1982 No. 273

# HEALTH AND SAFETY

## Health and Safety (Dangerous Pathogens) Regulations (Northern Ireland) 1982

*Made* . . . . . *23rd August 1982*

*Coming into operation* . . . *1st October 1982*

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The Department of Agriculture and the Department of Manpower Services acting jointly as the Department concerned(**a**) in exercise of the powers conferred by Articles 2(5) and 17(1), (2), (3)(*b*), (5)(*b*) and (6)(*b*) of and paragraphs 1(1), 2(1) and 14(1) 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 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.** These Regulations may be cited as the Health and Safety (Dangerous Pathogens) Regulations (Northern Ireland) 1982 and shall come into operation on 1st October 1982.

*Interpretation*

**2.**—(1) In these Regulations — "listed pathogen" means—

(*a*) a pathogen listed in Schedule 1,

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

(*b*) a derivative of a pathogen listed in that Schedule which is capable of causing disease in humans,

but does not include any substance in respect of which there is in force a product licence granted under the Medicines Act 1968(a) or a clinical trial certificate or animal test certificate issued for the purposes of section 31 or 32 of that Act.

"diagnostic service" means any activity carried on with the intention of—

(*a*) identifying a listed pathogen,

(*b*) isolating or identifying other organisms from specimens or samples suspected of containing a listed pathogen,

(*c*) analysing specimens or samples from a patient known to be, or suspected of, harbouring a listed pathogen for purposes relating to the assessment of the clinical progress or assistance in the clinical management of that patient,

and "diagnosis" and "diagnostic work" shall be construed accordingly.

(2) In these Regulations, any reference to—

(*a*) a self-employed person includes a reference to any person who keeps or handles a listed pathogen and who is not an employer or an employed person in relation to that keeping or handling,

(*b*) "the Department" means the Department of Manpower Services.

*Notification of the keeping or handling of listed pathogens*

**3.**—(1) Subject to paragraph (2), on or after 1st December 1982 an employer or self-employed person shall not keep or handle nor cause or permit the keeping or handling of a listed pathogen unless at least 30 days in advance he has given to the Department notice in writing of the particulars set out in Schedule 2 in respect of each activity involving that pathogen.

(2) Paragraph (1) shall not apply where—

(*a*) the keeping or handling is solely for the purposes of transportation; or

(*b*) the listed pathogen is in a human or animal body (whether live or dead) or in any part thereof but this exception shall not apply to any specimen or sample; or

(*c*) the listed pathogen is in the bedding of an infected person or animal or in the clothing of an infected person or in any waste material kept or handled in the course of clinical treatment or post-mortem examination of such a person or animal; or

(*d*) the listed pathogen is in a specimen or sample being taken or sent for diagnosis; or

(*e*) the keeping or handling is in the course of diagnostic work; or

(*f*) the employer or self-employed person, as the case may be, does not know and could not reasonably be expected to know that a listed pathogen is being kept or handled.

*Provision relating to laboratories providing a diagnostic service*

**4.**—(1) Subject to paragraph (2), on or after 1st December 1982 an employer or self-employed person shall not carry out a diagnostic service in relation to a listed pathogen unless at least 30 days in advance he has given to the Department notice in writing of the particulars set out in Schedule 3.

(2) Paragraph (1) shall not apply where the listed pathogen or suspected pathogen is in a human or animal body (whether live or dead).

(a) 1968 c. 67

*Changes in particulars to be notified*

**5.** Where—

(*a*) there is a change in any of the particulars which have been notified in accordance with Regulation 3(1) or 4(1), or

(*b*) the activities which have been so notified cease to be carried on,

then the employer or self-employed person, as the case may be, shall notify the Department forthwith in writing of that change or cessation; but this shall not apply to the completion of a particular activity in accordance with the notification under sub-paragraph (*f*) of Schedule 2.

*Transportation of listed pathogens*

**6.**—(1) Subject to the following provisions, on or after 1st December 1982 a person shall not consign a listed pathogen unless at least 30 days (or such lesser period as the Department may allow in a particular case) before the pathogen is transported he has notified the Department in writing of the particulars set out in Schedule 4.

(2) Paragraph (1) shall not apply where—

(*a*) the listed pathogen is being consigned—

(i) for the purposes of diagnosis, or

(ii) within the curtilage of any premises; or

(*b*) the consignor did not know and could not reasonably be expected to know that he was consigning a listed pathogen.

(3) In the case of a listed pathogen imported into Northern Ireland, the consignee shall give the notice required by paragraph (1), and paragraph (2)(*b*) shall have effect as a reference to the consignee not knowing or not reasonably being expected to know that a listed pathogen was being consigned to him.

(4) In this Regulation "consign" includes send to any other place whether or not it is in the same ownership or control.

*Notification to the Department of Health and Social Services*

**7.** Where any notice required by Regulation 3, 4, 5 or 6 is received by the Department, the Department shall forthwith give notice in writing of all the particulars included in such notice to the Department of Health and Social Services.

*Defence in proceedings for contravening Regulation 3*

**8.** In any proceedings for an alleged contravention of Regulation 3 it shall be a defence for the employer or self-employed person, as the case may be, to prove that on discovering that he was unintentionally keeping or handling a listed pathogen or causing or permitting it to be kept or handled, as the case may be, he notified the Department forthwith.

*Meaning of "work" and "at work"*

**9.** For the purposes of Part II of the Health and Safety at Work (Northern Ireland) Order 1978 the meaning of the word "work" shall be extended to include any activity involving the keeping or handling of a listed pathogen and the meaning of "at work" shall be extended accordingly.

*Modification of Article 5(2) of the Health and Safety at Work (Northern Ireland) Order 1978*

**10.** Article 5(2) of the Health and Safety at Work (Northern Ireland) Order 1978 shall be modified in relation to any person who keeps or handles a listed pathogen so as to have effect as if the reference to a self-employed person included a reference to