STATUTORY RULES OF NORTHERN IRELAND

1993 No. 37

HEALTH AND SAFETY

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

Made - - - -	*3rd February 1993*
Coming into operation—	
The whole Regulations except regulations 5 to 27 and the Schedules, to the extent specified in regulation 1(3)	*8th March 1993*
Regulations 5 to 27 and the Schedules, to the extent specified in regulation 1(3)	*1st January 1996*

The Department of Economic Development, the Department of Agriculture and the Department of the Environment, acting jointly as the Department concerned(**1**), in exercise of the powers conferred by Articles 17(1), (2), (3) and (5) and 55(2) of, and paragraphs 1(2), 8 and 9 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**2**) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

Citation and commencement

1. —

(1) These Regulations may be cited as the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993.

(2) Subject to paragraph (3), these Regulations shall come into operation on 8th March 1993.

(3) Regulations 5 to 27 and the Schedules shall come into operation on 1st January 1996 with respect to any workplace which is not—

(a) a new workplace; or

(b) a modification, an extension or a conversion.

(**1**) See Articled 2(a) of S.I. 1978/1039 (N.I. 9)
(**2**) S.I. 1978/1039 (N.I. 9)

Interpretation

2. —

(1) In these Regulations—

"new workplace" means a workplace used for the first time as a workplace after 7th March 1993;

"public road" means a road within the meaning assigned to that term by Article 2(2) of the Roads (Northern Ireland) Order 1980(**3**);

"traffic route" means a route for pedestrian traffic, vehicles or both and includes any stairs, staircase, fixed ladder, doorway, gateway, loading bay or ramp;

"workplace" means, subject to paragraph (2), any premises or part of premises which are not domestic premises and are made available to any person as a place of work, and includes—

(a) any place within the premises to which such person has access while at work; and

(b) any room, lobby, corridor, staircase, road or other place used as a means of access to or egress from that place of work or where facilities are provided for use in connection with the place of work other than a public road,

but shall not include a modification, an extension or conversion of any of the above until such modification, extension or conversion is complete.

(2) Any reference in these Regulations, except in paragraph (1), to a modification, an extension or a conversion is a reference, as the case may be, to a modification, an extension or a conversion of a workplace started after 7th March 1993.

(3) Any requirement that anything done or provided in pursuance of these Regulations shall be suitable shall be construed to include a requirement that it is suitable for any person in respect of whom such thing is so done or provided.

Application of these Regulations

3. —

(1) These Regulations apply to every workplace but shall not apply to—

(a) a workplace which is or is in or on a ship within the meaning assigned to that word by regulation 2(1) of the Docks Regulations (Northern Ireland) 1989(**4**);

(b) a workplace where the only activities being undertaken are building operations or works of engineering construction within, in either case, the meaning of section 176 of the Factories Act (Northern Ireland) 1965(**5**) and activities for the purpose of or in connection with the first-mentioned activities;

(c) a workplace where the only activities being undertaken are the exploration for or extraction of mineral resources; or

(d) a workplace which is situated in the immediate vicinity of another workplace or intended workplace where exploration for or extraction of mineral resources is being or will be undertaken, and where the only activities being undertaken are activities preparatory to, for the purposes of, or in connection with such exploration for or extraction of mineral resources at that other workplace.

(**3**) S.I. 1980/1085 (N.I. 11)
(**4**) S.I. 1989 No. 320 to which there are amendments not relevant to these Regulations
(**5**) 1965 c. 20 (N.I.); the definition of "works of engineering construction" in section 176 has been extended by S.R. & O. (N.I.) 1960 No. 65 and S.R. & O (N.I.) 1968 No. 235

(2) In their application to temporary work sites, any requirement to ensure a workplace complies with any of the provisions of regulations 20 to 25 shall have effect as a requirement to so ensure so far as is reasonably practicable.

(3) As respects any workplace which is or is in or on an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicles (Excise) Act (Northern Ireland) 1972(**6**) or a vehicle exempted from duty under that Act—

(a) regulations 5 to 12 and 14 to 25 shall not apply to any such workplace; and

(b) regulation 13 shall apply to any such workplace only when the aircraft, locomotive or rolling stock, trailer or semi-trailer or vehicle is stationary inside a workplace and, in the case of a vehicle for which a licence is in force under the Vehicles (Excise) (Northern Ireland) Act 1972, is not on a public road.

(4) As respects any workplace which is in fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings—

(a) regulations 5 to 19 and 23 to 25 shall not apply to any such workplace; and

(b) any requirement to ensure that any such workplace complies with any of the provisions of regulations 20 to 22 shall have effect as a requirement to so ensure so far as is reasonably practicable.

Requirements under these Regulations

4. —

(1) Every employer shall ensure that every workplace, modification, extension or conversion which is under his control and where any of his employees works complies with any requirement of these Regulations which—

(a) applies to that workplace or, as the case may be, to the workplace which contains that modification, extension or conversion; and

(b) is in operation in respect of the workplace, modification, extension or conversion.

