

**Draft**

**Safety, Health and Welfare at Work (Construction) Regulations 2005**

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SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION) REGULATIONS  
2005

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SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION) REGULATIONS  
2005

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I, ....., Minister of State at the Department of Enterprise, Trade and Employment, 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), in relation to the matters set out in paragraphs (1) to (7), (9), (12) to (18), (22) to (34), (36) to (39) and (41) of Schedule 7 to that Act, and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) Order 2005 (S.I. No. 316 of 2005), and after consulting with the Health and Safety Authority, hereby make the following regulations:

PART 1  
INTERPRETATION AND GENERAL

**Citation and commencement**

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (Construction) Regulations 2005.

(2) Except as specified in paragraph (3), these Regulations shall come into operation on the 1st day of November 2005.

(3) (a) In the case of a design process commenced prior to 1 November 2005 and where a project supervisor design stage (PSDS) has been appointed, in writing, in accordance with the Safety Health and Welfare at Work (Construction) Regulations 2001 all duties of the client in relation to the appointment of a project supervisor design process and all duties assigned in these Regulations to the project supervisor design process shall, at the discretion of the client, only apply after 1 June 2008.

(b) If, after 1 June 2008 a client wishes to seek exemption from the duty to appoint a project supervisor design process he may do so only on the basis that a project supervisor design stage has been appointed for the project prior to 1 November 2005. An application must be made to the Authority on the form as may be prescribed outlining the reasons for the exemption and the length of time for which the exemption is sought. The Authority may grant an exemption on the basis of the application made but in any event, the exemption shall not be granted to last longer than 1 June 2009.

(c) Nothing in this paragraph shall prevent the client from appointing the project supervisor design stage (as appointed under the safety, Health and Welfare at Work (Construction) Regulations 2001 or any other competent person) as project supervisor design process after 1 November 2005.

(d) If a project supervisor for the construction stage of a project has been appointed in accordance with the Safety, Health and Welfare at Work (Construction) Regulations 2001 prior to 1 November 2005 and if the construction stage of that project extends past this date, then this appointed project supervisor for the construction stage, if competent to do so, will be deemed to be the project supervisor for the construction stage in accordance with these Regulations unless the client\_terminates his appointment in writing or unless the appointed project supervisor for the construction stage tenders his resignation, in which case the client must make an appointment in accordance with Regulation 3(1).



## Interpretation

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

"Act" means the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005);

"Authority" means the Health and Safety Authority;

"client" means a person engaged in trade, business or other undertaking who, in the course or furtherance of that trade, business or undertaking –

- (a) seeks or accepts the services of another person in the carrying out of a project, or
- (b) carries out a project,
- (c) knowingly, and with written agreement of other appropriate parties to the project, elects, in writing, to be treated as a client for the purposes of these Regulations

and if one or more but not all of the clients involved in a project elect in writing to be treated as the clients for the purposes of these Regulations, then any other client who does not so elect, and who agrees in writing to such election, shall not, after such election and agreement, be subject to any duty of a client under these Regulations except the duties under Regulation 3(6) and (8);

"construction site" means any site at which construction work in relation to a project is carried out;

"construction stage" means the period of time starting when preparation of the construction site begins and ending when construction work on the project is completed;

"construction work" means the carrying out of any building, civil engineering or engineering construction work and includes any of the following -

- (a) the doing of any of the following with respect to a structure, namely –
  - (i) construction,
  - (ii) alteration,
  - (iii) conversion,
  - (iv) fitting out,
  - (v) commissioning,
  - (vi) renovation,
  - (vii) repair,
  - (viii) upkeep,
  - (ix) redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of substances or preparations classified as corrosive or toxic for the purposes of Regulation 8 of the European Communities (Classification, Packaging, Labeling and Notification of Dangerous Substances) Regulations 2003 (S.I. No. 116 of 2003) and Regulation 5 of the European Communities (Classification, Packaging, Labeling and Notification of Dangerous Preparations) Regulations 2004 (S.I. No. 62 of 2004)),

- (x) de-commissioning, demolition or dismantling,
- (b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation including the laying or installing of the foundations of an intended 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 disassembly of prefabricated elements which, immediately before such disassembly, formed a structure,
- (e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunication systems, computer systems, or similar services which are normally fixed within or to a structure, but does not include drilling and extraction in the extractive industries;

"contractor" means a contractor or an employer whose employees undertake, carry out or manage construction work, or any person who carries out or manages construction work for a fixed or other sum and who supplies the materials and labour (whether the contractor's own labour or that of another) to carry out such work or who supplies the labour only;

"design" means the preparation of drawings, particulars, specifications, calculations, the preambles and preliminaries of bills of quantities in so far as they contain specifications or other expressions of purpose, according to which a project, or any part or component of a project, is to be executed;

"design process" means the method through which a project is prepared including the design of temporary works to facilitate construction of the project;

"EN" means a European Standard approved by CEN (Comité Européen de Normalisation) the European Committee for Standardisation

"FAS" means An Foras Aiseanna Saothair;

"FETAC" means Further Education and Training Awards Council

"inspector" has the meaning assigned to it by the Act;

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

"man-lock" means any air lock or decompression chamber used for the compression or decompression of persons, but does not include an air lock which is only so used in emergency or a medical lock used solely for treatment purposes;

“Minister” means the Minister for Enterprise, Trade and Employment;

"mobile crane" means a crane capable of travelling under its own power, but does not include such a crane which travels on a line of rails;

"plant or equipment" means any gear, machine, rig, apparatus or appliance, or any part of any plant or equipment;

“Principal Regulations” means the Safety, Health and Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 1993) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2001 (S.I. No. 188 of 2001) and the Safety, Health and Welfare at Work (General Application) (Amendment No. 2) Regulations 2003 (S.I. No. 53 of 2003) or other replacement Regulations made or as may be made under the Act.

"project" means any development which includes or is intended to include construction work;

"project supervisor," means a competent person either natural or legal appointed under Regulation 3(1) and responsible for carrying out the appropriate duties specified in these Regulations or other duties as may be assigned to him by the client at the time of appointment that are necessary to allow the client comply with Section 17(1) of the 2005 Safety Health & Welfare at Work Act;

“safety and health plan” means a safety and health plan developed in accordance with Regulation 6(1) and “preliminary safety and health plan” means the preliminary version of that plan prepared in accordance with Regulation 4(1)(b);

“safety file” means a safety file prepared in accordance with Regulation 4(1)(c)(iv);

"structure" means -

- (a) any building, railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipeline (whatever it contains or is intended to contain), underground or overground cables, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, 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
- (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 falling more than 2 metres;

"working platform" includes a working stage.

(2) In Regulations 8, 22, 29, 40, and in Schedule 9 “prescribed form” means the relevant form specified in Schedule 10

(3) In these Regulations a reference to –

- (a) a Regulation or a Part or a Schedule is to a Regulation or a Part of, or a Schedule to, these Regulations, and
- (b) a paragraph, subparagraph, clause or subclause is to a paragraph, subparagraph, clause or subclause of the provision in which the reference occurs,

unless it is indicated that a reference to some other Regulation, Schedule or provision is intended.

(4) Where, under these Regulations, a person is required to give directions or make rules, such directions and such rules shall, in the context of the duty which the person is required to comply with be reasonable.

(5) Where in these Regulations there is a reference to a form PF followed by a number and a letter, the reference is to the relevant prescribed form set out in Schedule 10

## PART 2

### DESIGN AND MANAGEMENT

#### **General duties of clients and others**

3. (1) It is the duty of a client to appoint, (except as noted in paragraphs (13) and (14) in writing, in respect of every project, a project supervisor for the design process and a project supervisor for the construction stage and confirmation of acceptance of such appointments shall be obtained in writing by the client.

(2) Nothing in paragraph (1) shall:

- (a) prevent a client appointing him, her or itself as project supervisor if competent to undertake the duties involved, or
- (b) prevent a client appointing one person as project supervisor for both the design process and construction stages if that person is competent to undertake the duties involved.

(3) The project supervisor for the design process shall be appointed at or before the start of design work.

(4) The project supervisor for the construction stage shall be appointed prior to the commencement of construction work.

(5) The appointments mentioned in paragraph (1) shall be made and shall be terminated, changed or renewed as necessary.

(6) It is the duty of a client to keep available any safety file referred to in Regulation 4(1)(c)(iv) and any information delivered to a client in relation to the file for inspection by any person who may need information in the file for the purpose of compliance by that person with any duties imposed under the relevant statutory provisions.

(7) It is sufficient compliance with paragraph (6) by a client who disposes of his or her interest in the property involved in the project if the client delivers the safety file for that property to the person who acquires such interest in that property and such person shall keep available such safety file in accordance with paragraph (6).

(8) (a) A client shall co-operate with the project supervisor appointed for the design process and the project supervisor appointed for the construction stage as appropriate to enable the relevant project supervisor to comply with this Regulation, including in relation to the period of time required for the completion of the project and the provision of information about the state or condition of any premises at or on which construction work included or intended to be included in the project is being or is intended to be carried out.

(b) The information required to be provided under subparagraph (a) is information which is relevant to the duties of the project supervisors under these Regulations which a client has in the client's possession or could ascertain by making enquires which it is reasonable for a person in the client's position to make.

(9) A client shall provide or arrange to have provided, at the time of project preparation, a copy of the preliminary safety and health plan to every person being considered or tendering for the role of project supervisor for the construction stage.

(10) (a) A client shall not appoint any person as project supervisor for the design process in respect of a project unless the client is reasonably satisfied that the person whom the client intends to appoint has allocated or, as appropriate, will allocate resources to enable the person perform the duties of project supervisor for the design process under these Regulations in respect of that project.

(b) A person shall not arrange for a designer to prepare a design unless the person is reasonably satisfied that the designer has allocated or, as appropriate, will allocate resources to enable the designer to comply with Regulation 5.

- (c) A client shall not appoint any person as project supervisor for the construction stage in respect of a project unless the client is reasonably satisfied that the person whom the client intends to appoint has allocated or, as appropriate, will allocate resources to enable the person perform the duties of project supervisor for the construction stage in respect of that project.
- (d) A person shall not arrange for a contractor to carry out or manage construction work unless the person is reasonably satisfied that the contractor has allocated or, as appropriate, will allocate resources to enable the contractor comply with the requirements and prohibitions imposed on the contractor by or under the relevant statutory provisions.

(11) A client shall ensure that the construction stage of any project does not start unless a health and safety plan has been prepared.

- (12) (a) A client shall not appoint any person as project supervisor for the design process in respect of a project unless the client is reasonably satisfied that the person whom the client intends to appoint has the competence to perform the duties of project supervisor for the design process in respect of that project.
- (b) A person to whom these Regulations apply shall not arrange for a designer to prepare a design unless the person is reasonably satisfied that the designer has the competence to prepare that design in compliance with these Regulations.
- (c) A client shall not appoint any person as project supervisor for the construction stage in respect of a project unless the client is reasonably satisfied that the person whom the client intends to appoint has the competence to perform the duties of project supervisor for the construction stage in respect of that project.
- (d) A person to whom these Regulations apply shall not arrange for a contractor to carry out or manage construction work unless the person is reasonably satisfied that the contractor has the competence to carry out or, as the case may be, manage, that construction work in compliance with these Regulations.

(13) Paragraph (1) does not apply to routine maintenance, cleaning, decoration and repair within or to a building except where the work involves a particular risk referred to in Schedule 1 or where there is a risk of falling a distance of greater than two metres or where there is more than one contractor involved or where Regulation 8 applies.

(14) In accordance with Section 58 (4)(d) of the Act, a person who commissions or procures construction work of his or her own primary domestic dwelling or renovations, repairs or modifications to his own primary domestic dwelling, where such domestic dwelling will not constitute a place of work after completion of construction, is exempted

from the requirements of Section 17 (1) of the Act in relation to written appointments for any construction work carried out on that dwelling.

