ensure safety or, where this is not reasonably practicable—

- (i) there are provided other means for the protection of pedestrians; and
  - (ii) there are effective arrangements for warning any person liable to be crushed or trapped by any vehicle of the approach of that vehicle;
  - (d) any loading bay has at least one exit point for the exclusive use of pedestrians; and
  - (e) where it is unsafe for pedestrians to use any gate intended primarily for vehicles, one or more doors for pedestrians is provided in the immediate vicinity of any such gate, which door shall be clearly marked and kept free from obstruction.
- (4) No vehicle shall be driven on a traffic route unless, so far as is reasonably practicable, that traffic route is free from obstruction and permits sufficient clearance.
- (5) Where it is not reasonably practicable to comply with all or any of the requirements of paragraph (4), suitable and sufficient steps shall be taken to warn the driver of the vehicle and any other person riding thereon of any approaching obstruction or lack of clearance.
- (6) Every traffic route shall be indicated by suitable signs where necessary for reasons of health or safety.

### **Doors and gates**

- 16.**—(1) Where necessary to prevent the risk of injury to any person, any door, gate or hatch (including a temporary door, gate or hatch) shall incorporate or be fitted with suitable safety devices.
- (2) Without prejudice to the generality of paragraph (1), a door, gate or hatch shall not comply with that paragraph unless—
- (a) any sliding door, gate or hatch has a device to prevent it coming off its track during use;
  - (b) any upward opening door, gate or hatch has a device to prevent it falling back;
  - (c) any powered door, gate or hatch has suitable and effective features to prevent it causing injury by trapping any person;
  - (d) where necessary for reasons of health or safety, any powered door, gate or hatch can be operated manually unless it opens automatically if the power fails.
- (3) This regulation shall not apply to any door, gate or hatch forming part of any mobile plant and equipment.

### **Vehicles**

- 17.**—(1) Suitable and sufficient steps shall be taken to prevent or control the unintended movement of any vehicle.
- (2) Suitable and sufficient steps shall be taken to ensure that, where any person may be endangered by the movement of any vehicle, the person having effective control of the vehicle shall give warning to any person who is liable to be at risk from the movement of the vehicle.
- (3) Any vehicle being used for the purposes of construction work shall when being driven, operated or towed—
- (a) be driven, operated or towed in such a manner as is safe in the circumstances; and
  - (b) be loaded in such a way that it can be driven, operated or towed safely.
- (4) No person shall ride or be required or permitted to ride on any vehicle being used for the purposes of construction work otherwise than in a safe place thereon provided for that purpose.
- (5) No person shall remain or be required or permitted to remain on any vehicle during the loading or unloading of any loose material unless a safe place of work is provided and maintained for such person.



(6) Where any vehicle is used for excavating or handling (including tipping) materials, suitable and sufficient measures shall be taken so as to prevent such vehicle from falling into any excavation or pit, or into water, or overrunning the edge of any embankment or earthwork.

(7) Suitable plant and equipment shall be provided and used for replacing on its track or otherwise safely moving any rail vehicle which may become derailed.

#### **Prevention of risk from fire etc.**

Suitable and sufficient steps shall be taken to prevent, so far as is reasonably practicable, the risk of injury to any person during the carrying out of construction work arising from—

- (a) fire or explosion;
- (b) flooding; or
- (c) any substance liable to cause asphyxiation.

#### **Emergency routes and exits**

**19.**—(1) Where necessary in the interests of the health and safety of any person on a construction site, a sufficient number of suitable emergency routes and exits shall be provided to enable any person to reach a place of safety quickly in the event of danger.

(2) An emergency route or exit provided pursuant to paragraph (1) shall lead as directly as possible to an identified safe area.

(3) Any emergency route and exit provided in accordance with paragraph (1), and any traffic route or door giving access thereto, shall be kept clear and free from obstruction, and, where necessary, provided with emergency lighting so that such emergency route or exit may be used at any time.

(4) Any provision for emergency routes and exits made under paragraph (1) shall have regard to—

- (a) the type of work for which the construction site is being used;
- (b) the characteristics and size of the construction site and the number and location of places of work on that site;
- (c) the plant and equipment being used;
- (d) the number of persons likely to be present on the site at any one time; and
- (e) the physical and chemical properties of any substances or materials on or likely to be on the site.

(5) All emergency routes or exits shall be indicated by suitable signs.

#### **Emergency procedures**

**20.**—(1) Where necessary in the interests of the health and safety of any person on a construction site, there shall be prepared and, when necessary, implemented suitable and sufficient arrangements for dealing with any foreseeable emergency, which arrangements shall include procedures for any necessary evacuation of the site or any part thereof.

(2) Without prejudice to the generality of paragraph (1), arrangements prepared pursuant to that paragraph shall have regard to those matters set out in paragraph (4) of regulation 19.

