
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 510

**Construction (Health, Safety and Welfare)
Regulations (Northern Ireland) 1996**

Citation and commencement

1. These Regulations may be cited as the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996 and shall come into operation on 6th January 1997.

Interpretation

2. In these Regulations—

“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 (Northern Ireland) 1995(1)), decommissioning, demolition or dismantling of a structure;
- (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;

“the Department” means the Department of Economic Development;

“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 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 that place and includes any scaffold, suspended scaffold, cradle, mobile platform, trestle, gangway, run, gantry, stairway and crawling ladder.

Application

3.—(1) Subject to paragraphs (2) and (3), these Regulations shall 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 14, 18, 19, 20, 21, and 25(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 21 and 28(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 every place of work and to any other place provided for the use of any person while at work, which access 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 paragraph (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 a place of work from which access he is liable to fall a distance of 2 metres or more—

(a) there shall, subject to sub-paragraphs (c) and (d) 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), 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-paragraph (a) or (b) 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), 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) to (c) 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-paragraphs (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, 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 of 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) Toe-boards shall not 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 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) a person shall not 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) a person shall not 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), 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 avoid 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) Any material or object shall not 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 does not collapse accidentally.

(2) Any part of a structure shall not 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.

Excavations

11.—(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 paragraph (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) Excavation work shall not 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

12.—(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

13.—(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 shall—

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

Traffic routes

14.—(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) A vehicle shall not 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

15.—(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

16.—(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) A person shall not 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) A person shall not 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.

17. 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

18.—(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

19.—(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 regulation 18(4).

(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

20.—(1) Where necessary in the interests of the health and safety of any person at work on a construction site there shall be provided 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 regulation 18(4).

(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

21.—(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

22.—(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

23.—(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

24.—(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

25.—(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) Timber or other material with projecting nails shall not—

- (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

26.—(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

27. 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

28.—(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

29.—(1) Subject to paragraphs (5) and (6), where an inspection is required under regulation 28(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

30.—(1) Subject to paragraph (2), the Department 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 Department 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 statutory provisions 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.

Application to territorial waters

31.—(1) Subject to paragraph (2), these Regulations shall apply within territorial waters to and in relation to the construction, reconstruction, alteration, repair, maintenance, cleaning, demolition and dismantling of any building or other structure not being a vessel, or any preparation for any such activity.

(2) These Regulations shall not apply to vessels which are registered outside the United Kingdom and are on passage through territorial waters.

(3) In this regulation, the expressions “territorial waters” and “vessel” have the same respective meanings as they have in regulation 2(1) of the Offshore Installations and Pipeline Works (Management and Administration) Regulations (Northern Ireland) 1995(2).

Enforcement in respect of fire

32.—(1) Notwithstanding the provisions of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1993(3), and subject to paragraphs (2) and (3), the Fire Authority for Northern Ireland, established under Article 3 of the Fire Service (Northern Ireland) Order 1984(4), shall be the enforcing authority as regards—

- (a) regulations 18 and 19 insofar as those regulations relate to fire; and
(b) regulation 20,

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) Where premises mentioned in paragraph (1) are occupied or owned by the Crown, the Department shall be the enforcing authority as regards the regulations mentioned in that paragraph.

(3) 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 (Northern Ireland) 1991(5).

Amendments

33. The statutory provisions mentioned in Schedule 9 shall be amended to the extent specified in that Schedule.

Revocations

34. The Regulations mentioned in column 2 of Schedule 10 are revoked to the extent specified in column 3 of that Schedule.

(2) S.R. 1995 No. 340

(3) S.R. 1993 No. 147, as amended by S.R. 1995 No. 47 and S.R. 1995 No. 209

(4) S.I. 1984/1821 (N.I. 11)

(5) S.R. 1991 No. 446, as amended by S.R. 1991 No. 509 and S.R. 1992 No. 413

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

Sealed with the Official Seal of the Department of Economic Development on 29th October 1996.

L.S.

Philip B. Strong
Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture on 29th October 1996.

L.S.

Liam McKibben
Assistant Secretary