STATUTORY RULES OF NORTHERN IRELAND

1993 No. 20

HEALTH AND SAFETY

Personal Protective Equipment at Work Regulations (Northern Ireland) 1993

Made - - - -	*19th January 1993*
Coming into operation	*22nd February 1993*

The Department of Agriculture, the Department of Economic Development 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) of, and paragraphs 10 and 13 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. These Regulations may be cited as the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993 and shall come into operation on 22nd February 1993.

Interpretation

2. In these Regulations—

"personal protective equipment" means all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects him against one or more risks to his health or safety, and any addition or accessory designed to meet that objective;

"offensive weapon" means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him.

Disapplication of these Regulations

3. —

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

(1) These Regulations shall not apply to or in relation to the master or crew of a sea-going ship or to the employer of such persons in respect of the normal ship-board activities of a ship's crew under the direction of the master.

(2) Regulations 4 to 12 shall not apply in respect of any of the following personal protective equipment, that is to say—

(a) ordinary working clothes and uniforms which do not specifically protect the health and safety of the wearer;

(b) an offensive weapon used for self-defence or deterrent equipment;

(c) portable devices for detecting and signalling risks and nuisances;

(d) personal protective equipment used for protection while travelling on a road within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981(**3**);

(e) equipment used during the playing of competitive sports.

(3) Regulations 4 and 6 to 12 shall not apply where any of the following Regulations apply and in respect of any risk to a person's health or safety for which any of them require the provision or use of personal protective equipment, namely—

(a) the Ionising Radiations Regulations (Northern Ireland) 1985(**4**);

(b) the Control of Lead at Work Regulations (Northern Ireland) 1986(**5**);

(c) the Control of Asbestos at Work Regulations (Northern Ireland) 1988(**6**);

(d) the Noise at Work Regulations (Northern Ireland) 1990(**7**);

(e) the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1990(**8**);

(f) the Construction (Head Protection) Regulations (Northern Ireland) 1990(**9**).

Provision of personal protective equipment

4. —

(1) Every employer shall ensure that suitable personal protective equipment is provided to his employees who may be exposed to a risk to their health or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective.

(2) Every self-employed person shall ensure that he is provided with suitable personal protective equipment where he may be exposed to a risk to his health or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective.

(3) Without prejudice to the generality of paragraphs (1) and (2), personal protective equipment shall not be suitable unless—

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

(b) it takes account of ergonomic requirements and the state of health of the person or persons who may wear it;

(**3**) S.I. 1981/154 (N.I. 1)
(**4**) S.R. 1985 No. 273
(**5**) S.R. 1986 No. 36
(**6**) S.R. 1988 No. 74
(**7**) S.R. 1990 No. 147
(**8**) S.R. 1990 No. 374
(**9**) S.R. 1990 No. 424

(c) it is capable of fitting the wearer correctly, if necessary after adjustments within the range for which it is designed;

(d) so far as is practicable, it is effective to prevent or adequately control the risk or risks involved without increasing overall risk; and

(e) it complies with any statutory provision which implements in Northern Ireland any provision on design or manufacture with respect to health or safety in any relevant Community Directive listed in Schedule 1 which is applicable to that item of personal protective equipment.

Compatibility of personal protective equipment

5. —

(1) Every employer shall ensure that where the presence of more than one risk to health or safety makes it necessary for his employee to wear or use simultaneously more than one item of personal protective equipment, such equipment is compatible and continues to be effective against the risk or risks in question.

(2) Every self-employed person shall ensure that where the presence of more than one risk to health or safety makes it necessary for him to wear or use simultaneously more than one item of personal protective equipment, such equipment is compatible and continues to be effective against the risk or risks in question.

Assessment of personal protective equipment

6. —

(1) Before choosing any personal protective equipment which by virtue of regulation 4 he is required to ensure is provided, an employer or self-employed person shall ensure that an assessment is made to determine whether that equipment will be suitable.

(2) The assessment required by paragraph (1) shall include—

(a) an assessment of any risk or risks to health or safety which have not been avoided by other means;

(b) the definition of the characteristics which personal protective equipment must have in order to be effective against the risks referred to in sub-paragraph (a), taking into account any risks which the equipment itself may create; and

(c) a comparison of the characteristics of the personal protective equipment available with the characteristics referred to in sub-paragraph (b).

(3) Every employer or self-employed person who is required by paragraph (1) to ensure that an assessment is made shall ensure that any such assessment is reviewed if—

(a) there is reason to suspect that it is no longer valid; or

(b) there has been a significant change in the matters to which it relates,

and where as a result of any such review changes in the assessment are required, the relevant employer or self-employed person shall ensure that they are made.

Maintenance and replacement of personal protective equipment

7. —

(1) Every employer shall ensure that any personal protective equipment provided to his employees is maintained (including replaced or cleaned as appropriate) in an efficient state, in efficient working order and in good repair.

(2) Every self-employed person shall ensure that any personal protective equipment provided to him is maintained (including replaced or cleaned as appropriate) in an efficient state, in efficient working order and in good repair.

Accommodation for personal protective equipment

8. Where an employer or self-employed person is required, by virtue of regulation 4, to ensure that personal protective equipment is provided, he shall also ensure that appropriate accommodation is provided for that personal protective equipment when it is not being used.

Information, instruction and training

9. —

(1) Where an employer is required to ensure that personal protective equipment is provided to an employee, the employer shall also ensure that the employee is provided with such information, instruction and training as is adequate and appropriate to enable the employee to know—

(a) the risk or risks which the personal protective equipment will avoid or limit;

(b) the purpose for which and the manner in which personal protective equipment is to be used; and

(c) any action to be taken by the employee to ensure that the personal protective equipment remains in an efficient state, in efficient working order and in good repair as required by regulation 7(1).

(2) Without prejudice to the generality of paragraph (1), the information and instruction provided by virtue of that paragraph shall not be adequate and appropriate unless it is comprehensible to the persons to whom it is provided.

Use of personal protective equipment

10. —

(1) Every employer shall take all reasonable steps to ensure that any personal protective equipment provided to his employees by virtue of regulation 4(1) is properly used.

(2) Every employee shall use any personal protective equipment provided to him by virtue of these Regulations in accordance both with any training in the use of the personal protective equipment concerned which has been received by him and the instructions respecting that use which have been provided to him by virtue of regulation 9.

(3) Every self-employed person shall make full and proper use of any personal protective equipment provided to him by virtue of regulation 4(2).

(4) Every employee and self-employed person who has been provided with personal protective equipment by virtue of regulation 4 shall take all reasonable steps to ensure that it is returned after use to the accommodation provided for it.

Reporting loss or defect

11. Every employee who has been provided with personal protective equipment by virtue of regulation 4(1) shall forthwith report to his employer any loss of or obvious defect in that personal protective equipment.

Exemption certificates

12. —

(1) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt—

(a) any of the home forces, any visiting force or any headquarters from those requirements of these Regulations which impose obligations on employers; or

(b) any member of the home forces, any member of a visiting force or any member of a headquarters from the requirements imposed by regulation 10 or 11;

and any exemption such as is specified in sub-paragraph (a) or (b) may be granted subject to conditions and to a limit of time and may be revoked by the said Secretary of State by a further certificate in writing at any time.

(2) In this regulation—

(a) "the home forces" has the same meaning as in section 12(1) of the Visiting Forces Act 1952(**10**);

(b) "headquarters" has the same meaning as in Article 3(2) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(**11**);

(c) "member of a headquarters" has the same meaning as in paragraph 1(1) of the Schedule to the International Headquarters and Defence Organisations Act 1964(**12**); and

(d) "visiting force" has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952.

Modifications, repeal and revocations

13. —

(1) The Act and Regulations specified in Schedule 2 shall be modified to the extent specified in the corresponding Part of that Schedule.

(2) Section 64 of the Factories Act (Northern Ireland) 1965(**13**) is hereby repealed.

(3) The instruments specified in column 1 of Schedule 3 are revoked to the extent specified in column 3.

Sealed with the Official Seal of the Department of Agriculture on

L.S.

I. C. Henderson
19th January 1993. Assistant Secretary

(**10**) 1952 c. 67
(**11**) S.I. 1965/1536, to which there are amendments not relevant to these Regulations
(**12**) 1964 c. 5
(**13**) 1965 c. 20 (N.I)