(3) Where arrangements are prepared pursuant to paragraph (1), suitable and sufficient steps shall be taken to ensure that—

- (a) every person to whom the arrangements extend is familiar with those arrangements; and
- (b) the arrangements are tested by being put into effect at suitable intervals.

### **Fire detection and fire-fighting**

**21.**—(1) Without prejudice to the provisions of any other enactment, there shall be provided on a construction site where necessary in the interests of the health and safety of any person at work on that site—

- (a) suitable and sufficient fire-fighting equipment; and
- (b) suitable and sufficient fire detectors and alarm systems,

which shall be suitably located.

(2) Any provision for fire-fighting equipment, fire detectors and alarm systems made under paragraph (1) shall have regard to those matters set out in paragraph (4) of regulation 19.

(3) Any fire-fighting equipment, fire detector or alarm system provided under paragraph (1) shall be properly maintained and subject to examination and testing at such intervals as to ensure that such equipment, detector or system remains effective.

(4) Any fire-fighting equipment which is not designed to come into use automatically shall be easily accessible.

(5) Every person at work on a construction site shall, so far as is reasonably practicable, be instructed in the correct use of any fire-fighting equipment which it may be necessary for him to use.

(6) Where a work activity may give rise to a particular risk of fire, a person shall not carry out such work unless he is suitably instructed so as to prevent, so far as is reasonably practicable, that risk.

(7) Fire-fighting equipment shall be indicated by suitable signs.

### **Welfare facilities**

**22.**—(1) It shall be the duty of any person in control of a construction site to ensure, so far as is reasonably practicable, that the requirements of this regulation are complied with in relation to that site.

(2) It shall be the duty of every employer and every self-employed person to ensure that the provisions of paragraphs (3) to (8) are complied with in respect of any person at work on a construction site who is under his control.

(3) Suitable and sufficient sanitary conveniences shall be provided or made available at readily accessible places, which conveniences shall, so far as is reasonably practicable, comply with the provisions of paragraphs 1 to 3 of Schedule 6.

(4) Suitable and sufficient washing facilities, including showers if required by the nature of the work or for health reasons, shall be provided or made available at readily accessible places, which facilities shall, so far as is reasonably practicable, comply with the provisions of paragraphs 4 to 9 of Schedule 6, save that in respect of the provision of showers, paragraph 4(a) of that Schedule shall not apply.

(5) An adequate supply of wholesome drinking water shall be provided or made available at readily accessible and suitable places, which supply shall, so far as is reasonably practicable, comply with the provisions of paragraphs 10 and 11 of Schedule 6.

(6) Suitable and sufficient accommodation shall be provided or made available—

- (a) for the clothing of any person at work on a construction site and which is not worn during working hours; and
- (b) for special clothing which is worn by any person at work on a construction site but which is not taken home,

which accommodation shall, so far as is reasonably practicable, comply with the provisions of paragraph 12 of Schedule 6.

(7) Suitable and sufficient facilities shall be provided or made available to change clothing in all cases where—

(a) a person has to wear special clothing for the purpose of his work; and

(b) that person cannot, for reasons of health or propriety, be expected to change elsewhere, which facilities shall, so far as is reasonably practicable, comply with the provisions set out in paragraph 13 of Schedule 6.

(8) Suitable and sufficient facilities for rest shall be provided or made available at readily accessible places, which facilities shall, so far as is reasonably practicable, comply with the provisions of paragraph 14 of Schedule 6.

### **Fresh air**

**23.**—(1) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that every workplace or approach thereto has sufficient fresh or purified air to ensure that the place or approach is safe and without risks to health.

(2) Any plant used for the purpose of complying with paragraph (1) shall, where necessary for reasons of health or safety, include an effective device to give visible or audible warning of any failure of the plant.

### **Temperature and weather protection**

**24.**—(1) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that during working hours the temperature at any indoor place of work to which these Regulations apply is reasonable having regard to the purpose for which that place is used.

(2) Every place of work outdoors shall, where necessary to ensure the health and safety of persons at work there, be so arranged that, so far as is reasonably practicable and having regard to the purpose for which that place is used and any protective clothing or equipment provided for the use of any person at work there, it provides protection from adverse weather.

### **Lighting**

**25.**—(1) There shall be suitable and sufficient lighting in respect of every place of work and approach thereto and every traffic route, which lighting shall, so far as is reasonably practicable, be by natural light.

(2) The colour of any artificial lighting provided shall not adversely affect or change the perception of any sign or signal provided for the purposes of health and safety.

(3) Without prejudice to the generality of paragraph (1), suitable and sufficient secondary lighting shall be provided in any place where there would be a risk to the health or safety of any person in the event of failure of primary artificial lighting.

### **Good order**

**26.**—(1) Every part of a construction site shall, so far as is reasonably practicable, be kept in good order and every part of a construction site which is used as a place of work shall be kept in a reasonable state of cleanliness.

