

SCHEDULE 9

Regulation 33

Amendments

The Factories Act (Northern Ireland) 1965

1. The Factories Act (Northern Ireland) 1965(1) shall be amended as follows—
 - (a) in section 125, 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 (Northern Ireland) 1995 (S.R. 1995 No. 209);”;
 - (ii) the definition of “work of engineering construction” shall be deleted.

The Construction (Lifting Operations) Regulations (Northern Ireland) 1963

2. The Construction (Lifting Operations) Regulations (Northern Ireland) 1963(2) shall be amended as follows—
 - (a) in regulation 3(1)—
 - (i) for the words “regulation 47” there shall be substituted “regulations 47 and 48A”;
 - (ii) after “48” there shall be inserted “, 48A”;
 - (b) after regulation 48 there shall be added the following regulations—

“Suspended scaffolds (not power operated)

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 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, 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 subparagraph (b) of paragraph (1).

(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.

(1) 1965 c. 20 (N.I.); section 125(3) was amended by S.R. 1979 No. 246

(2) S.R. & O. (N.I.) 1963 No. 86, to which there are amendments not relevant to these Regulations

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(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), 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 counter-weights are used with outriggers the counter-weights 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.

(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 a 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 Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993

3. In regulation 3(1) of the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993(3) for sub-paragraph (b) there shall be substituted—

- “(b) a workplace where the only activity being undertaken is construction work within the meaning assigned to that expression by regulation 2(1) of the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996 (S.R. 1996 No. 510), except for any workplace from which the application of the said Regulations is excluded by regulation 3(2) of those Regulations”.

The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1993

4. The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1993(4) shall be amended as follows—

- (a) in regulation 2(1), for the definitions of “construction work” and “contractor”, there shall be substituted—

““construction work” and “contractor” have the respective meanings assigned to them by regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 209”;

- (b) in Schedule 3, for paragraph 4 there shall be substituted—

“4. Construction work, other than that which is included in a project to which regulation 7(1) of the Construction (Design and Management) Regulations (Northern Ireland) 1995 (S.R. 1995 No. 209) applies, carried out on a farm in relation to a structure which is used, or is to be used, for or in connection with any agricultural activity.”.

(3) S.R. 1993 No. 37

(4) S.R. 1993 No. 147; paragraph 4 of Schedule 3 was substituted by regulation 23(3)(b) of S.R. 1995 No. 209