1975 No. 228

FACTORIES

Factories (Protection of Eyes) Regulations (Northern Ireland) 1975

Made . . . . . 12*th August* 1975

Coming into operation . . . . 12*th February* 1976

The Department(a) of Manpower Services—

(*a*) in exercise of powers conferred by sections 64, 75, 179(3) and (4) of the Factories Act (Northern Ireland) 1965(b) and now vested in it(c), and of every other power enabling it in that behalf, and

(*b*) after publishing, pursuant to Schedule 4 to the said Act of 1965, notice of the proposal to make the regulations and not having received any objection to the draft in regard to which it is required by the said Schedule to direct an inquiry to be held,

hereby makes the following regulations of which all with the exception of regulation 1(2) (in so far as it applies to item 2 of Schedule 3 to these regulations) are special regulations:

Citation, commencement and revocation

1.—(1) These regulations may be cited as the Factories (Protection of Eyes) Regulations (Northern Ireland) 1975 and shall come into operation on 12th February 1976.

(2) The regulations specified in columns 1 and 2 of Schedule 3 are hereby revoked to the extent respectively specified in relation thereto in column 3.

Interpretation

2. In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:

"approved" means approved for the time being for the purposes of these regulations by certificate of the Chief Inspector;

"eye protectors" means any of the following (being equipment made to be worn by a person): goggles, visors, spectacles and face screens;

"fixed shield" means a screen which is free-standing or which is, or is made to be, attached to machinery, plant or other equipment, or to a building or structure;

"foundry" means an iron foundry or a steel foundry as defined in the Iron and Steel Foundries Regulations (Northern Ireland) 1955(d) and those parts of factories in which is carried on any operation or process specified in regulation 3(1) or (2) of the Non-ferrous Metals (Melting and Founding) Regulations (Northern Ireland) 1964(e);

(a) Formerly Ministry: *see* 1973 c. 36 section 40 and Schedule 5
(b) 1965 c. 20 (N.I.)
(c) By S.R. & O. (N.I.) 1973 No. 504 (II, p. 2992) Article 6(1) and Schedule 3
(d) S.R. & O. (N.I.) 1955 No. 193 (p. 141)
(e) S.R. & O. (N.I.) 1964 No. 46 (p. 218)

"person occasionally employed", in relation to any week, means a person who in that week is to be employed in either or both of the following,

(*a*) in any one or more of the specified processes;

(*b*) in a place where there is a reasonably foreseeable risk of injury to his eyes from the carrying on of the process specified in paragraph 3 of Schedule 2,

on not more than two days and for a total of not more than 15 minutes on any one day;

"possession" does not include ownership;

"shield" means a helmet or hand shield, being equipment made to be worn or held by a person;

"specified process" means any process specified in Schedule 1.

Application of regulations

3.—(1) These regulations shall apply to—

(*a*) all factories; and

(*b*) all premises, places, processes, operations and works to which the provisions of Part IV of the Factories Act (Northern Ireland) 1965 with respect to special regulations for safety and health are applied by any of the following provisions of that Act, namely, section 121 (which relates to electrical stations), section 122 (which relates to institutions), section 123 (which relates to certain dock premises and certain warehouses), section 124 (which relates to ships) and section 125 (which relates to building operations and works of engineering construction),

where any specified process is carried on.

(2) The provisions of these regulations shall be in addition to and not in substitution for or diminution of other requirements imposed by or under the Factories Act (Northern Ireland) 1965.

Exemption certificates

4. The Chief Inspector may (subject to such conditions as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these regulations—

(*a*) any factory or part of any factory; or

(*b*) any class or description of factories or parts thereof; or

(*c*) any machine, plant, apparatus, process, operation or work, or any class or description of machines, plant, apparatus, processes, operations or works,

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or are not reasonably practicable. Where such exemption is granted a legible copy of the certificate, showing the conditions (if any) subject to which it has been granted, shall be kept posted in any factory to which the exemption applies in a position where it may be conveniently read by the persons employed.

Protection of persons employed in the specified processes

5.—(1) The employer of every person who is employed in a factory for any of his time in any of the specified processes shall provide for his use—

(*a*) in the case of a person employed in a process specified in Part I of Schedule 1, eye protectors;

(*b*) in the case of a person employed in a process specified in Part II of Schedule I, a shield or a sufficient number of fixed shields; and

(*c*) in the case of a person employed in a process specified in Part III or Part IV of Schedule 1, eye protectors or a shield or a sufficient number of fixed shields.

(2) In addition, the employer shall, where necessary and so far as reasonably practicable, provide fixed shields between adjacent positions in each of which persons employed in a process specified in paragraph 6, 7 or 32 of Schedule 1 are working independently of the persons so employed in an adjacent position.

Protection in certain cases of persons at risk from, but not employed in, a specified process

6. Where any process specified in Schedule 2 is being carried on in a factory and persons other than those employed in that process are employed in a place where there is a reasonably foreseeable risk of injury to their eyes from the carrying on of the process—

(*a*) in the case of the process specified in paragraph 3 of Schedule 2, eye protectors or a shield or a sufficient number of fixed shields shall be provided by their employer for their use; and

(*b*) in the case of any other process, a sufficient number of fixed shields shall be provided for their protection by the employer of the persons employed in that process.

Eye-protectors—issue and availability

7. Eye protectors provided in pursuance of regulation 5(1)(*a*) or (*c*) or 6(*a*) shall be given by the employer into the possession of each person for whom they are provided except in the case of persons occasionally employed for whose use a sufficient number of eye protectors shall be provided, maintained and kept readily available by their employer.

