

## SCHEDULE 2

Regulation 13(1)

### Modifications

#### Part 1

##### The Factories Act (Northern Ireland) 1965(1)

1. In section 31(6), for “breathing apparatus of a type approved by the chief inspector”, there shall be substituted “suitable breathing apparatus”.

#### Part II

##### Shipbuilding and Ship-Repairing Regulations (Northern Ireland) 1971(2)

2. In each of regulations 49, 50(1) and 59(1), for “breathing apparatus of a type approved for the purpose of this Regulation”, there shall be substituted “suitable breathing apparatus”.

#### Part III

##### Ionising Radiations Regulations (Northern Ireland) 1985(3)

3. In regulation 23(1), after “that respiratory protective equipment”, there shall be inserted “complies with paragraph (1A) or, where no requirement is imposed by that paragraph.”.

4. After regulation 23(1), there shall be inserted—

“(1A) For the purposes of paragraph (1), personal protective equipment complies with this paragraph if it complies with any statutory provision which implements in Northern Ireland any provision on design or manufacture with respect to health and safety in any relevant Community Directive (Northern Ireland) 1993 which is applicable to that item of personal protective equipment.

(1B) Before choosing personal protective equipment, an employer shall make an assessment to determine whether it will satisfy regulation 6(3).

(1C) The assessment required by paragraph (1B) shall involve—

- (a) The definition of the characteristics necessary to comply with regulation 6(3), and
- (b) a comparison of the characteristics of available personal protective equipment with the characteristics referred to in sub-paragraph (a).

(1D) The assessment required by paragraph (1B) shall be reviewed if—

- (a) there is reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the work to which it relates, and where, as a result of the review, changes in the assessment are required, the employer shall make them.”.

5. At the end of regulation 23 there shall be inserted—

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(1) 1965 c. 20: by S. R. 1979 No. 246 references to the chief inspector are to be construed as references to an inspector appointed by the Department of Economic Development (formerly the Department of Manpower Services *see* S.I. 1982/846 (N.I. 11) Article 3) under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978 or an inspector so appointed who is authorised to act for the purposes of the provision in question.

(2) S.R. 1971 No. 372

(3) S.R. 1985 No. 273

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

“(2A) Every employer shall ensure that appropriate accommodation is provided for personal protective equipment when it is not being worn.

(2B) Every employee shall take all reasonable steps to ensure that personal protective equipment provided to him is returned after use to the accommodation provided for it.”.

## Part IV

### Control of Lead at Work Regulations (Northern Ireland) 1986(4)

6. In regulation 7—

- (a) after “respiratory protective equipment”, there shall be inserted “which complies with regulation 8A or, where the requirements of that regulation do not apply, which is”; and
- (b) after “as will”, there shall be inserted, “in either case.”.

7. In regulation 8, for “adequate protective clothing”, there shall be substituted protective clothing which complies with regulation 8A or, where no requirement is imposed by virtue of that regulation, is adequate

8. After regulation 8, there shall be inserted—

#### **“Compliance with relevant Community Directives**

8A. Any respiratory protective equipment or protective clothing shall comply with any statutory provision which implements in Northern Ireland any provision on design or manufacture with respect to health or safety in any relevant Community Directive listed in Schedule 1 to the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993 which is applicable to that item of respiratory protective equipment or protective clothing.

#### **Assessment of respiratory protective equipment or protective clothing**

8B. —

(1) Before choosing respiratory protective equipment or protective clothing, an employer shall make an assessment to determine whether it will satisfy regulation 7 or 8, as appropriate.

(2) The assessment required by paragraph (1) shall involve—

- (a) the definition of the characteristics necessary to comply with regulation 7 or, as the case may be, 8, and
- (b) a comparison of the characteristics of respiratory protective equipment or protective clothing available with the characteristics referred to in subparagraph (a).

(3) The assessment required by paragraph (1) shall be reviewed if—

- (a) there is reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the matters to which it relates,

and, where, as a result of the review, changes in the assessment are required, the employer shall make them.”.

9. In regulation 9, for paragraph (b), there shall be substituted—

- “(b) where he is required under regulation 7 or 8 to provide respiratory protective equipment or protective clothing, adequate changing facilities and adequate facilities for the storage of—
- (i) the respiratory protective equipment or protective clothing; and
  - (ii) personal clothing not worn during working hours.”.
10. In regulation 13, after paragraph (2), there shall be inserted—
- “(3) Every employee shall take all reasonable steps to ensure that any respiratory protective equipment provided to him pursuant to regulation 7 and protective clothing provided to him pursuant to regulation 8 is returned after use to the accommodation provided for it.”.
11. In regulation 18(2), the full stop at the end shall be omitted and there shall be added “and that any provision imposed by the European Communities in respect of the encouragement of improvements in the safety and health of workers at work will be satisfied.”.

