1979 No. 187

HEALTH AND SAFETY

FACTORIES

Employment Medical Advisory Service (Factories Act Legislation Amendment) Regulations (Northern Ireland) 1979

Made . . . . . 4th *June* 1979

Coming into operation . . . . . 9th *July* 1979

The Department of Manpower Services, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, in exercise of the powers conferred on it by Articles 17(1) and (3)(*a*) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(a) and of every other power enabling it in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Employment Medical Advisory Service (Factories Act Legislation Amendment) Regulations (Northern Ireland) 1979 and shall come into operation on 9th July 1979.

Amendment of instruments

2. Subject to the provisions of Part III of the Schedule, in the instruments mentioned in the first column of Part II of the Schedule there shall be made the amendments specified in relation to them in the second column of that Part.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 4th June 1979.

(L.S.) *D. J. Perham*
Senior Assistant Secretary

(a) S.I. 1978/1039 (N.I. 9)—brought into operation by S.R. 1978 No. 384 (C. 21)

SCHEDULE Regulation 2

Amendment of Instruments

PART 1

New Definitions

The new definitions mentioned in Part II of this Schedule are as follows:—

"appointed doctor" means a fully registered medical practitioner appointed by written certificate (of an employment medical adviser who is authorised to act in that behalf by the Department of Manpower Services under Article 48(5) of the Health and Safety at Work (Northern Ireland) Order 1978) for such of the purposes of these Regulations as are specified in the certificate.

"employment medical adviser" means an employment medical adviser appointed under Article 48 of the Health and Safety at Work (Northern Ireland) Order 1978.

PART II

Amendments

Instrument	*Amendment*
Regulations, dated 21st January 1907, with respect to the manufacture of paints and colours, S.R. & O. 1907/17 (Rev. VII, p. 400: 1907, p. 139).	The new definitions set out in Part I of this Schedule shall be inserted at the end of the existing definitions. For references to the certifying or appointed surgeon, wherever they occur, there shall be substituted references to "an employment medical adviser or an appointed doctor". In Regulation 4, the second paragraph shall be deleted. For Regulation 5, there shall be substituted:— "5. A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in a lead process or at the roller mills would involve special danger to his health, shall not be employed in any such process or place unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor." For Regulation 12, there shall be substituted:— "12. No person shall work in a lead process or at the roller mills while it is to his knowledge unlawful under Regulation 5 for him to be employed in such a process or place."

Instrument	*Amendment*
Regulations, dated 6th August 1907, with respect to the process of the manipulation of yarn dyed by means of a lead compound, S.R. & O. 1907/616 (Rev. VII, p. 472: 1907, p. 142).	The definitions of "surgeon" and "suspension" shall be deleted. The new definitions set out in Part I of this Schedule shall be inserted at the end of the existing definitions. For other references to the surgeon, wherever they occur, there shall be substituted references to "an employment medical adviser or an appointed doctor". In Regulation 4, for the second paragraph there shall be substituted:— "A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in the heading of yarn dyed by means of a lead compound would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor." In Regulation 8, for paragraph (*a*) there shall be substituted:— "(*a*) work in the heading of yarn dyed by means of a lead compound while it is to his knowledge unlawful under Regulation 4 for him to be employed in such a process."
Regulations, dated 18th December 1908, with respect to the process of vitreous enamelling of metal or glass, S.R. & O. 1908/1258 (Rev. VII, p. 312: 1908, p. 336).	The definitions of "surgeon" and "suspension" shall be deleted. The new definitions set out in Part I of this Schedule shall be inserted at the end of the existing definitions. For other references to the surgeon, wherever they occur, there shall be substituted references to "an employment medical adviser or an appointed doctor". For Regulation 10, there shall be substituted:— "10. A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health

Instrument	*Amendment*
	register recorded his opinion that the continued employment of that person in an enamelling process would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor." In Regulation 15, for paragraph (*a*) there shall be substituted:— "(*a*) work in any enamelling process while it is to his knowledge unlawful under Regulation 10 for him to be employed in such a process;"
Regulations, dated 30th June 1909, with respect to the coating of metal articles with a mixture of tin and lead, or lead alone, S.R. & O. 1909/720 (Rev. VII, p. 455: 1909, p. 301).	The definitions of "surgeon" and "suspension" shall be deleted. The new definitions set out in Part I of this Schedule shall be inserted at the end of the existing definitions. For other references to the surgeon, wherever they occur, there shall be substituted references to "an employment medical adviser or an appointed doctor". In Regulation 6, for the second paragraph there shall be substituted:— "A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in tinning would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor." In Regulation 11, for paragraph (*a*) there shall be substituted:— "(*a*) work in tinning while it is to his knowledge unlawful under Regulation 6 for him to be employed in such a process;"
Regulations, dated 12th August 1911, with respect to the smelting and manufacture of lead and flaked litharge, S.R. & O. 1907/17 (Rev. VII, p. 369: 1911, p. 55).	The definitions of "surgeon" and "suspension" shall be deleted. The new definitions set out in Part I of this Schedule shall be inserted at the end of the existing definitions.

Instrument	*Amendment*
	For other references to the surgeon, wherever they occur, there shall be substituted references to "an employment medical adviser or an appointed doctor". In Regulation 13, for paragraph (*c*) there shall be substituted:— "(*c*) A person employed, in respect of whom an employment medical adviser or an appointed doctor has, to the knowledge of the occupier or his agent, by signed and dated entry in the health register recorded his opinion that the continued employment of that person in any lead process would involve special danger to his health, shall not be employed in any such process unless that entry has been cancelled by a further entry made by an employment medical adviser or an appointed doctor." For Regulation 18, there shall be substituted:— "18. No person shall work in a lead process while it is to his knowledge unlawful under Regulation 13 for him to be employed in such a process."
Regulations, dated 2nd January 1913, with respect to the manufacture and decoration of pottery, S.R. & O. 1913/2 (Rev. VII, p. 408: 1913, p. 131).	The definition of "surgeon" shall be deleted. The new definitions set out in Part I of this Schedule shall be inserted at the end of the existing definitions. For other references to the surgeon wherever they occur, there shall be substituted references to "an employment medical adviser or an appointed doctor". The definition of "suspension" shall be deleted. For the existing definition of "permission to work" there shall be substituted:— "'Permission to work' means permission by signed certificate of an employment medical adviser or appointed doctor permitting on medical grounds employment of a certain specified kind." In Regulation 1, paragraph (*d*) the words "for more than seven days" shall be deleted. In Regulation 2, paragraph (*b*) shall be deleted.