

Subsidiary Legislation made under s.58.

Factories (Work at Heights) Regulations 2006

LN. 2006/052

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Transposing:

Directive 2001/45/EC

ARRANGEMENT OF REGULATIONS

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In exercise of the powers conferred on him by section 58 of the Factories Act and section 23 of the Interpretation and General Clauses Act and in order to transpose into the law of Gibraltar Directive 2001/45/EC of the European Parliament and of the Council, amending Council Directive 89/655/EEC concerning the minimum safety and health requirements for the use of work equipment by workers at work, the Governor has made the following Regulations—

Title.

1. These Regulations may be cited as the Factories (Work at Heights) Regulations 2006.

Interpretation.

- 2.(1) In these Regulations, unless the context otherwise requires—

“access” and “egress” include ascent and descent;

“construction work” means the carrying out of any building, civil engineering or engineering construction work and includes any of the following—

- (a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of substances classified as corrosive or toxic for the purposes of the Transport of Dangerous Goods Act 2001, de-commissioning, demolition or dismantling of a structure,
- (b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation, and laying or installing the foundations of the structure,
- (c) the assembly of prefabricated elements to form a structure or the disassembly of prefabricated elements which, immediately before such disassembly, formed a structure,
- (d) the removal of a structure or part of a structure or of any product or waste resulting from demolition or dismantling of a structure or from disassembly of prefabricated elements which, immediately before such disassembly, formed a structure, and
- (e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure,

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but does not include the exploration for or extraction of mineral resources or activities preparatory thereto carried out at a place where such exploration or extraction is carried out;

“fragile surface” means a surface which would be liable to fail if any reasonably foreseeable loading were to be applied to it;

“ladder” includes a fixed ladder and a stepladder;

“lifting equipment” shall be construed in accordance with the Factories (Lifting Operations and Lifting Equipment) Regulations, 1999;

“line” includes rope, chain or webbing;

“personal fall protection system” means—

- (a) a fall prevention, work restraint, work positioning, fall arrest or rescue system, other than a system in which the only safeguards are collective safeguards; or
- (b) rope access and positioning techniques;

“suitable” means suitable in any respect which it is reasonably foreseeable will affect the safety of any person;

“work at height” means—

- (a) work in any place, including a place at or below ground level;
- (b) obtaining access to or egress from such place while at work, except by a staircase in a permanent workplace,

where, if measures required by these Regulations were not taken, a person could fall a distance liable to cause personal injury;

“work equipment” means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not) and includes anything to which regulation 8 and Schedules 2 to 6 apply;

“working platform”—

- (a) means any platform used as a place of work or as a means of access to or egress from a place of work; and

- (b) includes any scaffold, suspended scaffold, cradle, mobile platform, trestle, gangway, gantry and stairway which is so used.

(2) Any reference in these Regulations to the keeping of a report or copy of a report or plan shall include reference to its being kept in a form—

- (a) in which it is capable of being reproduced as a printed copy when required;
- (b) which is secure from loss or unauthorised interference.

Application.

3.(1) The requirements imposed by these Regulations on an employer shall apply in relation to work—

- (a) by an employee of his; or
- (b) by any other person under his control, to the extent of his control.

(2) The requirements imposed by these Regulations on an employer shall also apply to—

- (a) a self-employed person, in relation to work—
 - (i) by him; or
 - (ii) by a person under his control, to the extent of his control; and
- (b) to any person other than a self-employed person, in relation to work by a person under his control, to the extent of his control.

(3) Regulations 4 to 16 of these Regulations shall not apply to or in relation to the master and crew of a ship, or to the employer of such persons, in respect of the normal ship-board activities of a ship's crew which—

- (a) are carried out solely by the crew under the direction of the master; and
- (b) are not liable to expose persons at work other than the master and crew to a risk to their safety.

(4) In this regulation—

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“ship” includes every description of vessel used in navigation, other than a ship which forms part of Her Majesty’s Navy.

Organisation and planning.

4.(1) Every employer shall ensure that work at height is–

- (a) properly planned;
- (b) appropriately supervised; and
- (c) carried out in a manner which is so far as is reasonably practicable safe,

and that its planning includes the selection of work equipment in accordance with regulation 7.

(2) Reference in subregulation (1) to planning of work includes planning for emergencies and rescue.

