STATUTORY RULES OF NORTHERN IRELAND

2005 No. 279

HEALTH AND SAFETY

The Work at Height Regulations (Northern Ireland) 2005

Made - - - -	*27th May 2005*
Coming into operation	*11th July 2005*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), in exercise of the powers conferred on it by Articles 17(1), (2), (3), (5), (6)(**3**) and 55(2) of, and paragraphs 1(1), (2) and (3), 8, 10, 13, 14, and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**4**) and of every other power enabling it in that behalf and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A) of that Order(**5**) after the carrying out by the said Executive of consultations in accordance with Article 46(3) of that Order(**6**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Work at Height Regulations (Northern Ireland) 2005 and shall come into operation on 11th July 2005.

Interpretation

2.—(1) In these Regulations –

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978;

"access" and "egress" include ascent and descent;

"construction work" has the meaning assigned to it by regulation 2 of the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996(**7**);

"the Executive" means the Health and Safety Executive for Northern Ireland;

(**1**) Formerly the Department of Economic Development: *see*S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) Article 17 must 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), Article 3(1). Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8 of S.I. 1997/1774 (N.I. 16)
(**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(c)
(**7**) S.R. 1996 No. 510, as amended by S.R. 1997 No. 229, S.R. 1999 No. 150, S.R. 1999 No. 304, S.R. 1999 No. 305 and S.R. 2000 No. 388

"fragile surface" means a surface which would be liable to fail if any reasonably foreseeable loading were to be applied to it;

"ladder" includes a fixed ladder and a stepladder;

"line" includes rope, chain or webbing;

"the Management Regulations" means the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(**8**);

"personal fall protection system" means –

(a) a fall prevention, work restraint, work positioning, fall arrest or rescue system, other than a system in which the only safeguards are collective protection measures; or

(b) rope access and positioning techniques;

"suitable" means suitable in any respect which it is reasonably foreseeable will affect the safety of any person;

"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;

"work at height" means –

(a) work in any place, including a place at or below ground level;

(b) obtaining access to or egress from such place while at work, except by a staircase in a permanent workplace,

where, if measures required by these Regulations were not taken, a person could fall a distance liable to cause personal injury;

"work equipment" means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not) and includes anything to which regulation 8 and Schedules 3 to 7 apply;

"working platform" –

(a) means any platform used as a place of work or as a means of access to or egress from a place of work;

(b) includes any scaffold, suspended scaffold, cradle, mobile platform, trestle, gangway, gantry and stairway which is so used.

(2) Any reference in these Regulations to the keeping of a report or copy of a report or plan shall include reference to its being kept in a form –

(a) in which it is capable of being reproduced as a printed copy when required;

(b) which is secure from loss or unauthorised interference.

Application

3.—(1) 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 6 of Schedule 1 applies.

(2) The requirements imposed by these Regulations on an employer shall apply in relation to work –

(a) by an employee of his; or

(b) by any other person under his control, to the extent of his control.

(3) The requirements imposed by these Regulations on an employer shall also apply to –

(a) a self-employed person, in relation to work –

(**8**) S.R. 2000 No. 388, as amended by S.R. 2001 No. 348 and S.R. 2003 No. 454

(i) by him; or

(ii) by a person under his control, to the extent of his control; and

(b) to any person other than a self-employed person, in relation to work by a person under his control, to the extent of his control.

(4) Regulations 4 to 16 shall not apply to or in relation to –

(a) the master and crew of a ship, or to the employer of such persons, in respect of the normal ship-board activities of a ship's crew which –

(i) are carried out solely by the crew under the direction of the master; and

(ii) are not liable to expose persons at work other than the master and crew to a risk to their safety;

(b) a place specified in regulation 7(6) of the Docks Regulations (Northern Ireland) 1989(**9**) where persons are engaged in dock operations;

(c) a place specified in regulation 5(3) of the Loading and Unloading of Fishing Vessels Regulations (Northern Ireland) 1989(**10**) where persons are engaged in fish loading processes; or

(d) the provision of instruction or leadership to one or more persons in connection with their engagement in caving or climbing by way of sport, recreation, team building or similar activities.

(5) Regulation 11 shall not apply to an installation while regulation 12 of the Offshore Installations and Wells (Design and Construction, etc) Regulations (Northern Ireland) 1996(**11**) apply to it.

(6) In this regulation –

(a) "caving" includes the exploration of parts of mines which are no longer worked;

(b) "climbing" includes traversing, abseiling or scrambling over natural terrain or man-made structures;

(c) "ship" includes every description of vessel used in navigation, other than a ship which forms part of Her Majesty's Navy.

Organisation and planning

4.—(1) Every employer shall ensure that work at height is –

(a) properly planned;

(b) appropriately supervised; and

(c) carried out in a manner which is so far as is reasonably practicable safe,

and that its planning includes the selection of work equipment in accordance with regulation 7.

(2) Reference in paragraph (1) to planning of work includes planning for emergencies and rescue.

