

STATUTORY INSTRUMENTS.

S.I. No. 504 of 2006

SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION)

REGULATIONS 2006

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S.I. No. 504 of 2006
Safety, Health and Welfare at Work (Construction) Regulations 2006

ARRANGEMENT OF REGULATIONS

PART 1

INTERPRETATION AND GENERAL

1. Citation and Commencement.
2. Interpretation.
3. Keeping records.
4. Application.
5. Revocations and savings.

PART 2

DESIGN AND MANAGEMENT

6. Duties of clients - appointments of project supervisors.
7. Duties to ascertain suitability of project supervisor, designer and contractor appointees.
8. Duties of clients, safety file.
9. Duties of clients, safety and health plan.
10. Duties of clients, notification to the Authority.
11. Duties of project supervisor for the design process, co-ordination and cooperation.
12. Duties of project supervisor for the design process, safety and health plan.
13. Duties of project supervisor for the design process, safety file.

14. Powers of project supervisor for the design process to issue directions.
15. Duties of designers.
16. Duties of the project supervisor for the construction stage, safety and health plan.
17. Duties of the project supervisor for the construction stage, co-ordination and cooperation.
18. Duties of the project supervisor for the construction stage, safety adviser.
19. Duties of the project supervisor for the construction stage, safety awareness and skills certification.
20. Powers of the project supervisor for the construction stage to issue directions.
21. Duties of the project supervisor for the construction stage, safety file.
22. Duties of the project supervisor for the construction stage, notification to the Authority.
23. Site safety representative.

PART 3

GENERAL DUTIES OF CONTRACTORS AND OTHERS

24. Duties of contractors.
25. Safety awareness and skills certification.
26. Appointment of safety officers.
27. Erection and installation of plant or equipment.
28. Consultation.
29. Duties of employees and other persons at work.

PART 4

GENERAL SAFETY PROVISIONS

30. Site safety and access to construction sites.
31. Emergency routes and exits.
32. Doors and gates.
33. Traffic routes and danger areas.
34. Stability and solidity.
35. Protection from falling material and protective safety helmets.
36. Loading bays and ramps.
37. Installations, machinery and equipment.
38. Wet paint on ironwork or steelwork.
39. Helmets or crowns for pile driving.
40. Lighting of work places.
41. Prevention of electrocution.
42. Projecting nails and loose material.
43. Construction of temporary structures.
44. Avoidance of danger from collapse of structure.
45. Fire detection and fire fighting.
46. Floors, walls, ceilings and roofs of rooms.
47. Windows and skylights.
48. Freedom of movement at the workstation.
49. Room dimensions and air space in rooms.
50. Specific measures for escalators and travelators.

PART 5

EXCAVATIONS, SHAFTS, EARTHWORKS, UNDERGROUND WORKS AND TUNNELS

51. Safety precautions.
52. Inspection and examination.
53. Supervision and execution of shoring and other work.
54. Excavations etc. likely to reduce security of a structure.
55. Fencing of excavations, etc.
56. Safeguarding edges of excavations, etc.

PART 6

COFFERDAMS AND CAISSONS

57. Construction and maintenance.
58. Means of egress in case of flooding.
59. Supervision of work and inspection of material.
60. Inspections and examinations.

PART 7

COMPRESSED AIR

61. Interpretation for this Part.
62. Safety precautions and supervision.
63. Plant and equipment.
64. Fitness to work and supervision.

65. Maximum pressure and records.
66. Medical examinations and first aid.
67. Identification badge.
68. Compressions and decompressions.
69. Working chambers.
70. Medical locks.
71. Man-locks.
72. Air-supply.

PART 8

EXPLOSIVES

73. Application of Part 8.
74. Duties of contractor.
75. Supervision of shotfiring operations and trainee shotfirers and records of appointment.
76. Duties of Explosives Supervisor and shotfirer.
77. Misfires.
78. Prohibited activities.

PART 9

GENERAL HEALTH HAZARDS

79. Health hazards.
80. Atmospheric influences.
81. Ventilation.

- 82. Temperature.
- 83. Disposal of waste.
- 84. Internal combustion engines or dangerous gas.

PART 10

CONSTRUCTION WORK ON OR ADJACENT TO WATER

- 85. Transport by water.
- 86. Prevention of drowning.

PART 11

TRANSPORT, EARTHMOVING AND MATERIALS-HANDLING

MACHINERY AND LOCOMOTIVES

- 87. Safe operation of vehicles.
- 88. Rails and rail tracks.
- 89. Clearance.
- 90. Riding in insecure positions on vehicles, etc.
- 91. Vehicles near edge of excavations, etc.
- 92. Protection of driver.

PART 12

DEMOLITION

- 93. Application of Part 12.
- 94. Safety precautions and supervision.

- 95. Fire and flooding.
- 96. Precautions in connection with demolition.

PART 13

ROADS, ETC.

- 97. Works on roads, footpaths and cycle tracks.

PART 14

CONSTRUCTION SITE WELFARE FACILITIES

- 98. Shelters and accommodation for clothing and for taking meals.
- 99. Changing rooms and lockers.
- 100. Washing facilities.
- 101. Sanitary conveniences.
- 102. Accommodation areas.
- 103. Safe access to places where facilities are provided.
- 104. Pregnant women and nursing mothers.
- 105. Persons with disabilities.

SCHEDULE 1

Non-exhaustive List of Work Involving Particular Risks to the Safety, Health and Welfare of
Persons at Work

SCHEDULE 2

Non-Exhaustive List of Matters to be Considered in Particular as regards the Application of
the General Principles of Prevention to Construction Work under these Regulations

SCHEDULE 3

Safety Awareness Scheme

SCHEDULE 4

Construction Skills Certification Scheme

SCHEDULE 5

Procedure for Selection of Site Safety Representatives

SCHEDULE 6

List of Vehicles Requiring Auxiliary Devices and Visual Aids

S.I. No. 504 of 2006
Safety, Health and Welfare at Work (Construction) Regulations 2006

I, Tony Killeen, 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) and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) Order 2005 (S.I. No. 316 of 2005), after consultation 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 2006.

(2) These Regulations come into operation on 6 November 2006, in this Regulation called the “effective date”.

(3) If, prior to the effective date,

(a) a design stage has commenced, and

- (b) a project supervisor for the design stage has been appointed in accordance with the Regulations of 2001 and 2003 and holds that position on that date

all duties of the client in relation to the appointment of a project supervisor for the design process and all duties assigned in these Regulations to the project supervisor for the design process apply only from 18 months after that date.

(4) If the client, under Regulation 3(2) of the Regulations of 2001 and 2003, has been self-appointed as project supervisor for the design stage and holds that position on the effective date the duties specified in *Regulation 6* apply only from 18 months after that date.

(5) If, from 18 months after the effective date, a client wishes to seek exemption from the duty to appoint a project supervisor for the design process the client may do so -

- (a) only on the basis that a project supervisor for the design stage has been appointed for the project prior to that date and holds that position on that date, and
- (b) by an application made in accordance with *paragraph (6)*.

(6) The application referred to in *paragraph (5)* must be made to the Authority in an approved form outlining the reasons for the exemption and the length of time for which the exemption is sought.

(7) The Authority may grant an exemption on the basis of an application made under *paragraph (6)*, but no exemption may be granted to last longer than 30 months after the effective date.

(8) Nothing in this Regulation prevents the client on and after the effective date from appointing -

- (a) the project supervisor for the design stage as appointed under the Regulations of 2001 and 2003, or
- (b) any other competent person

as project supervisor for the design process.

(9) In the case of projects under construction prior to the effective date and where -

- (a) a project supervisor for the construction stage has been appointed before that date,

- (b) notification has been given to the Authority, in accordance with the Regulations of 2001 and 2003, and
- (c) the person appointed under *subparagraph (a)* holds that position on that date

all duties of the client in relation to the appointment of a project supervisor for the construction stage and all duties given in these Regulations to the project supervisor for the construction stage apply only from 18 months after that date.

(10) Nothing in this Regulation prevents the client on and after the effective date from appointing -

- (a) the project supervisor for the construction stage as appointed under the Regulations of 2001 and 2003, or
- (b) any other competent person

as project supervisor for the construction stage under these Regulations.

(11) If the client, under Regulation 3(2) of the Regulations of 2001 and 2003, has been self-appointed as project supervisor for the construction stage, and holds that position on

the effective date, the duties specified in *Regulation 6* apply only from 18 months after that date.

(12) For projects where the design stage commenced before the effective date, if, having regard to this Regulation, a project supervisor for the design process has not been appointed, the project supervisor for the construction stage shall co-ordinate the design of temporary works to facilitate the construction of the project.

(13) For the tasks listed in *Schedule 4, paragraph 1(1) (c), (e), (n) and (r) to (t)*, *Regulations 19(1)(b), 25(1)(b), 29(1)(g), 74(e) and 97(b) and (c)* apply only from 18 months after the effective date.

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);

“Act of 1875” means the Explosives Act 1875;

“client” means a person for whom a project is carried out, in the course or furtherance of a trade, business or undertaking, or who undertakes a project directly in the course or furtherance of such trade, business or undertaking;

“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 work, other than drilling and extraction in the extractive industries, and includes but is not limited to each of the following:

- (a) the doing of one or more of the following with respect to a structure:
 - (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, Labelling and Notification of Dangerous Substances) Regulations 2003 and 2006 (S.I. 116 of 2003 and S.I. 25 of 2006) and Regulation 5 of the European Communities (Classification, Packaging, Labelling 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 but not limited to site clearance, exploration, investigation (but not site survey) and excavation, and 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 and computer systems, or similar services which are normally fixed within or to a structure;

“contractor” means -

- (a) a contractor or an employer whose employees undertake, carry out or manage construction work, or
- (b) a person who -

- (i) carries out or manages construction work for a fixed or other sum, and
- (ii) supplies materials, labour or both, whether the contractor's own labour or that of another, to carry out the work;

“contractor responsible for a construction site” includes a contractor responsible for a part of the site over which the contractor has control;

“design” means the preparation of drawings, particulars, specifications, calculations and 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;

“designer” means a person engaged in work related to the design of a project;

“design process” means the process for preparing and designing a project, including alterations to the design and the design of temporary works to facilitate construction of the project;

“detonator” means an initiator for explosives that contains a charge of high explosive fired by means of a flame, spark, electric current or shock tube;

“exploder” means a device designed for firing detonators;

“explosives” means explosive articles or explosive substances;

“explosive article” means an article containing one or more explosive substances;

“explosives store” means a -

- (a) magazine licensed under sections 6 to 8 of the Act of 1875,
- (b) store licensed under section 15 of the Act of 1875, or
- (c) premises registered in accordance with section 21 of the Act of 1875;

“explosive substances” means a solid or liquid substance (or a mixture of substances) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings;

“FÁS” means An Foras Áiseanna Saothair;

“FETAC” means the Further Education and Training Awards Council;

“footpath” means a road over which there is a public right of way for pedestrians only, not being a footway;

“general principles of prevention” means the general principles of prevention specified in Schedule 3 to 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;

“misfire” means an occurrence in relation to the firing of shots where -

- (a) testing before firing reveals broken continuity which cannot be rectified, or
- (b) a shot or any part of a shot fails to explode when an attempt is made to fire it;

“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;

“project” means an activity which includes or is intended to include construction work;

“project supervisor” means an individual or a body corporate appointed under *Regulation 6(1)* and responsible for carrying out -

- (a) the appropriate duties specified in these Regulations, and
- (b) other duties that are -
 - (i) assigned to the person by the client at the time of appointment,
and
 - (ii) necessary to allow the client to comply with section 17(1) of the Act;

“Regulations of 2001 and 2003” means the Safety, Health and Welfare at Work (Construction) Regulations, 2001 (S.I. No. 481 of 2001) as amended by the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2003 (S.I. No. 277 of 2003);

“road” means a road over which a public right of way exists;

“rolling stock” means a train or any other vehicle with flanged wheels which is designed to operate on rails or a railway;

“safety and health plan” means a plan in writing prepared and developed in accordance with *Regulation 12 and 16*;

“safety file” means a safety file prepared and completed in accordance with *Regulations 13 and 21*;

“safety fuse” means a flexible cord that contains an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing plain detonators or blackpowder, without initiating burning in a similar fuse that may be in lateral contact alongside;

“shot” means a single shot or a series of shots fired as part of one blast;

“shotfirer” means a person appointed pursuant to *Regulation 74* to be responsible for shotfiring operations;

“shotfiring operations” includes -

- (a) checking to ensure that the blasting specification is still appropriate for the site conditions at the time the blasting is to take place,
- (b) mixing explosives,
- (c) priming a cartridge,
- (d) charging and stemming a shothole,
- (e) linking or connecting a round of shots,
- (f) withdrawal and sheltering of persons,
- (g) inspecting and testing a shotfiring circuit,
- (h) firing a shot,
- (i) checking for misfires, and
- (j) destroying surplus explosives;

“structure” means -

- (a) any building, railway line or siding, tramway line, dock, harbour, inland navigation systems, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line (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 element or assembly of elements, or element or assembly of elements designed to preserve or alter any natural feature, and any other structure similar to the foregoing,
- (b) any formwork, falsework, scaffold or other element or assembly of elements 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.

