

STATUTORY RULES OF A GENERAL CHARACTER
ISSUED IN 1994

1994 No. 1

HEALTH AND SAFETY

Health and Safety (Training for Employment) Regulations
(Northern Ireland) 1994

Made 10th January 1994

Coming into operation 7th March 1994

The Department of Economic Development, being the Department concerned(a), in exercise of the powers conferred on it by Article 2(5) of the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling it in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Training for Employment) Regulations (Northern Ireland) 1994 and shall come into operation on 7th March 1994.

Interpretation

2. In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“educational establishment” means a university, college, school or similar educational or technical institute;

“relevant training” means work experience provided pursuant to a training course or programme, or training for employment, or both, except if—

(a) the immediate provider of the work experience or training for employment is an educational establishment and it is provided on a course run by the establishment; or

(b) it is received under a contract of employment.

Meaning of “work” and “at work”

3. For the purposes of the 1978 Order—

(a) the meaning of the word “work” shall be extended to include relevant training;

(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(b) S.I. 1978/1039 (N.I. 9)

- (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 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 Programme) Regulations (Northern Ireland) 1985(a) are hereby revoked.

Sealed with the Official Seal of the Department of Economic Development on 10th January 1994.

(L.S.)

Philip B. Strong

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations give the protection for and duties of employees under the Health and Safety at Work (Northern Ireland) Order 1978 ("the 1978 Order") and the other relevant statutory provisions to those who are provided with "relevant training" as defined in regulation 2. "Relevant statutory provisions" is defined in Article 2(2) of the 1978 Order.

For the purposes of the 1978 Order and the other 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 trainee shall be treated as if he were the employee of the person whose undertaking is the immediate provider of the training.

The Regulations do not apply if the immediate provider of the relevant training is an educational establishment and it is provided on a course run by the establishment nor if the training is received under a contract of employment.

Regulation 5 revokes the Health and Safety (Youth Training Programme) Regulations (Northern Ireland) 1985.