(3) Every employer shall ensure that work at height is carried out only when the weather conditions do not jeopardise the health or safety of persons involved in the work.

(4) Paragraph (3) shall not apply where members of the police, fire, ambulance or other emergency services are acting in an emergency.

(**9**) S.R. 1989 No. 320, as amended by S.R. 1992 No. 374, S.R. 1993 No. 366, S.R. 1999 No. 150 and S.R. 1999 No. 304. Revoked in part by S.R. 1999 No. 13 and S.R. 1999 No. 304

(**10**) S.R. 1989 No. 321, as amended by S.R. 1999 No. 150

(**11**) S.R. 1996 No. 228

Competence

5. Every employer shall ensure that a person shall not engage in any activity, including organisation, planning and supervision, in relation to work at height or work equipment for use in such work unless he is competent to do so or, if being trained, is being supervised by a competent person.

Avoidance of risks from work at height

6.—(1) In identifying the measures required by this regulation, every employer shall take account of a risk assessment under regulation 3 of the Management Regulations.

(2) Every employer shall ensure that work is not carried out at height where it is reasonably practicable to carry out the work safely otherwise than at height.

(3) Where work is carried out at height, every employer shall take suitable and sufficient measures to prevent, so far as is reasonably practicable, any person falling a distance liable to cause personal injury.

(4) The measures required by paragraph (3) shall include –

(a) his ensuring that the work is carried out –

(i) from an existing place of work; or

(ii) (in the case of obtaining access or egress) using an existing means,

which complies with Schedule 2, where it is reasonably practicable to carry it out safely and under appropriate ergonomic conditions; and

(b) where it is not reasonably practicable for the work to be carried out in accordance with sub-paragraph (a), his providing sufficient work equipment for preventing, so far as is reasonably practicable, a fall occurring.

(5) Where measures taken under paragraph (4) do not eliminate the risk of a fall occurring, every employer shall –

(a) so far as is reasonably practicable, provide sufficient work equipment to minimise –

(i) the distance and consequences; or

(ii) where it is not reasonably practicable to minimise the distance, the consequences, of a fall; and

(b) without prejudice to the generality of paragraph (3), provide such additional training and instruction or take other additional suitable and sufficient measures to prevent, so far as is reasonably practicable, any person falling a distance liable to cause personal injury.

Selection of work equipment for work at height

7.—(1) Every employer, in selecting work equipment for use in work at height, shall –

(a) give collective protection measures priority over personal protection measures; and

(b) take account of –

(i) the working conditions and the risks to the safety of persons at the place where the work equipment is to be used;

(ii) in the case of work equipment for access and egress, the distance to be negotiated;

(iii) the distance and consequences of a potential fall;

(iv) the duration and frequency of use;

(v) the need for easy and timely evacuation and rescue in an emergency;

(vi) any additional risk posed by the use, installation or removal of that work equipment or by evacuation and rescue from it; and

(vii) the other provisions of these Regulations.

(2) An employer shall select work equipment for work at height which –

(a) has characteristics including dimensions which –

(i) are appropriate to the nature of the work to be performed and the foreseeable loadings; and

(ii) allow passage without risk; and

(b) is in other respects the most suitable work equipment, having regard in particular to the purposes specified in regulation 6.

Requirements for particular work equipment

8. Every employer shall ensure that, in the case of –

(a) a guard-rail, toe-board, barrier or similar collective means of protection, Schedule 3 is complied with;

(b) a working platform –

(i) Part 1 of Schedule 4 is complied with; and

(ii) where scaffolding is provided, Part 2 of Schedule 4 is also complied with;

(c) a net, airbag or other collective safeguard for arresting falls which is not part of a personal fall protection system, Schedule 5 is complied with;

(d) a personal fall protection system, Part 1 of Schedule 6; and –

(i) in the case of a work positioning system, Part 2 of Schedule 6;

(ii) in the case of rope access and positioning techniques, Part 3 of Schedule 6;

(iii) in the case of a fall arrest system, Part 4 of Schedule 6;

(iv) in the case of a work restraint system, Part 5 of Schedule 6,

are complied with; and

(e) a ladder, Schedule 7 is complied with.

Fragile surfaces

9.—(1) Every employer shall ensure that a person at work does not pass across or near, or work on, from or near, a fragile surface where it is reasonably practicable to carry out work safely and under appropriate ergonomic conditions without his doing so.

(2) Where it is not reasonably practicable to carry out work safely and under appropriate ergonomic conditions without passing across or near, or working on, from or near, a fragile surface, every employer shall –

(a) ensure, so far as is reasonably practicable, that suitable and sufficient platforms, coverings, guard rails or other similar means of support or protection are provided and used so that any foreseeable loading is supported by such supports or borne by such protection;

(b) where a risk of a person at work falling remains despite the measures taken under the preceding provisions of this regulation, take suitable and sufficient measures to minimise the distances and consequences of his fall.

(3) Where any person at work may pass across or near, or work on, from or near, a fragile surface, every employer shall ensure that –