1991 No. 105

HEALTH AND SAFETY

Health and Safety Information for Employees Regulations (Northern Ireland) 1991

Made . . . . . *21st March 1991*

Coming into operation . . *7th October 1991*

ARRANGEMENT OF REGULATIONS

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Whereas it appears to the Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services (''the Department concerned''(**a**)) that the repeal of paragraph 3 of Part I of Schedule 5 to the Health and Safety at Work (Northern Ireland) Order 1978(**b**) (''the 1978 Order'') is expedient in connection with provision made by these Regulations;

And whereas the Department concerned has, in accordance with Articles 46(1) and 54(5) of the 1978 Order, consulted the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate;

Now, therefore, the Department concerned in exercise of the powers conferred by Articles 17(1), (2), (3), (4), (5) and (6), 45, 54(1) and 55(2) of, and paragraph 14(1) of Schedule 3 to, the 1978 Order and of every other power enabling it in that behalf, hereby makes the following Regulations:

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

Citation and commencement

1. These Regulations may be cited as the Health and Safety Information for Employees Regulations (Northern Ireland) 1991 and shall come into operation on 7th October 1991.

Interpretation and application

2.—(1) In these Regulations—

"the approved poster" and "the approved leaflet" have the meanings assigned by regulation 3;

"Department" means the Department of Economic Development;

"ship" has the meaning assigned to it by section 742 of the Merchant Shipping Act 1894(**a**).

(2) Any reference in these Regulations to the enforcing authority for premises is a reference to the enforcing authority which has responsibility for the enforcement of Article 4 of the 1978 Order in relation to the main activity carried on in those premises.

(3) These Regulations shall have effect for the purpose of providing information to employees relating to health, safety and welfare but they shall not apply in relation to the master and crew of a sea-going ship.

Meaning of and revisions to the approved poster and leaflet

3.—(1) In these Regulations "the approved poster" or "the approved leaflet" means, respectively, a poster or leaflet in the form approved for the purposes of these Regulations by the Department and published for those purposes by the Agency as revised in accordance with paragraph (2).

(2) The Department may—

(*a*) approve a revision (in whole or in part) to the form of poster or leaflet; and

(*b*) determine the date on which that revision shall take effect, being a date not less than 9 months after the date on which that revision is approved.

(3) Where the Department approves a revision under paragraph (2), the Agency shall publish—

(*a*) the revised form of poster or leaflet;

(*b*) the date on which that revision was approved; and

(*c*) the date on which that revision is to take effect.

(4) During the period before the date on which the revision takes effect, an employer may use the approved poster or approved leaflet incorporating that revision for the purposes of regulation 4(1).

Provision of poster or leaflet

4.—(1) An employer shall, in relation to each of his employees—

(*a*) ensure that the approved poster is kept displayed in a readable condition—

(a) 1894 c. 60

(i) at a place which is reasonably accessible to the employee while he is at work, and

(ii) in such a position in that place as to be easily seen and read by that employee; or

(*b*) give to the employee the approved leaflet.

(2) An employer shall be treated as having complied with paragraph (1)(*b*) from the date these Regulations come into operation or the date the employee commencees employment with him (if later) if he gives to the employee the approved leaflet as soon as is reasonably practicable after that date.

(3) Where the form of poster or leaflet is revised pursuant to regulation 3(2) then on or before the date the revision takes effect—

(*a*) an employer relying on compliance with paragraph (1)(*a*) shall ensure that the approved poster displayed is the one as revised;

(*b*) an employer relying on compliance with paragraph (1)(*b*) shall either give to the employees concerned fresh approved leaflets (as so revised) or bring the revision to their notice in writing.

Provision of further information

5.—(1) An employer relying on compliance with regulation 4(1)(*a*) shall, subject to paragraph (2), ensure that the name of the enforcing authority for the premises where the poster is displayed and the address of the office of that authority for the area in which those premises are situated are clearly and indelibly written on the poster in the appropriate space.

(2) Where there is a change in any of the matters referred to in paragraph (1) it shall be sufficient compliance with that paragraph for the corresponding amendment to the poster to be made within six months from the date thereof.

(3) An employer who gives to his employee a leaflet pursuant to regulation 4(1)(*b*) shall give with the leaflet a written notice containing the name of the enforcing authority for the premises where the employee works, and the address of the office of that authority for the area in which those premises are situated.

(4) Where the employee works in more than one location he shall, for the purposes of paragraph (3), be treated as working at the premises from which his work is administered, and if his work is administered from two or more premises, the employer may choose any one of them for the purpose of complying with that paragraph.

(5) Where an employer relies on compliance with regulation 4(1)(*b*) and there is a change in any of the matters referred to in paragraph (3) the employer shall within six months of the date thereof give to the employee a written notice specifying the change.

Exemption certificates

6.—(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 imposed by these Regulations and any such exemptions may be granted subject to conditions and to a limit of time and may be revoked 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, which it proposes to attach to the exemption; and

(*b*) any other requirements imposed by or under any statutory provision which apply to the case;

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

Defence

7. In any proceedings for an offence for a contravention of these Regulations it shall be a defence for the accused to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

Repeals, revocations and modifications

8.—(1) The statutory provisions specified in column 1 of Part I of the Schedule are hereby repealed to the extent specified in the corresponding entries in column 2 thereof.

(2) The instruments specified in column 1 of Part II of the Schedule are hereby revoked to the extent specified in the corresponding entries in column 3 thereof.

(3) The instrument specified in column 1 of Part III of the Schedule is hereby modified to the extent specified in the corresponding entry in column 3 thereof.

Sealed with the Official Seal of the Department of Agriculture on 21st March 1991.

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

Sealed with the Official Seal of the Department of Economic Development on 20th March 1991.

(L.S.) *Suzanna Cooper*
Assistant Secretary