STATUTORY RULES OF NORTHERN IRELAND

2013 No. 108

HEALTH AND SAFETY

The Health and Safety (Sharp Instruments in Healthcare) Regulations (Northern Ireland) 2013

Made - - - -	*18th April 2013*
Coming into operation	*11th May 2013*

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) and (2)(**3**) and 55(2) of, and paragraphs 1(1), 7(1), 13, 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**4**)("the 1978 Order").

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**5**) of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)(**6**) of the 1978 Order.

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Sharp Instruments in Healthcare) Regulations (Northern Ireland) 2013 and shall come into operation on 11th May 2013.

Interpretation

2. In these Regulations—

"healthcare contractor" means an employer whose main activity is not the management, organisation or provision of healthcare, but who provides services under contract to a healthcare employer;

"healthcare employer" means an employer whose main activity is the management, organisation and provision of healthcare;

"injury" includes infection;

(**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**) Article 17 shall be read with S.I. 1992/1728 (N.I.17), Articles 3(2) and 4(2)
(**4**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1). Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 19
(**5**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**6**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

"medical sharp" means an object or instrument necessary for the exercise of specific healthcare activities, which is able to cut, prick or cause injury;

"registered medical practitioner" means a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act(**7**);

"safer sharp" means a medical sharp that is designed and constructed to incorporate a feature or mechanism which prevents or minimises the risk of accidental injury from cutting or pricking the skin;

"territorial sea" means the territorial sea of the United Kingdom adjacent to Northern Ireland and "within the territorial sea" includes on, over and under it.

Application of requirements to employers

3.—(1) The requirements imposed by these Regulations on an employer apply to—

(a) a healthcare employer; and

(b) a healthcare contractor whose employees, or other persons who work under the healthcare contractor's supervision and direction, are exposed to a risk of injury from medical sharps in relation to the provision of services to a healthcare employer.

(2) A requirement imposed by these Regulations on an employer that applies in relation to that employer's employees also applies, so far as is reasonably practicable, in relation to any other person who is not an employee of that employer but who works under that employer's supervision and direction.

Application of requirements to healthcare contractors

4.—(1) The requirements imposed by these Regulations on a healthcare contractor apply only in relation to work—

(a) on a healthcare employer's premises; or

(b) under the authority of a healthcare employer.

(2) The requirements imposed by these Regulations on a healthcare contractor apply only to the extent that the healthcare contractor controls—

(a) a person who uses, supervises or manages the use or disposal of medical sharps; and

(b) the activities which give rise to the risk of injury from medical sharps.

Use and disposal of medical sharps

5.—(1) An employer shall ensure that—

(a) the use of medical sharps at work is avoided so far as is reasonably practicable;

(b) when medical sharps are used at work, safer sharps are used so far as is reasonably practicable;

(c) needles that are medical sharps are not capped after use at work unless—

(i) that act is required to control a risk identified by an assessment undertaken pursuant to regulation 3 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(**8**); and

(ii) the risk of injury to employees is effectively controlled by the use of a suitable appliance, tool or other equipment;

(**7**) 1983 c.54
(**8**) S.R. 2000 No. 388, to which there are amendments not relevant to these Regulations.

(d) in relation to the safe disposal of medical sharps that are not designed for re-use—

(i) written instructions for employees, and

(ii) clearly marked and secure containers,

are located close to areas where medical sharps are used at work.

(2) An employer shall review at suitable intervals the policies and procedures in place to meet the requirements of paragraph (1) so as to ensure that those policies and procedures remain up to date and effective.

Information and training

6.—(1) An employer shall provide each employee of that employer who is exposed to a risk of injury at work from medical sharps with information on the matters specified in Schedule 1.

(2) In complying with paragraph (1) the employer shall cooperate with worker representatives in that employer's undertaking in developing and promoting the information specified in Schedule 1.

(3) In paragraph (2), "worker representatives" means any—

(a) safety representatives within the meaning of the Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979(**9**); or

(b) representatives of employee safety within the meaning of the Health and Safety (Consultation with Employees) Regulations (Northern Ireland) 1996(**10**).

(4) An employer shall provide each employee of that employer who is exposed to a risk of injury at work from medical sharps with training on the matters specified in Schedule 2 to the extent that those matters are relevant to the type of work carried out by that employee.