(2) Where necessary in the interests of health and safety, the perimeter of a construction site shall, so far as is reasonably practicable, be identified by suitable signs and the site shall be so arranged that its extent is readily identifiable.

(3) No timber or other material with projecting nails shall—

(a) be used in any work in which the nails may be a source of danger to any person; or

- (b) be allowed to remain in any place where the nails may be a source of danger to any person.

### **Plant and equipment**

27.—(1) All plant and equipment used for the purpose of carrying out construction work shall, so far as is reasonably practicable, be safe and without risks to health and shall be of good construction, of suitable and sound materials and of sufficient strength and suitability for the purpose for which it is used or provided.

(2) All plant and equipment used for the purpose of carrying out construction work shall be used in such a manner and be maintained in such condition that, so far as is reasonably practicable, it remains safe and without risks to health at all times when it is being used.

### **Training**

28. Any person who carries out any activity involving construction work where training, technical knowledge or experience is necessary to reduce the risks of injury to any person shall possess such training, knowledge or experience, or be under such degree of supervision by a person having such training, knowledge or experience, as may be appropriate having regard to the nature of the activity.

### **Inspection**

29.—(1) Subject to paragraph (2), a place of work referred to in column 1 of Schedule 7 shall be used to carry out construction work only if that place has been inspected by a competent person at the times set out in the corresponding entry in column 2 of that Schedule and the person who has carried out the inspection is satisfied that the work can be safely carried out at that place.

(2) Without prejudice to paragraph (1), where the place of work is a part of a scaffold, excavation, cofferdam or caisson, any employer or any other person who controls the way in which construction work is carried out by persons using that part shall ensure that the scaffold, excavation, cofferdam or caisson is stable and of sound construction and that the safeguards required by these Regulations are in place before his employees or persons under his control first use that place of work.

(3) Where the person who has carried out an inspection pursuant to paragraph (1) is not satisfied that construction work can safely be carried out at that place—

- (a) where the inspection was carried out on behalf of another person, he shall inform that person of any matters about which he is not satisfied; and
- (b) the place of work shall not be used until the matters identified have been satisfactorily remedied.

(4) An inspection of a place of work carried out pursuant to paragraph (1) shall include an inspection of any plant and equipment and any materials which affect the safety of that place of work.

### **Reports**

30.—(1) Subject to paragraphs (5) and (6), where an inspection is required under regulation 29(1), the person who carries out such inspection shall, before the end of the working period within which the inspection is completed, prepare a report which shall include the particulars set out in Schedule 8.

(2) A person who prepares a report under paragraph (1) shall, within 24 hours of completing the inspection to which the report relates, provide the report or a copy thereof to the person on whose behalf the inspection was carried out.

(3) The report or a copy thereof prepared for the purposes of paragraph (1) shall be kept at the site of the place of work in respect of which the inspection was carried out and, after that work is

completed, shall be retained at an office of the person on whose behalf the inspection was carried out for a period of 3 months from the date of such completion.

(4) A report prepared for the purposes of paragraph (1) shall at all reasonable times be open to inspection by any inspector, and the person keeping such report shall send to any such inspector such extracts therefrom or copies thereof as the inspector may from time to time require for the purpose of the execution of his duties.

(5) No report is required to be prepared under paragraph (1) in respect of any working platform or alternative means of support from no part of which a person is liable to fall more than 2 metres.

(6) Nothing in this regulation shall require—

- (a) a report to be prepared in respect of any mobile tower scaffold unless it remains erected in the same place for a period of 7 days or more;
- (b) as regards an inspection carried out on a place of work for the purposes of paragraph 1(ii) of column 2 of Schedule 7, the preparation of more than one report on that place within any period of 24 hours; or
- (c) as regards an inspection carried out on a place of work for the purposes of paragraph 2(i) or 3(i) of column 2 of Schedule 7, the preparation of more than one report on that place within any period of 7 days.

### **Exemption certificates**

**31.**—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt—

- (a) any person or class of person;
- (b) any premises or class of premises; or
- (c) any plant and equipment,

from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

### **Extension outside Great Britain**

**32.** These Regulations shall apply to any activity to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply by virtue of article 8 of the Health and Safety at Work etc. Act (Application outside Great Britain) Order 1995<sup>(3)</sup> other than the activities specified in subparagraphs (b), (c), (d) and (e) of that article as they apply to any such activity in Great Britain.

### **Enforcement in respect of fire**

**33.**—(1) Subject to paragraph (2), the fire authority within the meaning of section 43(1) of the Fire Precautions Act 1971<sup>(4)</sup> shall be the enforcing authority as regards—

- (a) regulations 19 and 20 insofar as those regulations relate to fire; and

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<sup>(3)</sup> S.I. 1995/263.

<sup>(4)</sup> 1971 c. 40.

