1992 No. 461

HEALTH AND SAFETY

Health and Safety (Miscellaneous Provisions) (Factories Metrication etc) Regulations (Northern Ireland) 1992

Made . . . . . *28th October 1992*

Coming into operation . . . *7th December 1992*

The Department of Economic Development, being the Department concerned(**a**), in exercise of the powers conferred on it by Articles 17(1) to (5), 45 and 55(2) of, and paragraphs 1(2) and (4), 8 and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling it 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 it to be appropriate, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Miscellaneous Provisions) (Factories Metrication etc) Regulations (Northern Ireland) 1992 and shall come into operation on 7th December 1992.

PART I

METRICATION AND REVOCATIONS OF MISCELLANEOUS PROVISIONS

Interpretation

2. In this Part "the principal instruments" means the Orders and Regulations referred to in column 1 of the Schedule.

Amendments to the principal instruments to substitute metric measurements for imperial measurements

3. The provisions of the principal instruments specified in column 1 of the Schedule (the subject matter of which is described in column 2) shall be amended by substituting for the measurements or expressions set out opposite thereto in column 3, the measurements or expressions set out in the corresponding entry in column 4.

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

Application to existing plant, buildings and other permanent structures

4. Where the measurements relating to any plant, buildings or other permanent structure in existence or under construction immediately before the coming into operation of these Regulations complied with the requirements of the principal instruments as then in operation in so far as they related to the measurements of that plant, building or other permanent structure, then such compliance shall be deemed to be compliance with the principal instruments as amended by these Regulations.

Revocations

5.—(1) The Order dated 30th December 1903 modifying the proportion of cubic feet of space to be provided in certain bakehouses (The Modification of Space in Bakehouses Order 1903)(**a**) shall be revoked.

(2) Articles 7 and 8 of the Order dated 21st July 1919 securing the welfare of workers in oil cake mills (Welfare of Workers in Oil Cake Mills Order 1919)(**b**) shall be revoked.

(3) In the Definitions listed in the Woodworking Machinery Regulations 1922(**c**) the definition of "Gauge" shall be revoked.

PART II

AMENDMENTS TO STATUTORY PROVISIONS RELATING TO HUMID FACTORIES NOT INVOLVING METRICATION

Amendments to the Factories Act (Northern Ireland) 1965

6.—(1) Section 67 of the Factories Act (Northern Ireland) 1965(**d**) (relating to humid factories) shall be amended in accordance with the following paragraphs.

(2) After subsection (2) there shall be inserted the following subsection—

"(2A) In this section—

"dry bulb temperature" means the temperature measured by an accurate and properly maintained thermometer (which may form part of the hygrometer) and any reference in this section to a dry bulb thermometer, or without qualification to a thermometer, shall be taken to be a reference to such a thermometer and a reference without qualification to temperature shall be taken to be a reference to the dry bulb temperature;

"hygrometer" means an accurate and properly maintained and calibrated instrument for the measurement of the relative humidity in the workplace;

(**a**) S.R. & O. 1903/1157
(**b**) S.R. & O. 1919/959
(**c**) S.R. & O. (N.I.) 1922 No. 72 (p. 54) amended by S.R. & O. (N.I.) 1927 No. 64 (p. 90) and S.R. & O. (N.I.) 1946 No. 65 (p. 245)
(**d**) 1965 c. 20 (N.I.); relevant amending regulations are S.R. 1984 No. 283

"wet bulb temperature" means either—

(*a*) the temperature indicated by the wet bulb of a static hygrometer which relies on natural circulation of air around the thermometers; or

(*b*) the temperature calculated from the dry bulb temperature and relative humidity by the method approved for the time being by the Department of Economic Development,

and any reference in this section to the reading of the wet bulb thermometer shall be treated as a reference to the wet bulb temperature.".

(3) In subsection (3)—

(*a*) in the opening words after the words "two hygrometers" there shall be inserted the words "and a thermometer close to each hygrometer", and the words from "conforming to" to "be prescribed" shall be repealed;

(*b*) in sub-paragraph (*a*) for the word "fixed" there shall be substituted the word "placed";

(*c*) sub-paragraph (*b*) shall be repealed;

(*d*) in sub-paragraph (*c*) after the words "read the hygrometers" there shall be inserted the words "and the thermometers", and at the end of the sub-paragraph, the words from "which shall be provided" to the end of that sub-paragraph shall be repealed;

(*e*) for sub-paragraph (*d*) there shall be substituted the following sub-paragraph—

"(*d*) the records of the wet bulb temperature or temperature and hygrometer readings shall be kept by the occupier for at least two years from when they were made and the occupier shall give his employees immediate access to those records on request together with such information as is necessary for their interpretation.".