(3) Every employer shall ensure that work at height is carried out only when the weather conditions do not jeopardise the health or safety of persons involved in the work.

(4) Subregulation (3) shall not apply where members of the police, fire, ambulance or other emergency services are acting in an emergency.

Competence.

5.(1) Every employer shall ensure that no person engages in any activity, including organisation, planning and supervision, in relation to work at height or work equipment for use in such work unless he is competent to do so or, if being trained, is being supervised by a competent person.

(2) A person shall be deemed to be competent for the purpose of sub-regulation (1) where, taking all reasonable circumstances into account, the person can be relied upon to act, in all relevant circumstances, in accordance with these Regulations.

Avoidance of risks from work at height.

6.(1) In identifying the measures required by this regulation, every employer shall take account of a risk assessment under the Management of Health and Safety at Work Regulations, 1996

(2) Every employer shall ensure that work is not carried out at height where it is reasonably practicable to carry out the work safely otherwise than at height.

(3) Where work is carried out at height, every employer shall take suitable and sufficient measures to prevent, so far as is reasonably practicable, any person falling a distance liable to cause personal injury.

(4) The measures required by subregulation (3) shall include—

(a) his ensuring that the work is carried out—

(i) from an existing place of work; or

(ii) (in the case of obtaining access or egress) using an existing means; and

which complies with Schedule 1, where it is reasonably practicable to carry it out safely and under appropriate ergonomic conditions; or

(b) where it is not reasonably practicable for the work to be carried out in accordance with paragraph (a), his providing sufficient work equipment for preventing, so far as is reasonably practicable, a fall occurring.

(5) Where the measures taken under subregulation (4) do not eliminate the risk of a fall occurring, every employer shall—

(a) so far as is reasonably practicable, provide sufficient work equipment to minimise—

(i) the distance and consequences; or

(ii) where it is not reasonably practicable to minimize the distance, the consequences;

of a fall; and

(b) without prejudice to the generality of subregulation (3), provide such additional training and instruction or take other additional suitable and sufficient measures to prevent, so far as is reasonably practicable, any person falling a distance liable to cause personal injury.

Selection of work equipment for work at height.

7.(1) Every employer, in selecting work equipment for use in work at height, shall—

- (a) subject to sub-regulation (3), give collective protection measures priority over personal protection measures; and
- (b) take account of—
 - (i) the working conditions and the risks to the safety of persons at the place where the work equipment is to be used;
 - (ii) in the case of work equipment for access and egress, the distance to be negotiated;
 - (iii) the distance and consequences of a potential fall;
 - (iv) the duration and frequency of use;
 - (v) the need for easy and timely evacuation and rescue in an emergency;
 - (vi) any additional risk posed by the use, installation or removal of that work equipment or by evacuation and rescue from it; and
 - (vii) the other provisions of these Regulations.
- (2) An employer shall select work equipment for work at height which—
 - (a) has characteristics including dimensions which—
 - (i) are appropriate to the nature of the work to be performed and the foreseeable loadings; and
 - (ii) allow passage without risk; and
 - (b) is in other respects the most suitable work equipment, having regard in particular to the purposes specified in Regulation 6.
- (3) Sub-regulation (1)(a) shall apply subject to the following provisions—
 - (a) ladders may be used as work stations for work at a height under circumstances in which, the use of other, safer work equipment is not justified because of the low level of risk and either the short duration of use or existing features on site that the employer cannot alter;

- (b) rope access and positioning techniques may be used—
 - (i) where the use of other, safer work equipment is not justified because the risk assessment indicates that the work can be performed safely, and
 - (ii) where taking the risk assessment into account and depending in particular on the duration of the job and the ergonomic constraints, provision is made for a seat with appropriate accessories.

Requirements for particular work equipment.

8. Every employer shall ensure that, in the case of—

- (a) a guard-rail, toe-board, barrier or similar collective means of protection, Schedule 2 is complied with;
- (b) a working platform—
 - (i) Part 1 of Schedule 3 is complied with; and
 - (ii) where scaffolding is provided, Part 2 of Schedule 3 is also complied with;
- (c) a net, airbag or other collective safeguard for arresting falls which is not part of a personal fall protection system, Schedule 4 is complied with;
- (d) a personal fall protection system, Part 1 of Schedule 5 and—
 - (i) in the case of a work positioning system, Part 2 of Schedule 5;
 - (ii) in the case of rope access and positioning techniques, Part 3 of Schedule 5;
 - (iii) in the case of a fall arrest system, Part 4 of Schedule 5;
 - (iv) in the case of a work restraint system, Part 5 of Schedule 5,are complied with; and
- (e) a ladder, Schedule 6 is complied with.