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(b) regulation 21,

in respect of a construction site which is contained within, or forms part of, premises which are occupied by persons other than those carrying out the construction work or any activity arising from such work.

(2) Paragraph (1) shall not apply in respect of any premises of a description specified in Part I of Schedule 1 to the Fire Certificates (Special Premises) Regulations 1976<sup>(5)</sup>.

### **Modifications**

**34.** The Act and instruments mentioned in Schedule 9 shall be modified to the extent specified in that Schedule.

### **Revocations**

**35.** The instruments mentioned in column 1 of Schedule 10 are revoked to the extent specified in column 3 of that Schedule.

14th June 1996

*John Gummer*  
Secretary of State for the Environment

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(5) S.I. 1976/2003; amended by S.I. 1985/1333, S.I. 1987/37 and S.I. 1992/1811.

## SCHEDULE 1

Regulations 6(2), 6(3)(a) and 8(2)

### REQUIREMENTS FOR GUARD-RAILS ETC.

1. A guard-rail, toe-board, barrier or other similar means of protection shall—
  - (a) be suitable and of sufficient strength and rigidity for the purpose or purposes for which it is being used; and
  - (b) be so placed, secured and used as to ensure, so far as is reasonably practicable, that it does not become accidentally displaced.
2. Any structure or any part of a structure which supports a guard-rail, toe-board, barrier or other similar means of protection or to which a guard-rail, toe-board, barrier or other similar means of protection is attached shall be of sufficient strength and suitable for the purpose of such support or attachment.
3. The main guard-rail or other similar means of protection shall be at least 910 millimetres above the edge from which any person is liable to fall.
4. There shall not be an unprotected gap exceeding 470 millimetres between any guard-rail, toe-board, barrier or other similar means of protection.
5. Toe-boards or other similar means of protection shall not be less than 150 millimetres high.
6. Guard-rails, toe-boards, barriers and other similar means of protection shall be so placed as to prevent, so far as is practicable, the fall of any person, or any material or object, from any place of work.

## SCHEDULE 2

Regulations 6(2), 6(3)(b) and 8(2)

### REQUIREMENTS FOR WORKING PLATFORMS

#### **Interpretation**

1. In this Schedule, “supporting structure” means any structure used for the purpose of supporting a working platform and includes any plant and equipment used for that purpose.

#### **Condition of surfaces**

2. Any surface upon which any supporting structure rests shall be stable, of sufficient strength and of suitable composition safely to support the supporting structure, the working platform and any load intended to be placed on the working platform.

#### **Stability of supporting structure**

3. Any supporting structure shall—
  - (a) be suitable and of sufficient strength and rigidity for the purpose or purposes for which it is being used; and
  - (b) be so erected and, where necessary, securely attached to another structure as to ensure that it is stable; and
  - (c) when altered or modified, be so altered or modified as to ensure that it remains stable.

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#### **Stability of working platform**

4. A working platform shall—
  - (a) be suitable and of sufficient strength and rigidity for the purpose or purposes for which it is intended to be used or is being used; and
  - (b) be so erected and used as to ensure, so far as is reasonably practicable, that it does not become accidentally displaced so as to endanger any person; and
  - (c) when altered or modified, be so altered or modified as to ensure that it remains stable; and
  - (d) be dismantled in such a way as to prevent accidental displacement.

#### **Safety on working platforms**

5. A working platform shall—
  - (a) be of sufficient dimensions to permit the free passage of persons and the safe use of any equipment or materials required to be used and to provide, so far as is reasonably practicable, a safe working area having regard to the work there being carried out; and
  - (b) without prejudice to paragraph (a), be not less than 600 millimetres wide; and
  - (c) be so constructed that the surface of the working platform has no gap giving rise to the risk of injury to any person or, where there is a risk of any person below the platform being struck, through which any material or object could fall; and
  - (d) be so erected and used, and maintained in such condition, as to prevent, so far as is reasonably practicable—
    - (i) the risk of slipping or tripping; or
    - (ii) any person being caught between the working platform and any adjacent structure; and
  - (e) be provided with such handholds and footholds as are necessary to prevent, so far as is reasonably practicable, any person slipping from or falling from the working platform.

#### **Loading**

6. A working platform and any supporting structure shall not be loaded so as to give rise to a danger of collapse or to any deformation which could affect its safe use.

### SCHEDULE 3

Regulation 6(3)(c)

#### REQUIREMENTS FOR PERSONAL SUSPENSION EQUIPMENT

1. Personal suspension equipment shall be suitable and of sufficient strength for the purpose or purposes for which it is being used having regard to the work being carried out and the load, including any person, it is intended to bear.
2. Personal suspension equipment shall be securely attached to a structure or to plant and the structure or plant and the means of attachment thereto shall be suitable and of sufficient strength and stability for the purpose of supporting that equipment and the load, including any person, it is intended to bear.
3. Suitable and sufficient steps shall be taken to prevent any person falling or slipping from personal suspension equipment.



