

**S.I. No. []/2018 - Safety, Health and Welfare at Work (Construction) (Amendment)
Regulations 2018**

I, PAT BREEN, Minister of State at the Department of Business, Enterprise and Innovation, in exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) (as adapted by the Enterprise, Trade and Employment (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 185 of 2010)), the Enterprise, Trade and Innovation (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 245 of 2011) and the Jobs, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 364 of 2017)) and the Business, Enterprise and Innovation (Delegation of Ministerial Functions) Order 2017 (S.I. No. 569 of 2017), and after consultation with the Health and Safety Authority, hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2018.

(2) The Safety, Health and Welfare at Work (Construction) Regulations 2013 (S.I. No. 291 of 2013) and these Regulations may be cited together as the Safety, Health and Welfare at Work (Construction) Regulations 2013 to 2018.

2. The Safety, Health and Welfare at Work (Construction) Regulations 2013 (S.I. No. 291 of 2013) are amended—

(a) in Regulation 2(1) by deleting the following definitions:

(i) “FÁS” means An Foras Áiseanna Saothair;

(ii) “FETAC award” means an award made by the Further Education and Training Awards Council or a FETAC award awarded by QQI;”

(b) in Regulation 2(1) by inserting the following definitions:

(i) “QQI award” means an award made by Quality and Qualifications Ireland (QQI)”

(ii) ““SOLAS” means An tSeirbhís Oideachais Leanúnaigh Agus Scileanna;”

(c) by substituting for Regulation 2(4) the following:

“(4) Taking account of the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I. No. 8 of 2017), and in compliance with Directive 2005/36/EC as amended by Directive 2013/55/EU and Commission Delegated Decision (EU) 2016/790,, SOLAS is responsible for the issue of valid construction skills registration cards, with photographic identification, under Schedule 5 and for the maintenance of a register of the cards issued.”

(d) by substituting for Schedule 4 the following:

“Schedule 4

Regulations 4, 19, 25 and 29

Safety Awareness Scheme

1. The requirements under these Regulations for the issue of a valid safety awareness registration card are successful completion of any one of the following within 4 years preceding application for same:

- (a) the SOLAS Safe Pass training programme;
- (b) an equivalent safety awareness scheme approved by SOLAS;
- (c) an equivalent safety awareness scheme in another Member State of the European Union approved by SOLAS.

2. A valid safety awareness registration card is one of the following:

- (a) the SOLAS Safe Pass registration card;
- (b) a registration card with a photographic identification, issued by such body as may be prescribed by the Minister, for the purpose of the issuing of safety awareness cards;
- (c) a registration card with a photographic identification issued in association with a scheme referred to in *paragraph 1(c)*.

3. For the purposes of these Regulations, a safety awareness registration card shall only be valid for a period of 4 years from the date of completion of the programme/scheme referred to in *paragraph 1(a), (b) or (c)*.”

(e) by amending Schedule 5 as follows:

in paragraph (1)(1) replacing “FETAC” with “QQI”;

- (i) in paragraph (2)(a)(i) replacing “FETAC” with “QQI”,
- (ii) in paragraph (2)(a)(ii) replacing “FETAC” with “QQI”,
- (iii) in paragraph (2)(a)(iii) replacing “FÁS” with “SOLAS” and replacing “FETAC” with “QQI”.

GIVEN under my hand,

[Date]

PAT BREEN,

Minister of State at the Department of Business, Enterprise and Innovation.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to make specific provisions in relation to the expiry of SafePass cards and requirements for renewals.

The Regulations amend the references to the Safety Awareness Scheme following the dissolution of FÁS and the establishment of SOLAS as the agency of the State responsible for the management of that scheme.

The Regulations also change any other references to FÁS to SOLAS and similarly change references to FETAC to QQI following the establishment of the Quality and Qualifications Ireland.

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