### **Duties of project supervisor appointed for the design process**

4. (1) It is the duty of the project supervisor appointed for the design process to -
- (a)
    - (i) take account during the design of a project and when estimating the period of time required for completion of a project, and where appropriate for stages of a project, of the general principles of prevention specified in Schedule 3 to the Act and of any safety and health plan or safety file, and to ensure, so far as is reasonably practicable, the co-ordination of the activities of other persons engaged in work related to the design of the project, and
    - (ii) take reasonable steps to bring about co-operation between designers on the same project and ensure, so far as is reasonably practicable co-ordination of their activities in relation to the design of the project with a view to protecting persons at work,
  - (b) subject to paragraph (2), prepare, on a preliminary basis and for the purpose of providing information for the project supervisor appointed for the construction stage, the safety and health plan referred to in Regulation 6(1), which plan shall be in writing and specify-
    - (i) a general description of the project and of the time within which it is intended that the project will be completed,
    - (ii) appropriate information on any other work activities taking place on the site,
    - (iii) where appropriate, work related to the project which will involve particular risks to the safety and health of persons at work as referred to in Schedule 1,
    - (iv) the basis upon which the period of time in clause (i) was established, taking into account the requirements of subparagraph (a),
    - (v) the conclusions drawn by designers and the project supervisor for the design process as regards the taking account of the general principles of prevention as specified in ~~the First~~ Schedule 3 of the Act and any relevant safety and health plan or safety file, and
    - (vi) the location of water and sewage connections to facilitate adequate welfare facilities
    - (i) prepare the preliminary safety and health plan in sufficient time as to enable the safety and health plan to be provided to every

person being considered or tendering for the role of project supervisor for the construction stage,

- (ii) keep a copy of the preliminary safety and health plan available for inspection by an inspector for the period of five years after its preparation, and
- (iii) prepare a safety file appropriate to the characteristics of the project containing relevant health and safety information to be taken into account during any subsequent construction work following completion of the project and make any adjustments to the safety file where required to take account of the progress of the work and any changes which have occurred and, on completion of the project, deliver the safety file to the client;

(2) Where notification is not required under Regulation 8, a safety and health plan shall be required only for such sites where the work concerned involves a particular risk, including any of those specified in Schedule 1.

(3) The project supervisor for the design process may appoint a competent person as health and safety co-ordinator for the design process to assist in the undertaking of the duties specified in paragraph (1).

(4) The project supervisor for the design process shall give reasonable directions to any designer so far as is necessary to enable the project supervisor for the design ~~stage~~ process to comply with that supervisor's duties under these Regulations.

(5) It is sufficient compliance with the duty under this Regulation to ensure-

- (a) the coordination referred to in paragraph (1)(a)(i), or
- (b) the cooperation or the coordination referred to in paragraph (1)(a)(ii),

for the project supervisor for the design process to issue a written direction in respect of the matters concerned to any designer or other person concerned.

(6) If a designer or other person fails to comply with a direction given under paragraph (5), the project supervisor for the design process shall notify the Authority the designer and the client of this failure and such notification shall enclose a copy of the written direction.

(7) Any such direction shall be contained in the preliminary safety and health plan.

### **Duties of designers**

5. (1) In any case in which a person is engaged in work related to the design of a project, it is the duty of that person to take account of the general principles of prevention as specified in Schedule 3 of the Act and any relevant safety and health plan or safety file prepared in accordance with these Regulations.



(2) In any case in which a person is engaged in work related to the design of a project, it is the duty of that person, so far as is reasonably practicable, to design places of work that are safe and without risk to health.

(3) It is the duty of all designers engaged in the design of a project to provide in writing to the project supervisor for the design process all relevant documentation necessary for that project supervisor to carry out the duties of the supervisor.

(4) In any case in which a person is engaged in work related to the design of a project, save where such a person is appointed under Regulation 3(1) as project supervisor for the design process, it is the duty of that person to -

- (a) co-operate with the project supervisor for the design process or the project supervisor for the construction stage, as appropriate, to enable that project supervisor to comply with these Regulations,
- (b) promptly provide the project supervisor for the design process or the project supervisor for the construction stage, as appropriate, with such information as is known to that person regarding particular risks to the safety and health of persons at work as referred to in Schedule 1 which may be associated with the project, and also with such information regarding the nature and scope of the project to the extent necessary to enable the project supervisor to comply with these Regulations,
- (c) promptly provide the project supervisor for the design process or the project supervisor for the construction stage or any contractor, as appropriate, with such information as is known to that person to ensure so far as is reasonably practicable the safe construction of any such design,
- (d) comply with any reasonable direction from the project supervisor for the design process or the project supervisor for the construction stage, as appropriate.

### **Duties and powers of the project supervisor for the construction stage**

6. (1) It is the duty of the project supervisor for the construction stage to develop before the commencement of the construction work the safety and health plan for the construction site prepared on a preliminary basis under Regulation 4(1)(b), and make adjustments to such plan where required to take account of the progress of the work and any changes which occur, and take account as regards such plan at all times during the construction stage of the requirements of section 20 of the Act and of other work activities taking place on the site, and include in such plan specific measures concerning work which falls within one or more of the categories of Schedule 1.

(2) It is the duty of the project supervisor for the construction stage where more than one contractor is engaged in the project to -

- (a) co-ordinate the implementation during construction of the general principles of prevention specified in Schedule 3 of the Act when -
- (i) technical or organisational aspects are being decided,
  - (ii) estimating the period of time required for completing such work or work stages,
- monitor the consistent application of the principles of prevention and take appropriate remedial action as set out in paragraph (13).
- (b) co-ordinate the implementation of any relevant requirements of these Regulations in order that the contractors, as regards the general principles of prevention specified in Schedule 3 of the Act, apply in a consistent manner the requirements set out in Schedule 2, monitor the consistent application of the principles of prevention, take appropriate remedial action as set out in paragraph (13) and follow the provisions of the safety and health plan,
- (c)
- (i) organise cooperation between contractors (including successive contractors on the same site) and co-ordination of their activities in relation to a project with a view to protecting persons at work and preventing accidents and injury to health, monitor such cooperation and co-ordination and take appropriate remedial action as set out in paragraph (13),
  - (ii) organise the implementation of section 6 of the Act in particular in relation to, monitor such implementation and take appropriate remedial action as set out in paragraph (13) in the event of inadequate supplying of information.
  - (iii) coordinate the implementation by contractors of Regulation 9(1)(e) and keep available for inspection a copy of any information provided to the project supervisor under that Regulation, and where the Authority requests information in relation to such a record, to comply with such a request as soon as possible, check such coordination and take appropriate remedial action as necessary, monitor such coordination and take appropriate remedial action as set out in paragraph (13),
  - (iv) provide access to appropriate information regarding safety, health and welfare required by clause (iii) to the site safety representative,
  - (v) coordinate arrangements for checking the implementation of safe working procedures, monitor the implementation of these arrangements and take any necessary remedial action as set out in paragraph (13),

- (vi) coordinate measures to permit authorised persons only on to the construction site, monitor such coordination and take appropriate remedial action as set out in paragraph (13).

(3) The project supervisor for the construction stage may appoint a competent person as health and safety co-ordinator for the construction stage to assist in undertaking the duties specified in paragraphs (1) and (2).

- (4) (a) It is the duty of every project supervisor for the construction stage where there is normally more than 100 persons on site at any one time engaged in construction work, to appoint in writing a full-time safety officer for that site to undertake the following duties –

- (i) to advise the project supervisor and contractors as appropriate as to the observance of the requirements of the relevant statutory provisions, and
- (ii) to exercise a general supervision of the observance of the aforesaid requirements and the promotion of the safe conduct of work generally.

- (b) A project supervisor for the construction stage shall not appoint any person as a safety officer unless the project supervisor is reasonably satisfied that the person whom the project supervisor intends to appoint has the competence to perform the duties specified in subparagraph (a)(i) and (ii).

(5) It is the duty of the project supervisor appointed for the construction stage to coordinate arrangements which facilitate the provision and maintenance, in an appropriate condition, of site welfare facilities to all persons at work on the construction site, in accordance with the requirements of paragraphs 13 to 18 of Schedule 3 and the relevant requirements of Schedule 4, to monitor the implementation of these arrangements and to take any necessary remedial action as set out in paragraph (13).

(6) It is the duty of the project supervisor for the construction stage to coordinate arrangements to ensure that persons at work on the construction site to whom Schedule 5 applies are in possession of a current registration card in the form specified in that Schedule, to monitor the implementation of these arrangements and to take any necessary remedial action as set out in paragraph (13).

(7) It is the duty of the project supervisor for the construction stage to coordinate arrangements to ensure that those persons who engage in any of the tasks specified in Schedule 6 are in possession of a current certificate and registration card in the form specified in that Schedule, to monitor the implementation of these arrangements and to take any necessary remedial action as set out in paragraph (13).

- (8) The project supervisor for the construction stage shall-

- (a) give such directions to any contractor or any other person as are necessary to enable the project supervisor for the construction stage to comply with the duties of the supervisor under these Regulations, and
- (b) include in the safety and health plan rules for the execution of the construction work which are required for the purposes of safety and health.

(9) The safety and health plan and any rules contained in the safety and health plan shall be in writing and shall be brought to the attention of all contractors who may be affected by them by the project supervisor for the construction stage.

(10) It is the duty of the project supervisor for the construction stage to maintain and keep available for inspection a record of the names of persons at work at the construction site to whom paragraphs (7) and (8) apply as provided by each contractor under Regulation 9(8).

(11) It is the duty of the project supervisor for the construction stage to keep appropriate records and copies of relevant documents in relation to Regulation 56(5) and Regulation 9(9) for five years from their preparation.

(12) It is sufficient compliance with the duty under this Regulation to ensure-

- (a) the coordination referred to in paragraphs (2)(a), (b), (c)(iii),(v) and (vi), (6), (7) and (8), or
- (b) the cooperation or the coordination referred to in paragraph (2)(c)(i),

for the project supervisor for the construction stage to issue a written direction in respect of the matters concerned to any designer or other person concerned.

(13) If a designer or other such person fails to comply with a direction given under paragraph (12), the project supervisor for the construction stage shall notify the Authority and the client in writing of this failure and such notification shall enclose a copy of the written direction.

(14) Any such direction shall be contained in the safety and health plan.

(15) If, in accordance with Regulation 1 of these Regulations a Project Supervisor Design Process has not been appointed, then the Project Supervisor for the Construction Stage must produce the Safety File as required by Regulation 4(1)(c)(iv).

### **Site safety representative**

7. (1) (a) Without prejudice to section 25 of the Act it is the duty of the project supervisor for the construction stage to -
- (i) co-ordinate the development and application by contractors of arrangements, made in consultation with their employees, which will enable them and their employees to co-operate effectively in promoting and developing measures in relation to

their safety and health on the construction site and in ascertaining the effectiveness of such measures,

- (ii) facilitate, where more than 20 persons are normally employed at any one time on the site at any stage of the project, in co-operation with contractors and persons employed on the project, the appointment of a site safety representative from among the employees of the contractor or contractors undertaking the project in accordance with the procedure outlined in Schedule 7.
  - (b) A site safety representative has the right to receive from the project supervisor for the construction stage all information in the possession of the supervisor regarding the safety, health and welfare of persons at work at the construction site, including information referred to in Regulation 6(2)(c)(iv) and prescribed forms under these and the Principal Regulations.
  - (c) It is the duty of the project supervisor for the construction stage to take reasonable measures to inform the site safety representative when an inspector enters the construction site for the purpose of making a tour of inspection.
  - (d) It is the duty of the project supervisor for the construction stage to inform the site safety representative of the time and venue of all site safety meetings and to facilitate the attendance of the representative at such meetings.
- (2) A site safety representative may -
- (a) make representations to the project supervisor for the construction stage and, as appropriate, any contractor involved in the project on any aspects of safety, health and welfare at the construction site,
  - (b) investigate accidents and dangerous occurrences, provided that the representative shall not interfere with or obstruct the performance of any statutory obligation required to be performed by any person under any relevant statutory provision,
  - (c) make oral or written representations to inspectors on matters of safety, health and welfare at work,
  - (d) receive relevant advice and information from inspectors on matters of safety, health and welfare at work,
  - (e) subject to prior notice to the project supervisor for the construction stage and the contractor employing the representative and to agreement between the representative, the project supervisor for the construction stage and the contractor employing the representative as to frequency, carry out inspections and in reaching such agreement, which shall not

unreasonably be withheld by the employer or the project supervisor, the parties shall consider the nature and extent of the hazards at the construction site in determining the frequency of inspections to be carried out by the representative,

- (f) subject to prior notice to the project supervisor for the construction stage and the contractor employing the representative, in circumstances in which it is reasonable to assume that risk of personal injury exists, to investigate potential hazards and complaints made by any person at work at the construction site relating to safety, health and welfare at the construction site and
- (g) on a request being made in that behalf by the representative, accompany an inspector on any tour of inspection other than a tour of inspection made by the inspector for the purpose of investigating an accident.

