

Subsidiary Legislation made under ss. 58 and 81.

## **Personal Protective Equipment at Work Regulations, 1996**

**LN. 1996/031**

*Commencement*                      **1.3.1996**

**Transposing:**  
Directive 89/656/EEC

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### **ARRANGEMENT OF REGULATIONS**

#### Regulation

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*In exercise of the powers conferred on him by sections 58 and 81 of the Factories Act, and of all other enabling powers, and for the purpose of transposing into the national law of Gibraltar Council Directive 89/656/EEC, the Governor has made the following regulations —*

**Title and commencement.**

1.(1) These Regulations may be cited as the Personal Protective Equipment at Work Regulations, 1996 and subject to subregulation (2) shall come into effect on the 1st day March, 1996.

(2) Where on the effective date of these Regulations a person is an employer or a self-employed person to whom these Regulations or any provision of them applies it shall be deemed sufficient compliance with these Regulations by that person if he shall have complied with them by the 1st day of June, 1996.

**Interpretation.**

2.(1) In these Regulations, unless the context shall otherwise require “personal protective equipment” means all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects him against one or more risks to his health or safety, and any addition or accessory designed to meet that objective.

(2) Terms defined in the Management of Health and Safety at Work Regulations, 1996 shall in these Regulations bear the meaning given to them in those regulations.

(3) The provisions of these Regulations are relevant statutory provisions.

**Disapplication of these Regulations.**

3. Regulations 4 to 12 shall not apply in respect of any of the following personal protective equipment, that is to say—

- (a) ordinary working clothes and uniforms not specifically designed to protect the safety and health of the worker;
- (b) equipment used by emergency and rescue services;
- (c) personal protective equipment worn or used by the police and other public order agencies;
- (d) personal protective equipment for means of road transport;

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- (e) sports equipment;
- (f) self-defence or deterrent equipment;
- (g) portable devices for detecting and signalling risks and nuisances.

### **Provision of personal protective equipment.**

4.(1) Every employer shall ensure that suitable personal protective equipment is provided to his employees who may be exposed to a risk to their health or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective.

(2) Every self-employed person shall ensure that he is provided with suitable personal protective equipment where he may be exposed to a risk to his health or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective.

(3) Without prejudice to the generality of subregulations (1) and (2) personal protective equipment shall not be suitable unless—

- (a) it is appropriate for the risk or risks involved and the conditions at the place where exposure to such risk or risks may occur;
- (b) it takes account of ergonomic requirements and the state of health of the person or persons who may wear it;
- (c) it is capable of fitting the wearer correctly, if necessary after adjustments within the range for which it is designed; and
- (d) so far as is practicable, it is effective to prevent or adequately control the risk or risks involved without increasing overall risk.

### **Compatibility of personal protective equipment.**

5.(1) Every employer shall ensure that where the presence of more than one risk to health or safety makes it necessary for his employee to wear or use simultaneously more than one item of personal protective equipment, such equipment is compatible and continues to be effective against the risk or risks in question.

(2) Every self-employed person shall ensure that where the presence of more than one risk to health or safety makes it necessary for him to wear or use simultaneously more than one

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item of personal protective equipment, such equipment is compatible and continues to be effective against the risk or risks in question.

**Assessment of personal protective equipment.**

6.(1) Before choosing any personal protective equipment which by virtue of regulation 4 he is required to ensure is provided, an employer or self employed person shall ensure that an assessment is made to determine whether that equipment will be suitable.

(2) The assessment required by subregulation (1) shall include—

- (a) an assessment of any risk or risks to health or safety which have not been avoided by other means;
- (b) the definition of the characteristics which personal protective equipment shall have in order to be effective against the risks referred to in paragraph (a), taking into account any risks which the equipment itself may create; and
- (c) a comparison of the characteristics of the personal protective equipment available with the characteristics referred to in paragraph (b).

**Maintenance and replacement of personal protective equipment.**

7.(1) Every employer shall ensure that any personal protective equipment provided to his employees is maintained (including replaced or cleaned as appropriate) in an efficient state, in efficient working order and in good repair.

(2) Every self-employed person shall ensure that any personal protective equipment provided to him is maintained (including replaced or cleaned as appropriate) in an efficient state, in efficient working order and in good repair.

**Accommodation for personal protective equipment.**

8. Where an employer or self employed person is required, by virtue of regulation 4, to ensure that personal protective equipment is provided, he shall also ensure that appropriate accommodation is provided for that personal protective equipment when it is not being used.

**Information, instruction and training.**

9.(1) Where an employer is required to ensure that personal protective equipment is provided to an employee, the employer shall also ensure that the employee is provided with such information, instruction and training as is adequate and appropriate to enable the employee to know—

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- (a) the risk or risks which the personal protective equipment will avoid or limit;
- (b) the purpose for which and the manner in which personal protective equipment is to be used; and
- (c) any action to be taken by the employee to ensure that the personal protective equipment remains in an efficient state, in efficient working order and in good repair as required by regulation 7.

(2) Without prejudice to the generality of subregulation (1), the information and instruction provided by virtue of that subregulation shall not be adequate and appropriate unless it is comprehensible to the persons to whom it is provided.

**Use of personal protective equipment.**

10.(1) Every employer shall take all reasonable steps to ensure that any personal protective equipment provided to his employees by virtue of regulation 4(1) is properly used.

(2) Every employee shall use any personal protective equipment provided to him by virtue of these Regulations in accordance with—

- (a) any training in the use of the personal protective equipment concerned which has been received by him, and
- (b) the instructions respecting that use which have been provided to him by virtue of regulation 9.

(3) Every self employed person shall make full and proper use of any personal protective equipment provided to him by virtue of regulation 4(2).

(4) Every employee and self-employed person who has been provided with personal protective equipment by virtue of regulation 4 shall take all reasonable steps to ensure that it is returned after use to the accommodation provided for it.

**Reporting loss or defect.**

11. Every employee who has been provided with personal protective equipment by virtue of regulation 4(1) shall forthwith report to his employer any loss of or obvious defect in that personal protective equipment.