STATUTORY RULES OF NORTHERN IRELAND

2015 No. 223

HEALTH AND SAFETY

The Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations (Northern Ireland) 2015

Made - - - -	*17th April 2015*
Coming into operation	*1st June 2015*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), makes the following Regulations in exercise of the powers conferred by Articles 17(1) to (6), 20(2), 40(2), 45(1), 54(1) and (2) and 55(2) and paragraphs 1(1), (2), (3), (4), (8), (9), (10) and (11) and 3, 5, 7, 8, 9, 10, 11, 12(1), 13, 14, 15, 17 and 20(a) and (b) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**) ("the 1978 Order").

The Regulations, apart from the modifications referred to in the next paragraphs, give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**4**) of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)(**5**).

It appears to the Department concerned that the modifications made by regulation 8 are expedient as set out in Article 54 (1) of the 1978 Order.

It also appears to the Department concerned not to be appropriate to consult bodies in respect of those modifications in accordance with Article 54 (5) of the 1978 Order.

Citation and commencement

1.—(1) These Regulations may be cited as the Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations (Northern Ireland) 2015 and shall come into operation on 1st June 2015.

Repeals and Revocations

2.—(1) The primary legislation referred to in column 1 of Tables 1 and 3 of the Schedule is repealed to the extent specified in the corresponding entry in column 3 of those tables.

(**1**) Formerly the Department of Economic Development; *see*S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see*S.I. 1982/846 (N.I. 11), Article 3
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) S.I. 1978/1039 (N.I. 9)
(**4**) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**5**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

(2) The instruments referred to in column 1 of Tables 2 and 4 of the Schedule are revoked to the extent specified in the corresponding entry in column 3 of those tables.

Consequential amendments to the Dangerous Substances (Notification and Marking of Sites) Regulations (Northern Ireland) 1992

3.—(1) The Dangerous Substances (Notification and Marking of Sites) Regulations (Northern Ireland) 1992(**6**) shall be amended as follows.

(2) In regulation 2(1)—

(i) in the definition of "the Fire Authority", for the words "the Fire Authority for Northern Ireland", substitute "the Northern Ireland Fire and Rescue Service Board"; and

(ii) before the definition of "site" insert—

> ""relevant ammonium nitrate mixtures" means ammonium nitrate and mixtures containing ammonium nitrate where the nitrogen content exceeds 15.75% of the mixture by weight;".

(3) In regulation 2(3)—

(i) after the words "the total quantity of dangerous substances" insert "or relevant ammonium nitrate mixtures";

(ii) for "such substances" substitute "dangerous substances or relevant ammonium nitrate mixtures"; and

(iii) after "any dangerous substances" insert "or relevant ammonium nitrate mixtures".

(4) After regulation 4(3), insert —

> "(4) The person in control of a site shall ensure that there is not present at any one time a total quantity of 150 tonnes or more of relevant ammonium nitrate mixtures at the site unless there has been notified in writing to the Fire Authority the particulars specified in Part I of Schedule 2.
>
> (5) Where a notification has been made under paragraph (4) and a change specified in Part II of Schedule 2 takes place, the person in control of the site shall forthwith notify that change in writing to the Fire Authority.
>
> (6) Where a change specified in paragraph 1 or 2 of Part II of Schedule 2 has been notified under paragraph (5), any resumption in the presence of a total quantity of 150 tonnes or more of relevant ammonium nitrate mixtures at the site shall be subject to a fresh notification under paragraph (4).".

(5) For regulation 8 (Enforcing authority), substitute —

> "**8.** The enforcing authority for these Regulations shall be the Fire Authority except that–
>
> (a) the enforcing authority for regulation 4(1) and 4(2) shall be ascertained in accordance with the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999; and
>
> (b) the enforcing authority for regulations 5 to 7 in relation to a site occupied by a body specified in regulation 5(4) of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999 shall be the Executive.".

(6) In regulation 10, after (2), add—

> "(3) Where a notification in respect of relevant ammonium nitrate mixtures has been made to the Executive on or after 1st June 2015 and on or before 1st July 2015 as if that notification were being made pursuant to regulation 3 of the Notification of Installations

(**6**) S.R. 1992 No. 71

Handling Hazardous Substances Regulations (Northern Ireland) 1984 as that regulation was in operation immediately before the coming into operation of regulation 3 of the Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations (Northern Ireland) 2015, that notification is deemed to be a notification to the Fire Authority pursuant to regulation 4 of these Regulations.".

(7) In the heading of Part I of Schedule 2, after "4(1)" add "AND (4)".

(8) After paragraph 4 of Part I of Schedule 2, insert—

"**4A.** The total quantity of relevant ammonium nitrate mixtures which is, or is liable to be, present.".

(9) After paragraph 5 of Part I of Schedule 2, add—

"**6.** The date on which it is anticipated that a total quantity of 150 tonnes or more of relevant ammonium nitrate mixtures will be present, or if they are already present, a statement to that effect.".

(10) In the heading of Part II of Schedule 2, after "4(2)" add "AND (5)".

(11) In paragraph 1 of Part II of Schedule 2, after "substances" insert "or relevant ammonium nitrate mixtures".