(3) The project supervisor for the construction stage and, as appropriate, any contractor involved in the project shall take account of any representations made to the project supervisor by a site safety representative on any matter affecting the safety, health and welfare at work of any person at work at the construction site.

(4) The contractor employing a site safety representative shall afford the representative such time off from duties of the representative as may be reasonable having regard to all the circumstances without loss of remuneration, to enable the representative to -

- (a) acquire the knowledge necessary to discharge his or her functions as a site safety representative, and
- (b) discharge the representative's functions as a site safety representative under this Regulation.

(5) Arising from the discharge of the representative's functions under this Regulation, a site safety representative shall not be placed at any disadvantage in relation to the representative's employment.

### **Notification of projects to the Authority**

- (1) It is the duty of the project supervisor for the construction stage to give notice,
  - a) by registered post, or
  - b) in compliance with the requirements which may be specified from time to time on the website of the Authority,

to the Authority before work on a construction site begins, where work is planned to last longer than 30 working days or on which the volume of work is scheduled to exceed 500 person-days, of such particulars specified in prescribed form PF.1A.

(2) The project supervisor for the construction stage shall cause to be clearly displayed on the construction site and, if necessary, periodically cause to be updated the particulars required to be in any notice under this Regulation.

PART 3  
GENERAL DUTIES OF CONTRACTORS AND OTHERS

**Duties of contractors**

9. (1) It is the duty of every contractor –
- (a) to comply with the provisions of Parts 4 to 18 of these Regulations,
  - (b) to co-operate with the project supervisor for the construction stage to enable such project supervisor to comply with the relevant statutory provisions,
  - (c) to provide promptly to the project supervisor for the construction stage any information (including a copy of any relevant safety statement prepared under section 20 of the Act) which is likely to affect the safety, health or welfare of any person at work on the project or which might justify a review of the safety and health plan,
  - (d) to comply with any directions of the project supervisor for the construction stage,
  - (e) to comply with any rules applicable to him or her or their employees in the safety and health plan and ensure, so far as is reasonably practicable, that his or her employees comply with such rules,
  - (f) to bring to the attention of all employees any rules contained in the safety and health plan,
  - (g) to provide the project supervisor for the construction stage with the information in relation to any death, injury, condition or dangerous occurrence which the contractor is required to notify or report under the Principal Regulations and furnish him or her a copy of the required notification or report,
  - (h) to apply, where appropriate, the general principles of prevention specified in ~~the~~ Schedule 3 of the Act in a consistent manner and in particular in relation to the matters specified in Schedule 2 in order to protect the health and safety of persons at work, and
  - (i) to comply with the appropriate requirements of the Schedules 3 and 4 as regards any place of work under the contractor's control.

(2) It is the duty of every contractor to comply with those requirements of Schedules 3 and 4 which apply whenever required by the features of the construction site, the activity, the circumstances or a hazard at the site.

(3) It is the duty of every contractor to facilitate the performance by the site safety representative of his or her functions conferred by Regulation 7.

(4) It is the duty of every contractor or other person under whose direct control persons to whom Schedule 5 refers work on a construction site to ensure that those persons have received the safety awareness specified in that Schedule and have been issued with a current registration card in the form specified in that Schedule.

(5) It is the duty of every contractor or other such person to ensure that current registration cards issued in accordance with paragraph (4) are returned to the person to which the card refers.

(6) It is the duty of every contractor or other such person to ensure that any person under their direct control on a construction site who engages in any of the tasks specified in Schedule 6 has received the training specified in that Schedule and has been issued with a current certificate and an up to date construction skills card in the form specified in that Schedule.

(7) It is the duty of every contractor or other such person to ensure that current construction skills cards issued in accordance with paragraph (6) are returned to the person to whom the card refers.

(8) It is the duty of every contractor or other such person to furnish to the project supervisor for the construction stage, in respect of any person under their direct control on a construction site to whom paragraphs (4) and (6) apply, on the date upon which each such person first starts work on that site, written confirmation that the person concerned is in possession of any registration cards required under Regulation 6(7) and (8) together with any other relevant certificates and documentation required under the Principal Regulations.

(9) It is the duty of every contractor to ensure that any person under their direct control, to whom Regulation 56 applies, on a construction site has undertaken a specific site safety induction programme.

### **Appointment of safety officers**

10. (1) It is the duty of every contractor who normally has more than 20 persons under his or her direct control at any one time on a construction site or normally more than 30 persons under his or her direct control at any one time engaged in construction work, taking account of the provisions of Section 18 of the Act to appoint in writing one or more persons as a safety officer to undertake the following duties:



- (a) to advise the contractor as to the observance of the requirements of the relevant statutory provisions, and
- (b) to exercise a general supervision of the observance of the aforesaid requirements and the promotion of the safe conduct of work generally.

(2) Only a person competent to undertake the above duties shall be appointed under this Regulation.

(3) The duties assigned to any person appointed under paragraph (1), including any duties other than those mentioned in paragraph (1), shall not be such as to prevent that person from discharging with reasonable efficiency duties assigned to him or her under that paragraph.

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

### **Erection and installation of plant or equipment**

11. It is the duty of every contractor who -

- (a) erects, installs, modifies, works or uses any plant or equipment to which any of the provisions of these Regulations applies to erect, install, modify, work or use any such plant or equipment in a manner which complies with those provisions, and
- (b) erects or alters any scaffold to comply with the requirements of these Regulations having regard to the purpose or purposes for which the scaffold is designed at the time of erection or alteration.

### **Information**

12. It is the duty of every contractor in providing information to his or her employees or safety representative (or both) as required under Section 9 of the Act to ensure that such information includes information on the measures to be taken concerning their safety and health on the construction site and that such information is comprehensible to the employees concerned.

### **Consultation**

13. It is the duty of every contractor to ensure consultation with his or her employees or their safety representative (or both) in relation to the requirements of these Regulations in accordance with the provisions of Section 26 of the Act, taking account of the need, whenever necessary, for co-ordination between employees or the safety representatives of the different contractors on the construction site.

## **Duties of employees and other persons at work**

14. (1) Without prejudice to the provisions of Section 13 of the Act, it is the duty of every person at work –

(a) to comply with these Regulations and to co-operate in carrying out the requirements of these Regulations and if that person discovers any defect in the plant or equipment to which these Regulations apply and which might endanger safety, health and welfare, to report such defect without unreasonable delay to the employer or immediate supervisor of that person or the contractor responsible for the plant or equipment,

(b) to comply with any rules in the safety and health plan,

(c) to make proper use of any safety helmet, harness or any other personal protective equipment provided for that person's safety and health,

(d) to make proper use of any work equipment supplied,

(e) to accept reasonable offers of assessment and safety awareness and training specified in Schedules 5 and 6 to these Regulations, without loss of remuneration, made by his or her employer, and

(f) when requested by their employer or the project supervisor appointed for the construction stage, to show relevant registration or construction skills cards referred to in Regulation 9(4) and (6).

(2) A person shall not -

(a) in applying for a certificate or registration card, as specified in Schedules 5 and 6, make a statement which he or she knows to be false,

(b) with intent to deceive, forge or alter a certificate or registration card, or

(c) with intent to deceive, make or possess any document closely resembling a certificate or registration card.

## PART 4 SAFETY OF WORKPLACES

### **General**

15. (1) All appropriate precautions shall be taken to ensure that all workplaces are safe and without risk of injury to the safety and health of persons at work taking into account the requirements of Schedules 3 and 4.

(2) Safe means of access to and egress from all workplaces shall be provided and maintained, and indicated where appropriate.

(3) Appropriate precautions shall be taken to protect persons present at or in the vicinity of a construction site from risks which may arise from such site.

### **Protection from falling material**

16. (1) (a) Adequate measures shall be taken to prevent persons at work from being struck by any falling material or article.
- (b) Wherever technically feasible, persons shall be protected by collective methods against falling objects.
- (c) Materials and equipment shall be laid out or stacked in such a way as to prevent their collapsing or overturning.
- (d) Where necessary, there shall be covered passageways on the site or access to danger areas shall be prevented.

(2) Every person carrying out construction work shall be provided with a suitable safety helmet or other suitable head protection unless there is no foreseeable risk of injury to the head other than by falling.

(3) Every protective helmet provided pursuant to this Regulation shall be marked with a distinguishing mark which shall be used to identify it in relation to the person to whom it has been issued and the helmet shall not be issued to any other person unless and until it has been cleaned and disinfected.

- (4) (a) Scaffold materials, tools, other objects or material, including waste material, shall not be thrown, or shot down from a height where they are liable to cause injury, and where practicable shall be properly lowered.
- (b) Where proper lowering is not practicable or where any part of a building or other structure is being demolished or removed adequate steps shall be taken to protect persons at work from falling or flying debris.

### **Lighting of work places**

17. Every place at which persons are at work and the approach thereto and, in particular, every such place where raising or lowering operations with the use of a lifting appliance are in progress and all openings dangerous to persons at work shall be adequately and suitably lighted.

### **Projecting nails and loose material**

18. No timber or material with projecting nails shall be used in any work to which these Regulations apply if such timber or material is a source of danger to persons at work nor shall

such timber or materials be allowed to remain in any place where they are a source of danger to such persons.

### **Construction of temporary structures**

19. Any temporary structure erected for the purpose of construction work, shall, having regard to the purpose for which it is used, be of good construction and adequate strength and stability and shall be of sound material, free from patent defect and properly maintained.

### **Avoidance of danger from collapse of structure**

20. (1) Metal or concrete frameworks and their components, shutterings, prefabricated components or temporary supports, and buttresses shall be erected and dismantled only under the supervision of a competent person.

(2) All practicable precautions shall be taken by the use of temporary guys, stays, supports and fixings or otherwise where necessary to prevent danger to any person at work through the collapse of any part of a building or other structure during any temporary state of weakness or instability of the building or structure or part thereof before the whole building or structure is completed.

(3) Any guys, stays, supports, fixings or other devices provided under paragraph (2) shall be designed, installed and maintained so as to safely withstand any strains and stresses which may be placed on them.

(4) Where any work is carried on which is likely to reduce the security or stability of any part of an existing building or structure or of a building or structure in course of construction, all practicable precautions shall be taken by shoring or otherwise to prevent danger to any person at work from the collapse of the building or structure or the fall of any part thereof.

## PART 5 EXCAVATIONS, SHAFTS, EARTHWORKS, UNDERGROUND WORKS AND TUNNELS

### **General**

21. (1) Adequate precautions shall be taken in any excavation, shaft, earthwork, underground works or tunnel to -

- (a) guard against danger to persons at work from a fall or dislodgement of earth, rock or other material by suitable shoring or otherwise,
- (b) guard against dangers arising from the fall of materials or objects or the inrush of water into the excavation, shaft, earthworks, underground works or tunnel,
- (c) secure adequate ventilation at all workplaces so as to maintain an atmosphere fit for respiration and to limit any fumes, gases, vapours,

dust or other impurities to levels which are not dangerous or injurious to health,

- (d) enable persons at work to reach safety in the event of fire or an inrush of water or materials,
- (e) avoid risk to persons at work arising from possible underground dangers such as underground cables or other distribution systems, the circulation of fluids or the presence of pockets of gas, by undertaking appropriate investigations to locate them before excavation begins,
- (f) ensure that a safe means of access to and egress from each work place is provided.