(2) Subject to paragraph (4), every person who has, to any extent, control of a workplace, modification, extension or conversion shall ensure that such workplace, modification, extension or conversion complies in each case with any requirement of these Regulations which—

(a) applies to that workplace or, as the case may be, to the workplace which contains that modification, extension or conversion;

(b) is in operation in respect of the workplace, modification, extension, or conversion; and

(c) relates to matters within that person's control.

(3) Any reference to a person having control of any workplace, modification, extension or conversion is a reference to a person having control of the workplace, modification, extension or conversion in connection with the carrying on by him or a trade, business or other undertaking (whether for profit or not).

(4) Paragraph (2) shall not impose any requirements upon a self-employed person in respect of his own work or the work of any partner of his in the undertaking.

(5) Every person who is deemed to be the occupier of a factory by virtue of section 175(5) of the Factories Act (Northern Ireland) 1965 shall ensure that the premises which are so deemed to be a factory comply with these Regulations.

(**6**) 1972 c. 10 (N.I.)

Maintenance of workplace, and of equipment, devices and systems

5. —

(1) The workplace and the equipment, devices and systems to which this regulation applies shall be maintained (including cleaned as appropriate) in an efficient state, in efficient working order and in good repair.

(2) Where appropriate, the equipment, devices and systems to which this regulations applies shall be subject to a suitable system of maintenance.

(3) The equipment, devices and systems to which this regulation applies are—

(a) equipment and devices a fault in which is liable to result in a failure to comply with any of these Regulations; and

(b) mechanical ventilation systems provided pursuant to regulation 6 (whether they include equipment or devices within sub-paragraph (a) or not).

Ventilation

6. —

(1) Effective and suitable provision shall be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air.

(2) Where necessary for reasons of health or safety any plant used for the purpose of complying with paragraph (1) shall include an effective device to give visible or audible warning of any failure of that plant.

(3) This regulation shall not apply to any enclosed workplace or part of a workplace which is subject to the provisions of—

(a) section 31 of the Factories Act (Northern Ireland) 1965(**7**);

(b) regulations 48 to 51 of the Shipbuilding and Ship-Repairing Regulations (Northern Ireland) 1971(**8**);

(c) regulation 21 of the Construction (General Provisions) Regulations (Northern Ireland) 1963(**9**);

(d) regulation 18 of the Docks Regulations (Northern Ireland) 1989.

Temperature in indoor workplaces

7. —

(1) During working hours, the temperature in all workplaces inside buildings shall be reasonable.

(2) A method of heating or cooling shall not be used which results in the escape into a workplace of fumes, gas or vapour of such character and to such extent that they are likely to be injurious or offensive to any person.

(3) A sufficient number of thermometers shall be provided to enable persons at work to determine the temperature in any workplace inside a building.

Lighting

8. —

(1) Every workplace shall have suitable and sufficient lighting.

(**7**) 1965 c. 20 (N.I.); section 31 is amended by S.R. 1984 No. 283
(**8**) S.R. & O. (N.I.)1971 No. 372; regulation 50 is amended by S.R. 1991 No. 13
(**9**) S.R. & O. (N.I.) 1963 No. 87, to which there are amendments not relevant to these Regulations.

(2) The lighting mentioned in paragraph (1) shall, so far as is reasonably practicable, be by natural light.

(3) Without prejudice to the generality of paragraph (1), suitable and sufficient emergency lighting shall be provided in any room in circumstances in which persons at work are specially exposed to danger in the event of failure of artificial lighting.

Cleanliness and waste materials

9. —

(1) Every workplace and the furniture, furnishings and fittings therein shall be kept sufficiently clean.

(2) The surfaces of the floors, walls and ceilings of all workplaces inside buildings shall be capable of being kept sufficiently clean.

(3) So far as reasonably practicable, waste materials shall not be allowed to accumulate in a workplace except in suitable receptacles.

Room dimensions and space

10. —

(1) Every room where persons work shall have sufficient floor area, height and unoccupied space for purposes of health, safety and welfare.

(2) It shall be sufficient compliance with this regulation in a workplace which is not a new workplace, a modification, an extension or a conversion and which, immediately before this regulation came into operation in respect of it, was subject to the provisions of the Factories Act (Northern Ireland) 1965 if the workplace does not contravene the provisions of Part I of Schedule 1.

Workstations and seating

11. —

(1) Every workstation shall be so arranged that it is suitable both for any person at work in the workplace who is likely to work at that workstation and for any work of the undertaking which is likely to be done there.

(2) Without prejudice to the generality of paragraph (1), every workstation outdoors shall be so arranged that—

(a) so far as is reasonably practicable, it provides protection from adverse weather;

(b) it enables any person at the workstation to leave it swiftly or, as appropriate, to be assisted in the event of an emergency; and

(c) it ensures that any person at the workstation is not likely to slip or fall.

(3) A suitable seat shall be provided for each person at work in the workplace whose work includes operations of a kind that the work (or a substantial part of it) can or must be done sitting.

(4) A seat shall not be suitable for the purpose of paragraph (3) unless—

(a) it is suitable for the person for whom it is provided as well as for the operations to be performed; and

(b) a suitable footrest is also provided where necessary.

Conditions of floors and traffic routes

12. —