(2) Without limiting the application of the definition of “reasonably practicable” in section 2 of the Act in relation to the duties of employers, that definition also applies, for the purposes of these Regulations, in relation to the duties under these Regulations of other persons.

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

(4) Taking account of the European Communities (Recognition of Qualifications and Experience) Regulations 2003 (S.I. No. 372 of 2003) and in compliance with Directive 2005/36/EC¹, FÁS is responsible for the issue of valid construction skills registration cards, with photographic identification, under *Schedule 4* and for the maintenance of a register of the cards issued.

Keeping records.

3. (1) Subject to *paragraph (2)*, the relevant contractor shall ensure that the records, reports, certificates and other documents required by these Regulations -

- (a) are kept on the site to which they are relevant, or
- (b) when no relevant works are being carried out on the site, are kept at an appropriate office of -
 - (i) the contractor for whom the report was made or the certificate or document was obtained, or

¹ OJ L 255/22 of 30th September 2005

- (ii) the owner of the plant or equipment to which the certificate relates.

(2) In the case of a construction 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 records, reports, certificates and other documents referred to in *paragraph (1)* may be kept, in lieu of being kept at that site, at an appropriate office of the contractor.

(3) The person having custody of the records required by these Regulations -

- (a) shall ensure that the records are open to inspection by an inspector at all reasonable times, and

- (b) forthwith shall send to any such inspector such extracts from them or copies of them as the inspector may from time to time require for the purpose of the execution of the inspector 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 is sufficient compliance with the requirement if the person concerned -

- (a) enters the record, report, certificate or other document in an approved form in a computer, and

(b) duly authenticates it as soon as is practicable afterwards.

(5) Where under these Regulations records are required to be made and kept by designers, it is sufficient compliance with the requirement if the records are kept in a computer.

Application.

4. (1) Subject to *paragraph (2)*, these Regulations apply to and in relation to construction work.

(2) Subject to *paragraph (3)*, *Schedule 3* applies to -

(a) craft and general construction workers,

(b) persons undertaking on-site security work, and

(c) persons or classes of persons as may be prescribed by the Minister.

(3) *Schedule 3* does not apply to a person involved in the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunication and computer systems, or similar services, where -

- (a) the person is normally domiciled outside the State,
- (b) the person's normal place of employment is outside the State, and
- (c) the person has not been working on the project for a period in excess of 20 working days in any 12 month period.

(4) A person mentioned in *paragraph (3)* shall be in possession of a letter in the English or Irish language from the relevant employer, which letter -

- (a) describes the work to be undertaken,
- (b) states the competence of the person to undertake that work, and
- (c) specifies the commencement date and the anticipated completion date of that work.

(5) *Regulation 87(1)(e)* applies to -

- (a) all vehicles that are in use immediately before the coming into operation of these Regulations and are listed in *Schedule 6*, from 18 months after the coming into operation of these Regulations, and

- (b) for all vehicles that are first used after the coming into operation of these Regulations and are listed in *Schedule 6* from 6 months after the coming into operation of these Regulations.

Revocations and savings.

5. The Regulations of 2001 and 2003, other than -

- (a) Regulations 80 to 123, and
- (b) subject to *Regulation 1(3) to (5), (7), (9) and (11)* of these Regulations, Regulations 4 and 6 of the Regulations of 2001 and 2003 insofar as Regulations 4 and 6 apply to a project supervisor for the design stage and a project supervisor for the construction stage respectively, appointed in accordance with the Regulations of 2001 and 2003,

are revoked.

PART 2

DESIGN AND MANAGEMENT

Duties of clients, appointments of project supervisors.

6. (1) Except as provided for in *paragraphs (5) and (6)*, a client shall appoint, in writing, for every project -

- (a) a competent project supervisor for the design process, and
- (b) a competent project supervisor for the construction stage,

and the client shall obtain written confirmation of acceptance of each of the appointments.

(2) Nothing in *paragraph (1)* prevents -

- (a) a client being self-appointed as project supervisor if competent to undertake the duties involved, or
- (b) a client appointing one individual or body corporate as project supervisor for both the design process and construction stage if that individual or body corporate is competent to undertake the duties involved.

(3) A client shall appoint the project supervisor -

- (a) for the design process at or before the start of the design process, and
- (b) for the construction stage before commencement of the construction work.

(4) An appointment under *paragraph (1)* shall, as necessary, be made, terminated, changed or renewed.

(5) *Paragraph (1)* does not apply to routine maintenance, cleaning, decoration and repair within or to a structure unless -

(a) the work involves a particular risk including but not limited to a risk referred to in *Schedule 1*,

(b) more than one contractor is involved, or

(c) *Regulation 10* applies.

(6) In accordance with section 58(4)(d) of the Act and without prejudice to the duties of a contractor undertaking construction work under these Regulations, section 17(1) of the Act does not apply to or in respect of a project if -

(a) a person commissions or procures the project in relation to the person's domestic dwelling, and

(b) the project is not for the purpose or furtherance of a trade, business or undertaking after the completion of construction work.

(7) If all of the clients involved in a project agree in writing that one or more but not all of them shall be treated as the client for the purposes of these Regulations -

(a) the client or clients agreed on shall be subject to all the duties of a client under these Regulations, and

(b) after that agreement is made, the others shall not be subject to the duties of a client under these Regulations, except the duties under *Regulations 8(1) and (3)*.

Duties to ascertain suitability of project supervisor, designer and contractor appointees.

7. (1) A client shall not appoint a person as project supervisor for the design process for a project unless reasonably satisfied that the person has allocated or will allocate adequate resources to enable the person to perform the duties imposed under these Regulations for that project supervisor position.

(2) A client shall not arrange for a designer to prepare a design unless reasonably satisfied that the designer has allocated or will allocate adequate resources to enable the designer to comply with *Regulation 15*.

(3) A client shall not appoint a person as project supervisor for the construction stage for a project unless reasonably satisfied that the person has allocated or will allocate adequate resources to enable the person to perform the duties imposed under these Regulations for that project supervisor position.

(4) A client shall not arrange for a contractor to carry out or manage construction work unless reasonably satisfied that the contractor has the competence to carry out or, as the case may be, manage that construction work and has allocated or will allocate adequate resources to enable the contractor to comply with the requirements and prohibitions imposed on the contractor by or under the relevant statutory provisions.

(5) A person to whom these Regulations apply shall not arrange for a designer to prepare a design unless reasonably satisfied that the designer has the competence to prepare the design and has allocated or will allocate adequate resources to enable the designer to comply with *Regulation 15*.

(6) A person to whom these Regulations apply shall not arrange for a contractor to carry out or manage construction work unless reasonably satisfied that the contractor has the competence to carry out or, as the case may be, manage that construction work and has allocated or will allocate adequate resources to enable the contractor to comply with the requirements and prohibitions imposed on the contractor by or under the relevant statutory provisions.

Duties of clients, safety file.

8. (1) A client shall keep available -

(a) any safety file referred to in *Regulation 13* or *21*, and

(b) any information delivered to a client in relation to the file

for inspection by any person who may need information in the file for -

(i) the purpose of compliance by that person with any duties imposed under the relevant statutory provisions, or

(ii) for that person's own information when carrying out any construction work on the structure to which the safety file relates.

(2) It is sufficient compliance with *paragraph (1)* by a client and every subsequent owner of a structure who disposes of the client's or owner's interest in the structure involved if the client or subsequent owner delivers the safety file for that structure to the person who acquires the interest.

(3) A person to whom a safety file is delivered in accordance with *paragraph (2)* shall keep the safety file available for inspection in accordance with *paragraph (1)*.

(4) A client shall co-operate with the project supervisor for the design process and the project supervisor for the construction stage, as appropriate, including in relation to the time required for the completion of the project and by providing information to enable the relevant project supervisor to comply with these Regulations.

(5) The information required to be provided under *paragraph (4)* is information relating to the state or condition of any structure, including information in a safety file that is -

- (a) prepared in accordance with the relevant statutory provisions,
- (b) relevant to the duties of the project supervisors under these Regulations, and
- (c) either in the client's possession or could be obtained by the client making enquiries which it is reasonable for a person in the client's position to make.

Duties of clients, safety and health plan.

9. A client shall provide or arrange to have provided a copy of the safety and health plan prepared under *Regulation 12* to every person -

- (a) being considered for the role of project supervisor for the construction stage, or
- (b) tendering for that role.

Duties of clients, notification to the Authority.

10. If construction work is planned to last longer than 30 working days or the volume of work is scheduled to exceed 500 person days, a client shall promptly give notice in writing to the Authority in an approved form, sent either -

- (a) by registered post, or
- (b) as may be directed from time to time by the Authority,

of those particulars as are known or can be reasonably known about the appointments made in accordance with *Regulation 6*.

Duties of project supervisor for the design process, co-ordination and cooperation.

11. (1) The project supervisor for the design process shall -

- (a) take account of the general principles of prevention during the various stages of the design and preparation of a project, in particular -
 - (i) when either, or both, technical or organisational aspects are being decided, in order to plan the various items or stages of work which are to take place simultaneously or in succession, and
 - (ii) when estimating the time required for completion of a project and, where appropriate, for stages of a project,
- (b) take account of any safety and health plan or safety file, and
- (c) organise co-operation between designers on the same project and, so far as is reasonably practicable, ensure co-ordination of their activities in relation to the design of the project with a view to protecting the safety, health and welfare of persons involved in construction work.

(2) 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)*.

Duties of project supervisor for the design process, safety and health plan.

12. (1) The project supervisor for the design process shall -
- (a) subject to *paragraph (2)*, on a preliminary basis and for the purpose of providing information for the project supervisor for the construction stage, prepare a written safety and health plan that specifies -
 - (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, health and welfare of persons at work including but not limited to those referred to in *Schedule 1*,
 - (iv) the basis upon which the time in *subparagraph (i)* was established, taking into account *Regulation 11(1)(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 and any relevant safety and health plan or safety file, and

(vi) the location of electricity, water and sewage connections, where appropriate, to facilitate adequate welfare facilities,

(b) prepare the safety and health plan referred to in *subparagraph (a)* in time to enable it to be provided in compliance with *Regulation 9* to every person being considered or tendering for the role of project supervisor for the construction stage, and

(c) keep a copy of the safety and health plan referred to in *subparagraph (a)* available for inspection by an inspector for a period of 5 years after its preparation.