(2) Paragraph (1)(a) does not apply to any excavation, shaft or earthwork where, having regard to the nature and slope of the sides of the excavation, shaft or earthwork and other circumstances, a fall or dislodgement of earth or other material which would bury or trap a person from a height of more than 1.25 metres is not liable to occur.

(3) Where a person is engaged in shoring or other work which is being carried out for the purpose of compliance with paragraph (1) (a) appropriate precautions shall, as far as circumstances permit, be taken to ensure his or her safety.

### **Inspection and examination**

22. (1) Subject to paragraph (4), every part of any excavation, shaft, earthwork, underground works or tunnel where persons are at work shall be inspected by a competent person at least once in every day during which persons are at work therein; and the face of every tunnel and the working end of every trench more than 2.00 metres deep and the base and crown of every shaft shall be inspected by a competent person at the commencement of every shift.

(2) Subject to paragraph (4), a person shall not be permitted to work in any excavation, shaft, earthwork, underground work or tunnel unless a thorough examination has been carried out by a competent person -

- (a) of those parts thereof, and in particular any shoring or other support, in the region of a blast after explosives have been used in or near the excavation, shaft, earthwork, underground work or tunnel in a manner likely to have affected the strength or stability of that shoring or other support of any part thereof;
- (b) of those parts thereof in the region of any shoring or other support of any part thereof that has been substantially damaged and in the region of any unexpected fall of rock or earth or other material; and
- (c) of every part thereof within the immediately preceding seven days.

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

(4) This Regulation does not apply -

- (a) to any excavation, shaft or earthwork where, having regard to the nature and slope of the sides of the excavation, shaft or earthwork and other circumstances, a fall or dislodgement of earth or other material which would bury or trap a person or which would strike a person from a height of more than 1.25 metres is not likely to occur, or
- (b) in relation to persons carrying out inspections or examinations required by this regulation or engaged in shoring or other work for the purpose of making a place safe, if appropriate precautions are taken to ensure their safety as far as circumstances permit.

### **Supervision and execution of shoring and other work**

23. (1) Shoring or other support for any part of an excavation, shaft, earthwork, underground work or tunnel shall not be erected or be substantially added to, altered or dismantled except under the direction of a competent person and so far as practicable by persons possessing adequate experience of such work and all material for any such work shall be inspected by a competent person on each occasion before being taken into use and material found defective in any respect shall not be used.

(2) Shoring or other support for any part of an excavation, shaft, earthwork, underground work or tunnel shall be of good construction, sound material, free from patent defect and of adequate strength for the purpose for which it is used and shall be properly maintained.

(3) All struts and braces in any excavation, shaft, earthwork, underground work or tunnel shall be properly and adequately secured so as to prevent their accidental displacement or fall.

### **Excavations etc. likely to reduce security of a structure**

24. An excavation, shaft, earthwork, underground work or tunnel which is likely to reduce, so as to endanger any employee or other person at work, the security or stability of any part of any structure, whether temporary or permanent, shall not be commenced or continued unless adequate steps are taken both before and during the progress of the work, to prevent danger to any such person from collapse of the structure or the fall of any part thereof.

### **Fencing of excavations, etc.**

25. (1) Every accessible part of an excavation, shaft, pit or opening in the ground near to which persons are working and into or down which a person is liable to fall a distance of more than 2 metres shall either have a suitable barrier placed as close as is practicable to the edge or be securely covered.

(2) Paragraph (1) does not apply to any part of an excavation, shaft, pit or opening while, and to the extent to which, the absence of such barrier and covering is necessary for the access of persons or for the movement of plant or equipment or materials or while, and to the extent to which, it has not up to then been practicable to erect such barrier or covering since the formation of that part of the excavation, shaft, pit or opening.

#### **Safeguarding edges of excavations, etc.**

26. (1) Material shall not be placed or stacked near the edge of any excavation, shaft, pit or opening in the ground so as to endanger persons at work below.

(2) No load, vehicle, or plant or equipment shall be placed or moved near the edge of any excavation, shaft, pit or opening in the ground where it is likely to cause a collapse of the side of the excavation, shaft, pit or opening and thereby endanger any person at work, and if necessary appropriate barriers shall be provided.

### **PART 6 COFFERDAMS AND CAISSONS**

#### **Construction and maintenance**

27. Every cofferdam or caisson and every part thereof shall be of good construction, of suitable and sound material, free from patent defect and of adequate strength and shall be properly maintained.

#### **Means of egress in case of flooding**

28. Every cofferdam or caisson shall be provided with adequate means for each person at work to reach a place of safety in the event of an inrush of water or material.

#### **Supervision of work and inspection of material**

29. (1) No cofferdam or caisson or part thereof shall be constructed or be placed in position or be substantially added to or altered or be dismantled except under the immediate supervision of a competent person and so far as practicable by persons possessing adequate experience of such work.

(2) All material used for the construction or fixing of a cofferdam or caisson shall be inspected by a competent person on each occasion before being taken into such use, and material which is unsuitable or defective in any respect shall not be used.

#### **Inspections and examinations**

30. (1) Subject to paragraph (3), any cofferdam or caisson in which persons are at work shall -

- (a) be inspected by a competent person at least once on every day during which persons are working therein, and

- (b) be thoroughly examined by a competent person -
  - (i) in case explosives have been used in or near the cofferdam or caisson in a manner likely to have affected the strength or stability of the cofferdam or caisson or any part thereof, since the use of the explosives,
  - (ii) in case the cofferdam or caisson has been substantially damaged, since it was so damaged, and
  - (iii) in any other case, at least once within the immediately preceding seven days.

(2) A report of the results of every examination made pursuant to this regulation signed by the person carrying out the examination shall be made on the day of the examination in the prescribed form.

(3) This Regulation does not apply in relation to persons engaged in the construction, placing, repairing or alteration of the cofferdam or caisson or carrying out inspections or examinations required by this Regulation if appropriate precautions are taken to ensure their safety as far as circumstances permit.

## PART 7 COMPRESSED AIR

### **Application of Part 7**

31. In this Part, "pressure" means pressure in kg/cm<sup>2</sup> above atmospheric pressure.

### **General**

32. Where persons are required to work in compressed air -
- (a) appropriate precautions, arrangements and procedures shall be adapted, and
  - (b) the work shall be planned and undertaken only under the supervision of a competent person.

### **Plant and equipment**

33. All plant and equipment, including man-lock and air supply plant, and all parts and fittings thereof provided for use in relation to work in compressed air shall be -

- (a) of good design and construction,



- (b) of sound material and adequate strength,
- (c) free from patent defect,
- (d) properly maintained and used, and
- (e) suitable for the purpose for which it is used.

### **Minimum requirements**

34. Work in compressed air shall be carried out in accordance with the minimum requirements specified in Schedule 8.

## PART 8 EXPLOSIVES

### **Explosives**

35. (1) Explosives for use in construction work shall not be stored, transported, handled or used except by or under the immediate control of a competent person.
- (2) All work involving the handling and use of explosives shall be carried out by competent persons and shall be organised and performed so as to avoid risks to persons at work.
- (3) Suitable measures shall be taken to ensure that when a charge is fired -
- (a) persons at work are in places where, so far as can reasonably be anticipated, they will not be exposed to risk of injury from the explosion or from flying materials, and
  - (b) other persons are not exposed to risk of injury.

## PART 9 DANGEROUS OR UNHEALTHY ATMOSPHERES

### **Health hazards**

36. (1) Where a person at work is liable to be exposed to any chemical, physical or biological hazard to such an extent as is liable to be dangerous to health, appropriate preventive measures shall be taken against such exposure.
- (2) The preventive measures referred to in paragraph (1) shall comprise -
- (a) (i) the replacement of a hazardous substance by a harmless or less hazardous substance wherever possible, or
  - (ii) technical measures applied to the plant, machinery, equipment or process;

or

- (b) where it is not possible to comply with clauses (i) or (ii) of subparagraph (a), other effective measures, including the use of personal protective equipment and protective clothing.

### **Disposal of Waste**

37. Waste shall not be destroyed or otherwise disposed of on a construction site in a manner which is liable to be injurious to health.

### **Internal Combustion Engines or Dangerous Gas**

38. No stationary internal combustion engine shall be used in any enclosed or confined place unless specific provision is made for conducting the exhaust gases from the engine into the open air or the place is adequately ventilated so as to prevent danger to health from such exhaust gases.

## PART 10 WORK ON OR ADJACENT TO WATER

### **Transport by Water**

39. When any person at work is conveyed to or from any place of work on water, proper measures shall be taken to provide for his or her safe transport, and vessels used for this purpose shall be of suitable construction, properly maintained, in the charge of a competent person and not overcrowded or overloaded.

### **Prevention of Drowning**

40. (1) Where, on or adjacent to a construction site, there is water into which a person is, in the course of his or her work, liable to fall with risk of drowning –

- (a) suitable rescue equipment shall be provided and kept in an efficient state and ready for use and measures shall be taken to arrange for the prompt rescue of any such person who is in danger of drowning, and
- (b) personal flotation devices conforming to EN or equivalent standards as appropriate, shall be provided and worn at all times.

(2) Personal flotation devices provided in pursuance of this Regulation shall be properly maintained and be checked before each use, inspected in accordance with the manufacturers instructions, and subjected to a thorough examination every 12 months.

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

(4) Where there is special risk of such a fall from the edge of adjacent land or from a structure adjacent to or above the water, or from a floating stage, secure fencing shall be provided near the edge to prevent such a fall, but such fencing may be removed or remain unerected for the time and to the extent necessary for the access of persons or the movement of materials.

PART 11  
TRANSPORT, EARTHMOVING AND MATERIALS-HANDLING MACHINERY AND  
LOCOMOTIVES

**General**

41. (1) All transport vehicles, earth-moving and materials-handling machinery and locomotives as set out in Schedule 9 shall -

- (a) be of good design and construction taking into account as far as possible ergonomic principles,
- (b) be maintained in good working order,
- (c) be properly used,
- (d) not be operated otherwise than by a competent person who has attained the age of eighteen years but notwithstanding the foregoing operation shall be permissible for the purpose of training by a person who is under the direct supervision of a qualified person for the purpose of training, and
- (e) in circumstances where the operator's visibility is restricted, have auxiliary devices as listed in Schedule 9 installed to improve visibility unless a risk assessment shows that same are not required.

(2) On all construction sites on which transport vehicles, earth-moving or materials-handling machinery or locomotives are used, the project supervisor for the construction stage shall ensure that -

- (a) safe and suitable access ways are provided for them, and
- (b) traffic and pedestrian routes are so organised and controlled, including where appropriate the provision of a traffic and pedestrian management plan, as to secure their safe operation.

**Rails and rail tracks**

42. (1) All rails on which any locomotive, truck or wagon moves shall -

- (a) have an even running surface, be sufficiently and adequately supported and be of adequate section,
- (b) be jointed by fishplates or double chairs,

- (c) be securely fastened to sleepers or bearers,
- (d) be supported on a surface sufficiently firm to prevent undue movement of the rails,
- (e) be laid in straight lines or in curves of such radii that the locomotive, truck or wagon can be moved freely and without danger of derailment, and
- (f) be provided with an adequate stop or buffer on each rail at each end of the track.

(2) All rails and equipment referred to in this Regulation shall be properly maintained, but paragraph (1) (b) and (c) shall not apply if other adequate steps are taken to ensure the proper junction of the rails, and to prevent any material variation in their gauge.

### **Clearance**

43. (1) In connection with the erection, installation, working or use of any line of rails on which any locomotive, truck or wagon moves, there shall be adequate clearance so that persons are not likely to be crushed or trapped by a locomotive, truck or wagon or any part of a load thereon.

(2) Where it is not practicable to provide clearance in accordance with paragraph (1), such suitable arrangements shall be provided as are necessary to ensure that persons at work are not exposed to unnecessary risks.

### **Riding in insecure positions on vehicles, etc.**

44. No person at work shall ride or be required or permitted to ride on the buffer, running board or other insecure position -

- (a) on any transport vehicle, earthmoving or materials-handling machinery, or
- (b) on any locomotive, truck or wagon,

and shall only ride on the part thereof designed and intended for that purpose.

