STATUTORY RULES OF NORTHERN IRELAND

2004 No. 241

HEALTH AND SAFETY

Work in Compressed Air Regulations (Northern Ireland) 2004

Made - - - -	*25th May 2004*
Coming into operation	*5th July 2004*

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) to (6) of, and paragraphs 1(1) and (2), 5(1), 6, 7(1), 8, 9, 11, 13, 14(1), and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**) 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(**4**), after the carrying out by the said Executive of consultations in accordance with Article 46(3) of that Order(**5**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Work in Compressed Air Regulations (Northern Ireland) 2004 and shall come into operation on 5th July 2004.

Interpretation

2.—(1) In these Regulations –

"the 1996 Regulations" means the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996(**6**);

"airlock" means an enclosed space capable of being pressurised and which is used for the compression or decompression of any person or any material when such person or material is passing into or, as the case may be, out of a working chamber;

"appointed doctor" means a registered medical practitioner appointed for the time being in writing by the Executive for the purposes of these Regulations;

(**1**) Formerly the Department of Economic Development; *see* S.I. 1982/846 (N.I. 11), Article 3 and S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) S.I. 1978/1039 (N.I. 9); Article 17 must be read with S.I. 1992/1728 (N.I. 17), Articles 3 and 4
(**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(c)
(**6**) 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

"approved" means approved for the time being in writing for the purposes of these Regulations;

"compressed air contractor" means a person appointed under regulation 5;

"contract medical adviser" means a registered medical practitioner appointed under paragraph (1) of regulation 9 and who is competent to give the advice referred to in that paragraph;

"decanting" means the rapid decompression in an airlock to atmospheric pressure followed promptly by rapid compression in an alternative airlock and subsequent gradual decompression to atmospheric pressure;

"employment medical adviser" means an employment medical adviser appointed under Article 48 of the Health and Safety at Work (Northern Ireland) Order 1978;

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

"project" means a project which includes work in compressed air;

"work in compressed air" means work within any working chamber, airlock or decompression chamber which (in each case) is used for the compression or decompression of persons, including a medical lock used solely for treatment purposes, the pressure of which exceeds 0·15 bar;

"working chamber" means an enclosed space in which work is carried out and which is accessible only through an airlock.

(2) Any reference to pressure in bar means that pressure above the surrounding atmospheric pressure.

Application

3.—(1) These Regulations shall apply to and in relation to work in compressed air which is construction work within the meaning of regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 1995(**7**), and which is not excluded by regulation 3(2) of those Regulations.

(2) These Regulations shall not apply to any diving operation as construed in accordance with regulation 2(2)(a) of the Diving Operations at Work Regulations (Northern Ireland) 1994(**8**).

Duties

4.—(1) Any duty imposed upon a compressed air contractor under these Regulations is a duty in relation to the work in compressed air in respect of which that compressed air contractor has been so appointed.

(2) Regulation 10 (other than paragraphs (3)(c) and (6)(a)) and regulation 11(7)(a) and (8) shall apply to a self-employed person as they apply to an employer and an employee as if that self-employed person was both an employer and his own employee.

Appointment of compressed air contractor

5.—(1) The principal contractor for any project shall appoint, as the compressed air contractor in respect of the work in compressed air included in that project, a contractor competent to execute or to supervise the execution of such work.

(2) Nothing in paragraph (1) shall prevent the appointment of the principal contractor himself as the compressed air contractor provided he is competent to perform the relevant functions imposed by these Regulations.

(**7**) S.R. 1995 No. 209 as amended by S.R. 1997 No. 229, S.R. 1999 No. 150, S.R. 2000 No. 388 and S.R. 2001 No. 142
(**8**) S.R. 1994 No. 146, to which there are amendments not relevant to these Regulations

(3) In this regulation, "principal contractor" and "contractor" have the meaning assigned to them by regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 1995.

Notifications

6.—(1) Subject to paragraph (2), the compressed air contractor shall ensure that a person shall not work in compressed air unless the compressed air contractor has given notice of the work in compressed air to the Executive in accordance with paragraph (4) at least 14 days before the work is to commence.

(2) Where owing to an emergency or to circumstances which could not reasonably have been foreseen it is not practicable to comply with the requirement of paragraph (1) that notice of work in compressed air be given at least 14 days before that work is to commence, such notice shall be given as soon as is practicable after the necessity for such work becomes known to the compressed air contractor and, in any event, before such work commences.

(3) The compressed air contractor shall ensure that a person shall not work in compressed air unless notice of the work in compressed air has been given in accordance with paragraph (4) to –

(a) any relevant hospital;

(b) local ambulance and fire services; and

(c) any other establishment in the vicinity which has an operable medical lock.

(4) The notice referred to in paragraphs (1) to (3) shall be in writing and shall contain the information set out in Schedule 1.

(5) Where notice of work in compressed air has been given by virtue of paragraph (3), the compressed air contractor shall ensure that every body to whom such notice has been given is informed without delay of the completion or suspension of that work.

(6) In this regulation, "relevant hospital" means a hospital with an accident and emergency unit to which any person suffering from any acute condition arising from the work in compressed air is likely to be taken.

Safe system of work

7.—(1) The compressed air contractor shall ensure that a person shall not work in compressed air or enter or leave compressed air except in accordance with a system of work which, so far as is reasonably practicable, is safe and without risks to health.

(2) The compressed air contractor shall ensure that a sufficient number of competent persons are present on site to supervise the execution of work in compressed air at all times when such work is being carried out and, in the case of such work undertaken at a pressure of 0·7 bar or above, for 24 hours thereafter.

