1967. No. 175 **[C]**

FACTORIES

The Construction (Working Places) 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.

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REGULATIONS

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

PART I

APPLICATION AND INTERPRETATION

Citation, commencement and revocation

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

(2) The following provisions are hereby revoked, that is to say,

(*a*) Regulations 6 to 33 of the Building Regulations (Northern Ireland) 1950(**b**);

(*b*) in Regulation 3(1) of the Construction (General Provisions) Regulations (Northern Ireland) 1963(**c**) the words from "every contractor" (in the first place where those words occur after sub-paragraph (*b*)) to "and of"; and

(*c*) Regulations 7 and 54 of the said Regulations of 1963.

(3) In Regulation 3(1)(*a*) of the said Regulations of 1963 "8" shall be substituted for "7", and in Regulation 3(1)(*b*) thereof the reference to Regulation 54 shall be omitted.

Application of Regulations

2.—(1) These Regulations apply—

(*a*) to building operations; and

(*b*) to works of engineering construction;

(a) 1965. c. 20 (N.I.).
(b) S.R. & O. (N.I.) 1950, No. 221.
(c) S.R. & O. (N.I.) 1963, No. 87.

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 provisions of these Regulations shall be in addition to and not in substitution for or in diminution of other requirements imposed by or under the principal Act.

Obligations under Regulations

3.—(1) It shall be the duty of every contractor, and every employer of workmen, who is undertaking any of the operations or works to which these Regulations apply—

(*a*) to comply with such of the requirements of the following Regulations as affect him or any workman employed by him, that is to say, Regulations 6 to 23, 25, 30, 31, 32, 36 and 38 and, in so far as they relate to the falling or slipping of persons, Regulations 24, 26, 27, 28, 29, 33, 34 and 35: Provided that the requirements of the said Regulations shall be deemed not to affect any workman if and so long as his presence in any place is not in the course of performing any work on behalf of his employer and is not expressly or impliedly authorised or permitted by his employer; and

(*b*) to comply with such of the requirements of the following Regulations as to relate to any work, act or operation performed or about to be performed by any such contractor or employer of workmen, that is to say, Regulations 37 and 39 and, in so far as they relate to the falling of materials and articles, Regulations 24, 26, 27, 28, 29, 33, 34 and 35,

and it shall be the duty of every contractor and every employer of workmen who erects or alters any scaffold to comply with such of the requirements of these Regulations as relate to the erection or alteration of scaffolds having regard to the purpose or purposes for which the scaffold is designed at the time of erection or alteration; and of every contractor and every employer of workmen who erects, installs, works or uses any other plant or equipment to which any of the provisons of these Regulations applies, to erect, install, work or use any such plant or equipment in a manner which complies with those provisions.

(2) It shall be the duty of every person employed to comply with the requirements of such of these Regulations as relate to the performance of or the refraining from an act by him and to co-operate in carrying out these Regulations and if he discovers any defect in the plant or equipment to report such defect without unreasonable delay to his employer or foreman, or to a person appointed by the employer under Part II of the Construction (General Provisions) Regulations (Northern Ireland) 1963.

Interpretation

4. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

"ladder" does not include a folding step-ladder;

"ladder scaffold" means a scaffold with a working platform which is supported directly on a ladder or by means of a crutch or bracket on a rung or rungs of a ladder;

"lifting appliance" means a crab, winch, pulley block or gin wheel used

for raising or lowering, and a hoist, crane, sheer legs, excavator, dragline, piling frame, aerial cableway, aerial ropeway or overhead runway;

"lifting gear" means a chain sling, rope sling, or similar gear, and a ring, link, hook, plate clamp, shackle, swivel or eye-bolt;

"plant or equipment" includes any plant, equipment, gear, machinery, apparatus or appliance, or any part thereof;

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

"scaffold" means any temporarily provided structure on or from which persons perform work in connection with operations or works to which these Regulations apply, and any temporarily provided structure which enables persons to obtain access to or which enables materials to be taken to any place at which such work is performed, and includes any working platform, gangway, run, ladder or step-ladder (other than an independent ladder or step-ladder which does not form part of such a structure) together with any guard-rail, toe-board or other safeguards and all fixings, but does not include a lifting appliance or a structure used merely to support such an appliance or to support other plant or equipment;

"sloping roof" has the meaning assigned to it by Regulation 35;

"slung scaffold" means a scaffold suspended by means of lifting gear, ropes or chains or rigid members and not provided with means of raising or lowering by a lifting appliance or similar device;

"suspended scaffold" means a scaffold (not being a slung scaffold) suspended by means or ropes or chains and capable of being raised or lowered but does not include a boatswain's chair or similar appliance;

"trestle scaffold" includes a scaffold in which the support for the platform are any of the following which are self-supporting that is to say, split heads, folding step-ladders, tripods or movable contrivances similar to any of the foregoing; and

"working platform" includes a working stage.