### **Vehicles near edge of excavations, etc.**

45. Where any vehicle or machinery is used for tipping material into any excavation or shaft or over the edge of any embankment or earthwork or into water, adequate measures shall be taken, where necessary, so as to prevent such vehicle or machinery from overturning or from overrunning the edge of such excavation, shaft, embankment, earthwork or water.

### **Protection of driver**

46. Where appropriate, excavating machinery and materials-handling machinery shall comply with the provisions of any relevant Directive of the European Communities which is applicable as regards the protection of the driver against being crushed -

- (a) if the machine overturns, and
- (b) against falling objects.

## **PART 12 DEMOLITION**

### **Application of Part 12**

47. The requirements of this Part shall apply to the demolition of the whole or any substantial part of a building or other structure.

### **General**

48. When the demolition of any building or structure might present danger to persons at work or others -

- (a) appropriate precautions, methods and written procedures shall be adopted, including those for the disposal of waste or residues, and
- (b) the work shall be planned and undertaken only under the supervision of a competent person.

### **Fire and flooding**

49. Before demolition is commenced and also during the progress of the work, appropriate steps shall be taken to prevent danger to persons at work or others, from -

- (a) risk of fire or explosion through leakage or accumulation of gas or vapour, and
- (b) risk of flooding.

### **Precautions in connection with demolition**

50. (1) No part of a building or other structure where demolition is carried out shall be so overloaded with debris or materials as to render it unsafe to any person any person, whether at work or otherwise.

(2) The following operations shall be carried out only by persons trained and experienced in the kind of work and under the direction of a competent person.

- (a) the actual demolition of a building or other structure or part thereof, except where there is no risk of a collapse of any part of the building or the structure in the course of or as a result of the demolition which would endanger persons at work or otherwise
  - (b) the actual demolition of any part of a building or other structure where there is such a risk of collapse, whether of that or of any part of the building or structure, in the course of or as a result of the said demolition, and
  - (c) the cutting of reinforced or prestressed concrete, steelwork or ironwork forming part of the building or other structure which is being demolished.
- (3) Before any steelwork or ironwork is cut or released, precautions shall be taken to avoid danger from any sudden twist, spring, or collapse.
- (4) Where demolition is being carried out, all appropriate precautions shall be taken to avoid danger from collapse of a building or other structure when any part of the framing is removed from a framed or partly framed building or other structure.
- (5) Before demolition is commenced and also during the progress of the work precautions shall, where necessary, be taken by adequate shoring or otherwise to prevent the accidental collapse of any part of the relevant building or structure or of any adjoining building or structure, the collapse of which may endanger persons any person, whether at work or otherwise, but this requirement shall not apply in relation to any person actually engaged in erecting or placing shoring or other safeguards for the purpose of compliance with this requirement, if appropriate precautions are taken to ensure his or her safety as far as circumstances permit.
- (6) Before demolition is commenced and also during the progress of the work all appropriate steps shall be taken to ensure that there is no danger to persons any person, whether at work or otherwise, from electric cables, gas pipes, water mains, sewers or other underground watercourses.
- (7) Appropriate steps shall be taken to suppress, either by water sprays or other means, any dust generated during the process of demolition.

## PART 13

### MISCELLANEOUS

#### **Installations, machinery and equipment**

51. All installations, machinery and equipment, including hand tools whether power-operated or not, shall be -

- (a) properly designed and constructed, taking account, as far as possible, of the principles of ergonomics,

- (b) maintained in proper working order,
- (c) used only for the work for which they were designed, and
- (d) operated by persons who have received appropriate training.

#### Wet paint or cement wash on ironwork or steelwork

52. (1) No ironwork or steelwork which has been painted or cement-washed shall be moved or manipulated on a site unless all the paint or wash on it, other than paint for the purpose of jointing, is dry, and no person shall walk or work or be required or permitted to walk or work on erected iron or steel work on which the paint, other than paint for the purpose of jointing, or cement wash is wet.

(2) The requirement of this Regulation as to moving or manipulating shall not apply to moving or manipulating in connection with the painting or cement washing of ironwork or steelwork on a site.

#### **Helmets or Crowns for Pile Driving**

53. Every helmet or crown used in connection with pile driving shall be of good construction, of sound and suitable material, of adequate strength and free from patent defect.

#### **Keeping of records**

54. (1) Subject to paragraph (2), the reports, certificates and other documents required by these Regulations shall be kept on the site to which they are relevant, but when no relevant works are being carried out on such site they shall be kept at an appropriate office of –

- (a) the contractor for whom the report was made or the certificate or document was obtained, or
- (b) the owner of the plant or equipment to which the certificate relates.

(2) In the case of a site where a contractor has reasonable grounds for believing that the work will be completed in a period of less than 30 working days, the reports, certificates and other documents referred to in paragraph (1) may, in lieu of being kept at that site, be kept at an appropriate office of the contractor.

(3) All reports, certificates and other documents required by these Regulations shall at all reasonable times be open to inspection by an inspector, and the person having custody of any such report, certificate or other document shall forthwith 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 or her duties under the Act.

(4) Subject to paragraph (5), where under these Regulations records, reports, certificates or other documents are required to be made and kept it shall be sufficient compliance with such requirement if the individual making the examination enters his or her record, report, certificate or other document in the prescribed form in a computer and duly

authenticates it as soon as practicable after completing the examination, and it shall be sufficient compliance with such requirement if such records, reports, certificates and other documents is are kept by the person concerned in a computer.

(5) Wherever under these Regulations records, reports, certificates and other documentation documents are required to be made and kept by designers it shall be sufficient compliance with such requirement if the records, reports and other documentation documents are kept in a computer.

## **Revocations**

55. The Safety, Health and Welfare at Work (Construction) Regulations 2001 (S.I. No 481 of 2001), other than Regulations 51 to 123, and Regulation 4 insofar as it applies to a project supervisor for the design stage appointed, in writing, in accordance with the Safety, Health and Welfare at Work (Construction) Regulations 2001 (S.I. No 481 of 2001),

## **PART 14**

### **APPLICATION**

#### **Application**

56. (1) Subject to paragraphs (2) and (3), these Regulations apply to and in relation to construction work.

(2) Subject to Paragraph (3), Regulations 6(4), (5), and (7) and 7(1)(a) do not apply to or in relation to construction work included in any single project to which Regulation 8(1) does not apply.

(3) These Regulations apply to and in relation to the demolition or dismantling of a structure.

(4) Subject to paragraph (5), Schedule 5 is applicable to craft and general construction workers as well as to persons undertaking on-site security work.

(5) Schedule 5 does not apply to workers involved in the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunication systems, computer systems, or similar services where such person is normally domiciled outside the State and whose normal place of employment is outside the State where such person has not been working on the project for a period in excess of 20 working days in any 12 month period. Such person shall be in possession of a letter in the English language from the relevant employer describing the work to be undertaken, the competence of the person to undertake that work and stating the start date and the anticipated completion date.

(6) Regulation 9(2)(e) shall apply to all new vehicles listed in Schedule 9 from 1 June 2006 and for all vehicles listed in Schedule 9 from 1 January 2008, unless having regard to the operating circumstances of the vehicles, it is appropriate to fit the auxiliary devices prior to that date.





## SCHEDULE 1

Regulations 4, 5 and 6

**NON-EXHAUSTIVE LIST OF WORK INVOLVING PARTICULAR RISKS TO THE SAFETY AND HEALTH OF PERSONS AT WORK**

1. Work which puts persons at work at risk of burial under earthfalls, engulfment in swampland or falling from a height, where the risk is particularly aggravated by the nature of the work or processes used or by the environment at the place of work or site.
2. Work which puts persons at work at risk from chemical or biological substances constituting a particular danger to the safety and health of such persons or involving a legal requirement for health monitoring.
3. Work with ionising radiation requiring the designation of controlled or supervised areas as defined in Article 20 of Directive 80/836/Euratom.
4. Work near high voltage power lines.
5. Work exposing persons at work to the risk of drowning.
6. Work on wells, underground earthworks and tunnels.
7. Work carried out by divers at work having a system of air supply.
8. Work carried out in a caisson with a compressed-air atmosphere.
9. Work involving the use of explosives.
10. Work involving the assembly or dismantling of heavy prefabricated components.

## SCHEDULE 2

Regulations 6 and 9

**REQUIREMENTS TO BE APPLIED AS REGARDS THE GENERAL PRINCIPLES OF PREVENTION**

1. keeping the construction site in good order and in a satisfactory state of cleanliness;
2. choosing the location of workstations bearing in mind how access to these workplaces is obtained, and determining routes or areas for the passage and movement of equipment;
3. the conditions under which various materials are handled;
4. technical maintenance, pre-commissioning checks and regular checks on installations and equipment with a view to correcting any faults which might affect the safety and health of persons at work;
5. the demarcation and laying-out of areas for the storage of various materials, in particular where dangerous materials or substances are concerned;
6. the conditions under which the dangerous materials used are removed;
7. the storage and disposal or removal of waste and debris;
8. the adaptation, based on progress made with the site, of the actual period to be allocated for the various types of work or work stages;
9. co-operation between employers and self-employed persons;
10. interaction with industrial activities at the place within which or in the vicinity of which the construction site is located.

## SCHEDULE 3

Regulations 6, 9 and 15

**MINIMUM SAFETY AND HEALTH REQUIREMENTS FOR CONSTRUCTION SITES****Stability and solidity**

1. (1) Materials, equipment and, more generally, any component which, when moving in any way, may affect the safety and health of persons at work shall be stabilised in an appropriate and safe manner.

(2) Access to any surface involving insufficiently resistant materials shall not be authorised unless appropriate equipment or means are provided to enable the work to be carried out safely.

(3) High-level or low-level movable or fixed outdoor workstations shall be solid and stable, taking account of the -

- (a) number of persons occupying them,
- (b) maximum loads they may have to bear and the weight distribution,
- (c) outside influences to which they may be subject.

If the support and the other components of these workstations are not intrinsically stable, their stability shall be ensured by appropriate and safe methods of fixing to avoid any untimely or spontaneous movement of the whole or of parts of the workstations.

Stability and solidity shall be checked appropriately and especially after any change in the height or depth of the workstation.

**Energy distribution installations**

2. (1) The installations shall be designed, constructed and used so as not to present a fire or explosion hazard; persons at work shall be adequately protected against the risk of electrocution caused by direct or indirect contact.

(2) The design, construction and choice of equipment and protection devices shall take account of the type and power of the energy distributed, external conditions and the competence of persons with access to parts of the installation.

(3) On-site outdoor energy distribution installations, especially those subject to outside influences, shall be regularly checked and maintained.

(4) Outdoor installations existing before the site began shall be identified, checked and clearly signposted.

(5) Whenever possible, where overhead power lines exist, they shall either be redirected away from the area of the site or else the current shall be cut off.

If this is not possible, there shall be barriers or notices as appropriate to ensure that vehicles and installations are kept away.

Suitable warnings and suspended protections shall be provided where vehicles have to pass beneath the lines.

### **Emergency routes and exits**

3. The following requirements shall apply without prejudice to the Fire Services Act 1981 (No. 30 of 1981) or other relevant legislation.

- (1) Emergency routes and exits shall remain clear and lead as directly as possible to a safe area.
- (2) In the event of danger, it shall be possible for persons to evacuate all workstations quickly and as safely as possible.
- (3) The number, distribution and dimensions of emergency routes and exits depend on the use, equipment and dimensions of the site and of the rooms and the maximum number of persons that may be present.
- (4) Specific emergency routes and exits shall be indicated by signs in accordance with the Safety, Health and Welfare at Work (Signs) Regulations 1995 (S.I. No. 132 of 1995).
- (5) Emergency routes and exits, and the traffic routes and doors giving access to them, shall be free from obstruction so that they can be used at any time without hindrance.
- (6) Emergency routes and exits requiring illumination shall be provided with emergency lighting of adequate intensity in case the lighting fails.