(2) Where notification is not required under *Regulation 10*, a safety and health plan is required only for sites where the work concerned involves a particular risk, including but not limited to any of those referred to in *Schedule 1*.

Duties of project supervisor for the design process, safety file.

13. The project supervisor for the design process shall -

- (a) prepare a safety file appropriate to the characteristics of the project, containing relevant safety and health information, including any information provided under *Regulation 21*, to be taken into account during any subsequent construction work following completion of the project, and
- (b) promptly deliver the safety file to the client on completion of the project.

Powers of project supervisor for the design process to issue directions.

14. (1) The project supervisor for the design process, so far as is necessary,
- (a) may give directions to each person who is a designer, contractor or other relevant person, which directions, if carried out, will assist or enable compliance by the project supervisor with the duties imposed by these Regulations on the project supervisor, and
 - (b) shall confirm the directions in writing, including a time frame for their execution, if the project supervisor considers that the person to whom the directions were given has not carried out the directions.

(2) If, in the opinion of the project supervisor for the design process, a designer, contractor or other relevant person has not carried out directions confirmed in writing under *paragraph (1) (b)*, the project supervisor for the design process shall -

(a) notify in writing the Authority, the client and the person to whom the direction was given of the opinion of the project supervisor, and

(b) include with the notification -

(i) a copy of the written confirmation under *paragraph (1)(b)*,
and

(ii) particulars of the response, if any, made by the designer, contractor or other relevant person to the directions.

(3) The project supervisor for the design process shall ensure that -

(a) each confirmation in writing of a direction given under *paragraph (1)(b)*, and

(b) a copy of each associated notification to the Authority referred to in *paragraph (2)*

is retained with the safety and health plan.

Duties of designers.

15. (1) In carrying out work related to the design of a particular project, a designer shall -

(a) take account of -

(i) the general principles of prevention, and

(ii) the relevant -

(I) safety and health plan, and

(II) safety file

prepared in accordance with these Regulations, and

(b) provide in writing to the project supervisor for the design process all relevant information necessary for the project supervisor to carry out the project supervisor's duties under these Regulations.

(2) In carrying out work related to the design of a particular project, a designer shall -

- (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) co-operate with other designers, as appropriate, to enable them to comply with these Regulations in relation to the project, and
- (c) comply with all directions from the project supervisor for the design process or the project supervisor for the construction stage, that are issued pursuant to *Regulation 14* or *20*, as appropriate.

(3) In carrying out work related to the design of a particular project, a designer shall promptly provide in writing to the project supervisor for the design process or for the construction stage, whichever is appropriate, all information -

- (a) about the project that is known to the designer regarding particular risks to the safety, health and welfare of persons at work, including but not limited to the risks referred to in *Schedule 1*,

- (b) regarding the nature and scope of the project to the extent necessary to enable the project supervisor to comply with these Regulations,
- (c) about the project that is necessary for that project supervisor to prepare the safety file, and
- (d) that is known to that person and is necessary to ensure, so far as is reasonably practicable, the safe construction of the design for the project.

(4) For the purposes of *paragraph (3)*, if no project supervisor is known to the designer to have been appointed for the project, the designer shall provide the information referred to in that provision to the appropriate contractor instead of to a project supervisor.

(5) If a designer is not aware of the appointment of a project supervisor for the design process, the designer shall promptly inform the client of the client's duties under *Regulation 6*.

Duties of the project supervisor for the construction stage, safety and health plan.

16. The project supervisor for the construction stage shall -

- (a) further develop, as necessary, before the commencement of the construction work, the safety and health plan for the construction site prepared under *Regulation 12*, in this Regulation called “the plan”,
- (b) make adjustments to the plan where required to take account of the progress of the work and any changes which occur,
- (c) take account as regards the plan, at all times during the construction stage, of section 20 of the Act and of other work activities taking place on the site,
- (d) include in the plan specific measures concerning work which involves a particular risk, including but not limited to any risk referred to in *Schedule 1*,
- (e) include in the plan, rules for the execution of the construction work which rules are required for the purposes of the safety, health and welfare of persons at work, and
- (f) ensure that the plan and any rules contained in it are in writing and that they are brought to the attention of all contractors and other relevant persons who may be affected by them.

Duties of the project supervisor for the construction stage, co-ordination and cooperation.

17. (1) If more than one contractor is engaged in a project, the project supervisor for the construction stage shall -

- (a) co-ordinate the implementation during construction of the general principles of prevention when -
 - (i) deciding technical or organisational aspects, and
 - (ii) estimating the time required for completing the work or work stages,
- (b) co-ordinate the implementation of any relevant requirements of these Regulations in order that contractors and others -
 - (i) apply the general principles of prevention in a consistent manner, in particular as regards the matters specified in *Schedule 2* to these Regulations,
 - (ii) monitor the consistent application of *subparagraph (i)*, and

- (iii) where required, follow the provisions of the safety and health plan,
- (c) organise cooperation between contractors (including successive contractors on the same site) and others and the 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 and monitor such cooperation and co-ordination,
- (d) organise the implementation of section 21 of the Act, in particular in relation to the provision of information, monitor such implementation and, if information provided is inadequate, take appropriate corrective action as set out in *Regulation 20*,
- (e) coordinate the implementation by contractors of *Regulation 24(d)* in relation to any accident or dangerous occurrence and keep available for inspection a record of any information provided to the project supervisor under that Regulation, and
 - (i) monitor such coordination, and
 - (ii) if the Authority requests information in relation to that record, comply with the request as soon as possible,

- (f) provide access to appropriate information regarding safety, health and welfare required under this Regulation to the site safety representative,
- (g) coordinate arrangements for checking the implementation of safe working procedures and monitor the implementation of those arrangements, and
- (h) coordinate measures to permit authorised persons only on to the construction site and monitor such coordination.

(2) 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 *Regulation 16* and in this Regulation.

- (3) The project supervisor for the construction stage shall -
- (a) coordinate arrangements which facilitate the provision and maintenance, in an appropriate condition, of site welfare facilities for all persons at work on the construction site, in accordance with *Part 14*, and
 - (b) monitor the implementation of the arrangements.

(4) The project supervisor for the construction stage shall take appropriate corrective action as set out in *Regulation 20* where contractors or others do not comply with one or more of *paragraphs (1)(b) to (e), (g) and (h) and (3)(b)* of this Regulation.

(5) The project supervisor for the construction stage shall maintain and keep available for inspection a record of the names of persons at work at the construction site to whom *Regulation 19* applies as provided by each contractor under *Regulation 25(2)*.

(6) The project supervisor for the construction stage shall keep appropriate records and copies of relevant documents in relation to *paragraphs (1)(e) and (4) and Regulations 16 and 22* for 5 years after the date of preparation of the records or documents.

(7) The project supervisor for the construction stage shall also comply with *Regulation 87(2)*, if applicable.

Duties of the project supervisor for the construction stage, safety adviser.

18. If there are normally more than 100 persons on a construction site at any one time engaged in construction work, the project supervisor for the construction stage shall appoint in writing a full-time competent safety adviser for that site to -

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

Duties of the project supervisor for the construction stage, safety awareness and skills certification.

19. (1) The project supervisor for the construction stage shall -
- (a) coordinate arrangements to ensure that persons at work on the construction site to whom *Regulation 4(2)* applies are each in possession of a valid safety awareness registration card referred to in *Schedule 3*,
 - (b) coordinate arrangements to ensure that those persons who engage in tasks specified in *Schedule 4* are each in possession of an appropriate valid construction skills registration card referred to in that Schedule, and

- (c) monitor the implementation of the arrangements and take any necessary corrective action as set out in *Regulation 20*.

Powers of the project supervisor for the construction stage to issue directions.

20. (1) The project supervisor for the construction stage, so far as is necessary,
- (a) may give directions to each person who is a contractor, designer, or other relevant person, which directions, if carried out, will assist or enable compliance by the project supervisor with the duties imposed by these Regulations on the project supervisor, and
 - (b) shall confirm the directions in writing, including a time frame for their execution, if the project supervisor considers that the person to whom the directions were given has not carried out the directions.
- (2) If, in the opinion of the project supervisor for the construction stage, a contractor, designer, or other relevant person has not carried out directions confirmed in writing under *paragraph (1)(b)*, the project supervisor shall -
- (a) notify in writing the Authority, the client and the person to whom the direction was given of the alleged failure, and
 - (b) include with the notification -

- (i) a copy of the written confirmation under *paragraph (1)(b)*, and
- (ii) particulars of the response, if any, made by the contractor, designer or other relevant person to the directions.

(3) The project supervisor for the construction stage shall ensure that a copy of each -

- (a) confirmation in writing of a direction given under *paragraph (1)*, and
- (b) associated notification to the Authority referred to in *paragraph (2)*

is retained with the safety and health plan.

Duties of the project supervisor for the construction stage, safety file.

21. (1) The project supervisor for the construction stage of a project shall -
- (a) coordinate arrangements among contractors to ensure the provision of relevant information, in writing, necessary for the project supervisor for the design process to complete the safety file referred to in

Regulation 13, monitor the implementation of the arrangements and take any necessary corrective action, as set out in *Regulation 20*, and

- (b) provide in writing to the project supervisor for the design process all relevant information necessary for that project supervisor to complete the safety file referred to in *Regulation 13*.

(2) For projects where the design stage commenced before the coming into operation of these Regulations, if, having regard to *Regulation 1(3)*, a project supervisor for the design process has not been appointed, the project supervisor for the construction stage shall prepare the safety file as required by *Regulation 13*.

Duties of the project supervisor for the construction stage, notification to the Authority.

22. (1) If construction work on a construction site is planned to last longer than 30 working days or the volume of work is scheduled to exceed 500 person-days, the project supervisor for the construction stage, before the work begins, shall give notice promptly to the Authority in an approved form, sent either -

- (a) by registered post, or
- (b) as may be directed from time to time by the Authority.

(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 *paragraph (1)*.

Site safety representative.

23. (1) The project supervisor for the construction stage shall -

- (a) 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, health and welfare on the construction site and in ascertaining the effectiveness of such measures, taking account of section 26 of the Act, and
- (b) facilitate, where more than 20 persons are normally employed at any one time on a construction site at any stage of a 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 5*.

(2) The project supervisor for the construction stage shall ensure that a site safety representative, for the purposes of performing functions relating to safety, health and welfare at a construction site, has access to -

- (a) the risk assessment carried out under section 19 of the Act,
- (b) information relating to accidents and dangerous occurrences required to be reported under the relevant statutory provisions, and
- (c) any information arising from protective and preventive measures taken under the relevant statutory provisions or provided by -
 - (i) the Authority,
 - (ii) a person prescribed under section 33 of the Act, or
 - (iii) a person referred to in section 34(2) of the Act.

(3) The project supervisor for the construction stage shall inform the site safety representative when an inspector enters the construction site for the purpose of carrying out an inspection.

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

(a) inform the site safety representative of the time and venue of all site safety meetings, and

(b) facilitate the attendance of the site safety representative at the meetings.

(5) A site safety representative for a construction site may inspect the whole or any part of the construction site -

(a) after giving reasonable notice to the project supervisor for the construction stage and to the contractor employing the site safety representative, or

(b) immediately, in the event of an accident, dangerous occurrence or imminent danger or risk to the safety, health and welfare of any person.

(6) The project supervisor for the construction stage, the contractor employing the site safety representative and the site safety representative, having regard to the nature and extent of the hazards at the construction site, shall agree as to the frequency of inspections to

be carried out under *paragraph (5)*, which agreement shall not be unreasonably withheld by the project supervisor or the contractor.

- (7) A site safety representative may -
- (a) investigate accidents and dangerous occurrences provided that he or she does not interfere with or obstruct the performance of any statutory obligation required to be performed by any person under any of the relevant statutory provisions,
 - (b) after giving of reasonable notice to the project supervisor for the construction stage and to the contractor employing the site safety representative, investigate complaints relating to safety, health and welfare at work made by any employee whom he or she represents,
 - (c) accompany an inspector who is carrying out an inspection of the construction site under section 64 of the Act other than an inspection for the purpose of investigating an accident or dangerous occurrence,
 - (d) at the discretion of the inspector concerned, accompany an inspector who is carrying out an inspection of the construction site

under section 64 of the Act for the purpose of investigating an accident or dangerous occurrence,

- (e) at the discretion of the inspector concerned, where an employee is interviewed by an inspector with respect to an accident or dangerous occurrence at the construction site, attend the interview at the request of the employee,
- (f) on any matter relating to safety, health and welfare at the construction site, make representations to the project supervisor for the construction stage and to any contractor on the construction site,
- (g) make oral or written representations to inspectors on matters relating to safety, health and welfare at the construction site including, but not limited to, the investigation of accidents or dangerous occurrences,
- (h) receive advice and information from inspectors on matters relating to safety, health and welfare at the construction site, or

- (i) consult and liaise on matters relating to safety, health and welfare at work with any other safety representatives who may be appointed at the construction site concerned.

(9) 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.

(10) The contractor employing a site safety representative shall afford the site safety representative such time off from his or her duties 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 his or her functions as a site safety representative under this Regulation.

PART 3

GENERAL DUTIES OF CONTRACTORS AND OTHERS

Duties of contractors.

24. A contractor shall -

- (a) comply with *Parts 3 to 14*,
- (b) co-operate with the project supervisor for the construction stage to enable the project supervisor to comply with the relevant statutory provisions,
- (c) 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 -
 - (i) is likely to affect the safety, health or welfare of any person at work on the construction site, or
 - (ii) might justify a review of the safety and health plan,
- (d) provide the project supervisor for the construction stage with -

- (i) information in relation to any accident or dangerous occurrence of which the contractor is required, under the relevant statutory provisions, to give notification or to report, and
 - (ii) a copy of the required notification or report,
- (e) promptly provide the project supervisor for the construction stage, in writing, with all relevant information necessary to prepare the safety file,
- (f) comply with directions given under these Regulations by the project supervisor for the design process or by the project supervisor for the construction stage,
- (g) bring to the attention of the contractor's employees any rules applicable to them contained in the safety and health plan,
- (h) comply with the safety and health plan and any rules in the plan that are applicable to the contractor or to the contractor's employees,
- (i) ensure, so far as is reasonably practicable, compliance by the contractor's employees with the rules referred to in *paragraph (h)*,

- (j) apply, where appropriate, the general principles of prevention in a consistent manner, in particular in relation to the matters specified in *Schedule 2*, in order to protect the safety, health and welfare of persons at work, and
- (k) facilitate the performance by the site safety representative of the functions of the site safety representative under *Regulation 23*.

Safety awareness and skills certification.

25. (1) Every contractor or other person under whose direct control persons work on a construction site shall ensure that each of those persons, in this Regulation called a “worker”-
- (a) is in possession of a valid safety awareness registration card referred to in *Schedule 3* if *Regulation 4(2)* applies to the worker,
 - (b) is in possession of an appropriate valid construction skills registration card referred to in *Schedule 4* if the worker engages in any of the tasks specified in that Schedule, and
 - (c) has received site-specific safety induction instruction if *Regulation 4(3)* applies to the worker.

(2) On the date upon which a worker first starts work on a construction site, the contractor or other person under whose direct control the worker is working shall -

- (a) ask to see the appropriate valid registration card referred to in *paragraph (1)*, and
- (b) furnish to the project supervisor for the construction stage written confirmation that the worker is in possession of -
 - (i) the valid registration card, and
 - (ii) other relevant certificates and documentation required under the relevant statutory provisions.

Appointment of safety officers.

26. (1) Every contractor who normally has under direct control at any one time more than 20 persons on a construction site, or 30 persons engaged in construction work, shall appoint in writing, taking into account section 18 of the Act, one or more competent persons, as may be appropriate, as safety officers to undertake the following duties:

- (a) to advise the contractor as to the observance of the requirements of the relevant statutory provisions;
- (b) to exercise a general supervision of the observance of the requirements of the relevant statutory provisions and the promotion of the safe conduct of work generally;
- (c) to co-operate with any safety adviser appointed under *Regulation 18* in relation to safety, health and welfare at work on the project.

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

(3) Nothing in these Regulations shall be construed as preventing the same person or persons being appointed as safety officer under this Regulation for a group of sites or 2 or more contractors from jointly so appointing the same person or persons.

(4) Nothing in these Regulations shall be construed as preventing a person appointed as a safety adviser under *Regulation 18* on a particular site being appointed as a safety officer for that site in accordance with this Regulation.

Erection and installation of plant or equipment.

27. The relevant contractor shall -

- (a) erect, install, modify, work or use any plant or equipment to which any of the relevant statutory provisions apply in a manner which complies with those provisions, and
- (b) erect or alter any scaffold in a manner which complies with any relevant requirements of any of the relevant statutory provisions, having regard to the purpose or purposes for which the scaffold is designed at the time of erection or alteration.

Consultation.

28. The relevant contractor shall ensure consultation on the construction site with the contractor's employees, their safety representative and the site safety representative 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-operation and co-ordination among -

- (a) employees,
- (b) the safety representatives of the different contractors, and

- (c) the site safety representative

with a view to promoting and developing measures for protecting safety, health and welfare of persons at work on the site.

Duties of employees and other persons at work.

29. (1) Every person engaged in work to which these Regulations apply shall -
- (a) comply with these Regulations,
 - (b) co-operate in carrying out the requirements of these Regulations,
 - (c) report without unreasonable delay any defect, discovered by the person, in the plant or equipment to which these Regulations apply, which might endanger safety, health and welfare, to the person's employer or immediate supervisor, or to the contractor responsible for the plant or equipment,
 - (d) comply with all rules applicable to the person in the safety and health plan,

- (e) make proper use of any safety helmet, harness or any other personal protective equipment provided for the person's safety and health,
 - (f) make proper use of any work equipment supplied, and
 - (g) show relevant registration cards referred to in *Regulations 19* and *25* when requested by the person's employer or the project supervisor for the construction stage.
- (2) A person shall not -
- (a) in applying for a registration card or certificate as referred to in *Schedules 3* and *4*, make a statement which the person applying knows to be false,
 - (b) with intent to deceive, forge or alter a registration card or certificate referred to in *paragraph (a)*, or
 - (c) with intent to deceive, make, supply or possess any document closely resembling a registration card or certificate required in accordance with these Regulations.

PART 4

GENERAL SAFETY PROVISIONS

Site safety and access to construction sites.

30. (1) A contractor responsible for a construction site shall take all appropriate precautions, so far as is reasonably practicable, to ensure that the site is safe and without risk of injury to the safety, health and welfare of persons at work, taking into account these Regulations.

(2) A contractor responsible for a construction site shall ensure for that site that -

(a) the surroundings and the perimeter are signposted and laid out so as to be clearly visible and identifiable,

(b) safe means of access to and egress from are -

(i) provided and maintained, and

(ii) indicated where appropriate, and

(c) appropriate precautions are taken to protect persons present, at or in the vicinity of the site, from risks which may arise from such site, for

example, by the provision of appropriate barriers, where necessary, to prevent unauthorised entry.

Emergency routes and exits.

31. (1) The application of this Regulation is without prejudice to the Fire Services Acts 1981 and 2003 (No. 30 of 1981 and No.15 of 2003) and other relevant legislation.

(2) A contractor responsible for a construction site shall ensure for that site that -

- (a) emergency routes and exits remain clear of obstruction and lead as directly as possible to a safe area,
- (b) in the event of danger, it is possible for persons to evacuate their workstations quickly and as safely as possible,
- (c) the number, distribution and dimensions of emergency routes and exits are adequate, taking into account the use, equipment and dimensions of the site and of the rooms and the maximum number of persons that may be present,

- (d) specific emergency routes and exits are indicated by signs in accordance with the relevant statutory provisions applying to safety and health signs at work,
- (e) emergency routes and exits, and the traffic routes and doors giving access to them, are free from obstruction so that they can be used at any time without hindrance, and
- (f) emergency routes and exits requiring illumination are provided with emergency lighting of adequate intensity in case the lighting fails.

Doors and gates.

32. A contractor responsible for a construction site shall ensure for that site that -

- (a) sliding doors are fitted with safety devices to prevent them from being derailed and falling over,
- (b) doors and gates opening upwards are fitted with a mechanism to secure them against falling back,
- (c) doors and gates along escape routes are appropriately marked,

- (d) in the immediate vicinity of gates intended primarily for vehicle traffic, there are doors for pedestrian traffic, unless it is safe for pedestrians to cross, and such doors are clearly marked and kept free at all times,
- (e) mechanical doors and gates operate without any risk of accident to persons at work,
- (f) doors and gates are fitted with stop devices which are easily identifiable and accessible and, unless they open automatically in the event of a power-cut, it is possible for them to be opened manually, and
- (g) in the case of indoor workstations on construction sites -
 - (i) the position, number and dimensions of doors and gates, and the materials used in their construction, are determined by the nature and use of the rooms or areas,
 - (ii) transparent doors are appropriately marked at a conspicuous level, and swing doors and gates are transparent or have see-through panels,

- (iii) 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 are protected against breakage,
- (iv) emergency doors open outwards,
- (v) emergency doors are not 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, and
- (vi) sliding or revolving doors are not used as emergency exits.

Traffic routes and danger areas.

33. (1) A contractor responsible for a construction site shall ensure for that site that -
- (a) traffic routes, including stairs, fixed ladders and loading bays and ramps, are 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,

- (b) routes used for pedestrian traffic or goods traffic, or for both, including those used for loading and unloading are dimensioned in accordance with the number of potential users and the type of activity concerned,
- (c) if means of transport are used on traffic routes, a sufficient safety clearance or adequate protective devices are provided for other site users, and routes are clearly marked, regularly checked and properly maintained,
- (d) sufficient clearance is allowed between vehicle traffic routes and doors, gates, passages for pedestrians, corridors and staircases,
- (e) if the site includes limited access areas, these are -
 - (i) equipped with devices to prevent persons at work who are not authorised to enter such areas from entering,
 - (ii) appropriate measures are taken to protect persons who are authorised to enter the danger areas, and
 - (iii) danger areas are clearly signposted, and

- (f) traffic routes are clearly identified where the use and equipment of rooms in indoor workstations on construction sites so requires for the protection of persons at work.

Stability and solidity.

- 34. (1) A contractor responsible for a construction site shall ensure for that site that -
 - (a) materials, equipment and any component which, when moving in any way, may affect the safety, health and welfare of persons at work are stabilised in an appropriate and safe manner,
 - (b) access to any surface involving insufficiently resistant materials is not authorised unless appropriate equipment or means are provided to enable the work to be carried out safely, and
 - (c) high-level or low-level movable or fixed outdoor workstations are solid and stable, taking account of the -
 - (i) number of persons occupying them,
 - (ii) maximum loads they may have to bear and the weight distribution, and

(iii) outside influences to which they may be subject.

(2) If the support and the other components of the workstations referred to in *paragraph (1)(c)* are not intrinsically stable, the relevant contractor shall ensure that -

- (a) their stability is ensured by appropriate and safe methods of fixing to avoid any untimely or spontaneous movement of the whole or of parts of the workstations, and
- (b) their stability and solidity are checked appropriately, especially after any change in the height or depth of the workstation.

(3) The relevant contractor shall ensure that premises containing indoor workstations on construction sites have a structure and stability appropriate to the nature of their use.

Protection from falling material and protective safety helmets.

35. (1) A contractor responsible for a construction site shall ensure for that site that -
- (a) adequate measures are taken to prevent persons at work from being struck by any falling material or article,

- (b) wherever technically feasible, persons are protected by collective methods against falling objects,
- (c) materials and equipment are laid out or stacked in such a way as to prevent their collapsing or overturning, and
- (d) where necessary, there are covered passageways on the site or access to danger areas is prevented.

(2) Every contractor shall ensure that every person under the contractor's direct control who is carrying out construction work is provided with a suitable -

- (a) protective safety helmet, or
- (b) other head protection

unless there is no foreseeable risk of injury to the head other than by falling.

(3) Every contractor shall ensure that -

- (a) every protective safety helmet or other head protection that is provided pursuant to this Regulation for use on a construction site is marked

with a distinguishing mark used to identify it in relation to the person to whom it has been issued, and

- (b) the helmet or other head protection is not issued to any other person unless and until it has been cleaned and disinfected.

(4) On a construction site, a person shall not throw, drop or allow to be shot or ejected downwards any scaffold materials or tools or any other materials or objects, including waste materials, from a height where they are liable to cause injury.

(5) Where practicable a person who moves any scaffold materials, tools or other objects, including waste materials, from a height on a construction site where they are liable to cause injury, shall cause them to be properly lowered.

(6) A contractor responsible for a construction site shall ensure for that site that adequate steps are taken to protect persons at work from falling or flying debris where -

- (a) proper lowering under *paragraph (5)* is not practicable, or
- (b) any part of a building or other structure is being demolished or removed.

Loading bays and ramps.

36. A contractor responsible for a construction site shall ensure for that site that -
- (a) loading bays and ramps are suitable for the dimensions of the loads to be transported,
 - (b) loading bays have at least one exit point, and
 - (c) loading ramps are sufficiently safe to prevent persons at work from falling off.

Installations, machinery and equipment.

37. A contractor responsible for a construction site shall ensure for that site that all installations, machinery and equipment, including hand tools, whether power-operated or not, used on a construction site, are -
- (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 only by persons who have received appropriate training.

Wet paint on ironwork or steelwork.

38. (1) Except as regards moving or manipulating in connection with the painting of ironwork or steelwork on a construction site, a person shall not, on a construction site, move or manipulate any ironwork or steelwork which has been painted unless all the paint on it, other than paint for the purpose of jointing, is dry.

(2) A person shall not walk or work or require or permit another person to walk or work on erected -

- (a) ironwork, or

- (b) steelwork

on which the paint, other than paint for the purpose of jointing, is wet.

Helmets or crowns for pile driving.

39. A contractor responsible for a construction site shall ensure for that site that every helmet or crown used in connection with pile driving is of good construction, of sound and suitable material, of adequate strength and free from patent defect.

Lighting of work places.

40. A contractor responsible for a construction site shall ensure for that site that -

- (a) every place and the approach to that place on that site is adequately and suitably lighted if, at that place -
 - (i) persons are at work and, in particular, every such place and approach where raising or lowering operations with the use of a lifting appliance are in progress, or
 - (ii) there are openings dangerous to persons at work,
- (b) workstations, rooms and traffic routes are provided with -
 - (i) sufficient natural lighting, as far as possible, and

- (ii) appropriate and sufficient artificial lighting at night and when natural daylight is inadequate,
- (c) where necessary portable light sources that are protected against impact are used,
- (d) indoor workstations on construction sites -
 - (i) as far as possible, have natural light, and
 - (ii) are equipped with the means of providing artificial lightingwhich is sufficient for the purposes of protecting the safety, health and welfare of persons at work,
- (e) the colour of artificial light used on the construction site does not alter or affect the perception of signals or signposts in any way that endangers the safety and health of persons at work,
- (f) lighting installations for rooms, workstations and traffic routes are 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, and

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

Prevention of electrocution.

41. A contractor responsible for a construction site shall ensure for that site that -

- (a) whenever possible, where overhead power lines exist, they are redirected away from the area of the site or else that the current is cut off,
- (b) if compliance with *paragraph (a)* is not possible, barriers and notices are provided, as appropriate, to ensure that vehicles and installations are kept away,
- (c) suitable warnings and suspended protections are provided where vehicles have to pass beneath overhead power lines,
- (d) energy distribution installations are designed, constructed and used so as not to present a fire or explosion hazard,

- (e) persons at work are adequately protected against the risk of electrocution caused by direct or indirect contact,
- (f) the design, construction and choice of equipment and protection devices 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,
- (g) on-site outdoor energy distribution installations are regularly checked and maintained, and
- (h) outdoor installations existing on the site before the construction work began are identified, checked and clearly signposted.

Projecting nails and loose material.

42. A contractor responsible for a construction site shall ensure for that site that timber or material with projecting nails -

- (a) is not used in any work to which these Regulations apply if the timber or material is a source of danger to persons at work, and

- (b) is not allowed to remain in any place where it is a source of danger to persons at work.

Construction of temporary structures.

43. A contractor responsible for a construction site shall ensure for that site that any temporary structure erected for the purpose of construction work, having regard to the purpose for which the temporary structure is used,

- (a) is of good design and construction and of adequate strength and stability, and
- (b) is of sound material, free from patent defect and properly maintained.

Avoidance of danger from collapse of structure.

44. A contractor responsible for a construction site shall ensure for that site that -

- (a) metal or concrete frameworks and their components, shutterings, prefabricated components, temporary supports, false work and buttresses are erected and dismantled only under the supervision of a competent person,

- (b) all practicable precautions are 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,
- (c) any guys, stays, supports, fixings or other devices provided under *paragraph (b)* are designed, installed and maintained so as to safely withstand any strains and stresses which may be placed on them, and
- (d) all practicable precautions are taken by shoring, or otherwise, to prevent danger to any person at work from -
 - (i) the collapse of a building or structure, or
 - (ii) the fall of any part of a building or structure

where any work is likely to reduce the security or stability of any part of an existing building or structure or of a building or structure in the course of construction.

Fire detection and fire fighting.

45. (1) The application of this Regulation is without prejudice to the Fire Services Acts 1981 and 2003 (No. 30 of 1981 and No.15 of 2003) and other relevant legislation.

(2) A contractor responsible for a construction site, depending on 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, shall provide or cause to be provided on the site an adequate number of -

(a) appropriate fire-fighting devices, and

(b) where required, fire detectors and alarm systems.

(3) A contractor responsible for a construction site shall ensure for that site that -

(a) fire-fighting devices, fire detectors and alarm systems are regularly checked and properly maintained,

(b) appropriate tests and drills take place at regular intervals,

(c) non-automatic fire-fighting equipment is easily accessible and easy to use, and

- (d) fire fighting equipment is indicated by signs in accordance with the relevant statutory provisions applying to safety and health signs at work.

Floors, walls, ceilings and roofs of rooms.

46. A contractor responsible for a construction site shall ensure for that site that -
- (a) in the case of indoor workstations, the floors have no dangerous bumps, holes or slopes and are fixed, stable and not slippery,
 - (b) the surfaces of floors, walls and ceilings in rooms can be cleaned or refurbished to an appropriate standard of hygiene, and
 - (c) transparent or translucent walls, in particular all-glass partitions, in rooms or in the vicinity of workstations and traffic routes are -
 - (i) clearly indicated,
 - (ii) made of safety material, or

- (iii) shielded from workstations and traffic routes to prevent persons at work from coming into contact with walls or being injured if the walls shatter.

Windows and skylights.

47. (1) In the case of indoor workstations, a contractor responsible for a construction site shall ensure for that site that -

- (a) it is possible for persons at work to open, close, adjust or secure windows, skylights and ventilators in a safe manner, and
- (b) the windows, skylights and ventilators when open are not positioned so as to constitute a hazard to persons at work.

(2) A contractor responsible for a construction site shall ensure for that site that windows and skylights are -

- (a) of a design, or
- (b) are otherwise fitted with devices

so that when used in conjunction with equipment they may be cleaned without risk to the safety, health or welfare of persons carrying out this work or of other persons present.

Freedom of movement at the workstation.

48. A contractor responsible for a construction site shall ensure that the floor area at a workstation on the site allows persons sufficient freedom of movement to perform their work, taking account of any necessary equipment or appliances present.

Room dimensions and air space in rooms.

49. A contractor responsible for a construction site shall ensure that workrooms on the site have sufficient surface area and height to allow persons to perform their work without risk to their safety, health or welfare.

Specific measures for escalators and travelators.

50. A contractor responsible for a construction site shall ensure for that site that -

- (a) escalators and travelators function safely, and
- (b) are equipped with any necessary safety devices and with easily identifiable and accessible emergency shut-down devices.

PART 5

EXCAVATIONS, SHAFTS, EARTHWORKS, UNDERGROUND WORKS AND TUNNELS

Safety precautions.

51. (1) A contractor responsible for a construction site shall ensure for that site that adequate precautions are 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 workstations 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) guard against the occurrence of fire or flooding,

- (e) enable persons at work to reach safety in the event of fire or an inrush of water or materials,
- (f) 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, and
- (g) provide a safe means of access to and egress from each place of work.

(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 carried out for the purpose of compliance with *paragraph (1)(a)*, the relevant contractor shall take measures to ensure, so far as reasonably practicable, that appropriate precautions are taken to ensure the safety and health of the person so engaged.

Inspection and examination.

52. (1) Subject to *paragraph (4)*, a contractor responsible for a construction site shall ensure for that site that -

- (a) every part of any excavation, shaft, earthwork, underground works or tunnel where persons are at work is inspected by a competent person at least once in every day during which persons are at work therein, and
- (b) the face of every tunnel, the working end of every trench more than 2 metres deep and the base and crown of every shaft are each inspected by a competent person at the commencement of every shift.

(2) Subject to *paragraph (4)*, a contractor responsible for a construction site shall ensure for that site that no person is 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 of it 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 of it,

(b) of those parts of it in the region of any shoring or other support of any part of it 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 of it within the immediately preceding 7 days.

(3) On the day of an examination required under *paragraph (2)*, the person carrying out the examination shall make and sign a report of the results of the examination in an approved form.

(4) This Regulation does not apply on a construction site -

(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 -

(i) would bury or trap a person, or

(ii) 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, so far as is reasonably practicable, to ensure their safety and health.

Supervision and execution of shoring and other work.

53. A contractor responsible for a construction site shall ensure for that site that -

- (a) shoring or other support for any part of an excavation, shaft, earthwork, underground work or tunnel is not erected, substantially added to, altered or dismantled, except -
 - (i) under the direction of a competent person, and
 - (ii) so far as is practicable, by persons possessing adequate experience of such work,
- (b) all material for shoring or other support as described in *paragraph (a)* is inspected by a competent person on each occasion before being taken into use,
- (c) material found defective in any respect is not used,

- (d) shoring or other support for any part of an excavation, shaft, earthwork, underground work or tunnel is of good construction, sound material, free from patent defect and of adequate strength for the purpose for which it is used and is properly maintained, and
- (e) all struts and braces in any excavation, shaft, earthwork, underground work or tunnel are properly and adequately secured so as to prevent their accidental displacement or fall.

Excavations etc. likely to reduce security of a structure.

54. A contractor responsible for a construction site shall not -

- (a) commence or continue, or
- (b) allow to be commenced or continued

on that site, any excavation, shaft, earthwork, underground works or tunnel likely to endanger any employee or other person at work by reducing the security or stability of any part of any temporary or permanent structure, on or adjacent to the site, unless adequate steps are taken, both before and during the progress of the work, to prevent danger to the employee or other person from collapse of the structure or the fall of any part of it.

Fencing of excavations, etc.

55. (1) A contractor responsible for a construction site shall ensure for that site that 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 liable to cause personal injury -

- (a) has a suitable barrier placed as close as is practicable to the edge, or
- (b) is 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 -

- (a) the absence of the barrier and covering is necessary for the access of persons or for the movement of plant or equipment or materials, or
- (b) it has not up to then been practicable to erect the barrier or covering since the formation of that part of the excavation, shaft, pit or opening.

(3) Where such barriers or coverings are not yet in place, the relevant contractor shall ensure that all appropriate measures are taken, so far as is reasonably practicable, to prevent persons from falling into the shaft, pit or opening.

Safeguarding edges of excavations, etc.

56. A contractor responsible for a construction site -

(a) shall ensure that material is not placed or stacked on the site near the edge of any excavation, shaft, pit or opening in the ground where it is likely to endanger persons at work below,

(b) shall not on the site -

(i) place or move, or

(ii) allow to be placed or moved

any load, vehicle, plant or equipment 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

(c) if necessary, shall ensure that appropriate barriers are provided.

PART 6

COFFERDAMS AND CAISSONS

Construction and maintenance.

57. A contractor responsible for a construction site shall ensure for that site that every cofferdam or caisson and every part of one is -

- (a) of good construction,
- (b) of suitable and sound material,
- (c) free from patent defect,
- (d) of adequate strength, and
- (e) properly maintained.

Means of egress in case of flooding.

58. A contractor responsible for a construction site shall ensure for that site that every cofferdam or caisson is 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.

59. A contractor responsible for a construction site shall ensure for that site that -

- (a) no cofferdam or caisson or part of one is constructed, placed in position, substantially added to, altered or dismantled, except -
 - (i) under the immediate supervision of a competent person, and
 - (ii) so far as is practicable by persons possessing adequate experience of the work,
- (b) all material used for the construction or fixing of a cofferdam or caisson is inspected by a competent person on each occasion before being taken into such use, and
- (c) material which is unsuitable or defective in any respect is not used.

Inspections and examinations.

60. (1) Subject to *paragraph (3)*, a contractor responsible for a construction site shall ensure for that site that any cofferdam or caisson in which persons are at work is -

- (a) inspected by a competent person at least once every day during which persons are working in the cofferdam or caisson, and
- (b) 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) where the cofferdam or caisson has been substantially damaged, and
 - (iii) in any other case, at least once within the immediately preceding 7 days.

(2) A person who carries out an examination made pursuant to this Regulation shall, on the day of the examination, make and sign a report, in an approved form, of the results of the examination.

(3) Where persons are engaged on a construction site in the construction, placing, repairing or alteration of a cofferdam or caisson or carrying out inspections or examinations required by *paragraph (1)*, this Regulation does not apply if appropriate precautions are taken, so far as is reasonably practicable, to ensure their safety and health.

PART 7
COMPRESSED AIR

Interpretation for this Part.

61. In this Part and in *Schedule 1*, “compressed air” means air compressed above atmospheric pressure, measured in kg/cm².

Safety precautions and supervision.

62. A contractor responsible for a construction site shall ensure for that site that where persons are required to work in compressed air -

- (a) appropriate precautions, arrangements and procedures are adopted, and
- (b) the work is planned and undertaken only under the supervision of a competent person.

Plant and equipment.

63. A contractor responsible for a construction site shall ensure for that site that 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 are -

- (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 they are used.

Fitness to work and supervision.

64. A contractor responsible for a construction site shall ensure for that site that -

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

Maximum pressure and records.

65. A contractor responsible for a construction site shall ensure for that site that -
- (a) no person working in compressed air is subjected to a pressure exceeding 3.5 kg/cm² except in emergencies, and
 - (b) for every shift a record is kept showing the time each person working in compressed air spends in the working chamber and the time taken for decompression.

Medical examinations and first aid.

66 (1) Without prejudice to *paragraph (2)*, a contractor responsible for a construction site shall not require or permit any person to work in compressed air, on that site, where the air pressure exceeds 1.25 kg/cm² unless the person has been -

- (a) medically examined, within the previous 4 weeks, by a registered medical practitioner familiar with compressed air work, and
- (b) certified by the registered medical practitioner as being fit for such work.

(2) A contractor responsible for a construction site shall ensure that persons who work continuously for more than 10 hours per week in compressed air on the site -

- (a) at a pressure of not more than 1.5 kg/cm² are medically re-examined every 2 months, or
- (b) at a pressure of more than 1.5 kg/cm² are medically re-examined at intervals to be assessed by a registered medical practitioner to the extent that a shorter interval than under *subparagraph (a)* is considered appropriate.

(3) A contractor responsible for a construction site shall ensure that -

- (a) persons are medically re-examined if they have been absent from work in compressed air for any period due to illness or for 10 days or more for reasons other than illness,
- (b) for every project where persons work in compressed air, a registered medical practitioner, a nurse, or a trained first-aid attendant, familiar with compressed air work, shall be available at all times, and
- (c) when persons work in compressed air at a pressure exceeding 1.25 kg/cm², a neighbouring hospital is informed of the location of the site and of the name and address of the registered medical practitioner exercising medical supervision.

Identification badge.

67. A contractor responsible for a construction site shall ensure for that site that every person who works in compressed air at a pressure exceeding 1.25 kg/cm² is provided with an identification badge to be worn on the body -

- (a) indicating that the person has worked in compressed air and giving the address of the medical lock at the place of work, and

- (b) stating that the wearer, if ill, should be taken to the medical lock and not to a hospital.

Compressions and decompressions.

68. A contractor responsible for a construction site shall ensure for that site that -

- (a) adequate and suitable facilities for remaining on the site after decompression, including shelters with seats, are provided for persons working in compressed air,
- (b) any person who has not previously worked in compressed air is not subjected to compressed air unless accompanied in the man-lock by a person competent to advise as to the appropriate conduct of persons during compression,
- (c) the pressure is not raised during compression to more than 0.35 kg/cm² until the man-lock attendant has ascertained that no person is complaining of discomfort, and thereafter the pressure is raised at a rate not exceeding 0.7 kg/cm² per minute, and
- (d) if during compression any person is suffering from discomfort, compression is stopped and the pressure gradually reduced.

Working chambers.

69. A contractor responsible for a construction site shall ensure for that site that, where persons are required to work in compressed air,

- (a) every working chamber is provided with a wet-bulb thermometer,
- (b) work under pressure when the wet-bulb temperature exceeds 28°C is restricted unless it is absolutely necessary, and
- (c) while any person is in a working chamber, the door between the chamber and a man-lock leading to a lower pressure, so far as is practicable, is kept open if the lock is not in use.

Medical locks.

70. A contractor responsible for a construction site shall ensure for that site that, where persons are required to work in compressed air,

- (a) if the pressure in a working chamber ordinarily exceeds 1.25 kg/cm², a suitable medical lock conveniently situated is provided solely for the treatment of persons at work in compressed air,

- (b) the medical lock has 2 components so that it can be entered under pressure, and
- (c) while any person is at work in compressed air a medical lock is in the charge of a suitably qualified person.

Man-locks.

71. (1) A contractor responsible for a construction site shall ensure for that site that every man-lock on a construction site is of adequate internal dimensions and is equipped with -

- (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) The relevant contractor shall ensure that persons in every man-lock on a construction site are not 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) The relevant contractor shall ensure that in every man-lock on a construction site there is a suitable notice indicating the precautions to be taken by persons during compression and decompression, and after decompression.

(4) The relevant contractor shall ensure that every man-lock on a construction site, while any person is in the man-lock or in any working chamber to which it affords direct or indirect access, is in the charge of an attendant who -

- (a) controls compression and decompression in the man-lock, and
- (b) if the pressure exceeds 1.25 kg/cm², keeps 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.

72. A contractor responsible for a construction site on which persons are required to work in compressed air shall provide, or cause to be provided, compressed air installations with an air supply plant capable of supplying any working chamber with sufficient fresh uncontaminated air -

- (a) at the pressure in the chamber, and
- (b) at not less than 0.3 m³ per minute per person in the chamber.

PART 8
EXPLOSIVES

Application of Part 8.

73. This Part applies to the storage, transport, use and disposal of explosives at a construction site.

Duties of contractor.

74. A contractor responsible for a construction site shall -

- (a) so far as is reasonably practicable, ensure that all explosives used or to be used on the site are stored, transported, used and disposed of safely and securely,

- (b) appoint in writing one or more competent persons, each known in these Regulations as an “Explosives Supervisor” to organise and supervise all work at the site involving the use of explosives and obtain confirmation in writing of acceptance of the appointments,

- (c) ensure that at no time is there more than one person acting as the Explosives Supervisor at the site,

- (d) ensure that shotfiring operations on the site are carried out by a competent shotfirer or, subject to *Regulation 75*, by a trainee shotfirer acting under the close personal supervision of a competent shotfirer,
- (e) ensure that the competent shotfirer is in possession of a valid constructions skills registration card for that task as referred to in Schedule 4,
- (f) ensure that suitable and sufficient rules, known in these Regulations as “shotfiring rules”, are made which lay down in writing procedures for -
 - (i) shotfiring operations at the site,
 - (ii) appointing shotfirers, trainee shotfirers and storekeepers,
 - (iii) authorising other persons who will be involved with the storage, transport, use or disposal of explosives,
 - (iv) dealing with misfires, and
 - (v) ensuring, so far as is reasonably practicable, that such rules are complied with,

- (g) ensure that an adequate written blast specification based on an assessment of the risks (whether or not produced by the contractor) is prepared for each shotfiring operation at the site to ensure, so far as is reasonably practicable, that when such firing occurs it will not give rise to danger,
- (h) ensure that a copy of any relevant information contained in the blast specification referred to in *subparagraph (g)* is given to any person upon whom it imposes duties,
- (i) ensure that operations involving the storage, transport, use or disposal of explosives are carried out by -
 - (i) a duly authorised and competent person, or
 - (ii) a trainee under the close supervision of a duly authorised and competent person as referred to in *Regulation 75*,
- (j) ensure that such facilities and equipment as are necessary to enable shotfiring operations to be carried out safely are provided,

- (k) ensure that any vehicle which is provided for use in relation to shotfiring operations is safe for use and so marked as to be readily identifiable from a distance,
- (l) ensure that detonators are stored in separate containers from other explosives,
- (m) ensure that explosives are kept at all times either in a locked explosives store or under the supervision of a suitable person, and
- (n) ensure, so far as is reasonably practicable, that each shotfiring operation is carried out safely and in accordance with the shotfiring rules required to be made under *subparagraph (f)* and any blast specification required to be prepared under *subparagraph (g)*.

Supervision of shotfiring operations and trainee shotfirers and records of appointment.

75. (1) A contractor responsible for a construction site shall ensure that -
- (a) a trainee shotfirer at the site does not fire shots and is not required to fire shots, except when he or she is under the close personal supervision of a shotfirer, until the contractor is satisfied that he or she

has completed a suitable period of training and has appropriate practical experience and is competent, and

- (b) all shotfiring operations at the site are carried out under the close personal supervision of the shotfirer.

(2) The relevant contractor for a construction site shall ensure that a record of the appointment at the site of any shotfirer or trainee shotfirer is kept at a suitable place until 3 years after that shotfirer's or, as the case may be, trainee shotfirer's, employment at the site ends.

Duties of Explosives Supervisor and shotfirer.

76. (1) The Explosives Supervisor and shotfirer shall ensure that any shotfiring operation on a construction site is carried out in accordance with any shotfiring rules required by *Regulation 74* and any blast specification prepared pursuant to *Regulation 74*.

