STATUTORY RULES OF NORTHERN IRELAND

1993 No. 19

HEALTH AND SAFETY

Provision and Use of Work Equipment Regulations (Northern Ireland) 1993

Made - - - -	*19th January 1993*
Coming into operation—	
The whole Regulations except regulations 11 to 24 and 26 and Schedule 2 to the extent specified in regulation 1(3)	*22nd February 1993*
Regulations 11 to 24 and 26 and Schedule 2 to the extent specified in regulation 1(3)	*1st January 1997*

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) and 55(2) of and paragraphs 1(1), (2) and (3), 12(1) 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. —

(1) These Regulations may be cited as the Provision and Use of Work Equipment Regulations (Northern Ireland) 1993.

(2) Subject to paragraph (3) these Regulations shall come into operation on 22nd February 1993.

(3) Regulations 11 to 24 and 26, and Schedule 2 in so far as they apply to work equipment first provided for use in the premises or undertaking before 22nd February 1993 shall come into operation on 1st January 1997.

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

Interpretation

2. In these Regulations—

"use" in relation to work equipment means any activity involving work equipment and includes starting, stopping, programming, setting, transporting, repairing, modifying, maintaining, servicing and cleaning, and related expressions shall be construed accordingly;

"work equipment" means any machinery, appliance, apparatus or tool and any assembly of components which, in order to achieve a common end, are arranged and controlled so that they function as a whole.

Disapplication of these Regulations

3. 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.

Application of requirements under these Regulations

4. —

(1) The requirements imposed by these Regulations on an employer shall apply in respect of work equipment provided for use or used by any of his employees who is at work or who is on an offshore installation within the meaning assigned to that term by Article 3(4) of the Off-shore and Pipelines Safety Order (Northern Ireland) 1992(**3**) .

(2) The requirements imposed by these Regulations on an employer shall also apply—

(a) to a self-employed person, in respect of work equipment he uses at work;

(b) to any person who has control, to any extent, of non-domestic premises made available to persons as a place of work, in respect of work equipment used in such premises by such persons and to the extent of his control; and

(c) to any person to whom the provisions of the Factories Act (Northern Ireland) 1965(**4**) apply by virtue of section 175(5) of that Act as if he were the occupier of a factory, in respect of work equipment used in the premises deemed by that section to be a factory.

(3) Any reference in paragraph (2)(b) to a person having control of any premises or matter is a reference to the person having control of the premises or matter in connection with the carrying on by him of a trade, business or other undertaking (whether for profit or not).

Suitability of work equipment

5. —

(1) Every employer shall ensure that work equipment is so constructed or adapted as to be suitable for the purpose for which it is used or provided.

(2) In selecting work equipment, every employer shall have regard to the working conditions and to the risks to the health or safety of persons which exist in the premises or undertaking in which that work equipment is to be used and any additional risk posed by the use of that work equipment.

(3) Every employer shall ensure that work equipment is used only for operations for which, and under conditions for which, it is suitable.

(4) In this regulation "suitable" means suitable in any respect which it is reasonably foreseeable will affect the health or safety of any person.

(**3**) S.I. 1992 No. 1728 (N.I. 17)
(**4**) 1965 c. 20

Maintenance

6. —

(1) Every employer shall ensure that work equipment is properly maintained in an efficient state, in efficient working order and in good repair.

(2) Every employer shall ensure that where any machinery has a maintenance log, the log is kept up-to-date

Specific risks

7. —

(1) Where the use of work equipment is likely to involve a specific risk to health or safety, every employer shall ensure that—

(a) the use of that work equipment is restricted to those persons given the task of using it; and

(b) the carrying out of any repairs, modifications, maintenance or servicing of that work equipment is restricted to those persons who have been specifically designated to perform operations of that description (whether or not also authorised to perform other operations).

(2) The employer shall ensure that the persons designated for the purposes of sub-paragraph (b) of paragraph (1) have received adequate training related to any operations in respect of which they have been so designated.

Information and instructions

8. —

(1) Every employer shall ensure that all persons who use work equipment have available to them adequate health and safety information and, where appropriate, written instructions pertaining to the use of the work equipment.

(2) Every employer shall ensure that any of his employees who supervises or manages the use of work equipment has available to him adequate health and safety information and, where appropriate, written instructions pertaining to the use of the work equipment.

(3) Without prejudice to the generality of paragraph (1) or (2), the information and instructions required by either of those paragraphs shall include information and, where appropriate, written instructions on—

(a) the conditions in which and the methods by which the work equipment may be used;

(b) foreseeable abnormal situations and the action to be taken if such a situation were to occur; and

(c) any conclusions to be drawn from experience in using the work equipment.

(4) Information and instructions required by this regulation shall be readily comprehensible to those concerned.

Training

9. —

(1) Every employer shall ensure that all persons who use work equipment have received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken.

