SECOND SCHEDULE

Chains and Lifting Gear excepted under Regulation 41 (as to Heat Treatment)

(1) Chains made of malleable cast-iron.

(2) Plate link chains.

(3) The following when made of steel or of any non-ferrous metal, namely, chains, rings, links, hooks, plate clamps, shackles, swivels and eye-bolts.

(4) Pitched chains working on sprocket or pocketed wheels.

(5) The following when permanently attached to pitched chains, pulley blocks or weighing machines, namely, rings, links, hooks, shackles and swivels.

(6) The following when having screw-threaded parts or ball-bearings or other case-hardened parts, namely, hooks, eye-bolts, and swivels.

(7) Socket shackles secured to wire ropes by white metal cappings.

(8) Bordeaux connections.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

For the protection of the persons employed, these Regulations impose requirements as to the construction, use and examination of lifting appliances, lifting gear and lifting tackle used for the purposes of building operations and works of engineering construction. In the case of building operations these Regulations replace similar requirements in the Building Regulations (Northern Ireland), 1950.

1963. No. 87 **[C]**

FACTORIES

Construction (General Provisions)

REGULATIONS, DATED 1ST MAY, 1963, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE FACTORIES ACTS (NORTHERN IRELAND), 1938 TO 1959.

ARRANGEMENT OF REGULATIONS

			Reg.
Part	I	Application and Interpretation	1- 4
Part	II	Supervision of Safe Conduct of Work	5- 6
Part	III	Safety of Working Places and Means of Access	7
Part	IV	Excavations, Shafts and Tunnels	8-14
Part	V	Cofferdams and Caissons	15-18
Part	VI	Explosives	19
Part	VII	Dangerous or Unhealthy Atmospheres	20-22

Part VIII	Work on or adjacent to Water	23-24
Part IX	Transport	25-37
Part X	Demolition	38-41
Part XI	Miscellaneous	42-56
Part XII	Offences under Section 18 of the Principal Act	57
Schedule	Processes to which Regulation 52 applies.	

The Ministry of Labour and National Insurance for Northern Ireland in exercise of powers conferred by Sections 18, 47 and 65 of the Factories Act (Northern Ireland), 1938(**a**), Section 8 of the Factories Act (Northern Ireland), 1949(**b**), and of all other powers in that behalf, hereby makes the special Regulations set out in Parts I to XI hereof and the Regulation set out in Part XII hereof.

PART I

APPLICATION AND INTERPRETATION

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Construction (General Provisions) Regulations (Northern Ireland), 1963, and shall come into operation on the 2nd day of September, 1963.

(2) Regulations 5 and 75 to 79 and 85 to 98 and 100 of the Building Regulations (Northern Ireland), 1950(**c**), 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 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.

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**) 2 Geo. 6. c. 23 (N.I.). (**b**) 1949. c. 6. (**c**) S.R. & O. (N.I.) 1950, No. 221.

(*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 7 to 11, 13, 15 to 17, 20, 21, 23 to 25, 35, 36, 45, 46(1), 47 to 49, 52 and 55:

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 Regulations 12, 14, 18, 19, 30, 38, 39, 40, 41, 44, 46(2), 50, 51, 54 and 56 as relate to any work, act or operation performed or about to be performed by any such contractor or employer of workmen.

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 plant or equipment to which any of the provisions of Regulations 22, 26 to 29, 31 to 34, 37, 42, 43 and 53 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 these Regulations.

Interpretation

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

"locomotive" in Part IX of these Regulations means any self-propelled wheeled vehicle used on a line of rails for the movement of trucks or wagons;

"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), 1938, as amended by or under any other Act;

"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, working stage, 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;

"truck" or "wagon" in Part IX of these Regulations means, respectively, a truck or wagon used on a line of rails.

