STATUTORY RULES OF NORTHERN IRELAND

2003 No. 454

HEALTH AND SAFETY
FIRE SERVICES

Management of Health and Safety at Work and Fire Precautions (Workplace) (Amendment) Regulations (Northern Ireland) 2003

Made - - - -	*20th October 2003*
Coming into operation	*24th November 2003*

The Department of Health, Social Services and Public Safety and the Department of Enterprise, Trade and Investment(**1**) being Departments designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**), in relation to measures relating to employers' obligations in respect of the health and safety of workers and in relation to the minimum health and safety requirements for the workplace that relate to fire safety, acting jointly in exercise of the powers conferred on them by the said section 2(2) and of every other power enabling them in that behalf, the Department of Health, Social Services and Public Safety in exercise of the powers conferred on it by Articles 48 and 49(6) of the Fire Services (Northern Ireland) Order 1984(**4**), and now vested in it(**5**) and of every other power enabling it in that behalf, and the Department of Enterprise, Trade and Investment being the Department concerned(**6**), in exercise of the powers conferred on it by Articles 2(5), 17(1), (2), (3) and (5), 43(2), 54(1) and 55(2) of, and paragraphs 5(1), 6, 7(1), 8, 9, 11, 13, 14, 15 and 17(a) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**7**) ("the 1978 Order") 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)(**8**) of the 1978 Order, after the carrying out by the said Executive of consultations in accordance with Article 46(3)(**9**) of the 1978 Order, hereby make the following 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**) S.I. 1992/1711 and S.I. 1999/2027
(**3**) 1972 (c. 68); the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51)
(**4**) S.I. 1984/1821 (N.I. 11); Article 48 was amended by S.I. 1993/1578 (N.I. 7), Article 19
(**5**) *See* Article 6(c) of, and Part III of Schedule 4 to, S.R. 1999 No. 481
(**6**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**7**) S.I. 1978/1039 (N.I. 9), Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 2, paragraph 19
(**8**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18) Article 4
(**9**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

Citation and commencement

1. These Regulations may be cited as the Management of Health and Safety at Work and Fire Precautions (Workplace) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 24th November 2003.

Amendments to the Management of Health and Safety at Work Regulations (Northern Ireland) 2000

2.—(1) The Management of Health and Safety at Work Regulations (Northern Ireland) 2000(**10**) shall be amended in accordance with the following paragraphs.

(2) For regulation 2 there shall be substituted the following regulation –

"**Disapplication of these Regulations**

2.—(1) These Regulations shall not apply to or in relation to 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 are carried out solely by the crew under the direction of the master.

(2) Regulations 3(4) and (5), 10(2) and 19 shall not apply to occasional work or short-term work involving work regarded as not being harmful, damaging or dangerous to young people in a family undertaking.

(3) In this regulation –

"normal ship-board activities" include –

(a) the construction, reconstruction or conversion of a ship within territorial waters; and

(b) the repair of a ship save repair when carried out in dry dock;

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

(3) For regulation 22 there shall be substituted the following regulation –

"**Restriction of civil liability for breach of statutory duty**

22. Breach of a duty imposed on an employer by these Regulations shall not confer a right of action in any civil proceedings in so far as that duty applies for the protection of persons not in his employment.".

Amendments to the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001

3.—(1) The Fire Precautions (Workplace) Regulations (Northern Ireland) 2001(**11**) shall be amended in accordance with the following paragraphs.

(2) In regulation 9(1) there shall be omitted the words "provisions of health and safety regulations or".

(3) In regulation 9(2)(a)(ii), for the words "premises to which" there shall be substituted the words "premises of a description specified in Part I of Schedule 1 to" and the word "apply" shall be omitted.

(4) For head (ii) of regulation 9(2)(b) there shall be substituted the following head –

"(ii) have effect in relation to a workplace in Northern Ireland other than –

(a) an excepted workplace, or

(**10**) S.R. 2000 No. 388
(**11**) S.R. 2001 No. 348