Fragile surfaces.

9.(1) Every employer shall ensure that no person at work passes across or near, or works on, from or near, a fragile surface where it is reasonably practicable to carry out work safely and under appropriate ergonomic conditions without his doing so.

(2) Where it is not reasonably practicable to carry out work safely and under appropriate ergonomic conditions without passing across or near, or working on, from or near, a fragile surface, every employer shall—

- (a) ensure, so far as is reasonably practicable, that suitable and sufficient platforms, coverings, guard rails or similar means of support or protection are provided and used so that any foreseeable loading is supported by such supports or borne by such protection;
- (b) where a risk of a person at work falling remains despite the measures taken under the preceding provisions of this regulation, take suitable and sufficient measures to minimise the distances and consequences of his fall.

(3) Where any person at work may pass across or near, or work on, from or near, a fragile surface, every employer shall ensure that—

- (a) prominent warning notices are so far as is reasonably practicable affixed at the approach to the place where the fragile surface is situated; or
- (b) where that is not reasonably practicable, such persons are made aware of it by other means.

(4) Subregulation (3) shall not apply where members of the police, fire, ambulance or other emergency services are acting in an emergency.

Falling objects.

10.(1) Every employer shall, where necessary to prevent injury to any person, take suitable and sufficient steps to prevent, so far as is reasonably practicable, the fall of any material or object.

(2) Where it is not reasonably practicable to comply with the requirements of paragraph (1), every employer shall take suitable and sufficient steps to prevent any person being struck by any falling material or object which is liable to cause personal injury.

(3) Every employer shall ensure that no material or object is thrown or tipped from height in circumstances where it is liable to cause injury to any person.

(4) Every employer shall ensure that materials and objects are stored in such a way as to prevent risk to any person arising from the collapse, overturning or unintended movement of such materials or objects.

Danger areas.

11. Without prejudice to the preceding requirements of these Regulations, every employer shall ensure that—

- (a) where a workplace contains an area in which, owing to the nature of the work, there is a risk of any person at work—
 - (i) falling a distance; or
 - (ii) being struck by a falling object,

which is liable to cause personal injury, the workplace is so far as is reasonably practicable equipped with devices preventing unauthorised persons from entering such area; and

- (b) such area is clearly indicated.

Inspection of work equipment.

12.(1) This regulation applies only to work equipment to which regulation 8 and Schedules 2 to 6 apply.

(2) Every employer shall ensure that, where the safety of work equipment depends on how it is installed or assembled, it is not used after installation or assembly in any position unless it has been inspected in that position.

(3) Every employer shall ensure that work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations is inspected—

- (a) at suitable intervals; and
- (b) each time that exceptional circumstances which are liable to jeopardise the safety of the work equipment have occurred,

to ensure that health and safety conditions are maintained and that any deterioration can be detected and remedied in good time.

(4) Without prejudice to subregulation (2), every employer shall ensure that a working platform—

- (a) used for construction work; and
- (b) from which a person could fall 2 metres or more,

is not used in any position unless it has been inspected in that position or, in the case of a mobile working platform, inspected on the site, within the previous 7 days.

(5) Every employer shall ensure that no work equipment, other than lifting equipment to which the requirements of regulation 9(4) of the Factories (Lifting Operations and Lifting Equipment) Regulations, 1999 apply—

- (a) leaves his undertaking; or
- (b) if obtained from the undertaking of another person, is used in his undertaking,

unless it is accompanied by physical evidence that the last inspection required to be carried out under this Regulation has been carried out.

(6) Every employer shall ensure that the result of an inspection under this Regulation is recorded and, subject to sub-regulation (8), kept until the next inspection under this regulation is recorded.

(7) A person carrying out an inspection of work equipment to which subregulation (4) applies shall—

- (a) before the end of the working period within which the inspection is completed, prepare a report containing the particulars set out in Schedule 7; and
- (b) within 24 hours of completing the inspection, provide the report or a copy thereof to the person on whose behalf the inspection was carried out.