(3) Without prejudice to the generality of paragraph (1), the compressed air contractor shall ensure that all shafts or tunnels under his control to which he applies compressed air and the ground surrounding them are capable of withstanding the loads arising from the application of compressed air.

Plant and equipment

8.—(1) The compressed air contractor shall ensure that there is available for immediate use all plant and ancillary equipment which is necessary for the conduct of work in compressed air in a manner which is, so far as is reasonably practicable, safe and without risks to health and that, where necessary, all such plant and equipment is used.

(2) The compressed air contractor shall ensure, so far as is reasonably practicable –

(a) that all plant and ancillary equipment used for the purpose of carrying out work in compressed air is of appropriate design and construction and of sufficient capacity for that purpose;

(b) that all plant and ancillary equipment used for the purpose of carrying out work in compressed air is safe and without risks to health and is maintained in such a condition as to ensure that it remains safe and without risks to health at all times when it is being used; and

(c) that all plant and ancillary equipment used for the purpose of carrying out work in compressed air and which is to contain air at a pressure in excess of 0·15 bar is –

(i) examined and tested by a competent person and rectified of any faults before work in compressed air commences; and

(ii) re-examined and re-tested after any modification or alteration which has the potential to affect the safety of that plant or equipment.

Appointment of contract medical adviser

9.—(1) The compressed air contractor shall appoint a contract medical adviser to give advice to him on all aspects of health relevant to the work in compressed air undertaken.

(2) Nothing in paragraph (1) shall prevent the appointment of an appointed doctor to be the contract medical adviser.

Medical surveillance

10.—(1) Every employer shall ensure that each of his employees who works in compressed air is under adequate medical surveillance by an appointed doctor or employment medical adviser; and where an employee is to be assigned to work in compressed air, the medical surveillance shall be commenced before he is so assigned.

(2) The medical surveillance required by paragraph (1) shall include examinations at such suitable intervals as the appointed doctor or employment medical adviser may require having regard to the pressure to which the employee has been or will be subjected in the course of work in compressed air and, in any event, at intervals of not more than 12 months.

(3) The employer shall ensure that –

(a) a health record, containing particulars approved by the Executive, is made and maintained in respect of each of his employees who is engaged in work in compressed air;

(b) the record or a copy thereof is kept in a suitable form for at least 40 years from the date of the last entry made in it; and

(c) as soon as is reasonably practicable after an employee of his has ceased to work on any project, a copy of the relevant part or parts of the record made under sub-paragraph (a) is provided to that employee.

(4) Where an appointed doctor or an employment medical adviser has certified in the health record of any employee that, in the professional opinion of the appointed doctor or employment medical adviser, the employee should not be engaged in work in compressed air or that he should only be so engaged under conditions specified in the record, the employer shall not permit the employee to be engaged in work in compressed air except in accordance with the conditions, if any, specified in the health record unless that entry has been cancelled by an appointed doctor or employment medical adviser.

(5) Where an employee is subject to medical surveillance in accordance with paragraph (1) and an appointed doctor or employment medical adviser has certified by an entry in his health record that medical surveillance should be continued after his work in compressed air has ceased, the employer

shall ensure that the medical surveillance of that employee is continued in accordance with that entry while he is employed by the employer unless that entry has been cancelled by an appointed doctor or employment medical adviser.

(6) Every employee who is or who has been engaged in or who is to be assigned to work in compressed air shall –

(a) when required by his employer and at the cost of his employer, present himself during his working hours (or such other time as may be agreed by that employee) for such medical surveillance procedures as may be required for the purposes of this regulation; and

(b) furnish the appointed doctor or employment medical adviser with such information concerning his health as the appointed doctor or employment medical adviser may reasonably require.

Compression and decompression procedures

11.—(1) The compressed air contractor shall ensure that compression or decompression of any person engaged in work in compressed air is carried out in accordance with any procedures approved by the Executive.

(2) The compressed air contractor shall ensure that a person shall not be subjected to a pressure exceeding 3·5 bar except in an unforeseen emergency.

(3) The compressed air contractor shall ensure that a person shall not be subjected to the procedure of decanting except in an emergency.

(4) The compressed air contractor shall ensure that an adequate record of exposure is made and maintained in respect of the times and pressures at which work in compressed air is undertaken and that the record or a copy thereof is kept in a suitable form for at least 40 years from the date of the last entry made in it.

(5) The compressed air contractor shall ensure that an individual record of exposure containing the information specified in paragraph (6) is made and maintained in respect of each person who undertakes work in compressed air and that the record or a copy thereof is kept in a suitable form for at least 40 years from the date of the last entry made in it.

(6) The record referred to in paragraph (5) shall contain the date, time of entry, duration and maximum pressure of each exposure and decompression details of each exposure to which the person to whom the record relates is subjected.

(7) The compressed air contractor shall ensure that, as soon as is reasonably practicable after a person has ceased to work on any project –

(a) the employer of that person is provided with a copy of such part or parts of the record made pursuant to paragraph (4) as relate to that person; and

(b) that person is provided with a copy of such part or parts of the record made pursuant to paragraph (5) as relate to him.

(8) An employer who is provided with a copy of a record pursuant to paragraph (7) shall ensure that the record or a copy thereof is kept in a suitable form for at least 40 years from the date of the last entry made in it.

Medical treatment

12.—(1) Every compressed air contractor shall ensure that adequate facilities are provided and maintained for the treatment of persons working in compressed air and for the treatment of persons who have worked in compressed air within the preceding 24 hours.

(2) In the case of work undertaken at a pressure of 0·7 bar or above, the facilities referred to in paragraph (1) shall include –