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STATUTORY INSTRUMENTS

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**2002 No. 2174**

**HEALTH AND SAFETY**

**The Health and Safety (Miscellaneous  
Amendments) Regulations 2002**

*Made* - - - - *17th August 2002*  
*Laid before Parliament* *27th August 2002*  
*Coming into force* - - *17th September 2002*

The Secretary of State, in the exercise of the powers conferred on him by sections 15(1), (2), (3) (a) and 82(3)(a) of, and paragraphs 1(1) and (2), 8(1), 9, 10, 11 and 14 of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(1)</sup> (“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 (Miscellaneous Amendments) Regulations 2002 and shall come into force on 17th September 2002.

**Amendment of the Health and Safety (First-Aid) Regulations 1981**

2. Regulation 3 of the Health and Safety (First-Aid) Regulations 1981<sup>(2)</sup> shall be amended by adding the following paragraph—

“(5) Any first-aid room provided pursuant to this regulation shall be easily accessible to stretchers and to any other equipment needed to convey patients to and from the room and be sign-posted, and such sign to comply with regulation 4 of the Health and Safety (Safety Signs and Signals) Regulations 1996 as if it were provided in accordance with that regulation.”.

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(1) 1974 c. 37. Sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71) Schedule 15, paragraphs 6 and 16 respectively. The general purposes of Part I of the 1974 Act were extended by section 1(1) of the Offshore Safety Act 1992 (c. 15). Section 51A was inserted by section 1, and sections 52 and 53 were amended by sections 2 and 6 respectively, of the Police (Health and Safety) Act 1997 (c. 42).

(2) S.I. 1981/917, to which there are amendments not relevant to these Regulations.

### **Amendment of the Health and Safety (Display Screen Equipment) Regulations 1992**

3. The Health and Safety (Display Screen Equipment) Regulations 1992(3) shall be amended—

(a) by substituting for regulation 3 the following regulation—

“3. Every employer shall ensure that any workstation which may be used for the purposes of his undertaking meets the requirements laid down in the Schedule to these Regulations, to the extent specified in paragraph 1 thereof.”;

(b) by substituting for paragraphs (1) and (2) of regulation 5 the following paragraphs—

“5.—(1) Where a person—

- (a) is a user in the undertaking in which he is employed; or
- (b) is to become a user in the undertaking in which he is, or is to become, employed,

the employer who carries on the undertaking shall, if requested by that person, ensure that an appropriate eye and eyesight test is carried out on him by a competent person within the time specified in paragraph (2).

(2) The time referred to in paragraph (1) is—

- (a) in the case of a person mentioned in paragraph (1)(a), as soon as practicable after the request; and
- (b) in the case of a person mentioned in paragraph (1)(b), before he becomes a user.”;

(c) in paragraph (3) of regulation 5 by inserting, after the words “has been provided”, the words “(whether before or after becoming an employee)”;

(d) by substituting for paragraph (1) of regulation 6 the following paragraphs—

“6.—(1) Where a person—

- (a) is a user in the undertaking in which he is employed; or
- (b) is to become a user in the undertaking in which he is, or is to become, employed,

the employer who carries on the undertaking shall ensure that he is provided with adequate health and safety training in the use of any workstation upon which he may be required to work.

(1A) In the case of a person mentioned in sub-paragraph (b) of paragraph (1) the training shall be provided before he becomes a user.”.

### **Amendment of the Manual Handling Operations Regulations 1992**

4. Regulation 4 of the Manual Handling Operations Regulations 1992(4) shall be amended by adding the following paragraph—

“(3) In determining for the purposes of this regulation whether manual handling operations at work involve a risk of injury and in determining the appropriate steps to reduce that risk regard shall be had in particular to—

- (a) the physical suitability of the employee to carry out the operations;
- (b) the clothing, footwear or other personal effects he is wearing;

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(3) S.I. 1992/2792.

(4) S.I. 1992/2793.

- (c) his knowledge and training;
- (d) the results of any relevant risk assessment carried out pursuant to regulation 3 of the Management of Health and Safety at Work Regulations 1999;
- (e) whether the employee is within a group of employees identified by that assessment as being especially at risk; and
- (f) the results of any health surveillance provided pursuant to regulation 6 of the Management of Health and Safety Regulations 1999.”.

