1967. No. 176 [C]

FACTORIES

The Construction (Health and Welfare) Regulations (Northern Ireland) 1967

REGULATIONS, DATED 30TH JUNE 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE FACTORIES ACT (NORTHERN IRELAND) 1965.

The Ministry of Health and Social Services for Northern Ireland in exercise of powers conferred by sections 7, 61, 75 and 179(3) and (4) of the Factories Act (Northern Ireland) 1965(**a**), and of all other powers in that behalf, hereby makes the following special Regulations:—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Construction (Health and Welfare) Regulations (Northern Ireland) 1967 and shall come into operation on 1st November 1967.

(2) The Building Operations (First-Aid and Ambulance Room Equipment) Order (Northern Ireland) 1951(**b**), Regulations 80 to 84 of, and Schedule 2 to, the Building Regulations (Northern Ireland) 1950(**c**) and the Building Operations (First-Aid Boxes) Order (Northern Ireland) 1960(**d**) are hereby revoked.

Application of Regulations

2.—(1) These Regulations apply—

(*a*) to building operations; and

(*b*) to works of engineering construction;

undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, or by or on behalf of the Crown or any municipal or other public authority, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway.

(2) The Chief Inspector may (subject to such conditions, if any, 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 particular site or any class or description of sites; or

(*b*) any particular work or any class or description of work;

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.

3.—(1) For the purposes of these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

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

(**a**) 1965. c. 20 (N.I.).
(**b**) S.R. & O. (N.I.) 1951, No. 179.
(**c**) S.R. & O. (N.I.) 1950, No. 221.
(**d**) S.R. & O. (N.I.) 1960, No. 87.

"certificate in first-aid" does not include any certificate in first-aid of a kind which is issued to persons under the age of 15 years, whether or not any such kind of certificate is also issued to persons aged 15 years or over;

"contractor" means a contractor or an employer of workmen who is undertaking any of the operations or works to which these Regulations apply;

"hospital management committee" has the meaning assigned to that expression by section 28(2) of the Health Services Act (Northern Ireland) 1948(a);

"the principal Act" means the Factories Act (Northern Ireland) 1965;

"site" means any place where building operations or works of engineering construction or both such operations and such works are being carried on; and

"training organisation" means the St. John Ambulance Association of the Order of St. John, the St. Andrew's Ambulance Association, the British Red Cross Society, or any other body or society approved for the purposes of these Regulations.

(2) For the purpose of these Regulations, a number of persons employed shall be determined by reference to the number at work at any one time.

(3) References in these Regulations to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

Obligations under Regulations

4.—(1) Except as otherwise provided in this Regulation and subject to the provisions of Regulation 10, it shall be the duty of every contractor to comply with such of the requirements of these Regulations as affect any person employed by him.

(2) The requirements of any of the following Regulations, that is to say, Regulations 5, 8, 9, 11, 12 and 13 shall be deemed to be complied with by a contractor as regards any period during which there are in operation—

(*a*) effective arrangements made by him with another contractor on the site, being arrangements in respect of which the requirements of paragraph (3) are fulfilled, or

(*b*) effective arrangements made by him with any other person,

for enabling persons employed by the first-mentioned contractor to have adequate access to and use of facilities which are respectively of the same kind, and as adequate and suitable, as those required by any of the said provisions to be provided, being facilities which are reasonably accessible to every working position on the site.

(3) A contractor who provides facilities in accordance with any arrangement made in pursuance of paragraph (2)(*a*) shall as soon as the said arrangement comes into operation—

(*a*) enter in a register in an approved form the approved particulars of the said arrangement; and

(*b*) give to the contractor with whom he has made the said arrangement a certificate in an approved form containing the approved particulars.

(4) All registers kept and certificates given in pursuance of paragraph (3) shall be preserved either on the site of the relevant operations or works or at

(a) 1948, c. 3.

an office of the contractor by whom the register is kept or to whom the certificate was given, as the case may be.

(5) All registers kept and certificates given in pursuance of paragraph (3) shall at all reasonable times be open to inspection by any inspector. All such certificates shall at all reasonable times be open to inspection by any person employed affected thereby. The person keeping any such register or having any such certificate shall send to any such inspector such extracts therefrom or copies thereof as the inspector may from time to time require for the purpose of the execution of his duties under the principal Act.

(6) Where by virtue of an arrangement in accordance with paragraph (2)(*a*) a contractor is deemed to have complied with any requirement of these Regulations, the contractor who has undertaken to provide facilities in accordance with that arrangement shall be responsible instead of the first-mentioned contractor for complying with that requirement and the persons employed by the first-mentioned contractor shall for the purposes of that requirement be deemed to be persons in the employment of the contractor who has undertaken to provide the said facilities.

(7) Nothing in these Regulations shall be construed as preventing two or more contractors from jointly appointing the same person or persons to have charge of first-aid boxes or cases or of a first-aid room or to be responsible for summoning an ambulance or other means of transport in pursuance of Regulation 8.

Provision of first-aid boxes or cases

5.—(1) Except as provided in paragraph (3), where a contractor has more than 5 persons in his employment on a site, he shall provide and keep clean and in good repair a sufficient number of suitable first-aid boxes or cases, which shall, while work is going on, be reasonably accessible to all positions on the site where persons in his employment are working.

(2) A first-aid box or case shall be distinctively marked "FIRST AID" and placed under the charge of a responsible person who—

(*a*) while in charge of the box or case shall be readily available while any persons for whom it is provided are working on the site and whose name shall be plainly indicated in a prominent place on or near the box or case; and

(*b*) where the box or case is provided by a contractor who has more than 50 persons in his employment on a site, shall be a person trained in first-aid treatment to the standard required by Regulation 7.