## Part V

### Control of Asbestos at Work Regulations (Northern Ireland) 1988<sup>(5)</sup>

12. In regulation 8(3), after “shall” where that word first appears, there shall be inserted “comply with paragraph 3(A) or, where no requirement is imposed by that paragraph shall”.
13. After regulation 8(3) there shall be inserted—
- “(3A) Any respiratory protective equipment provided in pursuance of paragraph (2) or protective clothing provided in pursuance of regulation 11(1) shall comply with this paragraph if it complies with any statutory provision which implements in Northern Ireland any provision on design or manufacture with respect to health or safety in any relevant Community Directive listed in Schedule 1 to the Personal Protective equipment at Work Regulations (Northern Ireland) 1993 which is applicable to that item of respiratory protective equipment or protective clothing.”.
14. In regulation 20(2), the full stop at the end shall be omitted and there shall be added “and that any provision imposed by the European Communities in respect of the encouragement of improvements in the safety and health of workers at work will be satisfied.”.

## Part VI

### Noise at Work Regulations (Northern Ireland) 1990<sup>(6)</sup>

15. After regulation 8(2) there shall be inserted—
- “(3) Any personal ear protectors provided by virtue of this regulation shall comply with any statutory provision which implements in Northern Ireland any provision on design or manufacture with respect to health or safety in any relevant Community Directive listed in Schedule 1 to the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993 which is applicable to those ear protectors.”.

## Part VII

### Control of Substances hazardous to Health Regulations (Northern Ireland) 1990(7)

16. In regulation 13(2) the full stop at the end shall be omitted and there shall be added “and that any provision imposed by the European Communities in respect of the encouragement of improvement in the safety and health of workers at work will be satisfied.”.

17. In regulation 7, after paragraph (3), there shall be inserted—

“(3A) Any personal protective equipment provided by an employer in pursuance of this regulation shall comply with any statutory provision which implements in Northern Ireland any provision on design or manufacture with respect to health or safety in any relevant Community Directive listed in Schedule 1 to the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993 which is applicable to that item of personal protective equipment.”.

18. In regulation 7, in sub-paragraph (6)(b) thereof, there shall be inserted at the beginning “comply with paragraph (3A) or, where no requirement is imposed by virtue of that paragraph.”.

19. In regulation 8(2), after “these Regulations”, there shall be inserted and shall take all reasonable steps to ensure that it is returned after use to any accommodation provided for it .

20. In regulation 14(2) the full stop at the end shall be omitted and there shall be added “and that any provision imposed by the European Communities in respect of the encouragement of improvement in the safety and health of workers at work will be satisfied.”.

## Part VIII

### Construction (Head Protection) Regulations (Northern Ireland) 1990(8)

21. After regulation 4(2) there shall be inserted—

“(3) Any head protection provided by virtue of this regulation shall comply with any statutory provision which implements in Northern Ireland any provision on design or manufacture with respect to health or safety in any relevant Community Directive listed in Schedule 1 to the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993 which is applicable to that head protection.

(4) Before choosing head protection, an employer or self-employed person shall make an assessment to determine whether it will be suitable.

(5) The assessment required by paragraph (4) shall involve—

- (a) the definition of the characteristics which head protection must have in order to be suitable; and
- (b) a comparison of the characteristics of the protection available with the characteristics referred to in sub-paragraph (a).

(6) The assessment required by paragraph (4) shall be reviewed if—

- (a) there is reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the matters to which it relates,

and, where, as a result of the review, changes in the assessment are required, the relevant employer or self-employed person shall make them.

(7) Every employer and every self-employed person shall ensure that appropriate accommodation is available for head protection provided by virtue of these Regulations when it is not being used.”.

22. For regulation 7(4), there shall be substituted—

“(4) Every employee or self-employed person who is required to wear suitable head protection by or under these Regulations shall—

(a) make full and proper use of it; and

(b) take all reasonable steps to return it after use to the accommodation provided for it.”.

23. In regulation 9(2), the full stop at the end shall be omitted and there shall be added “and that any provision imposed by the European Communities in respect of the encouragement of improvements in the safety and health of workers at work will be satisfied.”.