4. Personal suspension equipment shall be installed or attached in such a way as to prevent uncontrolled movement of that equipment.

#### SCHEDULE 4

Regulation 6(3)(d)

##### REQUIREMENTS FOR MEANS OF ARRESTING FALLS

1. In this Schedule, “equipment” means any equipment provided for the purpose of arresting the fall of any person at work and includes any net or harness provided for that purpose.
2. The equipment shall be suitable and of sufficient strength to safely arrest the fall of any person who is liable to fall.
3. The equipment shall be securely attached to a structure or to plant and the structure or plant and the means of attachment thereto shall be suitable and of sufficient strength and stability for the purpose of safely supporting the equipment and any person who is liable to fall.
4. Suitable and sufficient steps shall be taken to ensure, so far as practicable, that in the event of a fall by any person the equipment does not itself cause injury to that person.

#### SCHEDULE 5

Regulation 6(6)

##### REQUIREMENTS FOR LADDERS

1. Any surface upon which a ladder rests shall be stable, level and firm, of sufficient strength and of suitable composition safely to support the ladder and any load intended to be placed on it.
2. A ladder shall—
  - (a) be suitable and of sufficient strength for the purpose or purposes for which it is being used;
  - (b) be so erected as to ensure that it does not become displaced; and
  - (c) where it is of a length when used of 3 metres or more, be secured to the extent that it is practicable to do so and where it is not practicable to secure the ladder a person shall be positioned at the foot of the ladder to prevent it slipping at all times when it is being used.
3. All ladders used as a means of access between places of work shall be sufficiently secured so as to prevent the ladder slipping or falling.
4. The top of any ladder used as a means of access to another level shall, unless a suitable alternative handhold is provided, extend to a sufficient height above the level to which it gives access so as to provide a safe handhold.
5. Where a ladder or run of ladders rises a vertical distance of 9 metres or more above its base, there shall, where practicable, be provided at suitable intervals sufficient safe landing areas or rest platforms.

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## SCHEDULE 6

Regulation 22

### WELFARE FACILITIES

#### **Sanitary conveniences**

1. Rooms containing sanitary conveniences shall be adequately ventilated and lit.
2. Sanitary conveniences and the rooms containing them shall be kept in a clean and orderly condition.
3. Separate rooms containing sanitary conveniences shall be provided for men and women, except where and so far as each convenience is in a separate room the door of which is capable of being secured from the inside.

#### **Washing facilities**

4. Washing facilities shall be provided—
  - (a) in the immediate vicinity of every sanitary convenience, whether or not provided elsewhere; and
  - (b) in the vicinity of any changing rooms required by paragraph (7) of regulation 22 whether or not provided elsewhere.
5. Washing facilities shall include—
  - (a) a supply of clean hot and cold, or warm, water (which shall be running water so far as is reasonably practicable); and
  - (b) soap or other suitable means of cleaning; and
  - (c) towels or other suitable means of drying.
6. Rooms containing washing facilities shall be sufficiently ventilated and lit.
7. Washing facilities and the rooms containing them shall be kept in a clean and orderly condition.
8. Subject to paragraph 9 below, separate washing facilities shall be provided for men and women, except where and so far as they are provided in a room the door of which is capable of being secured from inside and the facilities in each such room are intended to be used by only one person at a time.
9. Paragraph 8 above shall not apply to facilities which are provided for washing hands, forearms and face only.

#### **Drinking water**

10. Every supply of drinking water shall be conspicuously marked by an appropriate sign where necessary for reasons of health and safety.
11. Where a supply of drinking water is provided, there shall also be provided a sufficient number of suitable cups or other drinking vessels unless the supply of drinking water is in a jet from which persons can drink easily.

#### **Accommodation for clothing**

12. Accommodation for clothing shall include or allow for facilities for drying clothing.

**Facilities for changing clothing**

13. The facilities for changing clothing shall be separate facilities for, or separate use of facilities by, men and women where necessary for reasons of propriety.

**Facilities for rest**

14. Rest facilities shall—

- (a) include rest facilities provided in one or more rest rooms or rest areas;
- (b) include rest rooms or rest areas with suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke;
- (c) where necessary, include suitable facilities for any person at work who is a pregnant woman or nursing mother to rest;
- (d) include suitable arrangements to ensure that meals can be prepared and eaten; and
- (e) include the means for boiling water.