Arrangements in the event of injury

7.—(1) Where an employer is notified of any incident at work in which an employee has suffered an injury from a medical sharp, the employer shall—

(a) record the incident;

(b) investigate the circumstances and cause of the incident; and

(c) take any necessary action to prevent a recurrence.

(2) Additionally, where an employer is notified of any incident at work in which an employee has suffered an injury caused by a medical sharp that exposed, or may have exposed, the employee to a biological agent, the employer shall—

(a) take immediate steps to ensure that the employee receives medical advice;

(b) ensure that any treatment advised by a registered medical practitioner, including post-exposure prophylaxis, is made available to the employee; and

(c) consider providing the employee with counselling.

(3) In this regulation—

(a) "biological agent" means a micro-organism, cell culture or human endoparasite, whether or not genetically modified, which may cause infection, allergy, toxicity or otherwise create a hazard to human health; and

(b) "post-exposure prophylaxis" means a course of treatment of medicine administered to a person after exposure, or suspected exposure, to a biological agent in order to prevent infection or development of disease caused by that biological agent.

(**9**) S.R. 1979 No. 437, amended by S.R. 1996 No. 511; there are other amending instruments but none is relevant.
(**10**) S.R. 1996 No. 511, to which there are amendments not relevant to these Regulations.

Notification of injuries

8.—(1) Person "A", who is an employee or other person working under the supervision and direction of a healthcare employer or a healthcare contractor, shall—

(a) as soon as practicable, notify A's employer, or any other employee of that employer with specific responsibility for the health and safety of persons at work, of any incident at work in which A has suffered an injury from a medical sharp; and

(b) provide when requested by that employer sufficient information as to the circumstances of the incident to enable the employer to comply with regulation 7.

(2) In the case of an employee or other person working under the supervision and direction of a healthcare contractor, this regulation only applies to incidents which take place—

(a) on a healthcare employer's premises; or

(b) under the authority of a healthcare employer.

Application within the territorial sea

9. Within the territorial sea these Regulations shall apply only to and in relation to the premises and activities to which any of paragraphs 2 to 9 of Schedule 3 applies.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 18th April 2013.

L.S.

J Kerr
A senior officer of the Department of Enterprise, Trade and Investment

SCHEDULE 1

Regulation 6(1) and (2)

INFORMATION TO BE PROVIDED TO EMPLOYEES

1. The risk of injury from medical sharps.

2. Legislative requirements relating to the protection of persons at work from the risks to health and safety from medical sharps, including duties on employers and employees.

3. Good practice in preventing injury from medical sharps.

4. The benefits and drawbacks of vaccination and non-vaccination in respect of blood-borne diseases.

5. The support provided by the employer to an employee who is injured at work by a medical sharp.

SCHEDULE 2

Regulation 6(4)

TRAINING TO BE PROVIDED TO EMPLOYEES

1. The safe use and disposal of medical sharps.

2. The correct use of safer sharps.

3. What employees should do if they are injured at work by a medical sharp.

4. The health surveillance and other procedures to be conducted by the employer where an employee is injured by a medical sharp.

SCHEDULE 3

Regulation 9

PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA

Interpretation

1.—(1) In this Schedule—

"activity" includes a diving project and standing a vessel by;

"designated area" means any area designated by Order under section 1(7) of the Continental Shelf Act 1964(**11**)and "within a designated area" includes over and under it;

"diving project" has the meaning assigned to it by regulation 2(1) of the Diving at Work Regulations (Northern Ireland) 2005(**12**)save that it includes an activity in which a person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

"gas importation and storage zone" has the meaning assigned to it by section 1(5) of the Energy Act 2008(**13**);

"offshore installation" shall be construed in accordance with paragraph 2(2) and (3);

(**11**) 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (1982 c. 23), Schedule 3, paragraph 1

(**12**) S.R. 2005 No. 45, as amended by S.R. 2007 No. 247

(**13**) 2008 c.32; section 1(5) is prospectively amended by the Marine and Coastal Access Act 2009 (c.23), Schedule 4 Part 1, paragraph 5(1) and (2). Section 1(5) of the Energy Act 2008 would continue to define the term "gas importation and storage zone" after the amendment