### **Amendment of the Personal Protective Equipment at Work Regulations 1992**

5. The Personal Protective Equipment at Work Regulations 1992(5) shall be amended—
- (a) by substituting for sub-paragraphs (a) and (b) of paragraph (3) of regulation 4 the following sub-paragraphs—
    - “(a) it is appropriate for the risk or risks involved, the conditions at the place where exposure to the risk may occur, and the period for which it is worn;
    - (b) it takes account of ergonomic requirements and the state of health of the person or persons who may wear it, and of the characteristics of the workstation of each such person;”;
  - (b) by adding to regulation 4 the following paragraph—
    - “(4) Where it is necessary to ensure that personal protective equipment is hygienic and otherwise free of risk to health, every employer and every self-employed person shall ensure that personal protective equipment provided under this regulation is provided to a person for use only by him.”;
  - (c) in paragraph (2) of regulation 6, by adding the following sub-paragraph—
    - “(d) an assessment as to whether the personal protective equipment is compatible with other personal protective equipment which is in use and which an employee would be required to wear simultaneously.”;
  - (d) in paragraph (1) of regulation 9 by adding after sub-paragraph (c) the words “and shall ensure that such information is kept available to employees”; and
  - (e) in paragraph (3) of regulation 9 by adding the following paragraph—
    - “(3) Without prejudice to the generality of paragraph (1) the employer shall, where appropriate, and at suitable intervals, organise demonstrations in the wearing of personal protective equipment.”.

### **Amendment of the Workplace (Health, Safety and Welfare) Regulations 1992**

6. The Workplace (Health, Safety and Welfare) Regulations 1992(6) shall be amended—
- (a) in regulation 2(1), by inserting, before the definition of “new workplace”, the following definition—

“disabled person” has the meaning given by section 1 of the Disability Discrimination Act 1995;
  - (b) in the definition of “workplace” in regulation 2(1), by deleting the words “but shall not” to the end of the definition;
  - (c) by inserting after regulation 4 the following regulation—

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(5) S.I. 1992/2966, to which there are amendments not relevant to these Regulations.

(6) S.I. 1992/3004.

**“Stability and solidity**

**4A.** Where a workplace is in a building, the building shall have a stability and solidity appropriate to the nature of the use of the workplace.”;

- (d) in regulation 5(3)—
  - (i) by deleting the word “and” after sub-paragraph (a);
  - (ii) by adding the word “and” after sub-paragraph (b); and
  - (iii) by adding the following sub-paragraph—
    - “(c) equipment and devices intended to prevent or reduce hazards”;
- (e) by deleting regulation 6(3);
- (f) in regulation 7, by inserting the following paragraph—
  - “(1A) Without prejudice to the generality of paragraph (1)—
    - (a) a workplace shall be adequately thermally insulated where it is necessary, having regard to the type of work carried out and the physical activity of the persons carrying out the work; and
    - (b) excessive effects of sunlight on temperature shall be avoided.”;
- (g) in paragraph (2) of regulation 24, by adding the words “and the facilities are easily accessible, of sufficient capacity and provided with seating”;
- (h) in regulation 25, by substituting for paragraph (3) the following paragraph—
  - “(3) Rest rooms and rest areas shall—
    - (a) include suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke; and
    - (b) be equipped with—
      - (i) an adequate number of tables and adequate seating with backs for the number of persons at work likely to use them at any one time; and
      - (ii) seating which is adequate for the number of disabled persons at work and suitable for them.”;
- (i) by inserting after regulation 25 the following regulation—

**“Disabled persons**

**25A.** Where necessary, those parts of the workplace (including in particular doors, passageways, stairs, showers, washbasins, lavatories and workstations) used or occupied directly by disabled persons at work shall be organised to take account of such persons.”.

**Amendment of the Provision and Use of Work Equipment Regulations 1998**

- 7. The Provision and Use of Work Equipment Regulations 1998(7) shall be amended—
  - (a) by substituting for paragraphs (1) and (2) of regulation 10 the following paragraphs—
    - “**10.**—(1) Every employer shall ensure that an item of work equipment conforms at all times with any essential requirements, other than requirements which, at the time

of its being first supplied or put into service in any place in which these Regulations apply, did not apply to work equipment of its type.

(2) In this regulation “essential requirements”, in relation to an item of work equipment, means requirements relating to the design and construction of work equipment of its type in any of the instruments listed in Schedule 1 (being instruments which give effect to Community directives concerning the safety of products)”;

(b) by substituting for paragraph (2) of regulation 11 the following paragraph—

“(2) The measures required by paragraph (1) shall consist of—

- (a) the provision of fixed guards enclosing every dangerous part or rotating stock-bar where and to the extent that it is practicable to do so, but where or to the extent that it is not, then
- (b) the provision of other guards or protection devices where and to the extent that it is practicable to do so, but where or to the extent that it is not, then
- (c) the provision of jigs, holders, push-sticks or similar protection appliances used in conjunction with the machinery where and to the extent that it is practicable to do so,

and the provision of such information, instruction, training and supervision as is necessary.”;

(c) by substituting for paragraph (1) of regulation 18 the following paragraph—

“18.—(1) Every employer shall ensure, so far as is reasonably practicable, that all control systems of work equipment—

- (a) are safe; and
- (b) are chosen making due allowance for the failures, faults and constraints to be expected in the planned circumstances of use.”;

(d) in paragraph (2) of regulation 35, by substituting for the words “33(1)(a)(ii) or (2)(b)” the words “33”.