(8) An employer receiving a report or copy under subregulation (7) shall keep the report or a copy thereof—

- (a) at the site where the inspection was carried out until the construction work is completed; and
- (b) thereafter at an office of his for 3 months.

(9) Where a thorough examination has been made of lifting equipment under regulation 9 of the Factories (Lifting Operations and Lifting Equipment) Regulations, 1999, it shall for the purposes of this regulation, other than subregulations (7) and (8), be treated as an inspection of the lifting equipment.

(10) The making under regulation 10 of the Factories (Lifting Operations and Lifting Equipment) Regulations, 1999 of a report of such examination shall, for the purpose of subregulation (6), be treated as a recording of inspection.

(11) In this regulation “inspection”, subject to subregulation (9)–

- (a) means such visual or more rigorous inspection by a competent person as is appropriate for safety purposes;
- (b) includes any testing appropriate for those purposes,

and “inspected” shall be construed accordingly.

Inspection of places of work at height.

13. Every employer shall so far as is reasonably practicable ensure that the surface and every parapet, permanent rail or other such fall protection measure of every place of work at height are checked on each occasion before the place is used.

Duties of persons at work.

14.(1) Every person shall, where working under the control of another person, report to that person any activity or defect relating to work at height which he knows is likely to endanger the safety of himself or another person.

(2) Every person shall use any work equipment or safety device provided to him for work at height by his employer, or by a person under whose control he works, in accordance with–

- (a) any training in the use of the work equipment or device concerned which have been received by him; and
- (b) the instructions respecting that use which have been provided to him by that employer or person in compliance with the requirements and prohibitions imposed upon that employer or person by or under the relevant statutory provisions.

Exemption by the Factories Inspectors.

15.(1) Subject to subregulation (2), a Factories Inspector may, by a certificate in writing, exempt–

- (a) any person or class of persons;
- (b) any premises or class of premises;
- (c) any work equipment; or
- (d) any work activity,

from the requirements imposed by paragraph 3(a) and (c) of Schedule 2, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) A Factories Inspector shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to–

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactments which apply to the case,

he is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Exemptions.

16.(1) Subject to sub-regulation (2), the Minister with responsibility for employment may, by a certificate in writing exempt any person or class of persons from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and may be revoked by the Minister by a certificate in writing at any time.

(2) The Minister with responsibility for employment shall not grant any such exemption unless he is satisfied that the health and safety of the employees concerned are ensured as far as possible in the light of the objectives of these Regulations.

SCHEDULE 1

Regulation 6(4)(a)

REQUIREMENTS FOR EXISTING PLACES OF WORK AND MEANS OF ACCESS OR EGRESS AT HEIGHT

1. Every existing place of work or means of access or egress at height shall—
- (a) be stable and of sufficient strength and rigidity for the purpose for which it is intended to be or is being used;
 - (b) where applicable, rest on a stable, sufficiently strong surface;
 - (c) be of sufficient dimensions to permit the safe passage of persons and the safe use of any plant or materials required to be used and to provide a safe working area having regard to the work to be carried out there;
 - (d) possess suitable and sufficient means for preventing a fall;
 - (e) possess a surface which has no gap—
 - (i) through which a person could fall;
 - (ii) through which any material or object could fall and injure a person; or
 - (iii) giving rise to other risk of injury to any person, unless measures have been taken to protect persons against such risk;
 - (f) be so constructed and used, and maintained in such condition, as to prevent, so far as is reasonably practicable—
 - (i) the risk of slipping or tripping; or
 - (ii) any person being caught between it and any adjacent structure;

where it has moving parts, be prevented by appropriate devices from moving inadvertently during work at height.

SCHEDULE 2

Regulation 8(a)

**REQUIREMENTS FOR GUARD-RAILS, TOE-BOARDS, BARRIERS AND
SIMILAR COLLECTIVE MEANS OF PROTECTION**

1. Unless the context otherwise requires, any reference in this Schedule to means of protection is to a guard-rail, toe-board, barrier or similar collective means of protection.
2. Means of protection shall—
 - (a) be of sufficient dimensions, of sufficient strength and rigidity for the purposes for which they are being used, and otherwise suitable;
 - (b) be so placed, secured and used as to ensure, so far as is reasonably practicable, that they do not become accidentally displaced; and
 - (c) be so placed as to prevent, so far as is practicable, the fall of any person, or of any material or object, from any place of work.
3. In relation to work at height involved in construction work—
 - (a) the top guard-rail or other similar means of protection shall be at least 950 millimetres or, in the case of such means of protection already fixed at the coming into force of these Regulations, at least 914 millimetres above the edge from which any person is liable to fall;
 - (b) toe-boards shall be suitable and sufficient to prevent the fall of any person, or any material or object, from any place of work; and
 - (c) any intermediate guard-rail or similar means of protection shall be positioned so that any gap between it and other means of protection does not exceed 470 millimetres.
4. Any structure or part of a structure which supports means of protection or to which means of protection are attached shall be of sufficient strength and suitable for the purpose of such support or attachment.
5. Subject to paragraph (2), there shall not be a lateral opening in means of protection save at a point of access to a ladder or stairway where an opening is necessary.

6. Means of protection shall be removed only for the time and to the extent necessary to gain access or egress or for the performance of a particular task and shall be replaced as soon as practicable.
7. The task shall not be performed while means of protection are removed unless effective compensatory safety measures are in place.

SCHEDULE 3

Regulation 8(b)

REQUIREMENTS FOR WORKING PLATFORMS**PART 1****REQUIREMENTS FOR ALL WORKING PLATFORMS****Interpretation.**

1. In this Schedule, “supporting structure” means any structure used for the purpose of supporting a working platform and includes any plant used for that purpose.

Condition of surfaces.

2. Any surface upon which any supporting structure rests shall be stable, of sufficient strength and of suitable composition safely to support the supporting structure, the working platform and any loading intended to be placed on the working platform.

Stability of supporting structure.

3. Any supporting structure shall—

- (a) be suitable and of sufficient strength and rigidity for the purpose for which it is being used;
- (b) in the case of a wheeled structure, be prevented by appropriate devices from moving inadvertently during work at height;
- (c) in other cases, be prevented from slipping by secure attachment to the bearing surface or to another structure, provision of an effective anti-slip device or by other means of equivalent effectiveness;
- (d) be stable while being erected, used and dismantled; and
- (e) when altered or modified, be so altered or modified as to ensure that it remains stable.

Stability of working platforms.

4. A working platform shall—

- (a) be suitable and of sufficient strength and rigidity for the purpose or purposes for which it is intended to be used or is being used;
- (b) be so erected and used as to ensure that its components do not become accidentally displaced so as to endanger any person;
- (c) when altered or modified, be so altered or modified as to ensure that it remains stable; and
- (d) be dismantled in such a way as to prevent accidental displacement.

Safety on working platforms.

5. A working platform shall—

- (a) be of sufficient dimensions to permit the safe passage of persons and the safe use of any plant or materials required to be used and to provide a safe working area having regard to the work being carried out there;
- (b) possess a suitable surface and, in particular, be so constructed that the surface of the working platform has no gap—
 - (i) through which a person could fall;
 - (ii) through which any material or object could fall and injure a person; or
 - (iii) giving rise to other risk of injury to any person, unless measures have been taken to protect persons against such risk; and
- (c) be so erected and used, and maintained in such condition, as to prevent, so far as is reasonably practicable—
 - (i) the risk of slipping or tripping; or
 - (ii) any person being caught between the working platform and any adjacent structure.

Loading.

6. A working platform and any supporting structure shall not be loaded so as to give rise to a risk of collapse or to any deformation which could affect its safe use.

PART 2

ADDITIONAL REQUIREMENTS FOR SCAFFOLDING**Additional requirements for scaffolding.**

7.(1) Strength and stability calculations for scaffolding shall be carried out unless—

- (a) a note of the calculations, covering the structural arrangements contemplated, is available; or
- (b) it is assembled in conformity with a generally recognised standard configuration.

(2) Depending on the complexity of the scaffolding selected, an assembly, use and dismantling plan shall be drawn up by a competent person. This may be in the form of a standard plan, supplemented by items relating to specific details of the scaffolding in question.

(3) A copy of the plan, including any instructions it may contain, shall be kept available for the use of persons concerned in the assembly, use, dismantling or alteration of scaffolding until it has been dismantled.