- (2) Before a shot is fired on a construction site, a shotfirer shall -
 - (a) ensure that no person is within, or may enter within, the danger zone specified in the blast specification prepared pursuant to *Regulation 74* when the shot is being fired,

- (b) check the shotfiring system or circuit to ensure that it has been connected correctly,
- (c) where electrical detonators are used, ensure that they have been correctly connected to the shotfiring system or circuit and that the shotfiring system or circuit is tested with an instrument suitable for the purpose,
- (d) where appropriate, ensure that the electrical integrity of the shotfiring system or circuit is such as to make a misfire unlikely, and
- (e) ensure that the shot is fired from a safe place.

Misfires.

77. In the event of a misfire the relevant contractor for a construction site shall ensure, so far as is reasonably practicable, that -

- (a) no person other than the Explosives Supervisor, shotfirer, trainee shotfirer or any other person authorised by any of them enters the danger area -

- (i) where the shot was fired by means of safety fuse, until a period of 30 minutes has elapsed since the misfire, or
 - (ii) where the shot was fired by other means, until a period of 5 minutes has elapsed since the misfire and any shotfiring apparatus has been disconnected from the shot,
- (b) appropriate steps are taken to determine the cause of and to deal with the misfire, and
- (c) a suitable record is kept of the misfire.

Prohibited activities.

78. (1) No person other than a person engaged in the transport of explosives to or from a construction site, a shotfirer, trainee shotfirer, a person authorised to handle explosives at the site or a person appointed to be in charge of the explosives store shall handle explosives at the site.

(2) No person other than a shotfirer or a trainee shotfirer shall handle detonators at a construction site.

(3) No person shall -

- (a) bring any substance or article (other than explosives) likely to cause an unintended explosion or fire, or
- (b) except for the purpose of lighting an igniter cord or a safety fuse, take any naked flame

within 100 metres of any explosives.

(4) No person shall forcibly remove any detonator lead, safety fuse or other system for initiating shots from a shothole after the shothole has been charged and primed.

(5) No person shall charge or fire a shot on a construction site -

(a) unless there is sufficient visibility to ensure that work preparatory to shotfiring, the shotfiring operation and any site inspection after the shot is fired can be carried out safely, or

(b) in a shothole which has previously been fired, unless the person is dealing with a misfire in accordance with action taken under *Regulation 77(b)*.

(6) No person shall fire a shot on a construction site -

- (a) unless the person is a shotfirer or trainee shotfirer, and
- (b) does so only by means of a suitable exploder or suitable safety fuse.

(7) No person on a construction site shall cap a safety fuse with a detonator unless the person -

- (a) is using equipment designed for the purpose, and
- (b) is in a suitably sheltered place designated by the relevant contractor for the purpose.

(8) No person other than a shotfirer or a trainee shotfirer shall by detonation or burning dispose of surplus explosives, detonators, accessories or packaging remaining following shotfiring operations at a construction site.

PART 9
GENERAL HEALTH HAZARDS

Health hazards.

79. (1) A contractor responsible for a construction site, where persons are liable to be exposed to any chemical, physical or biological hazard to such an extent as is liable to be dangerous to health, shall ensure that appropriate preventive measures are taken on the site against that exposure.

(2) The preventive measures referred to in *paragraph (1)* shall comprise -

- (a) wherever possible, the replacement of a hazardous substance by a harmless or less hazardous substance,
- (b) technical measures applied to the plant, machinery, equipment or process, or
- (c) where it is not possible to comply with *subparagraph (a)* or *(b)*, other effective measures, including the use of personal protective equipment and protective clothing.

Atmospheric influences.

80. A contractor responsible for a construction site shall ensure for that site that persons working outdoors are protected against atmospheric influences which could affect their safety and health.

Ventilation.

81. (1) A contractor responsible for a construction site shall ensure for that site that -

- (a) steps are taken to ensure that there is sufficient fresh air provided, having regard to the working methods used and the physical demands placed on the persons at work,
- (b) if a forced ventilation system is used, it is maintained in working order and shall not expose persons at work to draughts which are harmful to health, and
- (c) any breakdown in a forced ventilation system is indicated by a control system, if necessary for the health of persons at work.

(2) In indoor workstations on construction sites the relevant contractor shall ensure that -

- (a) if air conditioning or mechanical ventilation installations are used, they operate in such a way that persons at work are not exposed to draughts which cause discomfort, and
- (b) any deposit or dirt likely to create an immediate danger to the health of persons at work by polluting the atmosphere is removed without delay.

Temperature.

82. A contractor responsible for a construction site shall ensure for that site that -

- (a) during working hours, the temperature is appropriate for human beings, having regard to the working methods used and the physical demands placed on the persons at work, and
- (b) in indoor workstations on the site -
 - (i) the temperature in rest areas, rooms for duty staff, sanitary facilities, canteens and first-aid rooms is appropriate to the particular purpose of such areas, and

- (ii) windows, skylights and glass partitions allow excessive effects of sunlight to be avoided, having regard to the nature of the work and use of the room.

Disposal of waste.

83. A contractor responsible for a construction site shall ensure that waste in respect of the site is not -

- (a) destroyed, or
- (b) otherwise disposed of

in a manner liable to be injurious to safety and health.

Internal combustion engines or dangerous gas.

84. A contractor responsible for a construction site shall ensure that -

- (a) no stationary internal combustion engine is used on the site in any enclosed or confined place unless specific provision is made for conducting the exhaust gases from the engine into the open air, or

- (b) the site is adequately ventilated so as to prevent danger to health from the exhaust gases.

PART 10

CONSTRUCTION WORK ON OR ADJACENT TO WATER

Transport by water.

85. A contractor responsible for a construction site shall ensure for that site that -
- (a) when any person at work is conveyed to or from any place of work on water, proper measures are taken to provide for the person's safe transport, and
 - (b) vessels used to convey persons as described in *paragraph (a)* are -
 - (i) of suitable construction,
 - (ii) properly maintained,
 - (iii) in the charge of a competent person, and
 - (iv) not overcrowded or overloaded.

Prevention of drowning.

86. (1) A contractor responsible for a construction site shall ensure that -

(a) where, on or adjacent to the site, there is water into which a person, in the course of his or her work, is liable to fall with risk of drowning -

(i) suitable rescue equipment is provided and kept in an efficient state, ready for use, and

(ii) arrangements are made for the prompt rescue of any such person who is in danger of drowning, and

(b) personal flotation devices conforming to European Norm (EN) or equivalent standards, as appropriate, are provided and worn at all times on the site.

(2) A contractor responsible for a construction site shall ensure for that site that personal flotation devices provided in pursuance of this Regulation are -

(a) properly maintained,

- (b) checked before each use,
- (c) inspected in accordance with the manufacturer's instructions, and
- (d) subjected to a thorough examination every 12 months.

(3) On the day of a required inspection or examination under *paragraph (2)*, the person who carries out the inspection or examination, as the case may be, shall -

- (a) make a report of the results in an approved form, and
- (b) sign the report.

(4) Where, on a construction site, there is special risk of a fall from the edge of adjacent land from -

- (a) a structure adjacent to or above the water, or
- (b) a floating stage,

the relevant contractor shall ensure that secure fencing is provided near the edge to prevent such a fall.

(5) To the extent necessary for the access of persons or the movement of materials, *paragraph (4)* does not apply if appropriate precautions are taken, so far as is reasonably practicable, to ensure the safety and health of persons.

PART 11

TRANSPORT, EARTHMOVING AND MATERIALS-HANDLING

MACHINERY AND LOCOMOTIVES

Safe operation of vehicles.

87. (1) A contractor responsible for a construction site shall ensure for that site that, if used for the purposes of construction work, all transport vehicles, earth-moving machinery, materials-handling machinery and locomotives, as set out in *Schedule 6*,

- (a) are of good design and construction taking into account as far as possible ergonomic principles,
- (b) are maintained in good working order,
- (c) are properly used,
- (d) are not operated otherwise than by a competent person who has attained the age of 18 years, unless operation is by a person for the

purpose of his or her training under the close personal supervision of a competent person, and

- (e) in circumstances where the operator's visibility is restricted, have auxiliary devices as listed in *Schedule 6* installed to improve visibility, unless a risk assessment shows that the auxiliary devices 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, by the provision of a traffic and pedestrian management plan, as to secure their safe operation.

Rails and rail tracks.

88. (1) A contractor responsible for a construction site shall ensure for that site that all rails on a construction site on which any locomotive, truck, wagon or rolling stock moves -

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

(2) The relevant contractor for a construction site shall ensure that all rails and equipment referred to in this Regulation are properly maintained, but *paragraph (1) (b)* and *(c)* do not apply if other adequate steps are taken -

- (a) to ensure the proper junction of the rails,

- (b) to prevent any material variation in the gauge of the rails, and
- (c) to arrest any locomotive, truck, wagon or rolling stock running out of control.

Clearance.

89. (1) A contractor responsible for a construction site shall ensure for that site in connection with the erection, installation, working or use of any line of rails on which any locomotive, truck, wagon or rolling stock moves, that there is adequate clearance so that persons are not likely to be crushed or trapped -

- (a) by any locomotive, truck, wagon or rolling stock, or
- (b) by any part of a load on any locomotive, truck, wagon or rolling stock.

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

Riding in insecure positions on vehicles, etc.

90. (1) No person at work on a construction site shall ride, and no person supervising a person at work on a construction site shall require or permit another person to ride, on the buffer, step, running board or any other insecure position on any -

(a) transport vehicle, earthmoving or materials-handling machinery, or

(b) locomotive, truck, wagon or rolling stock.

(2) A person at work on a construction site shall ride only on the part of any -

(a) transport vehicle, earthmoving or materials-handling machinery, or

(b) locomotive, truck, wagon or rolling stock

designed and intended for that purpose.

Vehicles near edge of excavations, etc.

91. A contractor responsible for a construction site shall ensure that adequate measures are taken, where necessary, so as to prevent any vehicle or machinery on the site from overturning or overrunning the edge of an excavation, shaft, embankment or earthwork when the vehicle or equipment is used for tipping material -

- (a) into the excavation or shaft,
- (b) over the edge of any embankment or earthwork, or
- (c) into water.

Protection of driver.

92. A contractor responsible for a construction site shall ensure for that site that, where appropriate, excavating machinery and materials-handling machinery comply with any relevant Directive of the European Communities which is applicable as regards the protection of the driver -

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

PART 12
DEMOLITION

Application of Part 12.

93. This Part applies to the demolition of the whole or any substantial part of a structure.

Safety precautions and supervision.

94. A contractor responsible for a construction site shall ensure for that site that when the demolition of any structure is likely to present danger to persons at work or others, that -

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

Fire and flooding.

95. A contractor responsible for a construction site shall ensure for that site, before demolition work is commenced and during the progress of the work, that appropriate steps are taken to prevent danger to persons at work and others on the site from risk of -

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

Precautions in connection with demolition.

96. (1) A contractor responsible for a construction site shall ensure for that site that no part of a structure where demolition is carried out is so overloaded with debris or materials as to render it unsafe to any person.

(2) A contractor responsible for a construction site shall ensure for that site that the following operations are carried out under the direction of a competent person and only by persons trained and experienced in the kind of work involved:

- (a) the actual demolition of a structure or part thereof, except where there is no risk of a collapse of any part of the structure in the course of, or as a result of, the demolition which would endanger any person;
- (b) the actual demolition of any part of a structure where there is a risk of collapse, whether of that or of any part of the structure in the course of, or as a result of, the demolition;

- (c) the cutting of reinforced or prestressed concrete, steelwork or ironwork forming part of the structure which is being demolished.

