
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the circumstances in which self-employed persons will be required to comply with their duty under section 3(2) of the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) to conduct their undertakings in such a way as to ensure, so far as reasonably practicable, that they themselves and other persons (not being their employees) who may be affected by their work activities are not exposed to risks to their health and safety. Every self-employed person continues to hold a duty in respect of their employees under section 2 of the 1974 Act.

Regulation 2 identifies which undertakings are of a prescribed description for the purposes of section 3(2) of the 1974 Act. Regulation 2(a) introduces the Schedule, which prescribes an undertaking if it involves the carrying out of one or more of the activities specified. If an undertaking is not prescribed in the Schedule, regulation 2(b) also prescribes those undertakings which involve any activity that poses risks to the health and safety of another person, other than the person conducting it or their employees.

Regulation 3 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke these Regulations or to amend them.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Health and Safety Executive, Redgrave Court, Merton Road, Merseyside, L20 7HS and is available in the libraries of both Houses of Parliament, and is annexed to the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.