SCHEDULE 7

Regulation 29(1)

PLACES OF WORK REQUIRING INSPECTION

Column 1 <i>Place of Work</i>	Column 2 <i>Time of inspection</i>
<p>1. Any working platform or part thereof or any personal suspension equipment provided pursuant to paragraph (3)(b) or (c) of regulation 6.</p>	<ul style="list-style-type: none"> <li>(i) Before being taken into use for the first time; and</li> <li>(ii) after any substantial addition, dismantling or other alteration; and</li> <li>(iii) after any event likely to have affected its strength or stability; and</li> <li>(iv) at regular intervals not exceeding 7 days since the last inspection.</li> </ul>
<p>2. Any excavation which is supported pursuant to paragraphs (1), (2) or (3) of regulation 12.</p>	<ul style="list-style-type: none"> <li>(i) Before any person carries out work at the start of every shift; and</li> <li>(ii) after any event likely to have affected the strength or stability of the excavation or any part thereof; and</li> <li>(iii) after any accidental fall of rock or earth or other material.</li> </ul>
<p>3. Cofferdams and caissons</p>	<ul style="list-style-type: none"> <li>(i) Before any person carries out work at the start of every shift; and</li> </ul>

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Column 1 <i>Place of Work</i>	Column 2 <i>Time of inspection</i>
	(ii) after any event likely to have affected the strength or stability of the cofferdam or caisson or any part thereof.

SCHEDULE 8

Regulation 30

PARTICULARS TO BE INCLUDED IN A REPORT OF INSPECTION

1. Name and address of the person on whose behalf the inspection was carried out.
2. Location of the place of work inspected.
3. Description of the place of work or part of that place inspected (including any plant and equipment and materials, if any).
4. Date and time of the inspection.
5. Details of any matter identified that could give rise to a risk to the health or safety of any person.
6. Details of any action taken as a result of any matter identified in paragraph 5 above.
7. Details of any further action considered necessary.
8. Name and position of the person making report.

SCHEDULE 9

Regulation 34

MODIFICATIONS

The Mines and Quarries Act 1954

1. In sub-section (5) of section 184 of the Mines and Quarries Act 1954(6) —
  - (a) the words after the semi-colon shall be deleted; and
  - (b) in place of the semi-colon, there shall be substituted a full stop.

The Factories Act 1961

2. The Factories Act 1961(7) is modified as follows—
  - (a) in section 127, sub-section (3) shall cease to have effect;
  - (b) in section 176, in sub-section (1)—
    - (i) the definition of “building operation” shall be deleted and the following substituted—
 

““building operation” and “work of engineering construction” mean “construction work” within the meaning assigned to that phrase by regulation 2(1) of the Construction (Design and Management) Regulations 1994 (S.I. 1994/3140);”;
    - (ii) the definition of “work of engineering construction” is deleted.

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(6) 1954 c. 70.  
(7) 1961 c. 34.

## The Construction (Lifting Operations) Regulations 1961

### 3. The Construction (Lifting Operations) Regulations 1961(8) are modified as follows—

- (a) in regulation 3—
  - (i) in place of “regulation 47”, substitute “regulations 47 and 48A”;
  - (ii) after “48”, insert “, 48A”;
- (b) after regulation 48 the following shall be added—

#### **“Suspended scaffolds (not power operated)**

##### **48A**

**48A.**—(1) Without prejudice to any requirement of these Regulations as respects lifting appliances, chains, ropes and lifting gear used in connection therewith, the requirements of this regulation shall be observed as respects—

- (a) every suspended scaffold; and
- (b) plant or equipment which is permanent plant or equipment of a building and which, but for the fact that it is permanently provided, would be a suspended scaffold,

being in any case a suspended scaffold, plant or equipment which is not raised or lowered by a power-driven lifting appliance or power-driven lifting appliances and no such suspended scaffold, plant or equipment shall be used unless it complies with the requirements of this regulation.

(2) In the application of the succeeding paragraphs of this regulation, references therein to suspended scaffolds shall be construed as references to suspended scaffolds to which this regulation applies and as including references to plant or equipment of the kind referred to in sub-paragraph (b) of the foregoing paragraph of this regulation.

(3) Every suspended scaffold shall be provided with adequate and suitable chains or ropes and winches or other lifting appliances or similar devices and shall be suspended from suitable outriggers, joists, runways, rail tracks or other equally safe anchorage.

(4) The winches or other lifting appliances or similar devices of a suspended scaffold shall be—

- (a) provided with a brake or similar device which comes into operation when the operating handle or lever is released; and
- (b) adequately protected against the effects of weather, dust or material likely to cause damage.

(5) The outriggers for a suspended scaffold shall be of adequate length and strength and properly installed and supported and, subject to paragraph (12) of this regulation, shall be installed horizontally and provided with adequate stops at their outer ends. The outriggers shall be properly spaced having regard to the construction of the scaffold and of the runway, joist or rail track on which the scaffold is carried.

(6) Where counterweights are used with outriggers the counterweights shall be securely attached to the outriggers and shall be not less in weight than three times the weight which would counter-balance the weight suspended from the outrigger including the weight of the runway, joist or rail track, the suspended scaffold and persons and other loads thereon.

(7) The points of suspension of every suspended scaffold shall be an adequate horizontal distance from the face of the building or other structure.