PART II

EXEMPTIONS

Certificates of exemption

5. The Chief Inspector may (subject to such conditions, if any, as may be specified therein) by a 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 plant or equipment or any class or description of plant or equipment; 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.

PART III

SAFETY OF WORKING PLACES AND ACCESS AND EGRESS

General

6.—(1) Without prejudice to the other provisions of these Regulations, there shall, so far as is reasonably practicable, be suitable and sufficient safe access to and egress from every place at which any person at any time works, which access and egress shall be properly maintained.

(2) Without prejudice to the other provisions of these Regulations, every place at which any person at any time works shall, so far as is reasonably practicable, be made and kept safe for any person working there.

Provision of scaffolds, etc.

7. Without prejudice to the other provisions of these Regulations, where work cannot safely be done on or from the ground or from part of a building or other permanent structure, there shall be provided, placed and kept in position for use and properly maintained either scaffolds or where appropriate ladders or other means of support, all of which shall be sufficient and suitable for the purpose.

Supervision of work and inspection of material

8. No scaffold shall be erected or be substantially added to or altered or be dismantled except under the immediate supervision of a competent person and so far as possible by competent workmen possessing adequate experience of such work. All material for any scaffold shall be inspected by a competent person on each occasion before being taken into use.

Construction and material

9.—(1) Every scaffold and every part thereof shall be of good construction, of suitable and sound material and of adequate strength for the purpose for which it is used.

(2) Sufficient material shall be provided for and shall be used in the construction of scaffolds.

(3) Timber used for scaffolds shall be of suitable quality, be in good condition, and have the bark completely stripped off.

(4) Timber used for scaffolds, trestles, ladders, and folding step-ladders shall not be so painted or treated that defects cannot easily be seen.

(5) Metal parts used for scaffolds shall be of suitable quality and be in good condition and free from corrosion or other patent defect likely to affect their strength materially.

Defective material

10.—(1) No defective material or defective part shall be used for a scaffold.

(2) No rope or bond which is defective whether through contact with an acid or other corrosive substance or otherwise shall be used.

(3) All material and parts for scaffolds shall when not in use be kept under good conditions and apart from any materials or parts unsuitable for scaffolds.

Maintenance of scaffolds

11. Every scaffold shall be properly maintained, and every part shall be kept so fixed, secured or placed in position as to prevent so far as is practicable accidental displacement.

Partly erected or dismantled scaffolds

12. No scaffold or part of a scaffold shall be partly erected or dismantled and remain in such a condition that it is capable of being used unless—

(*a*) the scaffold as so erected or dismantled complies with these Regulations; or

(*b*) a prominent warning notice indicating that the scaffold or part as the case may be, is not to be used is affixed near any point at which the scaffold or part, as the case may be, is liable to be approached for the purpose of use; or

(*c*) access to the scaffold or part, as the case may be, is as far as reasonably practicable effectively blocked.

Standards or uprights, ledgers and putlogs

13.—(1) Standards or uprights of scaffolds shall—

(*a*) where practicable, be either vertical or slightly inclined towards the building or other structure; and

(*b*) be fixed sufficiently close together to secure the stability of the scaffold having regard to all the circumstances.

(2) The foot or base of any standard or upright shall be placed on an adequate base plate in a manner to prevent slipping or sinking, or its displacement shall be prevented in some other sufficient way.

(3) Ledgers shall be as nearly as possible horizontal and shall be securely fastened to the standards or uprights by efficient means.

(4) Putlogs or other supports on which a platform rests shall be securely fastened to the ledgers or to the standards or uprights, or their movement shall be prevented by other efficient means. Where one end of a putlog is supported by a wall that end shall extend into or on to the wall sufficiently to provide a supporting surface of sufficient area.

(5) The distance between two consecutive putlogs and other supports on which a platform rests shall be fixed with due regard to the anticipated load and the nature of the platform flooring. The distance with single planking shall not as a general rule exceed 3 feet 3 inches with planks of $1\frac{1}{4}$ inches in thickness, 5 feet with planks $1\frac{1}{2}$ inches in thickness, or 8 feet 6 inches with planks 2 inches in thickness.

Ladders used in scaffolds

14.—(1) Ladders serving as uprights or scaffolds shall—

(*a*) be of adequate strength;

(*b*) be placed so that the two stiles or sides of each ladder are evenly supported or suspended; and

(*c*) be secured to prevent slipping.

(2) Ladder scaffolds shall be used only if the work is of such a light nature and the material required for the work is such that this type of scaffold can be used safely.

Stability of scaffolds

15.—(1) Every scaffold shall be securely supported or suspended and shall where necessary be sufficiently and properly strutted or braced to prevent collapse, and shall be rigidly connected with the building or other structure unless the scaffold is so designed and constructed as to ensure stability without such connection.

(2) Every structure and appliance used as a support for a scaffold shall be of sound construction, have a firm footing or be firmly supported, and shall where necessary be sufficiently and properly strutted or braced to prevent collapse and to ensure stability.