### **Fire detection and fire fighting**

4. The following requirements shall apply without prejudice to the Fire Services Act 1981 (No. 30 of 1981) or other relevant legislation.

- (1) Depending of the characteristics of the site, the dimensions and use of rooms, the on-site equipment, the physical and chemical properties of the substances present and the maximum potential number of persons at work present, an adequate number of appropriate fire-fighting devices and, where required, fire detectors and alarm systems shall be provided.
- (2) These fire-fighting devices, fire detectors and alarm systems shall be regularly checked and properly maintained. Appropriate tests and drills shall take place at regular intervals.
- (3) Non-automatic fire-fighting equipment shall be easily accessible and easy to use.

The equipment must be indicated by signs in accordance with the Safety, Health and Welfare at Work (Signs) Regulations 1995 (S.I. No. 132 of 1995).

### **Atmospheric influences**

5. Persons working outdoors shall be protected against atmospheric influences which could affect their health and safety.

### **Ventilation**

6. Steps shall be taken to ensure that there is sufficient fresh air, having regard to the working methods used and the physical demands placed on the persons at work.

If a forced ventilation system is used, it shall be maintained in working order and shall not expose persons at work to draughts which are harmful to health.

Any breakdown shall be indicated by a control system where this is necessary for the health of persons at work.

**Temperature**

7. During working hours, the temperature shall be appropriate for human beings, having regard to the working methods used and the physical demands placed on the persons at work.

**Natural and artificial lighting of workstations, rooms and traffic routes on the site**

8. (1) Workstations, rooms and traffic routes shall as far as possible have sufficient natural lighting and be provided with appropriate and sufficient artificial lighting at night and when natural daylight is inadequate; where necessary, portable light sources that are protected against impact shall be used.

The colour of artificial light used shall not alter or affect the perception of signals or signposts.

(2) Lighting installations for rooms, workstations and traffic routes shall be placed in such a way that there is no risk of accidents to persons at work as a result of the type of lighting fitted.

(3) Rooms, workstations and traffic routes where persons at work are especially exposed to risks in the event of failure of artificial lighting shall be provided with emergency lighting of adequate intensity.

**Doors and gates**

9. (1) Sliding doors shall be fitted with safety devices to prevent them from being derailed and falling over.

(2) Doors and gates opening upwards shall be fitted with a mechanism to secure them against falling back.

(3) Doors and gates along escape routes shall be appropriately marked.

(4) In the immediate vicinity of gates intended primarily for vehicle traffic, there shall be doors for pedestrian traffic unless it is safe for pedestrians to cross and such doors shall be clearly marked and kept free at all times.

(5) Mechanical doors and gates shall operate without any risk of accident to persons at work.

Doors and gates shall be fitted with stop devices which are easily identifiable and accessible and, unless they open automatically in the event of a power-cut, it shall be possible for them to be opened manually.

**Traffic routes—danger areas**

10. (1) Traffic routes, including stairs, fixed ladders and loading bays and ramps, shall be designed, located, laid out and made negotiable to ensure easy, safe and appropriate access in such a way as not to endanger persons working in the vicinity of these traffic routes.

(2) Routes used for pedestrian traffic and/or goods traffic including those used for loading and unloading shall be dimensioned in accordance with the number of potential users and the type of activity concerned.

If means of transport are used on traffic routes, a sufficient safety clearance or adequate protective devices shall be provided for other site users.

Routes shall be clearly marked, regularly checked and properly maintained.

(3) Sufficient clearance shall be allowed between vehicle traffic routes and doors, gates, passages for pedestrians, corridors and staircases.

(4) If the site includes limited access areas, these shall be equipped with devices to prevent persons at work who are not authorised to enter such areas from entering.

Appropriate measures shall be taken to protect persons who are authorised to enter the danger areas. Danger areas shall be clearly signposted.

### **Loading bays and ramps**

11. (1) Loading bays and ramps shall be suitable for the dimensions of the loads to be transported.
- (2) Loading bays shall have at least one exit point.
- (3) Loading ramps shall be sufficiently safe to prevent persons at work from falling off.

### **Freedom of movement at the workstation**

12. The floor area at the workstation must be such as to allow persons sufficient freedom of movement to perform their work, taking account of any necessary equipment or appliances present.

### **Welfare facilities**

#### **13. (1) Shelters and accommodation for clothing and for taking meals**

- (a) Subject to clauses (b) and (c), there shall be provided at or in the immediate vicinity of every site for the use of persons at work and conveniently accessible to them -
  - (i) adequate and suitable enclosed accommodation for taking shelter during interruptions of work owing to bad weather and for depositing clothing not worn during working hours, being accommodation containing -
    - (I) where there are more than five persons at work on a site, adequate and suitable means of enabling such persons to warm themselves and to dry wet clothing, or
    - (II) where there are five persons or less at work on a site, such arrangements as are practicable for enabling persons to warm themselves and for drying wet clothing,
  - (ii) adequate and suitable accommodation for the deposit of protective clothing used for work and kept, when not in use, at or in the immediate vicinity of the site, with such arrangements as are practicable for drying such clothing if it becomes wet,
  - (iii) adequate and suitable accommodation affording protection from the weather and including sufficient tables with impermeable surfaces and seats with backs, for taking meals,
  - (iv) facilities for boiling water and, where there are more than five persons at work on a site and heated food is not otherwise available on the site, adequate facilities for heating food, and
  - (v) an adequate supply of wholesome drinking water and possibly [?] another suitable non-alcoholic beverage, at a convenient point or convenient points.

- (b) For the purpose of subclause (a)(iii), in determining whether accommodation of any kind provided in pursuance of that subclause at any time and place is adequate, regard shall be had to the number of the persons at work who appear to be likely to use such accommodation at that time and place.
- (c) For the purpose of clause (a), in determining whether accommodation is conveniently accessible account shall be taken of any transport provided by the relevant contractor for the persons at work.
- (d) All accommodation provided in pursuance of clause (a) shall be properly ventilated, adequately lighted, kept in a clean, hygienic and orderly condition and shall not be used for the deposit or storage of building materials or plant.

**(2) Changing rooms and lockers**

- (a) Appropriate changing rooms shall be provided for persons at work if they have to wear special work clothes and if, for reasons of health or propriety, they cannot be expected to change in another area. Changing rooms shall be easily accessible, be of sufficient capacity and be provided with seating.
- (b) If circumstances so require where work clothes are likely to be contaminated by dangerous substances, atmospheric conditions or the conditions of the workplace, facilities shall be provided to enable working clothes to be kept in a place separate from personal clothing and effects.
- (c) Provisions shall be made for separate changing rooms or separate use of changing rooms for men and women.
- (d) If changing rooms are not required as referred to in clause (a), every person at work shall be provided with a place to lock away his or her own clothes and personal effects.

**(3) Washing facilities**

- (a) Adequate and suitable facilities for washing appropriate to the numbers of persons at work and the nature and duration of the work shall be provided at every construction site.
- (b) Subject to clause (d), where there are reasonable grounds for believing that the work to be undertaken on the site will not be completed within 30 working days from commencement, suitable facilities for washing shall be provided for such persons which shall include -
  - (i) adequate troughs or basins having in every case a smooth impervious internal surface,
  - (ii) adequate and suitable means of cleaning and drying, being either soap and towels or other means, as the case may require, and
  - (iii) a sufficient supply of hot and cold or warm running water.
- (c) Subject to clause (d), where there are more than one hundred persons at work on a site and there are reasonable grounds for believing that the work to be undertaken on the site will



not be completed within twelve months from commencement, in lieu of providing troughs or basins mentioned in clause (b)(i) washbasins shall be provided on the following scale, that is to say, six with the addition of one for every unit of twenty persons at work by which the number of persons exceeds one hundred, any fraction of a unit of twenty persons being treated as one.

- (d) In any case where persons are at work on a site in a process in which a dangerous substance is used the relevant contractor shall provide nail brushes and clause (b)(i) or (c), as may be appropriate, shall as regards the particular case be construed as requiring the provision of one trough or basin, or washbasin, as may be appropriate, for every five persons at work.
  - (e) Washing facilities provided shall be conveniently accessible from the accommodation for taking meals and shall be adequately lighted, properly ventilated and kept in a clean and orderly condition.
  - (f) Provision must be made for separate washbasins, or separate use of washbasins for men and women when so required for reasons of propriety.
  - (g) Suitable showers in sufficient numbers shall be provided for persons at work if required by the nature of the work or for health reasons. Provision shall be made for separate shower rooms or separate use of shower rooms for men and women.
  - (h) The shower rooms shall be sufficiently large to permit each person to wash without hindrance in conditions of an appropriate standard of hygiene. Such showers shall be equipped with hot and cold running water.
  - (i) Where the rooms housing the showers or washbasins are separate from the changing rooms, there shall be easy communication between the two.
- (4) **Sanitary conveniences**
- (a) Subject to clause (b), at least one suitable sanitary convenience shall be provided, not being a convenience suitable only as an urinal, for every 20 persons at work on a site.
  - (b) Where practicable, all sanitary conveniences shall discharge into a main sewer. Where there are more than 100 persons at work on a site, and sufficient urinal accommodation is also provided it shall suffice if there is one such convenience as aforesaid for every 25 persons at work on the site up to the first 100 and one for every 35 persons thereafter.
  - (c) In calculating the number of conveniences required by this subparagraph, any number of persons less than 20 or 30, as may be appropriate, shall be reckoned as 20 or 30, and any number which is not a multiple of 20 or 30, as may be appropriate, shall be regarded as being the nearest lower number which is a multiple of 20 or 30.
  - (d) Every sanitary convenience required to be provided shall be sufficiently ventilated and shall not communicate with any workroom or messroom except through the open air or through an intervening ventilated space.
  - (e) Every sanitary convenience shall be under cover and so partitioned off as to secure privacy and every sanitary convenience, other than a convenience suitable only as a urinal, shall have a proper door and fastening.

- (f) The sanitary conveniences shall be so arranged as to be conveniently accessible to persons at work at all times while they are at the site and shall where practicable be convenient to the washing facilities.
- (g) Provision shall be made for separate sanitary conveniences or separate use of sanitary conveniences for men and women.
- (h) Every sanitary convenience shall be maintained in a clean and hygienic condition.

#### **Accommodation areas**

14. (1) Fixed accommodation areas, unless used only in exceptional cases, shall have sufficient sanitary equipment, a rest room and a leisure room.

Such areas shall be equipped with beds, cupboards, tables and seats with backs, taking account of the number of persons at work, and be allocated taking account, where appropriate, of the presence of persons of both sexes.

(2) Appropriate measures shall be taken for the protection of non-smokers against discomfort caused by tobacco smoke in rest rooms and accommodation areas (or both).

#### **Safe access to places where facilities are provided**

15. Safe means of access and egress shall be provided and maintained to and from every place at which any of such facilities provided [this appears to be intended to refer to all of the facilities provided under Schedule 13/ paragraphs (13) and (14); the wording should be more precise] is situated and every such place shall be made safe and kept safe for persons using such facilities.

#### **Pregnant Women and Nursing Mothers**

16. Pregnant women and nursing mothers at work shall be able to lie down to rest in appropriate conditions.

#### **Handicapped Workers**

17. Workplaces shall, where necessary, be organised to take account of handicapped persons at work.

This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and work-stations used or occupied directly by handicapped persons at work.

#### **Miscellaneous Provisions**

18. The surroundings and the perimeter of the site shall be signposted and laid out so as to be clearly visible and identifiable.

## SCHEDULE 4

Regulations 6, 9 and 15

**MINIMUM REQUIREMENTS FOR ON-SITE INDOOR WORKSTATIONS****Stability and solidity**

1. Premises shall have a structure and stability appropriate to the nature of their use.

**Emergency doors**

2. Emergency doors shall open outwards.

Emergency doors shall not be so locked or fastened that they cannot be easily and immediately opened by any person at work who may require to use them in an emergency.

Sliding or revolving doors are not permitted if intended as emergency exits.

**Ventilation**

3. If air conditioning or mechanical ventilation installations are used, they shall operate in such a way that persons at work are not exposed to draughts which cause discomfort.