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(8) [S.I. 1961/1581](#); to which there are amendments not relevant to these Regulations.

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(8) Every runway, joist and rail track supporting a suspended scaffold shall be of suitable and sound material, adequate strength for the purpose for which it is used and free from patent defect, shall be provided with adequate stops at each end and shall be properly secured to the building or other structure or, where outriggers are used, to the outriggers.

(9) The suspension ropes or chains of a suspended scaffold—

(a) shall be securely attached to the outriggers or other supports and to the platform framework or to any lifting appliance or other device attached thereto, as the case may be; and

(b) shall be kept in tension.

(10) Where winches are used with suspended scaffolds the suspension ropes shall be of such length that at the lowest positions at which the scaffold is intended to be used there are not less than two turns of rope remaining on each winch drum and the length of each rope shall be clearly marked on its winch.

(11) If a suspended scaffold is carried on fibre ropes and pulley blocks the ropes shall be spaced not more than 3.20 metres apart.

(12) Where the work to be carried out from a suspended scaffold is of such a light nature and the material required for the work is such that a cradle or similar light-weight suspended scaffold can be used with safety and where such suspended scaffold is used, the requirements of paragraph (5) that the outriggers shall be installed horizontally and that stops shall be provided shall not apply.

**48B.** In regulation 48A—

“slung scaffold” means a scaffold suspended by means of lifting gear, ropes or chains or rigid members and not provided with means of raising or lowering by a lifting appliance or similar device;

“suspended scaffold” means a scaffold (not being a slung scaffold) suspended by means of ropes or chains and capable of being raised or lowered but does not include a boatswain’s chair or similar appliance.”

#### The Health and Safety (Enforcing Authority) Regulations 1989

**4.** In regulation 2 of the Health and Safety (Enforcing Authority) Regulations 1989(9), in paragraph (1) for the definitions of “construction work” and “contractor”, substitute—

““construction work” and “contractor” have the meanings assigned to them by regulation 2(1) of the Construction (Design and Management) Regulations 1994 [S.I. 1994/3140];”.

#### The Workplace (Health, Safety and Welfare) Regulations 1992

**5.** The following sub-paragraph shall be substituted for sub-paragraph (b) of regulation 3(1) of the Workplace (Health, Safety and Welfare) Regulations 1992(10) —

“(b) a workplace where the only activity being undertaken is construction work within the meaning assigned to that phrase by regulation 2(1) of the Construction (Health, Safety and Welfare) Regulations 1996 [S.I. 1996/ ], except for any workplace from which the application of the said Regulations is excluded by regulation 3(2) of those Regulations;”.

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(9) S.I. 1989/1903.

(10) S.I. 1992/3004.

## The Management and Administration of Safety and Health at Mines Regulations 1993

6. Paragraph (3) of regulation 40 of the Management and Administration of Safety and Health at Mines Regulations 1993<sup>(11)</sup> shall be deleted and the following substituted—

“(3) Those provisions of the 1961 Act which are applied by section 127 of that Act to building operations shall apply, as respects premises forming part of a mine, to building operations undertaken above ground, and in this paragraph the term “building operation” has the same meaning as in section 176(1) of the 1961 Act.”.

## The Railways (Safety Case) Regulations 1994

7. In regulation 2(1) of the Railways (Safety Case) Regulations 1994<sup>(12)</sup> —

(a) the definition of “building operation” shall be deleted and the following substituted—

““building operation” means the construction, structural alteration, repair or maintenance of a building (including repointing, redecoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction;”.

(b) the definition of “work of engineering construction” shall be deleted and the following substituted—

““work of engineering construction” means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including repointing and repainting) or demolition of any tunnel, bridge or viaduct, except where carried on upon a railway;”.

## The Railways (Safety Critical Work) Regulations 1994

8. In regulation 2(1) of the Railways (Safety Critical Work) Regulations 1994<sup>(13)</sup> —

(a) the definition of “building operation” shall be deleted and the following substituted—

““building operation” means the construction, structural alteration, repair or maintenance of a building (including repointing, redecoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction;”;

(b) the definition of “work of engineering construction” shall be deleted and the following substituted—

““work of engineering construction” means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including repointing and repainting) or demolition of any tunnel, bridge or viaduct, except where carried on upon a railway or tramway.”.

## The Construction (Design and Management) Regulations 1994

9. In regulation 2(1) of the Construction (Design and Management) Regulations 1994, the definition of “construction work” shall be amended so that, in sub-paragraph (a) of that definition, in place of the words “regulation 7 of the Chemicals (Hazard Information and Packaging) Regulations 1993,” there shall be substituted “regulation 5 of the Carriage of Dangerous Goods by Road and Rail (Classification, Packaging and Labelling) Regulations 1994 [S.I. 1994/669].”.

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<sup>(11)</sup> S.I. 1993/1897.

