

**2007 No. 135**

**HEALTH AND SAFETY**

**The Work at Height (Amendment) Regulations (Northern  
Ireland) 2007**

*Made* - - - - *6th March 2007*

*Coming into operation* - *16th April 2007*

The Department of Enterprise, Trade and Investment(a), being the Department concerned(b), makes the following Regulations in exercise of the powers conferred by Articles 17(1), (2), (3), (5) and (6)(c) and 55(2) of, and paragraphs 1(1), (2) and (3), 8, 10, 13, 14 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(d) (“the 1978 Order”).

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(e) of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)(f) of the 1978 Order.

**Citation and commencement**

1. These Regulations may be cited as the Work at Height (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 16th April 2007.

**Amendment of the Work at Height Regulations (Northern Ireland) 2005**

2.—(1) The Work at Height Regulations (Northern Ireland) 2005(g) shall be amended in accordance with the following paragraphs.

(2) In regulation 3 (Application)—

(a) in paragraph (4)—

(i) at the end of sub-paragraph (b), insert “or”; and

(ii) omit sub-paragraph (d) and the word “or” preceding it; and

(b) in paragraph (6), omit sub-paragraphs (a) and (b).

(3) After regulation 14 (Duties of persons at work) insert—

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(a) Formerly the Department of Economic Development, *see* S.I. 1982/846 (N.I. 11), Article 3 and S.I. 1999/283 (N.I. 1), Article 3(5)

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

(c) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)

(d) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1). Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 2, paragraph 19

(e) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

(f) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

(g) S.R. 2005 No. 279

**“Special provision in relation to caving and climbing**

**14A.**—(1) Paragraph (2) applies in relation to the application of these Regulations to work concerning the provision of instruction or leadership to one or more persons in connection with their engagement in caving or climbing by way of sport, recreation, team building or similar activities.

(2) Where this paragraph applies, an employer, self-employed person or other person shall be taken to have complied with the caving and climbing requirements, if, by alternative means to any requirement of those requirements, he maintains in relation to a person at such work as is referred to in paragraph (1) a level of safety equivalent to that required by those requirements.

(3) For the purposes of paragraph (2), in determining whether an equivalent level of safety is maintained, regard shall be had to—

- (a) the nature of the activity;
- (b) any publicly available and generally accepted procedures for the activity; and
- (c) any other relevant circumstances.

(4) In this regulation—

“caving” includes the exploration of parts of mines which are no longer worked;

“climbing” means climbing, traversing, abseiling or scrambling over natural terrain or man-made structures; and

“the caving and climbing requirements” means regulation 8(d)(ii), so far as it relates to paragraph 1 in Part 3 of Schedule 6, and that paragraph.”.

(4) In paragraph 1 of Part 3 of Schedule 6—

- (a) at the beginning, insert “Except as provided in paragraph 3,”; and
- (b) in sub-paragraph (a), omit “subject to paragraph 3.”

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 6th March 2007.



*M. Bohill*

A senior officer of the Department of Enterprise, Trade and Investment

## EXPLANATORY NOTE

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

1. These Regulations amend the Work at Height Regulations (Northern Ireland) 2005 (S.R. 2005 No. 279) (“the principal Regulations”) which give effect as respects Northern Ireland to Directive 2001/45/EC of the European Parliament and of the Council (O.J. No. L195, 19.7.2001, p. 46), amending Council Directive 89/655/EEC (O.J. No. L393, 30.12.89, p. 13) concerning the minimum safety and health requirements for the use of work equipment by workers at work. The principal Regulations contain additional provisions, including additional provisions which replace Regulations giving effect to certain provisions of Council Directives 89/654/EEC (O.J. No. L393, 30.12.89, p. 1) concerning the minimum safety and health requirements for the workplace and 92/57/EEC (O.J. No. L245, 26.8.92, p.6) on the implementation of minimum safety and health requirements at temporary or mobile construction sites.

2. These Regulations omit the disapplication in regulation 3(4)(d) of the principal Regulations in relation to work concerning the provision of instruction or leadership to one or more persons in connection with their engagement in caving or climbing by way of sport, recreation, team building or similar activities (*regulation 2(2)*). These Regulations also make provision as to what is taken to be compliance with certain requirements under the principal Regulations as they apply to such work (*regulation 2(3)*).

3. In Great Britain the corresponding Regulations are the Work at Height (Amendment) Regulations 2007 (S.I. 2007/114). The Great Britain Health and Safety Executive has prepared a regulatory impact assessment in respect of those Regulations and a copy of that assessment together with a Northern Ireland Supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast, BT6 9FR from where a copy may be obtained on request.