(4) The dimensions, form and layout of scaffolding decks shall be appropriate to the nature of the work to be performed and suitable for the loads to be carried and permit work and passage in safety.

(5) While a scaffold is not available for use, including during its assembly, dismantling or alteration—

- (a) it shall be marked with such general warning signs in accordance with the Health And Safety (Safety Signs and Signals) Regulations, 1996; and
- (b) be suitably delineated by physical means preventing access to the danger zone in such manner,

as the Factories Inspector may, from time to time, deem appropriate in the interests of health and safety.

(6) Scaffolding may be assembled, dismantled or significantly altered only under the supervision of a competent person and by persons who have received appropriate and specific training in the operations envisaged which addresses specific risks which the operations may entail and precautions to be taken, and more particularly in—

- (a) understanding of the plan for the assembly, dismantling or alteration of the scaffolding concerned;

- (b) safety during the assembly, dismantling or alteration of the scaffolding concerned;
- (c) measures to prevent the risk of persons, materials or objects falling;
- (d) safety measures in the event of changing weather conditions which could adversely affect the safety of the scaffolding concerned;
- (e) permissible loadings;
- (f) any other risks which the assembly, dismantling or alteration of the scaffolding may entail.

SCHEDULE 4

Regulation 8(c)

REQUIREMENTS FOR COLLECTIVE SAFEGUARDS FOR ARRESTING FALLS

1. Any reference in this Schedule to a safeguard is to a collective safeguard for arresting falls.
2. A safeguard shall be used only if—
 - (a) a risk assessment has demonstrated that the work activity can so far as is reasonably practicable be performed safely while using it and without affecting its effectiveness;
 - (b) the use of other, safer work equipment is not reasonably practicable; and
 - (c) a sufficient number of available persons have received adequate training specific to the safeguard, including rescue procedures.
3. A safeguard shall be suitable and of sufficient strength to arrest safely the fall of any person who is liable to fall.
4. A safeguard shall—
 - (a) in the case of a safeguard which is designed to be attached, be securely attached to all the required anchors, and the anchors and the means of attachment thereto shall be suitable and of sufficient strength and stability for the purpose of safely supporting the foreseeable loading in arresting any fall and during any subsequent rescue;
 - (b) in the case of an airbag, landing mat or similar safeguard, be stable; and
 - (c) in the case of a safeguard which distorts in arresting a fall, afford sufficient clearance.
5. Suitable and sufficient steps shall be taken to ensure, so far as practicable, that in the event of a fall by any person the safeguard does not itself cause injury to that person.

SCHEDULE 5

Regulation 8(d)

REQUIREMENTS FOR PERSONAL FALL PROTECTION SYSTEMS

PART 1

REQUIREMENTS FOR ALL PERSONAL FALL PROTECTION SYSTEMS

1. A personal fall protection system shall be used only if—
 - (a) a risk assessment has demonstrated that—
 - (i) the work can so far as is reasonably practicable be performed safely while using that system; and
 - (ii) the use of other, safer work equipment is not reasonably practicable; and
 - (b) the user and a sufficient number of available persons have received adequate training specific to the operations envisaged, including rescue procedures.
2. A personal fall protection system shall—
 - (a) be suitable and of sufficient strength for the purposes for which it is being used having regard to the work being carried out and any foreseeable loading;
 - (b) where necessary, fit the user;
 - (c) be correctly fitted;
 - (d) be designed to minimise injury to the user and, where necessary, be adjusted to prevent the user falling or slipping from it, should a fall occur; and
 - (e) be so designed, installed and used as to prevent unplanned or uncontrolled movement of the user.
3. A personal fall protection system designed for use with an anchor shall be securely attached to at least one anchor, and each anchor and the means of attachment thereto shall be suitable and of sufficient strength and stability for the purpose of supporting any foreseeable loading.
4. Suitable and sufficient steps shall be taken to prevent any person falling or slipping from a personal fall protection system.

PART 2

ADDITIONAL REQUIREMENTS FOR WORK POSITIONING SYSTEMS

5. A work positioning system shall be used only if either–
- (a) the system includes a suitable backup system for preventing or arresting a fall; and
 - (b) where the system includes a line as a backup system, the user is connected to it; or
 - (c) where it is not reasonably practicable to comply with sub-paragraph (a), all practicable measures are taken to ensure that the work positioning system does not fail.

