

1989 No. 682

HEALTH AND SAFETY

**The Health and Safety Information for Employees
Regulations 1989**

Made - - - - - 18th April 1989
Laid before Parliament 26th April 1989
Coming into force - 18th October 1989

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The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (3)(a), (4)(a), (5)(b) and (6)(b) of, and paragraph 15(1) of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Health and Safety Information for Employees Regulations 1989 and shall come into force on 18th October 1989.

(a) 1974 c.37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraphs 6 and 16 respectively.

Interpretation and application

- 2.—(1) In these Regulations, unless the context otherwise requires—
“the 1974” Act means the Health and Safety at Work etc. Act 1974;
“the approved poster” and “the approved leaflet” have the meanings assigned by regulation 3;
“employment medical advisory service” means the employment medical advisory service referred to in section 55 of the 1974 Act;
“ship” has the meaning assigned to it by section 742 of the Merchant Shipping Act 1894(a).

(2) Any reference in these Regulations to the enforcing authority for premises is a reference to the enforcing authority which has responsibility for the enforcement of section 2 of the 1974 Act in relation to the main activity carried on in those premises.

- (3) Any reference in these Regulations to—
(a) a numbered regulation is a reference to the regulation so numbered in these Regulations;
(b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears.

(4) These Regulations shall have effect for the purpose of providing information to employees relating to health, safety and welfare but they shall not apply in relation to the master and crew of a sea going ship.

Meaning of and revisions to the approved poster and leaflet

3.—(1) In these Regulations “the approved poster” or “the approved leaflet” means, respectively, a poster or leaflet in the form approved and published for the purposes of these Regulations by the Health and Safety Executive, as revised from time to time in accordance with paragraph (2).

(2) The Health and Safety Executive may approve a revision (in whole or in part) to the form of poster or leaflet; and where it does so it shall publish the revised form of poster or leaflet and issue a notice in writing specifying the date the revision was approved.

(3) Such a revision shall not take effect until nine months after the date of its approval, but during that time the employer may use the approved poster or the approved leaflet incorporating that revision for the purposes of regulation 4(1).

Provision of poster or leaflet

- 4.—(1) An employer shall, in relation to each of his employees—
(a) ensure that the approved poster is kept displayed in a readable condition—
(i) at a place which is reasonably accessible to the employee while he is at work, and
(ii) in such a position in that place as to be easily seen and read by that employee; or
(b) give to the employee the approved leaflet.

(2) An employer shall be treated as having complied with paragraph (1)(b) from the date these Regulations come into force or the date the employee commences employment with him (if later) if he gives to the employee the approved leaflet as soon as is reasonably practicable after that date.

(3) Where the form of poster or leaflet is revised pursuant to regulation 3(2), then on or before the date the revision takes effect—

- (a) an employer relying on compliance with paragraph (1)(a) shall ensure that the approved poster displayed is the one as revised;
(b) an employer relying on compliance with paragraph (1)(b) shall either give to the employees concerned fresh approved leaflets (as so revised) or bring the revision to their notice in writing.

(a) 1894 c.60.

Provision of further information

5.—(1) An employer relying on compliance with regulation 4(1)(a) shall, subject to paragraph (2), ensure that the following information is clearly and indelibly written on the poster in the appropriate space—

- (a) the name of the enforcing authority for the premises where the poster is displayed and the address of the office of that authority for the area in which those premises are situated; and
- (b) the address of the office of the employment medical advisory service for the area in which those premises are situated.

(2) Where there is a change in any of the matters referred to in paragraph (1) it shall be sufficient compliance with that paragraph for the corresponding amendment to the poster to be made within six months from the date thereof.

(3) An employer who gives to his employee a leaflet pursuant to regulation 4(1)(b) shall give with the leaflet a written notice containing—

- (a) the name of the enforcing authority for the premises where the employee works, and the address of the office of that authority for the area in which those premises are situated; and
- (b) the address of the office of the employment medical advisory service for the area in which those premises are situated.

(4) Where the employee works in more than one location he shall, for the purposes of paragraph (3), be treated as working at the premises from which his work is administered, and if his work is administered from two or more premises, the employer may choose any one of them for the purpose of complying with that paragraph.