(2) Every employer shall ensure that any of his employees who supervises or manages the use of work equipment has received adequate training for purposes of health and safety, including training

in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken.

Conformity with Community requirements

10. —

(1) Every employer shall ensure that any item of work equipment provided for use in the premises or undertaking of the employer complies with any statutory provision which implements in Northern Ireland any of the relevant Community Directive listed in Schedule 1 which is applicable to that item of work equipment.

(2) Where it is shown that an item of work equipment complies with a statutory provision to which it is subject by virtue of paragraph (1) the requirements of regulations 11 to 24 shall apply in respect of that item of work equipment only to the extent that the relevant Community Directive implemented by that statutory provision is not applicable to that item of work equipment.

(3) This regulation applies to items of work equipment provided for use in the premises or undertaking of the employer for the first time after 21st February 1993.

Dangerous parts of machinery

11. —

(1) Every employer shall ensure that measures are taken in accordance with paragraph (2) which are effective—

(a) to prevent access to any dangerous part of machinery or to any rotating stock-bar; or

(b) to stop the movement of any dangerous part of machinery or rotating stock-bar before any part of a person enters a danger zone.

(2) The measures required by paragraph (1) shall consist of—

(a) the provision of fixed guards enclosing every dangerous part or rotating stock-bar where and to the extent that it is practicable to do so, but where or to the extent that it is not, then

(b) the provision of other guards or protection devices where and to the extent that it is practicable to do so, but where or to the extent that it is not, then

(c) the provision of jigs, holders, push-sticks or similar protection appliances used in conjunction with the machinery where and to the extent that it is practicable to do so, but where or to the extent that it is not, then

(d) the provision of information, instruction, training and supervision.

(3) All guards and protection devices provided under sub-paragraph (a) or (b) of paragraph (2) shall—

(a) be suitable for the purpose for which they are provided;

(b) be of good construction, sound material and adequate strength;

(c) be maintained in an efficient state, in efficient working order and in good repair;

(d) not give rise to any increased risk to health or safety;

(e) not be easily bypassed or disabled;

(f) be situated at sufficient distance from the danger zone;

(g) not unduly restrict the view of the operating cycle of the machinery, where such a view is necessary;

(h) be so constructed or adapted that they allow operations necessary to fit or replace parts and for maintenance work, restricting access so that it is allowed only to the area where

the work is to be carried out and, if possible, without having to dismantle the guard or protection device.

(4) All protection appliances provided under sub-paragraph (c) of paragraph (2) shall comply with sub-paragraphs (a) to (d) and (g) of paragraph (3).

(5) In this regulation—

"danger zone" means any zone in or around machinery in which a person is exposed to a risk to health or safety from contact with a dangerous part of machinery or a rotating stock-bar;

"stock-bar" means any part of a stock-bar which projects beyond the head-stock of a lathe.

Protection against specified hazards

12. —

(1) Every employer shall take measures to ensure that the exposure of a person using work equipment to any risk to his health or safety from any hazard specified in paragraph (3) is either prevented, or, where that is not reasonably practicable, adequately controlled.

(2) The measures required by paragraph (1) shall—

(a) be measures other than the provision of personal protective equipment or of information, instruction, training and supervision, so far as is reasonably practicable; and

(b) include, where appropriate, measures to minimise the effects of the hazard as well as to reduce the likelihood of the hazard occurring.

(3) The hazards referred to in paragraph (1) are—

(a) any article or substance falling or being ejected from work equipment;

(b) rupture or disintegration of parts of work equipment;

(c) work equipment catching fire or overheating;

(d) the unintended or premature discharge of any article or of any gas, dust, liquid, vapour or other substance which, in each case, is produced, used or stored in the work equipment;

(e) the unintended or premature explosion of the work equipment or any article or substance produced, used or stored in it.

(4) For the purposes of this regulation "adequate" means adequate having regard only to the nature of the hazard and the nature and degree of exposure to the risk.

(5) This regulation shall not apply where any of the following Regulations apply in respect of any risk to health or safety for which such Regulations require measures to be taken to prevent or control such risk, namely—

(a) the Ionising Radiations Regulations (Northern Ireland) 1985(**5**);

(b) the Control of Lead at Work Regulations (Northern Ireland) 1986(**6**);

(c) the Control of Asbestos at Work Regulations (Northern Ireland) 1988(**7**);

(d) the Noise at Work Regulations (Northern Ireland) 1990(**8**);

(e) the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1990(**9**);

(f) the Construction (Head Protection) Regulations (Northern Ireland) 1990(**10**).

(**5**) S.R. 1985 No. 273
(**6**) S.R. 1986 No. 36
(**7**) S.R. 1988 No. 74
(**8**) S.R. 1990 No. 147
(**9**) S.R. 1990 No. 374
(**10**) S.R. 1990 No. 424