PART 3**ADDITIONAL REQUIREMENTS FOR ROPE ACCESS AND POSITIONING TECHNIQUES**

6. A rope access or positioning technique shall be used only if–
- (a) subject to paragraph 3, it involves a system comprising at least two separately anchored lines, of which one (“the working line”) is used as a means of access, egress and support and the other is the safety line;
 - (b) the user is provided with a suitable harness and is connected by it to the working line and the safety line;
 - (c) the working line is equipped with safe means of ascent and descent and has a self-locking system to prevent the user falling should he lose control of his movements; and
 - (d) the safety line is equipped with a mobile fall protection system which is connected to and travels with the user of the system.
7. Taking the risk assessment into account and depending in particular on the duration of the job and the ergonomic constraints, provision must be made for a seat with appropriate accessories.
8. The system may comprise a single rope where–
- (a) a risk assessment has demonstrated that the use of a second line would entail higher risk to persons; and

- (b) appropriate measures have been taken to ensure safety.

PART 4

ADDITIONAL REQUIREMENTS FOR FALL ARREST SYSTEMS

- 9. A fall arrest system shall incorporate a suitable means of absorbing energy and limiting the forces applied to the user's body.
- 10. A fall arrest system shall not be used in a manner—
 - (a) which involves the risk of a line being cut;
 - (b) where its safe use requires a clear zone (allowing for any pendulum effect), which does not afford such zone; or
 - (c) which otherwise inhibits its performance or renders its use unsafe.

PART 5

ADDITIONAL REQUIREMENTS FOR WORK RESTRAINT SYSTEMS

- 11. A work restraint system shall—
 - (a) be so designed that, if used correctly, it prevents the user from getting into a position in which a fall can occur; and
 - (b) be used correctly.

SCHEDULE 6

Regulation 8(e)

REQUIREMENTS FOR LADDERS

1. Every employer shall ensure that a ladder is used for work at height only if a risk assessment has demonstrated that the use of more suitable work equipment is not justified because of the low risk and—
 - (a) the short duration of use; or
 - (b) existing features on site which he cannot alter.
2. Any surface upon which a ladder rests shall be stable, firm, of sufficient strength and of suitable composition safely to support the ladder so that its rungs or steps remain horizontal, and any loading intended to be placed on it.
3. A ladder shall be so positioned as to ensure its stability during use.
4. A suspended ladder shall be attached in a secure manner and so that, with the exception of a flexible ladder, it cannot be displaced and swinging is prevented.
5. A portable ladder shall be prevented from slipping during use by—
 - (a) securing the stiles at or near their upper or lower ends;
 - (b) an effective anti-slip or other effective stability device; or
 - (c) any other arrangement of equivalent effectiveness.
6. A ladder used for access shall be long enough to protrude sufficiently above the place of landing to which it provides access, unless other measures have been taken to ensure a firm handhold.
7. No interlocking or extension ladder shall be used unless its regulations are prevented from moving relative to each other while in use.
8. A mobile ladder shall be prevented from moving before it is stepped on.
9. Where a ladder or run of ladders rises a vertical distance of 9 metres or more above its base, there shall, where reasonably practicable, be provided at suitable intervals sufficient safe landing areas or rest platforms.

10. Every ladder shall be used in such a way that—

- (a) a secure handhold and secure support are always available to the user; and
- (b) the user can maintain a safe handhold when carrying a load unless, in the case of a step ladder, the maintenance of a handhold is not practicable when a load is carried, and a risk assessment has demonstrated that the use of a stepladder is justified because of—
 - (i) the low risk; and
 - (ii) the short duration of use.

SCHEDULE 7

Regulation 12(7)

PARTICULARS TO BE INCLUDED IN A REPORT OF INSPECTION

- (a) The name and address of the person for whom the inspection was carried out.
- (b) The location of the work equipment inspected.
- (c) A description of the work equipment inspected.
- (d) The date and time of the inspection.
- (e) Details of any matter identified that could give rise to a risk to the health or safety of any person.
- (f) Details of any action taken as a result of any matter identified in paragraph (e).
- (g) Details of any further action considered necessary.
- (h) The name and position of the person making the report.