PART II

SUPERVISION OF SAFE CONDUCT OF WORK

Appointment of safety supervisors

5.—(1) Every contractor, and every employer of workmen, who undertakes operations or works to which these Regulations apply and who normally employs more than twenty persons thereon at any one time (whether or not all those persons are employed on the same site or are all at work at any one time) shall specifically appoint in writing one or more persons experienced in such operations or works and suitably qualified for the purpose to be specially charged with the duties—

(*a*) of advising the contractor or employer as to the observance of the requirements for the safety or protection of persons employed imposed by or under the Factories Acts (Northern Ireland), 1938 to 1959, or the Lead Paint (Protection against Poisoning) Act (Northern Ireland), 1927(**a**), and as to other safety matters; and

(*b*) of exercising a general supervision of the observance of the aforesaid requirements and of promoting the safe conduct of the work generally.

(2) The name of every person so appointed shall be entered by the contractor or employer appointing him on the copy or abstract either of these Regulations or of the Factories Acts (Northern Ireland), 1938 to 1959, required to be posted up in accordance with sections 120 or 121 and 111 or 112 of the Factories Act (Northern Ireland), 1938.

Other duties and joint appointments of safety supervisors

6.—(1) The duties assigned to any person appointed under the preceding Regulation by the contractor or employer appointing him, including any duties other than those mentioned in that Regulation, shall not be such as to prevent that person from discharging with reasonable efficiency the duties assigned to him under that Regulation.

(2) Nothing in these Regulations shall be construed as preventing the same person or persons being appointed for a group of sites or as preventing two or more contractors or employers from jointly appointing the same person or persons.

PART III

SAFETY OF WORKING PLACES AND MEANS OF ACCESS

Provision of scaffolds and means of access

7.—(1) Sufficient safe means of access and egress shall so far as is reasonably practicable be provided and maintained to and from every place at which any person has at any time to work and every such place shall so far as is reasonably practicable be made and kept safe for any person working there.

(2) 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 and maintained either scaffolds or where appropriate ladders or other means of support, each of which shall be suitable and sufficient for the purpose.

(a) 17 & 18 Geo. 5. c. 7 (N.I.).

PART IV

EXCAVATIONS, SHAFTS AND TUNNELS

Supply and use of timber

8.—(1) An adequate supply of timber of suitable quality or other suitable support shall where necessary be provided and used to prevent, so far as is reasonably practicable and as early as is practicable in the course of the work, danger to any person employed from a fall or dislodgement of earth, rock or other material forming a side or the roof of or adjacent to any excavation, shaft, earthwork or tunnel:

Provided that this Regulation shall not apply—

(*a*) to any excavation, shaft or earthwork where, having regard to the nature and slope of the sides of the excavation, shaft or earthwork and other circumstances, no fall or dislodgement of earth or other material so as to bury or trap a person employed or so as to strike a person employed from a height of more than four feet is liable to occur; or

(*b*) in relation to a person actually engaged in timbering or other work which is being carried out for the purpose of compliance with this Regulation, if appropriate precautions are taken to ensure his safety as far as circumstances permit.

(2) In the case of tunnelling operations on works of engineering construction, no person shall be held not to have complied with a requirement of the foregoing paragraph by reason of any matter proved to have been due to physical conditions over which he had no control and against which it was not reasonably practicable for him to make provision.

Inspections and examinations of excavations, etc.

9.—(1) Subject to the provisions of paragraph (4), every part of any excavation, shaft, earthwork or tunnel where persons are employed shall be inspected by a competent person at least once on every day during which persons are employed therein; and the face of every tunnel and the working end of every trench more than six feet six inches deep and the base or crown of every shaft shall be inspected by a competent person at the commencement of every shift.

(2) Subject to the provisions of paragraph (4) no person shall be employed in any excavation, shaft, earthwork or tunnel unless a thorough examination has been carried out by a competent person—

(*a*) of those parts thereof, and in particular any timbering or other support, in the region of the blast since explosives have been used in or near the excavation, shaft, earthwork or tunnel in a manner likely to have affected the strength or stability of that timbering or other support or any part thereof; and

(*b*) of those parts thereof in the region of any timbering or other support or any part thereof that has been substantially damaged and in the region of any unexpected fall of rock or earth or other material; and

(*c*) of every part thereof within the immediately preceding seven days:

Provided that sub-paragraph (*c*) shall not apply to timbering or other support which has not been erected or installed for more than seven days.

(3) A report of the results of every thorough examination required by paragraph (2), signed by the person carrying out the examination, shall be made on the day of the examination in the prescribed form and containing the prescribed particulars: