

Subsidiary Legislation made under s.58.

Factories (Health, Safety and Welfare in Relation to Construction) Regulations 2006

LN. 2006/145

Commencement **7.12.2006**

Implementing:

Directive 92/57/EC

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In exercise of the powers conferred on him by section 58 of the Factories Act, and of all other enabling powers, the Minister for Employment has, for the purpose of consolidating and revising the implementing legislation for Council Directive 92/57/EC, made the following Regulations—

Title.

1. These Regulations may be cited as the Factories (Health, Safety and Welfare in Relation to Construction) Regulations 2006.

Interpretation.

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

“construction site” means any place where construction work is carried out as the principal work or activity;

“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 corrosive or toxic substances, 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;

“excavation” includes any earthwork, trench, well, shaft, tunnel or underground working;

“loading bay” means any facility for loading or unloading equipment or materials for use in construction work;

“place of work” means any place which is used by any person at work for the purposes of construction work or for the purposes of any activity arising out of or in connection with construction work;

“plant and equipment” includes any machinery, apparatus, appliance or other similar device, or any part thereof, used for the purposes of construction work and any vehicle being used for such purpose;

“suitable head protection” means head protection which—

- (a) is designed to provide protection, so far as is reasonably practicable, against foreseeable risks of injury to the head to which the wearer may be exposed;
- (b) after any necessary adjustment, fits the wearer;
- (c) is suitable having regard to the work or activity in which the wearer may be engaged; and
- (d) complies with Schedule 1.

“structure” means—

- (a) any building, steel or reinforced concrete structure, not being a building, railway line or siding, dock, harbour, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipe-line (whatever, in either case, it contains or is intended to contain), cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, drainage works, earthworks, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure, or structure designed to preserve or alter any natural feature, and any other structure similar to the foregoing;
- (b) any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work; or

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- (c) any fixed plant in respect of work which is installation, commissioning, de-commissioning or dismantling and where any such work involves a risk of a person falling a distance liable to cause personal injury;

“traffic route” means any route the purpose of which is to permit the access to or egress from any part of a construction site for any pedestrians or vehicles, or both, and includes any doorway, gateway, loading bay or ramp;

“vehicle” includes any mobile plant and locomotive and any vehicle towed by another vehicle;

- (2) Unless the context otherwise requires, any reference in these Regulations to—
- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
 - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or schedule in which the reference appears.

Application of these Regulations.

3.(1) Subject to subregulations (2) and (3), these Regulations apply to, and in relation to, construction work carried out by a person at work.

(2) These Regulations shall not apply to any workplace on a construction site which is set aside for purposes other than construction work.

(3) Regulations 14, 18, 19, 20, 21 and 25 (1) and (2) apply only to and in relation to construction work carried out by a person at work at a construction site.

Duty to comply with these Regulations.

4. Every contractor or every employer who is undertaking any of the operations to which these Regulations apply shall comply with the provisions of these Regulations.

Persons upon whom duties are placed by these Regulations.

5.(1) Subject to subregulation (5), it shall be the duty of every employer whose employees are carrying out construction work and every self-employed person carrying out construction work to comply with the provisions of these Regulations insofar as they affect him or any person at work under his control or relate to matters which are within his control.

(2) It shall be the duty of every person, other than a person having a duty under subregulation (1) or (3), who controls the way in which any construction work is carried out by a person at work to comply with the provisions of these Regulations insofar as they relate to matters which are within his control.

(3) Subject to subregulation (5), it shall be the duty of every employee carrying out construction work to comply with the requirements of these Regulations insofar as they relate to the performance of or the refraining from an act by him.

(4) It shall be the duty of every person at work—

- (a) as regards any duty or requirement imposed on any other person under these Regulations, to co-operate with that person so far as is necessary to enable that duty or requirement to be performed or complied with; and
- (b) where working under the control of another person, to report to that person any defect which he is aware may endanger the health or safety of himself or another person.

(5) This regulation shall not apply to regulations 21 and 29(2), which expressly say on whom the duties are imposed.

Suitable head protection.

6.(1) Every employer shall provide each of his employees who is at work on operations or works to which these Regulations apply with suitable head protection and shall maintain it and replace it whenever necessary.

(2) Every self-employed person who is at work on operations or works to which these Regulations apply shall provide himself with suitable head protection and shall maintain it and replace it whenever necessary.

(3) It shall be the duty of any person in control of a construction site to ensure, so far as is reasonably practicable, that the requirements of this regulation are complied with in relation to that site.

(4) Where suitable head protection is required in accordance with this regulation, it shall comply with the provisions of Schedule 1.

Safe places of work.

7.(1) There shall, so far as is reasonably practicable, be suitable and sufficient safe access to and egress from every place of work and to any other place provided for the use of any person while at work, which access and egress shall be without risks to health and properly maintained.

(2) Every place of work shall, so far as is reasonably practicable, be made and kept safe for, and without risks to health, to any person at work there.

(3) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that no person gains access to any place which does not comply with the requirements of subregulation (1) or (2).

(4) Subregulations (1) to (3) shall not apply in relation to a person engaged in work for the purpose of making any place safe, provided all practicable steps are taken to ensure the safety of that person whilst engaged in that work.

(5) Every place of work shall, so far as is reasonably practicable and having regard to the nature of the work being carried out there, have sufficient working space and be so arranged that it is suitable for any person who is working or who is likely to work there.

Stability of structures.

8.(1) All practicable steps shall be taken, where necessary to prevent danger to any person, to ensure that any new or existing structure or any part of such structure which may become unstable or in a temporary state of weakness or instability due to the carrying out of construction work, including any excavation work, does not collapse accidentally.

(2) No part of a structure shall be so loaded as to render it unsafe to any person.

(3) Any buttress, temporary support or temporary structure used to support a permanent structure pursuant to subregulation (1) shall be erected or dismantled only under the supervision of a competent person.

Demolition or dismantling.

9.(1) Suitable and sufficient steps shall be taken to ensure that the demolition or dismantling of any structure, or any part of any structure, being demolition or dismantling which gives rise to a risk of danger to any person, is planned and carried out in such a manner as to prevent, so far as is practicable, such danger.

(2) Demolition or dismantling to which subregulation (1) applies shall be planned and carried out only under the supervision of a competent person.

Explosives.

10. An explosive charge shall be used or fired only if suitable and sufficient steps have been taken to ensure that no person is exposed to risk of injury from the explosion or from projected or flying material caused thereby.

Excavations.

11.(1) All practicable steps shall be taken, where necessary to prevent danger to any person, to ensure that any new or existing excavation or any part of such excavation which may be in a temporary state of weakness or instability due to the carrying out of construction work, including other excavation work, does not collapse accidentally.

(2) Suitable and sufficient steps shall be taken to prevent, so far as is reasonably practicable, any person from being buried or trapped by a fall or dislodgement of any material.

(3) Without prejudice to the generality of subregulation (2), where it is necessary for the purpose of preventing any danger to any person from a fall or dislodgement of any material from a side or the roof of or adjacent to any excavation, that excavation shall as early as practicable in the course of the work be sufficiently supported so as to prevent, so far as is reasonably practicable, the fall or dislodgement of such material.

(4) Suitable and sufficient equipment for supporting an excavation shall be provided to ensure that the requirements of subregulations (1) to (3) may be complied with.

(5) The installation, alteration or dismantling of any support for an excavation pursuant to subregulations (1), (2) and (3) shall be carried out only under the supervision of a competent person.

(6) Where necessary to prevent danger to any person, suitable and sufficient steps shall be taken to prevent any person, vehicle or plant and equipment, or any accumulation of earth or other material, from falling into any excavation.

(7) Where a collapse of an excavation would endanger any person, no material, vehicle or plant and equipment shall be placed or moved near any, excavation where it is likely to cause such collapse.

(8) No excavation work shall be carried out unless suitable and sufficient steps have been taken to identify and, so far as is reasonably practicable, prevent any risk of injury arising from any underground cable or other underground service.

Cofferdams and caissons.

12.(1) Every cofferdam or caisson and every part thereof shall be of suitable design and construction, of suitable and sound material and of sufficient strength and capacity for the purpose for which it is used, and shall be properly maintained.

(2) The construction, installation, alteration or dismantling of a cofferdam or caisson shall take place only under the supervision of a competent person.

Prevention of drowning.

13.(1) Where during the course of construction work any person is liable to fall into water or other liquid with a risk of drowning, suitable and sufficient steps shall be taken to—

- (a) prevent, so far as is reasonably practicable, such person from so falling;
- (b) minimise the risk of drowning in the event of such a fall; and
- (c) ensure that suitable rescue equipment is provided, maintained, and, when necessary, used so that such person may be promptly rescued in the event of such a fall.

(2) Suitable and sufficient steps shall be taken to ensure the safe transport of any person conveyed by water to or from any place of work.

(3) Any vessel used to convey any person by water to or from a place of work shall—

- (a) be of suitable construction; and
- (b) be properly maintained; and
- (c) be under the control of a competent person; and
- (d) not be overcrowded or overloaded.

Traffic routes.

14.(1) Every construction site shall be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move safely and without risks to health.

(2) Traffic routes shall be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

(3) Without prejudice to the generality of subregulation (2), traffic routes shall not satisfy the requirements of that subregulation unless suitable and sufficient steps are taken to ensure that—

- (a) pedestrians or, as the case may be, vehicles may use a traffic route without causing danger to the health or safety of persons near it;
- (b) any door or gate used or intended to be used by pedestrians and which leads onto a traffic route for vehicles is sufficiently separated from that traffic route to enable pedestrians from a place of safety to see any approaching vehicle or plant;
- (c) there is sufficient separation between vehicles and pedestrians to ensure safety or, where this is not reasonably practicable—
 - (i) there are provided other means for the protection of pedestrians; and
 - (ii) there are effective arrangements for warning any person liable to be crushed or trapped by any vehicle of the approach of that vehicle;
- (d) any loading bay has at least one exit point for the exclusive use of pedestrians; and
- (e) where it is unsafe for pedestrians to use any gate intended primarily for vehicles, one or more doors for pedestrians is provided in the immediate vicinity of any such gate, which door shall be clearly marked and kept free from obstruction.

(4) No vehicle shall be driven on a traffic route unless, so far as is reasonably practicable, that traffic route is free from obstruction and permits sufficient clearance.

(5) Where it is not reasonably practicable to comply with all or any of the requirements of subregulation (4), suitable and sufficient steps shall be taken to warn the driver of the vehicle and any other person riding thereon of any approaching obstruction or lack of clearance.

(6) Every traffic route shall be indicated by suitable signs where necessary for reasons of health or safety.

Doors and gates.

15.(1) Where necessary to prevent the risk of injury to any person on a construction site, any door, gate or hatch, including a temporary door, gate or hatch, shall incorporate or be fitted with suitable safety devices.

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(2) Without prejudice to the generality of subregulation (1), a door, gate or hatch shall not comply with that subregulation unless—

- (a) any sliding door, gate or hatch has a device to prevent it coming off its track during use;
- (b) any upward opening door, gate or hatch has a device to prevent it falling back;
- (c) any powered door, gate or hatch has suitable and effective features to prevent it causing injury by trapping any person;
- (d) where necessary for reasons of health or safety, any powered door, gate or hatch can be operated manually unless it opens automatically if the power fails.

(3) This regulation shall not apply to any door, gate or hatch forming part of any mobile plant and equipment.

Vehicles.

16.(1) Suitable and sufficient steps shall be taken to prevent or control the unintended movement of any vehicle on a construction site.

(2) Suitable and sufficient steps shall be taken to ensure that, where any person may be endangered by the movement of any vehicle, the person having effective control of the vehicle shall give warning to any person who is liable to be at risk from the movement of the vehicle.

(3) Any vehicle being used for the purposes of construction work shall when being driven, operated or towed—

- (a) be driven, operated or towed in such a manner as is safe in the circumstances; and
- (b) be loaded in such a way that it can be driven, operated or towed safely.

(4) No person shall ride or be required or permitted to ride on any vehicle being used for the purposes of construction work otherwise than in a safe place thereon provided for that purpose.

(5) No person shall remain or be required or permitted to remain on any vehicle during the loading or unloading of any loose material unless a safe place of work is provided and maintained for such person.

(6) Where any vehicle is used for excavating or handling, including tipping, materials, suitable and sufficient measures shall be taken so as to prevent such vehicle from falling into any excavation or pit, or into water, or overrunning the edge of any embankment or earthwork.

(7) Suitable plant and equipment shall be provided and used for replacing on its track or otherwise safely moving any rail vehicle which may become derailed.

Prevention of risk from fire etc.

17. Suitable and sufficient steps shall be taken to prevent, so far as is reasonably practicable, the risk of injury to any person during the carrying out of construction work arising from—

- (a) fire or explosion;
- (b) flooding; or
- (c) any substance liable to cause asphyxiation.

Emergency routes and exits.

18.(1) Where necessary in the interests of the health and safety of any person on a construction site, a sufficient number of suitable emergency routes and exits shall be provided to enable any person to reach a place of safety quickly in the event of danger.

(2) An emergency route or exit provided pursuant to subregulation (1) shall lead as directly as possible to an identified safe area.

(3) Any emergency route and exit provided in accordance with subregulation (1), and any traffic route or door giving access thereto, shall be kept clear and free from obstruction, and, where necessary, provided with emergency lighting, so that such emergency route or exit may be used at any time.

(4) All emergency doors shall be kept open outwards and they shall not be—

- (a) so locked or fastened that they cannot be easily and immediately opened by any person who may require to use them in an emergency; and
- (b) of the sliding or revolving or type.

(5) Any provision for emergency routes and exits made under subregulation (1) shall have regard to—

- (a) the type of work for which the construction site is being used;
 - (b) the characteristics and size of the construction site and the number and location of places of work on that site;
 - (c) the plant and equipment being used;
 - (d) the number of persons likely to be present on the site at any one time; and
 - (e) the physical and chemical properties of any substances or materials on or likely to be on the site.
- (6) Every emergency routes and exits shall be indicated by suitable signs.

Emergency procedures.

19.(1) Where necessary in the interests of the health and safety of any person on a construction site, there shall be prepared and, when necessary, implemented suitable and sufficient arrangements for dealing with any foreseeable emergency, which arrangements shall include procedures for any necessary evacuation of the site or any part thereof.

(2) Without prejudice to the generality of subregulation (1), arrangements prepared pursuant to that subregulation shall—

- (a) have regard to those matters set out in subregulation (4) of regulation 18;
- (b) designate an adequate number of persons who will implement the arrangements; and
- (c) include any necessary contacts with external emergency services, particularly as regards rescue work and fire-fighting.

(3) Where arrangements are prepared pursuant to subregulation (1), suitable and sufficient steps shall be taken to ensure that—

- (a) every person to whom the arrangements extend is familiar with those arrangements; and
- (b) the arrangements are tested by being put into effect at suitable intervals.

Fire detection and fire-fighting.

20.(1) Without prejudice to the provisions of any other enactment, there shall be provided on a construction site where necessary in the interests of the health and safety of any person at work on that site—

- (a) suitable and sufficient fire-fighting equipment; and
- (b) suitable and sufficient fire detectors and alarm systems, which shall be suitably located.

(2) Any provision for fire-fighting equipment, fire detectors and alarm systems made under subregulation (1) shall have regard to those matters set out in subregulation (4) of regulation 18.

(3) Any fire-fighting equipment, fire detector or alarm system provided under subregulation (1) shall be properly maintained and subject to examination and testing at intervals so as to ensure that such equipment, detector or system remains effective.

(4) Any fire-fighting equipment which is not designed to come into use automatically shall be easily accessible.

(5) Every person at work on a construction site shall, so far as is reasonably practicable, be instructed in the correct use of any fire-fighting equipment which it may be necessary for him to use.

(6) Where a work activity may give rise to a particular risk of fire, a person shall not carry out such work unless he is suitably instructed so as to prevent, so far as is reasonably practicable, that risk.

(7) Fire-fighting equipment shall be indicated by suitable signs.

Welfare facilities.

21.(1) It shall be the duty of any person in control of a construction site to ensure, so far as is reasonably practicable, that the requirements of this regulation are complied with in relation to that site.

(2) It shall be the duty of every employer and every self-employed person to ensure that the provisions of subregulations (3) to (8) are complied with in respect of any person at work on a construction site who is under his control.

(3) Suitable and sufficient sanitary conveniences shall be provided or made available at readily accessible places, which conveniences shall so far as is reasonably practicable, comply with the provisions of paragraphs 1 to 3 of Schedule 2.

(4) Suitable and sufficient washing facilities, including showers if required by the nature of the work or for health reasons, shall be provided or made available at readily accessible places, which facilities shall, so far as is reasonably practicable, comply with the provisions of paragraphs 4 to 9 of Schedule 2, save that in respect of the provision of showers, paragraph 4 (a) of that Schedule shall not apply.

(5) An adequate supply of wholesome drinking water shall be provided or made available at readily accessible and suitable places, which supply shall, so far as is reasonably practicable, comply with the provisions of paragraphs 10 and 11 of Schedule 2.

(6) Suitable and sufficient accommodation shall be provided or made available for—

- (a) the clothing of any person at work on a construction site and which is not worn during working hours; and
- (b) special clothing which is worn by any person at work on a construction site but which is not taken home, which accommodation shall, so far as is reasonably practicable, comply with the provisions of paragraph 12 of Schedule 2.

(7) Suitable and sufficient facilities shall be provided or made available to change clothing in all cases where—

- (a) a person has to wear special clothing for the purpose of his work; and
- (b) that person cannot, for reasons of health or propriety, be expected to change elsewhere, which facilities shall, so far as is reasonably practicable, comply with the provisions set out in paragraph 13 of Schedule 2.

(8) Suitable and sufficient facilities for rest shall be provided or made available at readily accessible places, which facilities shall, so far as is reasonably practicable, comply with the provisions of paragraph 14 of Schedule 2.

Fresh air.

22.(1) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that every workplace or approach thereto has sufficient fresh or purified air to ensure that the place or approach is safe and without risks to health.

(2) Any plant used for the purpose of complying with subregulation (1) shall, where necessary for reasons of health or safety, include an effective device to give visible or audible warning of any failure of the plant.

Temperature and weather protection.

23.(1) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that during working hours the temperature at any indoor place of work to which these Regulations apply is reasonable having regard to the purpose for which that place is used.

(2) Every place of work outdoors shall, where necessary to ensure the health and safety of persons at work there, be so arranged that, so far as is reasonably practicable and having regard to the purpose for which that place is used and any protective clothing or equipment provided for any person at work there, it provides protection from adverse weather.

(3) Having regard to the nature of the work and the use of the room, windows, skylights and glass partitions shall allow excessive effects of sunlight to be avoided.

Lighting.

24.(1) There shall be suitable and sufficient lighting in respect of every place of work on a construction site and approach thereto and every traffic route, which lighting shall, so far as is reasonably practicable, be by natural light.

(2) The colour of any artificial lighting provided shall not adversely affect or change the perception of any sign or signal provided for the purposes of health and safety.

(3) Without prejudice to the generality of subregulation (1), suitable and sufficient secondary lighting shall be provided in any place where there would be a risk to the health or safety of any person in the event of failure of primary artificial lighting.

Good order.

25.(1) Every part of a construction site shall, so far as is reasonably practicable, be kept in good order and every part of a construction site which is used as a place of work shall be kept in a reasonable state of cleanliness.

(2) Where necessary in the interests of health and safety, the perimeter of a construction site shall, so far as is reasonably practicable, be identified by suitable signs and the site shall be so arranged that its extent is readily identifiable.

(3) No timber or other material with projecting nails shall—

- (a) be used in any work in which the nails may be a source of danger to any person;
or
- (b) be allowed to remain in any place where the nails may be a source of danger to any person.

First aid.

26.(1) Every employer shall take appropriate measures to ensure that workers who have had an accident or have suddenly fallen ill can be removed for medical treatment.

(2) Every employer shall ensure that—

- (a) first aid can be provided;
- (b) the staff trained to provide it can be called upon at any time; and
- (c) one or more first-aid rooms are provided where the scale of the works or the types of activity being carried out so require.

(3) First-aid rooms shall be fitted with essential first-aid installations and equipment and be easily accessible to stretchers and signposted in compliance with the Health and Safety (Safety Signs and Signals) Regulations, 1996.

(4) First-aid equipment must be available at all places where working conditions so require and such equipment shall be suitably marked and easily accessible.

(5) The address and telephone number of the local emergency service shall be clearly signposted.

Handicapped workers.

27.(1) Every employer shall ensure that workplaces are organised to take account of handicapped workers, if necessary.

(2) Subregulation (1) shall apply in particular to the doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by handicapped persons.

Training.

28. Any person who carries out any activity involving construction work where training, technical knowledge or experience is necessary to reduce the risks of injury to any person shall possess such training, knowledge or experience, or be under such degree of supervision by a person having such training, knowledge or experience, as may be appropriate having regard to the nature of the activity.

Inspection.

29.(1) Subject to subregulation (2), a place of work referred to in column 1 of Schedule 3 shall be used to carry out construction work only if that place has been inspected by a competent person at the times set out in the corresponding entry in column 2 of that Schedule and the person who has carried out the inspection is satisfied that the work can be safely carried out at that place.

(2) Without prejudice to subregulation (1), where the place of work is a part of an excavation, cofferdam or caisson, any employer or any other person who controls the way in which construction work is carried out by persons using that part shall ensure that the excavation, cofferdam or caisson is stable and of sound construction and that the safeguards required by these Regulations are in place before his employees or persons under his control first use that place of work.

(3) Where the person who has carried out an inspection pursuant to subregulation (1) is not satisfied that construction work can safely be carried out at that place—

- (a) where the inspection was carried out on behalf of another person, he shall inform that person of any matters about which he is not satisfied; and
- (b) the place of work shall not be used until the matters identified have been satisfactorily remedied.

(4) An inspection of a place of work carried out pursuant to subregulation (1) shall include an inspection of any plant and equipment and any materials which affect the safety of that place of work.

Reports.

30.(1) Where an inspection is required under regulation 29(1), the person who carries out such inspection shall, before the end of the working period within which the inspection is completed, prepare a report which shall include the particulars set out in Schedule 4.

(2) A person who prepares a report under subregulation (1) shall, within 24 hours of completing the inspection to which the report relates, provide the report or a copy thereof to the person on whose behalf the inspection was carried out.

(3) The report or a copy thereof prepared for the purposes of subregulation (1) shall be kept at the site of the place of work in respect of which the inspection was carried out and, after that work is completed, shall be retained at an office of the person on whose behalf the inspection was carried out for a period of three months from the date of such completion.

(4) A report prepared for the purposes of subregulation (1) shall at all reasonable times be open to inspection by any inspector, and the person keeping such report 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.

Exemption certificates.

31.(1) Subject to subregulation (2), the Health and Safety Inspectorate may, by a certificate in writing, exempt-

- (a) any person or class of person;
- (b) any premises or class of premises; or
- (c) any plant and equipment, from any requirement or prohibition imposed by these Regulations 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) The Health and Safety Inspectorate 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,

it 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.

(3) In this regulation, "Health and Safety Inspectorate" means any Health and Safety Inspector appointed under section 77 of the Act.

Enforcement in respect of fire.

32. The Chief Fire Officer shall be the enforcing authority as regards-

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- (a) regulations 18 and 19 insofar as those regulations relate to fire; and
- (b) regulation 20,

in respect of a construction site which is contained within, or forms part of, premises which are occupied by persons other than those carrying out the construction work or any activity arising from such work.

Repeal.

33. The following Regulations and Orders are repealed—

- (a) The Factories (Building) Regulations;
- (b) The Factories (Building Operations) Order; and
- (c) The Factories (Works of Engineering Construction) Order.

SCHEDULE 1

Regulations 2 and 6

REQUIREMENTS FOR SUITABLE HEAD PROTECTION

1. Any head protection provided by virtue of regulation 6, shall comply with any legislation which implements any provision on design or manufacture with respect to health or safety in any relevant Community directive which is applicable to such head protection.

2. Before choosing head protection, an employer or self-employed person shall make an assessment to determine whether it is suitable.

3. The assessment required by paragraph 2 shall involve—

- (a) the definition of the characteristics which the head protection must have in order to be suitable;
- (b) comparison of the characteristics of the protection referred to in sub-paragraph (a) of this paragraph.

4. The assessment required by paragraph 2 shall be reviewed if—

- (a) there is reason to suspect that it is no longer valid; or
- (b) there has been a significant change in the work to which it relates, and

where as a result of the review changes in the assessment are required, the relevant employer or self-employed person shall make them.

5. Every employer and every self-employed person shall ensure that appropriate accommodation is available for head protection, when it is not being used.

6.(1) Every employer shall ensure so far as is reasonably practicable that each of his employees who is at work on operations or works, wears suitable head protection, unless there is no foreseeable risk of injury to his head other than by his falling.

(2) Every employer, self-employed person or employee who has control over any other person who is at work on operations or works, shall ensure so far as is reasonably practicable that each such other person wears suitable head protection, unless there is no foreseeable risk of injury to that other person's head other than by his falling.

7.(1) The person for the time being having control of a site where operations or works are being carried out may, so far as is necessary, make rules regulating the wearing of suitable head protection on that site by persons at work on those operations or works.

(2) Rules made in accordance with paragraph 1 shall be in writing and shall be brought to the notice of persons who may be affected by them.

(3) An employer may, so far as is necessary, give directions requiring his employees to wear suitable head protection.

(4) An employer, self-employed person or employee who has control over any other self-employed person may, so far as is necessary, give directions requiring each such other self-employed person to wear suitable head protection.