(3) In a case where operations or works to which these Regulations apply are carried out within the close, curtilage or precincts forming a factory and an ambulance room is provided at the factory in consequence of which provision the factory is for the time being exempted, in pursuance of section 60(8) (First-aid) of the principal Act, from the requirements of that section, the foregoing provisions shall not apply, provided in the case of such operations or works carried out by persons employed by a contractor other than the occupier of the factory—

(i) that effective arrangements are made by the said contractor with the occupier of the factory for enabling persons employed by the said contractor to have adequate access to and use of the ambulance room; and

(ii) that Regulation 4(3) and (5) are complied with in respect of those arrangements as if they were arrangements made in pursuance of paragraph 2(*a*) of that Regulation.

Contents of first-aid boxes or cases

6.—(1) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or case.

(2) Each first-aid box or case provided in pursuance of these Regulations shall contain the equipment and materials specified in the appropriate Part of the Schedule.

(3) All materials for dressings contained in first-aid boxes or cases shall be those designated in, and of a grade or quality not lower than the standard specified by, the British Pharmaceutical Codex and any supplement thereto, being the British Pharmaceutical Codex and any supplement current at the date of these Regulations or approved for the purposes of these Regulations.

Standard of training in first-aid treatment

7.—(1) For the purposes of Regulations 5 and 9 a person shall not at any time after 30th June 1968 be deemed to be trained in first-aid treatment unless—

(*a*) he is a registered or enrolled nurse within the meaning of the Nurses and Midwives Acts (Northern Ireland) 1959 and 1961(**a**), the Nurses Acts 1957 and 1961(**b**), or the Nurses (Scotland) Acts 1951 and 1961(**c**), or

(*b*) he is the holder of a certificate in first-aid issued within the immediately preceding period of three years by, or is otherwise recognised as being qualified in first-aid treatment by, a training organisation.

(2) Until 1st July 1968 Regulations 5(2)(*b*) and 9(1) shall have effect as if the words "to the standard required by Regulation 7" were omitted therefrom.

(3) No contractor shall be held not to have complied with the requirement in Regulation 5(2), that the persons in charge of certain first-aid boxes or cases shall be persons trained in first-aid treatment, in any case where he proves that he used all due diligence to secure compliance with that provision.

(4) In a case where the person in charge of a first-aid box or case is required by Regulation 5(2)(*b*) to be a person trained in first-aid treatment to the standard required by this Regulation, the following particulars shall be recorded in writing as respects that person, namely—

(*a*) his name;

(*b*) the nature and date of his qualification as a person trained in first-aid treatment; and

(*c*) the date on which evidence of his being so trained was inspected by the person undertaking the operations or works to which these Regulations apply.

(5) The record required by the last foregoing paragraph shall be securely fixed inside the first-aid box or case and shall at all reasonable times be open to inspection by any inspector. The person keeping any such record shall send to any inspector such extracts therefrom or copies thereof as the inspector may from time to time require for the purpose of the execution of his duties under the principal Act.

(**a**) 1959. c. 19; 1961. c. 14.
(**b**) 5 & 6 Eliz. 2. c. 15; 9 & 10 Eliz. 2. c. 14.
(**c**) 14 & 15 Geo. 6. c. 55; 9 & 10 Eliz. 2. c. 14.

Ambulances

8.—(1) A contractor who has in his employment on a site more than 25 persons shall—

(*a*) notify in writing the hospital management committee in whose area the site is situated within 24 hours of employing for the first time more than 25 persons on the site of—

(i) the location and address (if any) of the site; and

(ii) the nature of the operations or works and the probable date of their completion;

(*b*) provide and maintain on the site a suitable stretcher or such number of suitable stretchers as may be necessary;

(*c*) appoint a responsible person or responsible persons who shall always be readily available during working hours and whose duty it is to summon an ambulance or other means of transport if needed in cases of accident or illness and the contractor shall ensure that legible copies of a notice indicating that person or, as the case may be, those persons, and containing instructions on the making of emergency telephone or radio calls are affixed in one or more prominent positions on the site.

(2) Without prejudice to the requirements of paragraph (1), in the case of a site where means of telephonic or radio communication with an ambulance station are not readily accessible, a contractor who has in his employment on the site more than 25 persons shall provide at or in the immediate vicinity of the site, so as to be readily available during working hours, a motor vehicle constructed or adapted so as to be able to carry a person or persons on the stretcher or stretchers provided. The contractor by whom the vehicle is provided shall obtain from the Northern Ireland Hospitals Authority a card showing the address of the nearest hospital named by the Authority as one designated by them to provide accident and emergency services and shall ensure that the card is kept in a prominent position on the vehicle.

First-aid rooms

9.—(1) In the case of a site where the number of persons employed exceeds 250, a contractor who has more than 40 persons in his employment on that site shall provide and maintain in good order and in a clean condition at or near to the site of the operations or works and conveniently accessible a properly constructed and suitable first-aid room the interior surfaces of which shall be capable of being easily kept clean. A first-aid room shall be used only for purposes of treatment and rest and shall be in the charge of a person trained in first-aid treatment to the standard required by Regulation 7, who shall always be readily available during working hours.

(2) A first-aid room shall contain at least the following equipment, namely—

(*a*) a sink having smooth impervious internal surfaces with hot and cold water always available;

(*b*) a table with a smooth impervious top;

(*c*) means of sterilising instruments;

(*d*) a supply of suitable dressings, bandages and splints;

(*e*) a couch;

(*f*) suitable and sufficient stretchers including a sling stretcher;

(*g*) sufficient blankets and hot water bottles; and

(*h*) a foot bath or basin or bowl suitable for use as a foot bath.