(12) For paragraph 2 of Part II of Schedule 2, substitute—

"**2.** The reduction of the total quantity of dangerous substances present to below 25 tonnes, other than a temporary reduction, or the reduction of the total quantity of relevant ammonium nitrate mixtures to below 150 tonnes, other than a temporary reduction.".

Consequential amendments to the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993

4.—(1) The Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993(**7**) shall be amended as follows.

(2) For regulation 3(1)(a), substitute—

"(a) a workplace which is or is in or on a ship, save that regulations 8(1) and (3) and 12(1) and (3) apply to such a workplace where the work involves any of the relevant operations in—

(i) a shipyard, whether or not the shipyard forms part of a harbour or wet dock; or

(ii) dock premises, not being work done —

(aa) by the master or crew of a ship;

(bb) on board a ship during a trial run;

(cc) for the purpose of raising or removing a ship which is sunk or stranded; or

(dd) on a ship which is not under command, for the purpose of bringing it under command;".

(3) In regulation 3(1)(c), substitute—

"(c) a workplace located below ground at a mine."

(4) Omit regulation 3(1)(d).

(5) After regulation 3(4), add—

(**7**) S.R. 1993 No. 37 amended by S.R. 1995 No. 378 and S.R. 2007 No. 291; there are other amending instruments, but none is relevant

"(5) As respects any workplace which is located at a quarry or above ground at a mine, regulation 12 shall only apply to a floor or traffic route which is located inside a building."

(6) After regulation 3(5), add—

"(6) For the purposes of this regulation—

(a) "dock premises" means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities;

(b) "relevant operations" means, in relation to a ship, its repairing, refitting, painting and finishing, the scaling, scurfing or cleaning of its boilers (including combustion chambers or smoke boxes) and the cleaning of its bilges or oil-fuel tanks or any of its tanks last used for carrying oil;

(c) "ship" includes all vessels and hovercraft which operate on water or land and water;

(d) "shipyard" means any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted or finished; and

(e) "vessel" means any description of craft used for the transport of goods or passengers or the storage of goods or the accommodation of passengers on water, whether used in navigation or not.".

Consequential Amendments to the Work at Height Regulations (Northern Ireland) 2005

5.—(1) The Work at Height Regulations (Northern Ireland) 2005(**8**) shall be amended as follows.

(2) After regulation 8, insert—

"**Dock Operations**

8A. In relation to work at height where people are engaged in dock operations, every employer shall ensure that Schedule 10 is complied with.".

(3) After Schedule 9, add—

"SCHEDULE 10 Regulation 8A

REQUIREMENTS FOR WORK IN DOCKS

1. In relation to work at height where people are engaged in dock operations, there shall be secure and adequate guardrails at the following places—

(a) every break, dangerous corner and other dangerous part or edge of a dock, wharf, quay or jetty; and

(b) every open side of a gangway, footway over a bridge, caisson or dock gate,

except in so far as the provision of such guardrails is impracticable because of the nature of the work carried out there and the work is in progress.

2. In this Schedule—

"dock gate" means any lock gate or other gate which can close off the entrance to the dock or part of the dock from the sea or other waterway but does not include any gate on land which controls access by vehicles or pedestrians;

(**8**) S.R. 2005 No.279

"dock operations" means—

(a) the loading or unloading of goods on or from a ship at dock premises;

(b) the embarking or disembarking of passengers on or from a ship at dock premises;

(c) any activity incidental to the activities in sub-paragraph (a) or (b) which takes place on dock premises, including any of the following—

(i) the fuelling and provisioning of a ship;

(ii) the mooring of a ship;

(iii) the storing, sorting, inspecting, checking, weighing or handling of goods;

(iv) the movement of goods, passengers or vehicles;

(v) the use of welfare amenities in relation to the activities in sub-paragraph (a), (b) or (c)(i) to (iv);

(vi) attending dock premises for the purposes of the activities in sub-paragraph (a), (b) or (c)(i) to (v); or

(vii) the embarking or disembarking on or from a ship of its crew at dock premises,

but does not include—

(d) the loading or unloading of goods or embarking or disembarking of persons on or from a pleasure craft or any activity incidental to those activities; or

(e) beach landing operations wholly carried out by serving members of Her Majesty's Forces or visiting forces within the meaning of the provisions of Part 1 of the Visiting Forces Act 1952(**9**) or a combination of both;

"dock premises" means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities;

"freight container" means a container as defined in regulation 2 of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(**10**);

"goods" includes—

(a) animals;

(b) pallets and freight containers;

(c) waste;

(d) solid ballast;

(e) vehicles which are being transported as cargo;

"pleasure craft" means any description of vessel when used solely for sport or recreation, other than for carrying fare paying passengers;

"ship" includes all vessels and hovercraft which operate on water or land and water;

"vehicle" includes all lift trucks, locomotives and rolling stock, and trailers and semi-trailers and other mechanical plant which moves on wheels, tracks, skids or any combination thereof;

"vessel" means any description of craft used for the transport of goods or passengers or the storage of goods or the accommodation of passengers on water, whether used in navigation or not;

"welfare amenities" means—

(**9**) 1952 c.67, to which there are amendments not relevant to these Regulations.
(**10**) S.R 1992 No. 2, to which there are amendments not relevant to these Regulations.