### **Amendment of the Lifting Operations and Lifting Equipment Regulations 1998**

8. The Lifting Operations and Lifting Equipment Regulations 1998(8) shall be amended—

- (a) in the definition of “accessory for lifting” in regulation 2(1), by substituting for the word “work” the word “lifting”;
- (b) in regulation 3(4), by substituting for the words “(5)(b)” the words “(3)(b)”.

### **Amendment of the Quarries Regulations 1999**

9. The Quarries Regulations 1999(9) shall be amended—

(a) in regulation 2(1), by substituting for the definition of “explosives” the following definitions—

“explosive article” means an article containing one or more explosive substances;

“explosive substance” means—

- (a) a solid or liquid substance; or

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(8) S.I. 1998/2307.

(9) S.I. 1999/2024.

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- (b) a mixture of solid or liquid substances or both, which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;
- “explosives” means explosive articles or explosive substances;
- (b) in regulation 33(4) by substituting, for the word “undertaken”, the word “completed”;
  - (c) in regulation 45(4) by substituting, for the word “(2)”, the word “(3)”.

Signed by authority of the Secretary of State

17th August 2002

*Ian McCartney*  
Minister of State,  
Department for Work and Pensions

## EXPLANATORY NOTE

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

1. These Regulations amend the regulations relating to health and safety at work which are specified below, to give effect in Great Britain to European requirements. They also contain drafting changes.

2. Regulation 2 amends regulation 2 of the Health and Safety (First-Aid) Regulations 1981, so as to require that a first-aid room shall be easily accessible and be sign-posted. It gives effect to point 19.2 of Annex 2 to Council Directive [89/654/EEC](#) (OJNo. L393, 30.12.1989, p.1) concerning the minimum safety requirements for the workplace (“the Workplace Directive”).

3. Regulation 3 amends the Health and Safety (Display Screen Equipment) Regulations 1992—

- (a) by removing, in relation to workstations, the limitation in regulation 3 to those used by “users” and “operators”, so as to give full effect to Articles 4 and 5 of Council Directive [90/270/EEC](#) (OJNo. L156, 21.6.90, p.14) on the minimum safety and health requirements for work with display screen equipment;
- (b) by making minor and drafting changes to regulations 5 and 6.

4. Regulation 4 amends the Manual Handling Operations Regulations 1992 by adding regulation 4(3). It specifies factors to be taken account of, in determining whether operations involve risk. It gives effect to Annex II to Council Directive [90/269/EEC](#) (OJ No. L156, 21.6.90, p.9) on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers.

5. Regulation 5 amends the Personal Protective Equipment at Work Regulations 1992 to give full effect to Articles 4(3), (4), (5) and (8) (general provisions) and, in relation to the addition of regulation 4(4), to Article 5(1) (assessment) of Council Directive [89/656/EEC](#) (OJ No. L393, 20.12.89, p.18) on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace.

6. Regulation 6 amends the Workplace (Health, Safety and Welfare) Regulations 1992 to variously give complete, or clearer, effect to the following provisions of the Workplace Directive—

- (a) Article 2 (meaning of workplace) (*regulation 6(b)*);
- (b) Article 6, fourth indent (maintenance of equipment to prevent hazards) (*regulation 6(d)*);
- (c) Annex 1 point 2 (stability and solidity) (*regulation 6(c)*);
- (d) Annex 1 points 7.3 (excessive effects of sunlight) and 9.1 second paragraph (thermal insulation) (*regulation 6(f)*);
- (e) Annex 1 point 16.2 (tables and seats in rest rooms) (*regulation 6(h)*);
- (f) Annex 1 point 18.1.1 (changing rooms) (*regulation 6(g)*);
- (g) Annex 1 point 20 (handicapped workers) (*regulation 6(a) and (i)*),

and revokes regulation 6(3) in consequence of the repeal or revocation of the provisions to which it refers.

7. Regulation 7 amends regulations 10 (conformity with Community requirements) and 11 (dangerous parts of machinery) of the Provision and Use of Work Equipment 1998 to give clearer effect to Article 4 of, and point 2.8 of Annex 1 to, Council Directive [95/63/EC](#) (OJ No. L393,

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30.12.89, p.13) on the minimum health and safety requirements for the use of work equipment as amended by Council Directive [95/63/EC](#) (OJ No. L335, 30.12.95, p.28).

**8.** Regulations 8 and 9 make minor drafting changes to the Lifting Operations and Lifting Equipment Regulations 1998 and the Quarries Regulations 1999 respectively, including changes to correct errors.

**9.** A copy of the regulatory impact assessment prepared in respect of these Regulations may be obtained from the Economic and Statistical Analysis Unit, Health and Safety Executive, Rose Court, 2 Southwark Bridge, London SE1 9HS. Copies have been placed in the Library of each House of Parliament.

**10.** Because this note identifies the various European requirements to which each provision gives effect, no Transposition Note has been prepared.