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STATUTORY INSTRUMENTS

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**2016 No. 1026**

**The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016**

**PART 1**

**INTRODUCTION**

**Citation and commencement**

1. These Regulations may be cited as the Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016 and come into force on 21st November 2016.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Merchant Shipping Act 1995;

“AL” means an action level set out in Part 2 or 3 of the Schedule;

“direct biophysical effect” means an effect on human body tissue caused by its presence in an electromagnetic field;

“electromagnetic field” means a static electric, static magnetic and time-varying electric, magnetic and electromagnetic field with a frequency up to 300 GHz;

“ELV” means an exposure limit value set out in Part 2 of the Schedule;

“employer” means a person by whom a worker is employed on a ship under a contract of employment;

“the General Duties Regulations” means the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997(1);

“Government ship” has the meaning given in section 308(4) of the Act;

“health and safety” includes the occupational health and safety of persons while on board a ship and while boarding or leaving a ship;

“health effect” means a direct biophysical effect which is potentially harmful to human health;

“indirect effect” means an effect, caused by the presence of an object or a substance in an electromagnetic field, which may present a safety or health hazard;

“Merchant Shipping Notice” means a notice described as such and issued by the Secretary of State and any reference to a particular Merchant Shipping Notice includes a reference to a Merchant Shipping Notice amending or replacing that Notice which is considered by the Secretary of State to be relevant from time to time;

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(1) [S.I. 1997/2962](#); as amended by [S.I. 1998/2411](#) and [2001/54](#). There are other amendments, but none is relevant.

“sensory effect” means a direct biophysical effect involving a transient disturbance in sensory perception or a minor and temporary change in brain function;

“ship” includes hovercraft;

“United Kingdom ship” means a ship which is—

- (a) a United Kingdom ship within the meaning of section 85(2) of the Act,
- (b) a Government ship, or
- (c) a hovercraft registered under the Hovercraft Act 1968(2); and

“worker at particular risk” means—

- (a) a worker who has declared to his or her employer a condition which may lead to a higher susceptibility to the potential effects of exposure to electromagnetic fields; or
- (b) a worker who works in close proximity to electro-explosive devices, explosive materials or flammable atmospheres.

(2) In these Regulations, a reference to workers is, in relation to an employer, to be treated as a reference to the workers of that employer while they are at work.

(3) In the application of these Regulations to a hovercraft, a reference to the master of a ship includes a reference to the captain of that hovercraft.

### Meaning of “worker”

3.—(1) In these Regulations, “worker” means a person employed under a contract of employment and includes a trainee or apprentice other than a person who is training in a vessel which is being used—

- (a) to provide instruction in the principles of responsibility, resourcefulness, loyalty and team endeavour and to advance education in the art of seamanship, or
- (b) to provide instruction in navigation and seamanship for yachtsmen,

and which is operating under a relevant code.

(2) In paragraph (1), “a relevant code” means—

- (a) the Large Commercial Yacht Code as set out in Merchant Shipping Notice MSN 1851(M)(3);
- (b) the Code of Practice for the Safety of Small Commercial Sailing Vessels(4);
- (c) the Code of Practice for the Safety of Small Commercial Motor Vessels(5); or
- (d) the Code of Practice for the Safety of Small Vessels in Commercial Use for Sport or Pleasure Operating from a Nominated Departure Point(6).

(3) In paragraph (2), each reference to a Code includes a reference to any document containing an amendment or replacement of that Code which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice which contains a statement to that effect.

(2) 1968 c. 59.

(3) Published by the Maritime and Coastguard Agency on [www.gov.uk](http://www.gov.uk).

(4) Published by the Stationery Office in 1993 (ISBN 0-11-551184-9).

(5) Published by the Stationery Office in 1993 (ISBN 0-11-551185-7).

(6) Published by the Stationery Office in 1999 (ISBN 0-11-551812-6).

### **Application of these Regulations**

4.—(1) Without prejudice to regulation 5 (general duties) of the General Duties Regulations and subject to paragraph (2), these Regulations apply in relation to activities in which workers are subject to, or are potentially subject to exposure to, electromagnetic fields on United Kingdom ships.

(2) Where—

- (a) a ship is being used in the course of public service activities or activities for the purposes 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 activities on that ship to the extent of that conflict.

(3) To the extent that a provision of these Regulations does not apply in relation to activities on a ship because of paragraph (2), there is in relation to that ship a duty of the employer to ensure, so far as is reasonably practicable, the health and safety of the workers who are subject, or are potentially subject, to exposure on the ship.

(4) This regulation (other than paragraph (1)) and regulations 14 and 16 apply in relation to activities on ships other than United Kingdom ships, which are for the time being in United Kingdom waters, during which workers are subject, or potentially subject, to exposure to electromagnetic fields.

(5) In this regulation—

“civil protection service” includes the fire and rescue and ambulance services, and search and rescue services provided by any other person; and

“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.