Any deposit or dirt likely to create an immediate danger to the health of persons at work by polluting the atmosphere shall be removed without delay.

**Temperature**

4. (1) The temperature in rest areas, rooms for duty staff, sanitary facilities, canteens and first-aid rooms shall be appropriate to the particular purpose of such areas.

(2) Windows, skylights and glass partitions shall allow excessive effects of sunlight to be avoided, having regard to the nature of the work and use of the room.

**Natural and artificial lighting**

5. Workplaces shall as far as possible have sufficient natural light and be equipped with the means of providing artificial lighting which is adequate for the purposes of protecting the safety and health of persons at work.

**Floors, walls, ceilings and roofs of rooms**

6. (1) The floors of workplaces shall have no dangerous bumps, holes or slopes and shall be fixed, stable and not slippery.

(2) The surfaces of floors, walls and ceilings in rooms shall be such that they can be cleaned or refurbished to an appropriate standard of hygiene.

(3) Transparent or translucent walls, in particular all-glass partitions, in rooms or in the vicinity of workplaces and traffic routes shall be clearly indicated and made of safety material or be shielded from such places or traffic routes to prevent persons at work from coming into contact with walls or being injured should the walls shatter.

**Windows and skylights**

7. (1) It shall be possible for persons at work to open, close, adjust or secure windows, skylights and ventilators in a safe manner.

When open, they shall not be positioned so as to constitute a hazard to persons at work.

(2) Windows and skylights shall be designed in conjunction with equipment or otherwise fitted with devices allowing them to be cleaned without risk to the persons carrying out this work or to other persons present.

#### **Doors and gates**

8. (1) The position, number and dimensions of doors and gates, and the materials used in their construction, shall be determined by the nature and use of the rooms or areas.

(2) Transparent doors shall be appropriately marked at a conspicuous level.

(3) Swing doors and gates shall be transparent or have see-through panels.

(4) If transparent or translucent surfaces in doors and gates are not made of safety material and if there is a danger that persons at work may be injured if a door or gate should shatter, the surfaces shall be protected against breakage.

#### **Traffic routes**

9. Where the use and equipment of rooms so requires for the protection of persons at work, traffic routes shall be clearly identified.

#### **Specific measures for escalators and travelators**

10. Escalators and travelators shall function safely, be equipped with any necessary safety devices and with easily identifiable and accessible emergency shut-down devices.

#### **Room dimensions and air space in rooms**

11. Workrooms shall have sufficient surface area and height to allow persons to perform their work without risk to their safety, health or well-being.

## SCHEDULE 5

Regulations 6, 9, 14 and 56

**SAFE PASS PROGRAMME**

1. Requirements under Regulations 6, 9 and 14 are successful completion of :
  - (a) the FÁS Safe Pass safety awareness programme, or
  - (b) an equivalent Safe Pass safety awareness programme approved by the Health & Safety Authority
  - (c) an equivalent Safe Pass programme given by such other body as may be approved by the Health and Safety Authority to give such a programme.
  
2. The FÁS registration card shall bear the name and logo of An Foras Áiseanna Saothair, the registration number, card expiry date, FÁS contact details, the name of the holder and a photograph of the holder.
  
3. Registration cards issued by other bodies including recognised bodies in another jurisdiction shall bear the name of the body concerned, the registration number, card expiry date, contact details of the issuing body, the name of the holder and a photograph of the holder.

## SCHEDULE 6

Regulation 6, 9 and 14

**FETAC ACCREDITED CONSTRUCTION SKILLS CERTIFICATION SCHEME**

1. (1) Regulations 6(8) and 9(6) apply to FETAC registered Construction Skills Certification Scheme training in the following tasks:

- (a) Scaffolding – basic;
- (b) Scaffolding – advanced;
- (c) Tower crane operation;
- (d) Slings/Signalling;
- (e) Telescopic Handler Operation;
- (f) Tractor/Dozer Operation;
- (g) Mobile Crane Operation;
- (h) Crawler Crane operation;
- (i) Articulated dumper operation;
- (j) Site dumper operation;
- (k) 180<sup>o</sup> Excavator operation;
- (l) 360<sup>o</sup> Excavator operation;
- (m) Roof and wall cladding/sheeting;
- (n) Built up roof felting;
- (o) such other tasks as may be prescribed from time to time by the Minister for Enterprise, Trade and Employment and published in *Iris Oifigiúil*.

(2) In order to gain the necessary experience prior to undertaking a programme related to the tasks listed at (a) to (o) above, it shall be permissible for a person to undertake those tasks during the training period required by the programme provided that-

- (a) the person concerned is at all times under the direct supervision of a person who is in possession of the relevant up to date registration card, and
- (b) the person concerned is in possession of a letter from his or her employer stating that he or she is a trainee under supervision and giving the date at which he or she began undertaking this type of work and confirming when the application for training has been made and to whom.

2. The verification requirements for Regulations 6, 9 and 14 are:

- (a) the relevant certificate under the FETAC accredited Construction Skills Certification Scheme and an associated up to date card, with photographic identification, issued by a bona fide course giver,
- (b) an equivalent certificate and associated card issued in another jurisdiction recognised as equivalent in accordance with the Section 8 (2) (h) (i) of the Qualifications (Education & Training) Act 1999 or
- (c) an equivalent certificate and associated card recognised by the Authority as equivalent to a certificate and card issued in accordance with (a) or (b) above for the purposes of these regulations only.

“Scaffolding – basic” in paragraph 1(1)(a) means general scaffolding operations other than those covered by Scaffolding – advanced (Paragraph 1(b)).

“Scaffolding – advanced” in paragraph 1(1)(b) means any or all of the following:

- (a) the erection and dismantling of independent scaffolding,
- (b) the erection and dismantling of sheeted scaffolding,
- (c) the erection and dismantling of scaffolding with a larger number of platforms than recommended in the manufacturer’s instructions or relevant code of practice,
- (d) the erection and dismantling of scaffold loading bays,
- (e) the erection and dismantling of scaffolding with different tie spacing than recommended in the manufacturer’s instructions or relevant code of practice,
- (f) the erection and dismantling of scaffolding under which the public will have access,
- (g) the erection and dismantling of a buttress or truss-out scaffold,
- (h) the erection and dismantling of a saddle and stack scaffold with access tower,
- (i) the method of constructing and loading a cantilever (counterbalance) scaffold,
- (j) the erection and dismantling of scaffolding with work platforms 7 metres or more above the level of the base of the scaffolding, and
- (k) other tasks which may be prescribed from time to time by the Minister for Enterprise Trade and Employment and published in *Iris Oifigiúil*.

#### 4. Registration cards

The Registration card shall bear the name and logo of the training provider, the registration number, card expiry date, training provider contact details, the name of the holder and a photograph of the holder.

## SCHEDULE 7

## Regulation 7

**PROCEDURE FOR SELECTION OF SAFETY REPRESENTATIVES**

The selection of a site safety representative shall proceed as follows:

1. If a site safety representative is elected by the workers on the site at any time after commencement of activities on the site, that person shall be recognised as such by the project supervisor for the construction stage and the particulars noted at paragraph 6 shall be noted in writing by the project supervisor for the construction stage.
2. If a safety representative has previously been selected under section 25 of the Act by the employees of any of the contractors on the construction site the views of all persons at work on the site at the time must be taken into account when confirming that person as site safety representative.
3. If, at the time the number of persons at work on the construction site normally exceeds 20 and there is no site safety representative the project supervisor for the construction stage shall invite all persons working on the site at that time to elect a site safety representative from amongst their number. If those working on the site are unwilling to organise a selection process themselves and request the project supervisor for the construction stage to do so he or she shall organise the election.
4. If a site safety representative is not selected under paragraph (3) the project supervisor for the construction stage shall invite persons working on the construction site or their representatives to nominate persons willing to undertake the role. If more than one name is put forward the project supervisor for the construction stage shall determine which candidate has the most support from all persons employed on the site. The person who has the most support shall be deemed selected.
5. If no site safety representative has been selected under paragraphs (1) to (4), the project supervisor for the construction stage shall nominate a provisional site safety representative. If subsequently a site safety representative is elected by a process involving more than 50 per cent of the persons working on the site at a particular time then that person shall be deemed to be the site safety representative.
6. The project supervisor for the construction stage shall take steps to inform all persons who are at work on the site at the time of the selection and subsequently of the name of the site safety representative. The project supervisor for the construction stage must keep available for inspection by an inspector a record of the name of the site safety representative and details of the selection process.



## SCHEDULE 8

Regulation 34

**MINIMUM REQUIREMENTS FOR WORK IN COMPRESSED AIR****Fitness to work and supervision**

1. (1) Work in compressed air shall be carried out only by persons who have been medically examined and found fit for such work.
- (2) Work in compressed air shall be carried out only when a competent person is present to supervise and take charge of the operations.
- (3) No person shall be permitted to work in compressed air unless properly instructed and informed as to the precautions to be taken in connection with such work.

**Maximum pressure and records**

2. (1) No person shall be subjected to a pressure exceeding 3.5 kg/cm<sup>2</sup> except in emergencies.
- (2) For every shift a record shall be kept showing the time every person spends in the working chamber and the time taken for decompression.

**Medical examinations and first aid**

3. (1) Without prejudice to subparagraph (2), no person shall be permitted to work in compressed air where the air pressure exceeds 1.25 kg/cm<sup>2</sup> unless he or she has been medically examined, by a doctor familiar with compressed air work, within the previous four weeks and certified as being fit for such work.
- (2) Persons who work continuously for more than 10 hours per week in compressed air at a pressure not more than 1.5 kg/cm<sup>2</sup> shall be medically re-examined every two months and if the pressure is more than 1.5 kg/cm<sup>2</sup>, the period between re-examinations shall be assessed by a medical practitioner and a shorter interval shall be deemed appropriate.
- (3) Persons who have been absent from work in compressed air for any period due to illness or for ten days or more for reasons other than illness shall be medically re-examined.
- (4) For every project where persons work in compressed air, a doctor, a nurse, or a trained first-aid attendant, familiar with compressed air work, shall be available at all times.

- (5) When persons work in compressed air at a pressure exceeding 1.25 kg/cm<sup>2</sup> a neighbouring hospital shall be informed of the location of the site and of the name and address of the doctor exercising medical supervision.

### **Identification badge**

4. (1) Every person who works in compressed air at a pressure exceeding 1.25 kg/cm<sup>2</sup> shall be provided with an identification badge to be worn on the body indicating that he or she has worked in compressed air and giving the address of the medical lock at the place of work.
- (2) The identification badge shall state that the wearer, if ill, should be taken to the medical lock and not to a hospital.

### **Compressions and decompressions**

5. (1) Adequate and suitable facilities for remaining on the site after decompression, including shelters with seats shall be provided for persons working in compressed air.
- (2) Any person who has not previously worked in compressed air shall not be subject to compressed air unless accompanied in the man-lock by a person competent to advise as to the appropriate conduct of persons during compression.
- (3) During compression the pressure shall not be raised to more than 0.35 kg/cm<sup>2</sup> until the man-lock attendant has ascertained that no person is complaining of discomfort, and thereafter it should be raised at a rate not exceeding about 0.7 kg/cm<sup>2</sup> per minute.
- (4) If during compression any person is suffering from discomfort, compression should stop and the pressure be gradually reduced.

### **Working chambers**

6. (1) Every working chamber shall be provided with a wet-bulb thermometer.
- (2) Work under pressure when the wet-bulb temperature exceeds 28C shall be restricted unless it is absolutely necessary.
- (3) While any person is in a working chamber, the door between the chamber and a man-lock leading to a lower pressure shall as far as practicable be kept open if the lock is not in use.

### **Medical Locks**

7. (1) Where the pressure in a working chamber ordinarily exceeds 1.25 kg/cm<sup>2</sup>, a suitable medical lock conveniently situated shall be provided solely for the treatment of persons at work in compressed air.

- (2) The medical lock shall have two components so that it can be entered under pressure.
- (3) While any person is at work in compressed air a medical lock shall be in the charge of a suitably qualified person.