(4) In subsection (5) for the words "in the table of humidity" there shall be substituted the words "in Schedule 1".

(5) In subsection (7), for the word "fixed"—

(*a*) in the first place where it occurs, there shall be substituted "and one thermometer close to it placed"; and

(*b*) in the second place where it occurs, there shall be substituted "and thermometers placed".

(6) In subsection (8) the words from "and a copy" to the end of the subsection shall be repealed.

Amendments to the Flax and Tow Spinning and Weaving Regulations 1906

7.—(1) In addition to the amendments made by Part I (relating to metrication) the Flax and Tow Spinning and Weaving Regulations 1906(**a**) shall be amended in accordance with the following paragraphs.

(**a**) S.R. & O. 1906/177, amended by S.R. 1990 No. 374

(2) In the preliminary part of the Regulations dealing with definitions, after the words "In these Regulations" there shall be inserted at the appropriate places the following definitions—

' "Department" means the Department of Economic Development.

"Dry bulb temperature" means the temperature measured by an accurate and properly maintained thermometer (which may form part of the hygrometer) and any reference in these Regulations to a dry bulb thermometer or without qualification to a thermometer shall be taken to be a reference to such a thermometer and a reference without qualification to temperature shall be taken to be a reference to the dry bulb temperature.

"Hygrometer" means an accurate and properly maintained and calibrated instrument for the measurement of the relative humidity in the workplace.

"Wet bulb temperature" means either—

(*a*) the temperature indicated by the wet bulb of a static hygrometer which relies on natural circulation of the air around the thermometer; or

(*b*) the temperature calculated from the dry bulb temperature and relative humidity by the method approved for the time being by the Department,

and any reference in these Regulations to the reading of the wet bulb thermometer shall be treated as a reference to the wet bulb temperature.'.

(3) For regulation 4 there shall be substituted the following regulation—

"**4.**—(1) In every room in which wet spinning is carried on, or in which artificial humidity is produced in aid of manufacture a hygrometer and a thermometer close to the hygrometer shall be positioned in the centre of the room or in such other position as may be directed by an inspector by notice in writing.

(2) The hygrometer and the thermometer shall be read between 10 and 11 a.m. on every day that any person is employed in the room and again between 3 and 4 p.m. on every day that any person is employed in the room after 1 p.m. and a record of all such readings shall be kept.

(3) The said record shall be kept by the occupier for at least two years from when it was made and the occupier shall give his employees immediate access to those records on request together with such information as is necessary for their interpretation.

(4) Paragraphs (2) and (3) shall not apply to any room in which the differences of reading between the wet and dry bulb thermometers is never less than 2 degrees, if notice of the intention to work on that system has been given in writing to an inspector.".

(4) There shall be inserted the following regulation as regulation 12—

"**12.**—(1) Subject to paragraph (2), the Department may, by a certificate in writing, exempt any person or class of persons, from all or any of the requirements or prohibitions imposed by these Regulations and

any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

(*a*) the conditions, if any, that it proposes to attach to the exemption; and

(*b*) any requirements imposed by or under any statutory provisions which apply to the case,

it is satisfied that the health or safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.''.

Amendments to the Hemp Spinning and Weaving Regulations 1907

8.—(1) In addition to the amendments made by Part I (relating to metrication) the Hemp Spinning and Weaving Regulations 1907(**a**) shall be amended in accordance with the following paragraphs.

(2) In the preliminary part of the Regulations dealing with definitions, after the words ''In these Regulations'' there shall be inserted at the appropriate places the following definitions—

' ''Department'' means the Department of Economic Development.

''Dry bulb temperature'' means the temperature measured by an accurate and properly maintained thermometer (which may form part of the hygrometer) and any reference in these Regulations to a dry bulb thermometer or without qualification to a thermometer shall be taken to be a reference to such a thermometer and a reference without qualification to temperature shall be taken to be a reference to the dry bulb temperature.

''Hygrometer'' means an accurate and properly maintained and calibrated instrument for the measurement of the relative humidity in the workplace.

''Wet bulb temperature'' means either—

(*a*) the temperature indicated by the wet bulb of a static hygrometer which relies on natural circulation of air around the thermometer; or

(*b*) the temperature calculated from the dry bulb temperature and relative humidity by the method approved for the time being by the Department,

and any reference in these Regulations to the reading of the wet bulb thermometer shall be treated as a reference to the wet bulb temperature.'.

(3) For regulation 6 there shall be substituted the following regulation—

''**6.**—(1) In every room in which artificial humidity of air is produced in aid of manufacture, a hygrometer and a thermometer close to the hygrometer shall be positioned in the centre of the room or in such other position as may be directed by an inspector by notice in writing.

(**a**) S.R. & O. 1907/660, amended by S.R. 1990 No. 374