<sup>(12)</sup> S.I. 1994/237.

<sup>(13)</sup> S.I. 1994/299.

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## SCHEDULE 10

Regulation 35

## REVOCATIONS

<i>Column 1</i> <i>Description of Instrument</i>	<i>Column 2</i> <i>Reference</i>	<i>Column 3</i> <i>Extent of Revocation</i>
The Engineering Construction (Extension of Definition) Regulations 1960.	<a href="#">S.I. 1960/421.</a>	The whole instrument.
The Construction (General Provisions) Regulations 1961.	<a href="#">S.I. 1961/1580.</a>	Regulations 8 to 19, 21, 23 to 41, 45 to 51, 53 and 56.
The Construction (Working Places) Regulations 1966.	<a href="#">S.I. 1966/94.</a>	The whole instrument.
The Construction (Health and Welfare) Regulations 1966.	<a href="#">S.I. 1966/95.</a>	The whole instrument.
The Engineering Construction (Extension of Definition) (No. 2) Regulations 1968.	<a href="#">S.I. 1968/1530.</a>	The whole instrument.
The Construction (Health and Welfare) (Amendment) Regulations 1974.	<a href="#">S.I. 1974/209.</a>	The whole instrument.

**EXPLANATORY NOTE**

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

1. These Regulations impose requirements with respect to the health, safety and welfare of persons at work carrying out “construction work”, defined in regulation 2(1), and of others who may be affected by that work.

2. The Regulations replace the Construction (General Provisions) Regulations 1961, the Construction (Health and Welfare) Regulations 1966 and the Construction (Working Places) Regulations 1966.

3. The Regulations give effect as respects Great Britain to the following provisions of Council Directive [92/57/EEC](#) (OJ No. L245, 26.8.92, p. 6) on the implementation of minimum safety and health requirements at temporary or mobile construction sites:

- (a) Articles 8(a), (b) and (d), 9(a), and paragraph 1(a)(i) of Article 10 (in so far as it refers to Article 8(a), (b) and (d) and Annex IV);
- (b) in part A of Annex IV, points 1.1, 1.2, sections 3 to 5, 7 to 12 and 14 to 18;
- (c) in section II of part B of Annex IV, sections 1, 3 to 6, points 8.1(b) and (c), 8.2, 8.3, 8.4 (in part), 9.1(b) to (d) and sections 10 to 14.



4. Specified regulations apply only in respect of construction work carried out on a “construction site”, defined in regulation 2(1), and where a workplace on a construction site is set aside for purposes other than construction work, the Regulations do not apply.

5. Subject to specific exceptions, the Regulations impose requirements on—

- (a) employers, the self-employed and others who control the way in which construction work is carried out;
- (b) employees in respect of their own actions; and
- (c) every person at work as regards co-operation with others and the reporting of danger.

6. The Regulations impose requirements with respect to—

- (a) the provision of safe places of work and safe access and egress thereto (regulation 5);
- (b) the provision of suitable equipment to prevent falls (regulation 6);
- (c) the working on or near fragile material (regulation 7);
- (d) the prevention of injury from falling objects (regulation 8);
- (e) the stability of structures (regulation 9);
- (f) the carrying out and supervision of demolition and dismantling and the use of explosives (regulations 10 and 11);
- (g) the safety of excavations, cofferdams and caissons (regulations 12 and 13);
- (h) the prevention of drowning (regulation 14);
- (i) the movement of pedestrian and vehicular traffic (regulation 15);
- (j) the construction of doors, gates and hatches (regulation 16);
- (k) the use of vehicles (regulation 17);
- (l) the risks from fire, the provision of emergency routes and exits, the preparation and implementation of evacuation procedures and the provision of fire-fighting equipment, fire detectors and alarms (regulations 18 to 21);
- (m) the provision of sanitary and washing facilities, a supply of drinking water, rest facilities and facilities to change and store clothing (regulation 22);
- (n) the provision of adequate fresh air, reasonable temperature and weather protection (regulations 23 and 24);
- (o) the provision of lighting (including emergency lighting) (regulation 25);
- (p) the marking and good order of a construction site (regulation 26);
- (q) the safety and maintenance of plant and equipment (regulation 27);
- (r) training and supervision (regulation 28);
- (s) the inspection of places of work and the preparation of reports (regulations 29 and 30).

7. Regulation 31 provides for the granting of exemptions from the Regulations by the Health and Safety Executive.

8. Regulation 32 extends the application of the Regulations to construction activities within territorial waters.

9. Regulation 33 provides for specified provisions of the Regulations to be enforced in specified circumstances by fire authorities.

10. Regulation 34 modifies the enactments referred to in Schedule 9, and regulation 35 revokes the enactments referred to in Schedule 10.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**11.** A copy of the cost benefit assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Construction Policy Section, Safety Policy Directorate, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the Library of each House of Parliament.