8.(1) Every employee who has been provided with suitable head protection shall wear that head protection when required to do so by rules or directions.

(2) Every self-employed person shall wear suitable head protection when required to do so by rules or directions.

(3) Every self-employed person who is at work on operations or works, but who is not under the control of another employer or self-employed person or of an employee, shall wear suitable head protection unless there is no foreseeable risk of injury to his head other than by his falling.

(4) Every employee or self-employed person who is required to wear suitable head protection shall—

(a) make full and proper use of it; and

(b) take all reasonable steps to return it to the accommodation provided for it after use.

9. Every employee who has been provided with suitable head protection by his employer shall take reasonable care of it and shall forthwith report to his employer any loss of, or obvious defect in, that head protection.

SCHEDULE 2

Regulation 21

WELFARE FACILITIES

Sanitary conveniences.

- 1.(1) Rooms containing sanitary conveniences shall be adequately ventilated and lit.
- (2) Sanitary conveniences and the rooms containing them shall be kept in a clean and orderly condition.
- (3) Separate rooms containing sanitary conveniences shall be provided for men and women, except where and so far as each convenience is in a separate room the door of which is capable of being secured from the inside.

Washing facilities.

- 2.(1) Washing facilities shall be provided—
 - (a) in the immediate vicinity of every sanitary convenience, whether or not provided elsewhere; and
 - (b) in the vicinity of any changing rooms required by subregulation (7) of regulation 21 whether or not provided elsewhere.
- (2) Washing facilities shall include—
 - (a) a supply of clean hot and cold, or warm water (which shall be running water so far as is reasonably practicable); and
 - (b) soap or other suitable means of cleaning; and
 - (c) towels or other suitable means of drying.
- (3) Rooms containing washing facilities shall be sufficiently ventilated and lit.
- (4) Washing facilities and the rooms containing them shall be kept in a clean and orderly condition.
- (5) Subject to paragraph 9, separate washing facilities shall be provided for men and women except where and so far as they are provided in a room the door of which is capable of being

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secured from inside and the facilities in each such room are intended to be used by only one person at a time.

(6) Sub-paragraph (5) shall not apply to facilities which are provided for washing hands, forearms and face only.

Drinking water.

3.(1) Every supply of drinking water shall be conspicuously marked by an appropriate sign where necessary for reasons of health and safety.

(2) Where a supply of drinking water is provided, there shall also be provided a sufficient number of suitable cups or other drinking vessels unless the supply of drinking water is in a jet from which persons can drink easily.

Accommodation for clothing.

4. Accommodation for clothing shall include or allow for facilities for drying clothing.

Facilities for changing clothing.

5 The facilities for changing clothing shall be separate facilities for, or separate use of facilities by, men and women where necessary for reasons of propriety.

Facilities for rest.

6. Rest facilities shall—

- (a) include rest facilities provided in one or more rest rooms or rest areas;
- (b) include rest rooms or rest areas with suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke;
- (c) where necessary, include suitable facilities for any person at work who is a pregnant woman or nursing mother to rest;
- (d) include suitable arrangements to ensure that meals can be prepared and eaten; and
- (e) include the means for boiling water.

SCHEDULE 3

Regulation 29

PLACES OF WORK REQUIRING INSPECTION

<i>Column 1</i>	<i>Column 2</i>
<i>Place of Work</i>	<i>Time of inspection</i>
1. Any excavation which is supported pursuant to subregulation (1), (2) or (3) of regulation 11.	1.(i) Before any person carries out work at the start of every shift; and (ii) after any event likely to have affected the strength or stability of the excavation or any part thereof; and (iii) after any accidental fall of rock or earth or other material.
2. Cofferdams and caissons	2.(i) Before any person carries out work, at the start of every shift; and (ii) after any event likely to have affected the strength or stability of the cofferdam or caisson or any part thereof.

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SCHEDULE 4

Regulation 30

PARTICULARS TO BE INCLUDED IN A REPORT OF INSPECTION

1. Name and address of the person on whose behalf the inspection was carried out.
2. Location of the place of work inspected.
3. Description of the place of work or part of that place inspected (including any plant and equipment and materials, if any).
4. Date and time of the inspection.
5. Details of any matter identified that could give rise to a risk to the health or safety of any person.
6. Details of any action taken as a result of any matter identified in paragraph 5 above.
7. Details of any further action considered necessary.
8. Name and position of the person making report.