
STATUTORY INSTRUMENTS

2010 No. 323

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010

PART 1

GENERAL

Application

4.—(1) Without prejudice to regulation 5 of the General Duties Regulations and subject to paragraphs (2) to (7), these Regulations apply in relation to —

- (a) activities on United Kingdom ships in which workers are or are potentially exposed to biological agents as a result of their work, giving rise to risks or the likelihood of risks to their health and safety; and
- (b) United Kingdom ships on which such activities take place.

(2) Where—

- (a) a ship is being used in the course of public service activities or activities for the purpose of the civil protection services, and
- (b) characteristics peculiar to those activities inevitably conflict with a provision of these Regulations,

that provision does not apply in relation to that ship to the extent of that conflict.

(3) To the extent that a provision of these Regulations does not apply in relation to a ship because of paragraph (2) there is in relation to that ship a duty on the employer to ensure, so far as is reasonably practicable, the health and safety of workers who are or who are likely to be exposed to risks from biological agents as a result of their work.

(4) Regulations 8 to 20 do not apply in relation to a group 1 biological agent in cases where there is no identifiable health risk to workers.

(5) To the extent that a provision of these Regulations does not apply in relation to a group 1 biological agent because of paragraph (4), there is a duty on the employer and workers, when working with such agents, to observe the principles of good occupational safety and hygiene.

(6) Regulations 8, 10, 11 and 13 to 20 do not apply in relation to an activity listed in [F1Annex 1 of Merchant Shipping Notice 1889 (M+F)] in any case where—

- (a) the regulation 6 assessment shows that the activity does not involve a deliberate intention to work with or use a biological agent but may result in workers being exposed; and
- (b) the result of that assessment shows the requirements in those regulations as being unnecessary.

(7) This regulation (other than paragraph (1)) and regulations 5, 26 and 28 apply to activities on ships other than United Kingdom ships which are for the time being in United Kingdom waters in which workers are or are potentially exposed to biological agents as a result of their work, giving rise to risks or the likelihood of risks to their health and safety.

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010, Section 4. (See end of Document for details)

(8) In paragraph (2)—

- (a) “civil protection services” includes the fire and rescue and ambulance services and search and rescue services provided by any other person; and
- (b) “public service activities” includes the activities of the armed forces, HM Coastguard, HM Revenue and Customs, immigration officers, police, prison officers and the security and intelligence services.

F1 Words in [reg. 4\(6\)](#) substituted (31.12.2020) by [The Merchant Shipping and Fishing Vessels \(Health and Safety at Work\) \(Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1202\)](#), [regs. 1\(2\)](#), [8\(3\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I1 [Reg. 4](#) in force at 6.4.2010, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Biological Agents) Regulations 2010, Section 4.