### **Man-locks**

8. (1) Every man-lock shall be of adequate internal dimensions and be equipped with the following:
- (a) pressure gauges that indicate to the man-lock attendant the pressure in the man-lock and in each working chamber to which it affords direct or indirect access and indicate to the persons in the man-lock the pressure in it;
  - (b) a clock or clocks so placed that the man-lock attendant and the persons in the man-lock can readily ascertain the time;
  - (c) efficient means of verbal communication between the man-lock attendant, the man-lock and the working chamber or chambers;
  - (d) means of enabling the persons in the man-lock to convey visible or other non-verbal signals to the man-lock attendant; and
  - (e) efficient means enabling the man-lock attendant, from outside the man-lock, to reduce or cut off the supply of compressed air to the man-lock.
- (2) Persons in every man-lock shall not be able to reduce the air pressure except:
- (a) under the control of the man-lock attendant; or
  - (b) in an emergency, by special means that should normally be kept sealed or locked.
- (3) In every man-lock there shall be a suitable notice indicating the precautions to be taken by persons during compression and decompression, and after decompression.
- (4) Every man-lock shall, while any person is in it or in any working chamber to which it affords direct or indirect access, be in the charge of an attendant who should:
- (a) control compression and decompression in the man-lock; and
  - (b) if the pressure exceeds 1.25 kg/cm<sup>2</sup>, keep a register showing:
    - (i) the times at which each person enters and leaves the man-lock;
    - (ii) the pressures at the times of entering and leaving; and
    - (iii) the times taken to decompress each person.

### **Air supply**

9. Compressed air installations shall be provided with air supply plant capable of supplying any working chamber with sufficient fresh uncontaminated air at the pressure in the chamber, and not less than 0.3 m<sup>3</sup> per minute per person in the chamber.

## SCHEDULE 9

Regulation 41.(1)(e)

(All transport vehicles, earth-moving and materials-handling machinery and locomotives as set out in Schedule 9 shall in circumstances where the operator's visibility is restricted, have auxiliary devices as listed in Schedule 9 installed to improve visibility unless a risk assessment shows that same are not required.)

**LIST OF VEHICLES REQUIRING AUXILIARY DEVICES AND VISUAL AIDS**

<b>Machine Type</b>	<b>Reversing and visual aids required</b>
Off-road Dump Trucks (Trailer to Rear of Driver) Payload greater than 7 Tonnes	Reversing Alarm and Flashing Beacon with CCTV or Convex Mirrors or a combination of both to allow vision from the driver's seat of all points 1 metre high and 1 metre from the machine at each side and at rear of driver.
Dumpers (front tip) No Cab	Reversing Alarm and Flashing Beacon
Dumpers (front tip) with Cab	Convex Mirrors; Reversing Alarm and Flashing Beacon
Wheel Loaders (Loading shovels), including Skid Steer Loaders.	Reversing Alarm and Flashing Beacon with CCTV or Convex Mirrors or a combination of both to allow vision from the driver's seat of all points 1 metre high and 1 metre from the machine at each side and at rear of driver.
Backhoe Loaders	Convex Mirrors, Reversing Alarm and Flashing Beacon
All 360 <sup>0</sup> excavators	Movement Alarm and Flashing Beacon with CCTV or Convex Mirrors or a combination of both to allow vision from the driver's seat (without slewing) at all points 1 metre high and 1 metre from the machine.
Scrapers	CCTV, Convex Mirrors, Reversing Alarm and Flashing Beacon
All Tracked Type Tractors (Bulldozers)	Reversing Alarm and Flashing Beacon with CCTV or Convex Mirrors or a combination of both to allow vision at all points 1 metre high and 1 metre from the machine at each side and at rear of driver.
Graders	CCTV, Convex Mirrors, Reversing Alarm and Flashing Beacon
Telescopic handlers	Reversing Alarm and Flashing Beacon with CCTV or Convex Mirrors or a combination of both to allow vision from the driver's seat of all points 1 metre high and 1 metre from the machine at each side and at rear of driver.
Compactors/Rollers without Cab and seat to rear	Reversing Alarm and Flashing Beacon
Compactors/Rollers with cab and seat to rear	Convex Mirrors, Reversing Alarm and Flashing Beacon
All Compactors/Rollers	Reversing Alarm and Flashing Beacon with CCTV or Convex Mirrors or a combination of both to allow vision at all points 1 metre high and 1 metre from the machine at each side and at rear of driver.
Road Planer	Convex Mirrors, Reversing Alarm and Flashing Beacon
Road Pavers	Convex Mirrors, Reversing Alarm and Flashing Beacon

SCHEDULE 10

Regulation 56

**PRESCRIBED FORMS**

**Prescribed Form PF.1 -** Particulars to be notified to the Health and Safety Authority  
Notification of Project By Project Supervisor Construction Stage

**Prescribed Form PF.2 -** Report of results of inspection of Personal Flotation Devices

**Prescribed Form PF.2A -** Certificate of thorough examination of Personal  
Flotation Devices

**Prescribed Form PF.3 –** Prescribed for to be used for application for derogation  
from requirement to appoint a project supervisor for the  
design process of a project.

**Prescribed Form PF.1**

Regulations 8 and 56

**The Safety, Health and Welfare at Work (Construction) Regulations 200x (S.I. No. xxx of 200x)**

**Particulars to be notified to the Health and Safety Authority**

**Notification of Project By Project Supervisor Construction Stage**

**Note**

- This form is to be used to notify any project covered by the Safety, Health and Welfare at Work (Construction) Regulations 200x, which will last longer than 30 days or 500 person days. It can be used to provide changes to initial notification of projects .Any day on which construction work is carried out (including holidays and weekends) should be counted, even if the work on that day is of short duration. A person day is one individual, including supervisors and specialists, carrying out construction work for one normal working shift.
- This Notification is to be made by Registered Post.

**1. Is this the initial notification of this project or are you providing changes to a notification?**

Initial Notification

Changes to Notification

**2. Client:** Name, full address and telephone number (if more than one Client please attach details on separate sheet)

Name:	Telephone Number
Address:	e-mail address

**3. Project Supervisor Design Stage:** Name, full address and telephone number

Name:	Telephone Number
Address:	e-mail address

**4. Health and Safety Co-ordinator for Design Process**

Name:	Telephone Number
Address:	e-mail address

**5. Project Supervisor Construction Stage:** Name, full address and telephone number

Name:	Telephone Number
Address	e-mail address

**6. Health and Safety Co-ordinator for Construction Stage**

Name:	Telephone Number
Address:	e-mail address

**7. Address of Site:** where construction work is being carried out

Address:

**8. Please give your estimates on the following**

- The planned date for the commencement of the construction work
- How long the construction work is expected to take (in weeks)
- The maximum number of people carrying out construction work on site at any one time
- The number of contractors expected to work on site

**9. Please give the dates for the following**

- Date Preliminary Safety and Health Plan was prepared
- Date Safety and Health Plan was prepared

- 10. Construction work:** full address of those who have been chosen to work on the project (if required continue on a separate sheet)  
Note: This information is only required when it is known at the time notification is first made. An update is not required.

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**Prescribed Form PF.2**

Regulations 40 and 56

**The Safety, Health and Welfare at Work (Construction) Regulations 200x (S.I. No. xxx of 200x)**

**Report of results of inspection of Personal Flotation Devices**

Name or title of Employer or Contractor#:-----

Address of Registered Office: .....

Address of Site:.....

(1) Description of Equipment Inspected, along with Maker's serial number or Owner's	(2) Date of Inspection	(3) Result of Inspection. State condition of equipment	(4) Comments or Action taken	(5) Signature and Name (Block Capitals) of person who made the inspection

# i.e. the person for whom the Report has been prepared.

**NOTES:**

1. This form contains the report of the results of inspections of Personal Flotation Devices.
2. Personal Flotation Devices must be inspected as follows:
  - (a) before being taken into use,
  - (b) after a period without use, or any other circumstances which may have affected its strength or stability or displaced any part of it, and
  - (c) in accordance with the manufacturers instructions
3. The report must be signed by the person making the inspection.
4. The report shall be kept on site while work is being carried out, otherwise it shall be kept at an office of the contractor for whom the inspection was carried out.
5. Regulation 54(5) provides as follows:-

"Wherever under these Regulations records are required to be made and kept it shall be sufficient compliance with such requirement if the individual making the examination enters his or her report in the prescribed form in a computer and duly authenticates it as soon as practicable after completing the examination and it shall be sufficient compliance with such requirement if the report is kept by the user in a computer."

**Prescribed Form PF.2A**

Regulations 40 and 56

**The Safety, Health and Welfare at Work (Construction) Regulations 200x (S.I. No. xxx of 200x)**

**Certificate of thorough examination of Personal Flotation Devices**

1. Name or title of Employer or Contractor:	
2. Name and Registered address of maker of equipment:	
3. Date of inspection:	
4. Date of manufacture of equipment:	
5. Identification number:	(a) Maker's serial number:
	(b) Owner's distinguishing mark or number (if any):
6. Safe working load (if applicable):	
7. Date of certificate test of equipment:	
8. Date of last previous thorough examination of equipment:	
9. (a) Result of Inspection. State condition:	
(b) If defects noted state action taken:	

**NOTES:**

1. No safety equipment may be used in pursuance of Regulation 40 unless it has been tested and thoroughly examined by a competent person and a certificate of that test and examination has been obtained.
2. No safety equipment may be used after defects are noted in Section 9(b) of this form until the defects are remedied and has been tested and thoroughly examined by a competent person and a certificate of that test and examination has been obtained. If the defects cannot be remedied the equipment must be destroyed and this action documented.
3. Certificates for the above purposes must be submitted in the form prescribed overleaf and signed by the person making or responsible for the carrying out of the test and examination and must be kept on the site while work is being carried out otherwise at an office of the employer for whom the certificate was obtained.
4. Regulation 54(5) provides as follows:-

"Wherever under these Regulations records are required to be made and kept it shall be sufficient compliance with such requirement if the individual making the examination enters his or her report in the prescribed form in a computer and duly authenticates it as soon as practicable after completing the examination and it shall be sufficient compliance with such requirement if the report is kept by the user in a computer."

**Prescribed Form No \_PF3**  
**Application for ‘Request for Exemption’ for appointing the Project**  
**Supervisor Design Process (PSDP)**

When applying for an exemption to the requirement in Regulation 3(1) to appoint a PSDP, the Client must send, in writing, by registered post the following particulars to the Health and Safety Authority, 10 Hogan Place, Dublin 2

Date of forwarding application		
<b>Client</b>		
Name, Address		
Contact Number Contact e-mail address		
Project description		
Date of Commencement of Design of project		
Date of appointment of in writing of project supervisor design stage (PSDS) In accordance with the 2001 Construction Regulations (enclose written evidence)		
<b>Project Supervisor Design Stage</b>		
Name, Address,		
Contact Number Contact e-mail address		
Anticipated project completion date		
Reason for requesting exemption: [Use additional page(s) if necessary]		
Latest Date for which the exemption is sought [Not to go extend beyond 1 <sup>st</sup> June 2009]		
<b>Official Use only</b>		
Receipt of Application	Date	Reasons for not granting exemption.
Exemption granted	Yes      No	
Application returned to client	Date	

GIVEN under my hand

2005

Minister of State at the Department  
of Enterprise, Trade and Employment

## **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 prescribe the main requirements for the protection of the safety, health and welfare of persons working on construction sites and to give further effect to the Council Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites.

The new Regulations are designed to clarify and strengthen the general duties of all parties as regards securing occupational safety, health and welfare in construction work, including those of Clients, Project Supervisors Design Process (formerly titled Project Supervisors Design Stage), Project Supervisors Construction Stage, Designers, Contractors and Employees.

The Regulations apply to all construction projects as well as to the maintenance of buildings. They place obligations on clients and designers to ensure health and safety is taken into account before any construction work begins. Contractors must ensure that the work on site is properly co-ordinated and carried out in a safe manner.

These Regulations replace and revoke (except the regulations pertaining to working at height and lifting) the Safety, Health and Welfare at Work (Construction) Regulations 2001 (S.I. No. 481 of 2001).