# 1992 No. 535

# HEALTH AND SAFETY

## Manual Handling Operations Regulations (Northern Ireland) 1992

*Made* . . . . . *10th December 1992*

*Coming into operation* . . *8th January 1993*

Whereas under Article 54(1) of the Health and Safety at Work (Northern Ireland) Order 1978(**a**) (''the 1978 Order'') it appears to the Department of Agriculture, the Department of Economic Development, and the Department of the Environment (''the Department concerned'')(**b**) that the repeal of section 37(2)(*a*) of the Children and Young Persons Act (Northern Ireland) 1968(**c**) referred to in regulation 7(1) and Part I of Schedule 2, except insofar as those provisions apply to such employment as is permitted under section 1(2) of the Employment of Women, Young Persons and Children's Act 1920(**d**), is expedient in connection with the other provisions of these Regulations.

Now, therefore, the Department concerned, in exercise of the powers conferred by Articles 17(1), (2), (3) and (5) and 54(1) and (2) of, and paragraphs 1(1) and 7 of Schedule 3 to, the 1978 Order and of every other power enabling it in that behalf, after consultation in accordance with Articles 46(1) and 54(5) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, hereby makes the following Regulations:—

*Citation and commencement*

**1.** These Regulations may be cited as the Manual Handling Operations Regulations (Northern Ireland) 1992 and shall come into operation on 8th January 1993.

*Interpretation*

**2.**—(1) In these Regulations—

''injury'' does not include injury caused by any toxic or corrosive substance which—

(*a*) has leaked or spilled from a load;

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(**a**) S.I. 1978/1039 (N.I. 9)
(**b**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**c**) 1968 c. 34 (N.I.)
(**d**) 1920 c. 65

(*b*) is present on the surface of a load but has not leaked or spilled from it; or

(*c*) is a constituent part of a load;

"load" includes any person and any animal;

"manual handling operations" means any transporting or supporting of a load (including the lifting, putting down, pushing, pulling, carrying or moving thereof) by hand or by bodily force.

(2) Any duty imposed by these Regulations on an employer in respect of his employees shall also be imposed on a self-employed person in respect of himself.

*Disapplication of 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.

*Duties of employers*

**4.**—(1) Each employer shall—

(*a*) so far as is reasonably practicable, avoid the need for his employees to undertake any manual handling operations at work which involve a risk of their being injured; or

(*b*) where it is not reasonably practicable to avoid the need for his employees to undertake any manual handling operations at work which involve a risk of their being injured—

(i) make a suitable and sufficient assessment of all such manual handling operations to be undertaken by them, having regard to the factors which are specified in column 1 of Schedule 1 and considering the questions which are specified opposite thereto in column 2 of that Schedule,

(ii) take appropriate steps to reduce the risk of injury to those employees arising out of their undertaking any such manual handling operations to the lowest level reasonably practicable, and

(iii) take appropriate steps to provide any of those employees who are undertaking any such manual handling operations with general indications and, where it is reasonably practicable to do so, precise information on—

(*aa*) the weight of each load, and

(*bb*) the heaviest side of any load whose centre of gravity is not positioned centrally.

(2) Any assessment such as is referred to in paragraph (1)(*b*)(i) shall be reviewed by the employer who made it if—

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

(*b*) there has been a significant change in the manual handling operations to which it relates;

and where as a result of any such review changes to an assessment are required, the relevant employer shall make them.

*Duty of employees*

**5.** Each employee while at work shall make full and proper use of any system of work provided for his use by his employer in compliance with regulation 4(1)(*b*)(ii).

*Exemption certificates*

**6.**—(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 any requirement imposed by regulation 4; or

(*b*) any member of the home forces, any member of a visiting force or any member of a headquarters from the requirement imposed by regulation 5;

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(**a**);

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

(*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(**c**); 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.

*Repeals and revocations*

**7.**—(1) Each of the enactments mentioned in column 1 of Part I of Schedule 2 is repealed to the extent specified opposite thereto in column 3.

(2) The regulations mentioned in column 1 of Part II of Schedule 2 are revoked to the extent specified in column 3.

Sealed with the Official Seal of the Department of Agriculture on 10th December 1992.

(L.S.) *I. C. Henderson*
Assistant Secretary

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(**a**) 1952 c. 67
(**b**) S.I. 1965/1536, to which there are amendments not relevant to these Regulations
(**c**) 1964 c. 5

Sealed with the Official Seal of the Department of Economic Development on 10th December 1992.

(L.S.) *Philip B. Strong*
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 10th December 1992.

(L.S.) *Trevor Pearson*
Assistant Secretary