1990 No. 424

HEALTH AND SAFETY

Construction (Head Protection) Regulations (Northern Ireland) 1990

Made . . . . . *4th December 1990*

Coming into operation . . *4th March 1991*

The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services acting jointly as the Department concerned(**a**) in exercise of the powers conferred by Article 17(1), (2) and (5) of, and paragraphs 1(1), 10, 14(1) and 20(*a*) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) 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 appear to them to be appropriate, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Construction (Head Protection) Regulations (Northern Ireland) 1990 and shall come into operation on 4th March 1991

Interpretation

2. In these Regulations—

"the Department" means the Department of Economic Development;

"suitable head protection" means head protection which—

(*a*) is designed to provide protection, so far as is reasonably practicable, against foreseeable risks of injury to the head to which the wearer may be exposed;

(*b*) after any necessary adjustment, fits the wearer; and

(*c*) is suitable having regard to the work or activity in which the wearer may be engaged.

Application of these Regulations

3.—(1) Subject to paragraph (2) these Regulations shall apply to—

(*a*) building operations; and

(*b*) works of engineering construction,

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

within, in either case, the meaning of the Factories Act (Northern Ireland) 1965(**a**).

(2) These regulations shall not apply to a diving operation as construed in accordance with regulation 2(2)(*a*) of the Diving Operations at Work Regulations (Northern Ireland) 1983(**b**).

Provision, maintenance and replacement of suitable head protection

4.—(1) Every employer shall provide each of his employees who is at work on operations or works to which these Regulations apply with suitable head protection and shall maintain it and replace it whenever necessary.

(2) Every self-employed person who is at work on operations or works to which these Regulations apply shall provide himself with suitable head protection and shall maintain it and replace it whenever necessary.

Ensuring suitable head protection is worn

5.—(1) Every employer shall ensure so far as is reasonably practicable that each of his employees who is at work on operations or works to which these Regulations apply wears suitable head protection, unless there is no foreseeable risk of injury to his head other than by his falling.

(2) Every employer, self-employed person or employee who has control over any other person who is at work on operations or works to which these Regulations apply shall ensure so far as is reasonably practicable that each such other person wears suitable head protection, unless there is no foreseeable risk of injury to that other person's head other than by his falling.

Rules and directions

6.—(1) The person for the time being having control of a site where operations or works to which these Regulations apply are being carried out may, so far as is necessary to comply with regulation 5, make rules regulating the wearing of suitable head protection on that site by persons at work on those operations or works.

(2) Rules made in accordance with paragraph (1) shall be in writing and shall be brought to the notice of persons who may be affected by them.

(3) An employer may, so far as is necessary to comply with regulation 5(1) give directions requiring his employees to wear suitable head protection.

(4) An employer, self-employed person or employee who has control over any other self-employed person may, so far as is necessary to comply with regulation 5(2) give directions requiring each such other self-employed person to wear suitable head protection.

Wearing of suitable head protection

7.—(1) Every employee who has been provided with suitable head protection shall wear that head protection when required to do so by rules made or directions given under regulation 6.

(**a**) 1965 c. 20 (N.I.) section 176 has been extended by S.R. & O. (N.I.) 1960 No. 65 and S.R. & O. (N.I.) 1968 No. 235

(**b**) S.R. 1983 No. 209