(5) Where an employer relies on compliance with regulation 4(1)(b) and there is a change in any of the matters referred to in paragraph (3) the employer shall within six months of the date thereof give to the employee a written notice specifying the change.

Exemption certificates

6.—(1) Subject to paragraph (2) the Health and Safety Executive may, by a certificate in writing, exempt any person or class of persons from all or any of the requirements imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked in writing at any time.

(2) The Executive 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 enactment which apply to the case;

it is satisfied that the health, safety and welfare of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Defence

7. In any proceedings for an offence for a contravention of these Regulations it shall be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

Repeals, revocations and modifications

8.—(1) The enactments specified in column 1 of Part I of the Schedule to these Regulations are hereby repealed to the extent specified in the corresponding entries in column 2 thereof.

(2) The instruments specified in column 1 of Part II of the Schedule to these Regulations are hereby revoked to the extent specified in the corresponding entries in column 3 thereof.

(3) The instrument specified in column 1 of Part III of the Schedule to these Regulations is hereby modified to the extent specified in the corresponding entry in column 3 thereof.

Signed by order of the Secretary of State.

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

18th April 1989

THE SCHEDULE
REPEALS, REVOCATIONS AND MODIFICATIONS

Regulation 8

PART I

REPEALS

<i>Column 1</i> <i>Enactments</i>	<i>Column 2</i> <i>Repeals</i>
Factories Act 1961(a)	In section 125(2)(j) the words "the abstract of this Act and". In section 127(2)(j), the words "the abstract of this Act and". In section 127(5), the words "the prescribed abstract of this Act and of" and the words "of the abstract of this Act and". In section 138(1), paragraphs (a), (b) and (c). In section 153(1), paragraph (b).
Employment Medical Advisory Service Act 1972(b)	Schedule 2, in so far as it relates to the amendment of section 138(1) of the Factories Act 1961.

PART II

REVOCATIONS

<i>Column 1</i> <i>Title of instrument</i>	<i>Column 2</i> <i>Reference</i>	<i>Column 3</i> <i>Extent of revocation</i>
The Information for Employees Regulations 1965.	S.I. 1965/307 amended by S.I. 1982/827.	The whole Regulations.
The Abstract of Factories Act Order 1973.	S.I. 1973/7 amended by S.I. 1983/978.	The whole Order.
The Offices, Shops and Railway Premises Act 1963 etc. (Metrication) Regulations 1982.	S.I. 1982/827.	The Schedule in so far as it relates to the amendment of the Information for Employees Regulations 1965.
The Factories Act 1961 etc. (Metrication) Regulations 1983.	S.I. 1983/978.	Regulation 5 and Schedule 3.

(a) 1961 c.34.

(b) 1972 c.28.

PART III
MODIFICATIONS

Column 1 <i>Title of instrument</i>	Column 2 <i>Reference</i>	Column 3 <i>Extent of modification</i>
The Construction (General Provisions) Regulations 1961.	S.I. 1961/1580 to which there are amendments not relevant to these Regulations.	For regulation 5(2) substitute— “The name of every person so appointed shall be entered by the contractor or employer appointing him on the copy or abstract of these Regulations required to be posted up in accordance with sections 139 and 127 of the Factories Act 1961.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require information relating to health, safety and welfare to be furnished to employees by means of posters or leaflets in the form approved and published for the purposes of the Regulations by the Health and Safety Executive (regulations 3 and 4). A copy of the form of poster or leaflet so approved may be obtained from Her Majesty's Stationery Office.

The Regulations also require the name and address of the enforcing authority and the address of the employment medical advisory service to be written in the appropriate space on the poster (regulation 5(1)); and where the leaflet is given the same information should be specified in a written notice accompanying it (regulation 5(3)).

The Regulations provide for the issue of certificates of exemption by the Health and Safety Executive (regulation 6), provide for a defence for contravention of the regulations (regulation 7) and repeal, revoke and modify various enactments and instruments relating to the provision of information to employees (regulation 8). The Regulations do not apply in relation to the master and crew of a sea going ship (regulation 2(4)).