Replacement of eye protectors

8.—(1) Where consequent upon a report under regulation 11 it is confirmed that any eye protectors given into the possession of a person in accordance with the last foregoing regulation have been lost or destroyed or are so defective as to be unsuitable for the purpose for which they were provided, the employer shall forthwith give into the possession of the person for whom they were provided (unless he has ceased to be a person within the protection provided for by regulation 5(1)(*a*) or (*c*) or 6(*a*) or has become a person occasionally employed or unless these regulations are being complied with in his case, in accordance with these regulations, by the provision of a shield or fixed shields) eye protectors to replace those lost, destroyed or defective.

(2) The employer shall, in addition to any eye protectors provided in accordance with the last foregoing regulation, keep available as many eye protectors as will be sufficient, so far as can reasonably be foreseen, to enable him to comply with the requirements of the foregoing paragraph.

Eye protectors and shields—construction and marking

9. Eye protectors and shields provided in pursuance of these regulations shall—

(*a*) be suitable for the person for whose use they are provided;

(*b*) be made in conformity with an approved specification for eye protectors or shields, as the case may be, being an approved specification for eye protectors or shields which are appropriate to the specified process in which the said person is employed or from the carrying on of which there is a reasonably foreseeable risk of injury to the eyes of the said person, as the case may be; and

(*c*) be marked in such a manner and accompanied by such particulars as may be approved in order to indicate the purpose or purposes for which the eye protectors or shields were designed.

Fixed shields—construction, maintenance and positioning

10. Fixed shields provided in pursuance of these regulations shall—

(*a*) when provided in pursuance of regulation 5(1) for the use of a person employed in a process specified in Part II or Part III of Schedule 1, be made in conformity with an approved specification for fixed shields;

(*b*) be properly maintained and, if it is necessary that they should be transparent, be kept clean; and

(*c*) whether or not required by these regulations to be made in conformity with an approved specification for fixed shields, be so constructed and kept in position as to protect, so far as practicable, the eyes of the persons for whose protection they are provided while those persons are carrying on a specified process, or while those persons are employed in a place where there is a reasonably foreseeable risk of injury to their eyes from the carrying on of such a process, as the case may be.

Duties of employed persons

11.—(1) Every person who is provided with eye protectors or a shield in pursuance of these regulations shall use the said eye protectors or shield at all times while he is employed in a specified process or while he is employed in a place where there is a reasonably foreseeable risk of injury to his eyes from the carrying on of the process specified in paragraph 3 of Schedule 2, as the case may be, except when regulations 5(1), 6(*a*) and 10 are being complied with in his case, in accordance with these Regulations, by the provision of fixed shields.

(2) Every person who is provided with eye protectors or a shield in pursuance of these regulations shall—

(*a*) take reasonable care of the said eye protectors or shield and not wilfully misuse them or it; and

(*b*) report forthwith to the employer or his agent the loss or destruction of, or any defect in, the said eye protectors or shield.

(3) Every person for whose use a fixed shield is provided in pursuance of these regulations shall make full and proper use of it.

Sealed with the Official Seal of the Department of Manpower Services for Northern Ireland on 12th August 1975.

(L.S.) *R. T. O'Connor*
Assistant Secretary

SCHEDULE 1 Regulations 2, 5 and 10

Specified processes

PART I

PROCESSES IN WHICH APPROVED EYE PROTECTORS ARE REQUIRED

1. The blasting or erosion of concrete by means of shot or other abrasive materials propelled by compressed air.

2. The cleaning of buildings or structures by means of shot or other abrasive materials propelled by compressed air.

3. Cleaning by means of high-pressure water jets.

4. The striking of masonry nails by means of a hammer or other hand tool or by means of a power driven portable tool.

5. Any work carried out with a hand-held cartridge operated tool, including the operation of loading and unloading live cartridges into such a tool, and the handling of such a tool for the purpose of maintenance, repair or examination when the tool is loaded with a live cartridge.

6. The chipping of metal, and the chipping, knocking out, cutting out or cutting off of cold rivets, bolts, nuts, lugs, pins, collars, or similar articles from any structure or plant, or from part of any structure or plant, by means of a hammer, chisel, punch, or similar hand tool, or by means of a power driven portable tool.

7. The chipping or scurfing of paint, scale, slag, rust or other corrosion from the surface of metal and other hard materials by means of a hand tool or by means of a power driven portable tool or by applying articles of metal or such materials to a power driven tool.

8. The use of a high-speed metal cutting saw or an abrasive cutting-off wheel or disc, which in either case is power driven.

9. The pouring or skimming of molten metal in foundries.

10. Work at a molten salt bath when the molten salt surface is exposed.

11. The operation, maintenance, dismantling or demolition of plant or any part of plant, being plant or part of plant which contains or has contained acids, alkalis, dangerous corrosive substances, whether liquid or solid, or other substances which are similarly injurious to the eyes, and which has not been so prepared (by isolation, reduction of pressure, emptying or otherwise), treated or designed and constructed as to prevent any reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from any of the said contents.

12. The handling in open vessels or manipulation of acids, alkalis, dangerous corrosive materials, whether liquid or solid, and other substances which are similarly injurious to the eyes, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in any such work from drops splashed or particles thrown off.

13. The driving in or on of bolts, pins, collars or similar articles to any structure or plant or to part of any structure or plant by means of a hammer, chisel, punch or similar hand tool or by means of a power driven portable tool, where in any of the foregoing cases there is a reasonably foreseeable risk of injury to the eyes of any person engaged in the work from particles or fragments thrown off.