STATUTORY RULES OF NORTHERN IRELAND

2003 No. 423

HEALTH AND SAFETY

Health and Safety (Miscellaneous Amendments) Regulations (Northern Ireland) 2003

Made - - - - 25th September 2003

Coming into operation 3rd November 2003

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)(**3**) and 55(2) of, and paragraphs 1(1) and (2), 7(1), 8, 9, 10 and 13 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)(c) 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 Health and Safety (Miscellaneous Amendments) Regulations (Northern Ireland) 2003 and shall come into operation on 3rd November 2003.

Amendment of the Health and Safety (First-Aid) Regulations (Northern Ireland) 1982

2. Regulation 3 of the Health and Safety (First-Aid) Regulations (Northern Ireland) 1982(**7**) shall be amended by adding the following paragraph –

> "(5) Any first-aid room provided pursuant to this regulation shall be easily accessible to stretchers and to any other equipment needed to convey patients to and from the room and be sign-posted, and such sign to comply with regulation 4 of the Health and Safety

(**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(1) 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, and paragraphs 8 and 18(c)
(**7**) S.R. 1982 No. 429, to which there are amendments not relevant to these Regulations

(Safety Signs and Signals) Regulations (Northern Ireland) 1996(**8**) as if it were provided in accordance with that regulation.".

Amendment of the Health and Safety (Display Screen Equipment) Regulations (Northern Ireland) 1992

3. The Health and Safety (Display Screen Equipment) Regulations (Northern Ireland) 1992(**9**) shall be amended –

(a) by substituting for regulation 5 the following regulation –

"**5.** Every employer shall ensure that any workstation which may be used for the purposes of his undertaking meets the requirements laid down in the Schedule, to the extent specified in paragraph 1 thereof.";

(b) by substituting for paragraphs (1) and (2) of regulation 7 the following paragraphs –

"**7.**—(1) Where a person –

(a) is a user in the undertaking in which he is employed; or

(b) is to become a user in the undertaking in which he is, or is to become, employed,

the employer who carries on the undertaking shall, if requested by that person, ensure that an appropriate eye and eyesight test is carried out on him by a competent person within the time specified in paragraph (2).

(2) The time referred to in paragraph (1) is –

(a) in the case of a person mentioned in sub-paragraph (a) of paragraph (1), as soon as practicable after the request; and

(b) in the case of a person mentioned in sub-paragraph (b) of paragraph (1), before he becomes a user.";

(c) in paragraph (3) of regulation 7 by inserting, after the words "has been provided", the words "(whether before or after becoming an employee)";

(d) by substituting for paragraph (1) of regulation 8 the following paragraphs –

"**8.**—(1) Where a person –

(a) is a user in the undertaking in which he is employed; or

(b) is to become a user in the undertaking in which he is, or is to become, employed,

the employer who carries on the undertaking shall ensure that he is provided with adequate health and safety training in the use of any workstation upon which he may be required to work.

(1A) In the case of a person mentioned in sub-paragraph (b) of paragraph (1) the training shall be provided before he becomes a user.".

Amendment of the Manual Handling Operations Regulations (Northern Ireland) 1992

4. Regulation 4 of the Manual Handling Operations Regulations (Northern Ireland) 1992(**10**) shall be amended by adding the following paragraph –

(**8**) S.R. 1996 No. 119
(**9**) S.R. 1992 No. 513
(**10**) S.R. 1992 No. 535

"(3) In determining for the purposes of this regulation whether manual handling operations at work involve a risk of injury and in determining the appropriate steps to reduce that risk regard shall be had in particular to –

(a) the physical suitability of the employee to carry out the operations;

(b) the clothing, footwear or other personal effects he is wearing;

(c) his knowledge and training;

(d) the results of any relevant risk assessment carried out pursuant to regulation 3 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(**11**);

(e) whether the employee is within a group of employees identified by that assessment as being especially at risk; and

(f) the results of any health surveillance provided pursuant to regulation 6 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000.".

Amendment of the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993

5. The Personal Protective Equipment at Work Regulations (Northern Ireland) 1993(**12**) shall be amended –

(a) by substituting for sub-paragraphs (a) and (b) of paragraph (3) of regulation 4 the following sub-paragraphs –

"(a) it is appropriate for the risk or risks involved, the conditions at the place where exposure to such risk or risks may occur, and the period for which it is worn;

(b) it takes account of ergonomic requirements and the state of health of the person or persons who may wear it, and of the characteristics of the workstation of each such person;";

(b) by adding to regulation 4 the following paragraph –

"(4) Where it is necessary to ensure that personal protective equipment is hygienic and otherwise free of risk to health, every employer and every self-employed person shall ensure that personal protective equipment provided is provided to a person for use only by him.";

(c) in paragraph (2) of regulation 6 –

(i) by deleting the word "and" after sub-paragraph (b);

(ii) by substituting a semi-colon for the full stop at the end of sub-paragraph (c) and after that by adding the word "and"; and

(iii) by adding after sub-paragraph (c) the following sub-paragraph –

"(d) an assessment as to whether the personal protective equipment is compatible with other personal protective equipment which is in use and which an employee would be required to wear simultaneously.";

(d) in paragraph (1) of regulation 9 –

(i) by substituting a comma for the full stop at the end of sub-paragraph (c); and

(ii) by adding after sub-paragraph (c) the words "and shall ensure that such information is kept available to employees.";

(**11**) S.R. 2000 No. 388
(**12**) S.R. 1993 No. 20

(e) by adding after paragraph (2) of regulation 9 the following paragraph –

"(3) Without prejudice to the generality of paragraph (1) the employer shall, where appropriate, and at suitable intervals, organise demonstrations in the wearing of personal protective equipment.".

Amendment of the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993

6. The Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993(**13**) shall be amended –

(a) in regulation 2(1), by inserting, before the definition of "new workplace", the following definition –

""disabled person" has the meaning given by section 1 of the Disability Discrimination Act 1995(**14**);";

(b) in the definition of "workplace" in regulation 2(1) –

(i) by substituting a full stop for the comma at the end of sub-paragraph (b); and

(ii) by deleting the words "but shall not" to the end of the definition;

(c) by inserting after regulation 4 the following regulation –

"**Stability and solidity**

4A. Where a workplace is in a building, the building shall have a stability and solidity appropriate to the nature of the use of the workplace.";

(d) in regulation 5(3) –

(i) by deleting the word "and" after sub-paragraph (a);

(ii) by substituting a semi colon for the full stop at the end of sub-paragraph (b) and after that by adding the word "and"; and

(iii) by adding, after sub-paragraph (b), the following sub-paragraph –

"(c) equipment and devices intended to prevent or reduce hazards.";

(e) by deleting regulation 6(3);

(f) in regulation 7, by inserting after paragraph (1) the following paragraph –

"(1A) Without prejudice to the generality of paragraph (1) –

(a) a workplace shall be adequately thermally insulated where it is necessary, having regard to the type of work carried out and the physical activity of the persons carrying out the work; and

(b) excessive effects of sunlight on temperature shall be avoided.";

(g) in paragraph (2) of regulation 24, by adding, after the words "men and women", the words "and the facilities are easily accessible, of sufficient capacity and provided with seating";

(h) in regulation 25, by substituting for paragraph (3) the following paragraph –

"(3) Rest rooms and rest areas shall –

(a) include suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke; and

(b) be equipped with –

(**13**) S.R. 1993 No. 37
(**14**) 1995 c. 50