(3) Before any steelwork or ironwork is cut or released on a construction site, the relevant contractor shall ensure that precautions are taken to avoid danger from any sudden twist, spring or collapse.

(4) Where demolition is being carried out on a construction site, the relevant contractor shall ensure that all appropriate precautions are taken to avoid danger from collapse of a structure when any part of the framing is removed from a framed or partly framed structure.

(5) The relevant contractor on a construction site shall ensure that, before demolition is commenced and during the progress of the work on the site, precautions, where necessary, are taken by adequate shoring or otherwise to prevent the accidental collapse of -

- (a) any part of the relevant structure, or

- (b) any adjoining structure,

which may endanger any person.

(6) *Paragraph (5)* does not apply in relation to any person actually engaged in erecting or placing shoring or other safeguards for the purpose of compliance with *paragraph (5)*, if appropriate precautions, so far as is reasonably practicable, are taken to ensure the person's safety and health.

(7) The relevant contractor on a construction site -

(a) before demolition is commenced, and

(b) during the progress of the work

shall take or cause to be taken appropriate steps on the site to ensure that there is no danger to any person from electric cables, gas pipes, water mains, sewers or other underground watercourses.

(8) The relevant contractor shall ensure that appropriate steps are taken to suppress, either by water sprays or other means, any dust generated during the process of demolition.

PART 13
ROADS, ETC.

Works on roads, footpaths and cycle tracks.

97. A contractor responsible for a construction site, on which, any part of a road, footpath or cycle track is opened, excavated, broken up or obstructed by plant or equipment or by materials for the purpose of performing construction work, shall ensure for that site that the following measures are taken to protect the safety of persons at work and others in the course of the work being carried on:

- (a) adequate guarding and lighting is provided, and traffic signs are placed and maintained, and where necessary operated, as reasonably required for the safe guidance or direction of persons, having regard, in particular, to the needs of people with disabilities;
- (b) the works are supervised by a competent person who has been issued with a valid construction skills registration card as referred to in *Schedule 4*;
- (c) there is on site, at all times when the works are in progress, at least one person who has been issued with a valid construction skills registration card as referred to in *Schedule 4*.

PART 14

CONSTRUCTION SITE WELFARE FACILITIES

Shelters and accommodation for clothing and for taking meals.

98. (1) Subject to *paragraphs (2) and (3)*, a contractor responsible for a construction site, shall provide or cause to be provided at or in the immediate vicinity of the site for the use of persons at work and conveniently accessible to them -

- (a) 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 5 persons at work, adequate and suitable means of enabling them to warm themselves and to dry wet clothing, or
 - (ii) where there are 5 persons or less at work, such arrangements as are practicable for enabling them to warm themselves and for drying wet clothing,
- (b) 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, with such arrangements as are practicable for drying the clothing if it becomes wet,

- (c) adequate and suitable accommodation affording protection from the weather and including sufficient tables with impermeable surfaces and seats with backs, for taking meals,
- (d) facilities for boiling water and, where there are more than 5 persons at work and heated food is not otherwise available, adequate facilities for heating food and, where appropriate, for preparing food, and
- (e) an adequate supply of potable drinking water and, where appropriate, another suitable non-alcoholic beverage, at a convenient point or convenient points.

(2) In determining whether accommodation of any kind provided in pursuance of *paragraph (1)(c)* 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.

(3) For the purpose of *paragraph (1)*, in determining whether accommodation is conveniently accessible account shall be taken of any transport provided by the relevant contractor for the persons at work.

(4) The relevant contractor shall ensure that all accommodation provided in pursuance of *paragraph (1)* is -

- (a) properly ventilated, adequately lighted, kept in a clean, hygienic and orderly condition, and
- (b) not used for the deposit or storage of building materials or plant.

Changing rooms and lockers.

99. (1) A contractor responsible for a construction site shall ensure for that site that -

- (a) appropriate changing rooms are 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, and
- (b) the changing rooms are easily accessible, are of sufficient capacity and are provided with seating.

(2) If circumstances so require where work clothes are likely to be contaminated by dangerous substances, atmospheric conditions or the conditions of the place of work, the relevant contractor shall provide or cause to be provided -

- (a) facilities to enable working clothes to be kept in a place separate from personal clothing and effects, and
- (b) separate changing rooms or separate use of changing rooms for men and women.

(3) If changing rooms are not required as referred to in *paragraph (1)*, the relevant contractor shall ensure that every person at work is provided with a place to lock away his or her own clothes and personal effects.

Washing facilities.

100. (1) A contractor responsible for a construction site shall ensure for that site that adequate and suitable facilities for washing appropriate to the numbers of persons at work and the nature and duration of the work are provided.

(2) Subject to *paragraph (4)*, a contractor responsible for a construction site, where there are reasonable grounds for believing that the work to be undertaken on the site will not be completed within 30 working days after its commencement, shall ensure that the facilities for washing referred to in *paragraph (1)* include -

- (a) adequate troughs or basins having in every case a smooth impervious internal surface,

- (b) adequate and suitable means of cleaning and drying, being either soap and towels or other means, as the case may require, and
- (c) a sufficient supply of hot and cold or warm running water.

(3) Subject to *paragraph (4)*, where there are -

- (a) more than 100 persons at work on a construction site, and
- (b) reasonable grounds for believing that the work to be undertaken on the site will not be completed within 12 months after its commencement,

in lieu of providing troughs or basins mentioned in *paragraph (2)(a)*, the contractor responsible for the site shall ensure that washbasins are provided on the following scale, that is to say, 6 with the addition of one for every unit of 20 persons at work by which the number of persons exceeds 100, any fraction of a unit of 20 persons being treated as one.

(4) A contractor responsible for a construction site on which persons are at work in a process in which a dangerous substance is used shall for that site -

- (a) provide an adequate number of nail brushes, and

- (b) for the purposes of *paragraph (2)(a)* or (3), as may be appropriate, provide one trough, basin, or washbasin, as may be appropriate, for every 5 persons at work.
- (5) A contractor responsible for a construction site shall ensure for that site that -
- (a) the washing facilities provided are conveniently accessible from the accommodation for taking meals and shall be adequately lighted, properly ventilated and kept in a clean and orderly condition,
 - (b) separate washbasins, or separate use of washbasins for men and women are provided, when so required for reasons of propriety,
 - (c) suitable showers in sufficient numbers are provided for persons at work if required by the nature of the work or for health reasons,
 - (d) provision is made for separate shower rooms or separate use of shower rooms for men and women,
 - (e) the shower rooms are sufficiently large to permit each person to wash without hindrance in conditions of an appropriate standard of hygiene,
 - (f) the showers are equipped with hot and cold running water, and

- (g) where the rooms housing the showers or washbasins are separate from the changing rooms, there is easy communication between them.

Sanitary conveniences.

101. (1) A contractor responsible for a construction site shall ensure for that site -

- (a) that subject to *subparagraph (d)*, at least one suitable sanitary convenience is provided, not being a convenience suitable only as an urinal, for every 20 persons at work on the site,
- (b) that every sanitary convenience required under these Regulations -
 - (i) if practicable, discharges into a main sewer,
 - (ii) is sufficiently ventilated and does not communicate with any workroom or messroom except through the open air or through an intervening ventilated space,
 - (iii) is under cover and so partitioned off as to secure privacy,

- (iv) other than a convenience suitable only as an urinal, has a proper door and fastening,
 - (v) is conveniently accessible to persons at work at all times while they are at the site and, where practicable, is convenient to the washing facilities, and
 - (vi) is maintained in a clean and hygienic condition,
- (c) that provision is made for separate sanitary conveniences or separate use of sanitary conveniences for men and women, and
- (d) where there are more than 100 persons at work on the site and sufficient urinal accommodation is provided, that there is at least one suitable sanitary convenience as described in *subparagraph (a)* -
- (i) for every 25 persons at work on the site, up to and including the first 100, and
 - (ii) for every 35 persons at work on the site after the first 100.
- (2) In calculating the number of conveniences required -

- (a) by *paragraph(1)(a)*, any number of persons -
 - (i) less than 20 shall be reckoned as 20, and
 - (ii) any number not a multiple of 20 shall be reckoned as being the nearest lower number which is a multiple of 20, and
- (b) by *paragraph(1)(d)*, any number of persons -
 - (i) less than 25 or 35, as may be appropriate, shall be reckoned as 25 or 35, and
 - (ii) any number not a multiple of 25 or 35, as may be appropriate, shall be reckoned as being the nearest lower number which is a multiple of 25 or 35.

Accommodation areas.

102. A contractor responsible for a construction site shall ensure that fixed living accommodation areas on the site, unless used only in exceptional cases,

- (a) have sufficient sanitary equipment, a rest room and a leisure room,

- (b) are equipped with beds, cupboards, tables and seats with backs, taking account of the number of persons at work, and
- (c) are allocated taking account, where appropriate, of the presence of persons of both sexes.

Safe access to places where facilities are provided.

103. A contractor responsible for a construction site shall ensure for that site that -

- (a) safe means of access and egress are provided and maintained to and from every place at which any of the facilities referred to in this Part are situated, and
- (b) every such place is made safe and kept safe for persons using the facilities.

Pregnant women and nursing mothers.

104. A contractor responsible for a construction site shall ensure that pregnant women and nursing mothers at work on the site are provided with appropriate facilities as set out in other relevant legislation.

Persons with disabilities.

105. A contractor responsible for a construction site shall ensure for that construction site that places of work, where necessary, are organised to take account of persons at work with disabilities, in particular as regards doors, passageways, staircases, showers, washbasins, lavatories and work-stations used or occupied directly by those persons.

Schedule 1

Regulations 12, 15 and 16

Non-exhaustive List of Work Involving Particular Risks to the Safety, Health and Welfare of Persons at Work

1. Work which puts persons at work at risk of -
 - (a) falling from a height,
 - (b) burial under earthfalls, or
 - (c) engulfment in swampland,

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 construction 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 statutory requirement for health monitoring.

3. Work with ionising radiation requiring the designation of controlled or supervised areas as defined in Directive 96/29/Euratom².
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.

² OJ L159 29th June 1996

Schedule 2

Regulations 17 and 24

Non-Exhaustive List of Matters to be Considered in Particular as regards the Application of the General Principles of Prevention to Construction Work under these Regulations

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 them 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, health and welfare 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 on the construction site, of the actual time 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 4, 19, 25 and 29

Safety Awareness Scheme

The requirements under these Regulations for the issue of a valid safety awareness registration card are successful completion of any one of the following:

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

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

- (a) the FÁS Safe Pass registration card;
- (b) a registration card, with photographic identification, issued by such body as may be prescribed by the Minister, for the purpose of the issuing of safety awareness cards;

- (c) a registration card issued in association with a scheme referred to in *paragraph 1(c)*.

Schedule 4

Regulations 2, 19, 25, 29, 74 and 97

Construction Skills Certification Scheme

1. (1) The requirement for the issue of a FETAC award under the Construction Skills Certification Scheme is successful completion of training under the scheme in any of the following tasks:

- (a) Scaffolding - basic;
- (b) Scaffolding - advanced;
- (c) Mobile tower scaffold - where the employee has not been trained in the task referred to at *subparagraphs (a) or (b)*;
- (d) Tower crane operation;
- (e) Self erecting tower crane operation - where the employee has not been trained in the task referred to at *subparagraph (d)*;
- (f) Slinging/signalling;

- (g) Telescopic handler operation;
- (h) Tractor/dozer operation;
- (i) Mobile crane operation;
- (j) Crawler crane operation;
- (k) Articulated dumper operation;
- (l) Site dumper operation;
- (m) 180⁰ excavator operation;
- (n) Mini-digger operation - where the employee has not been trained in the task referred to at *subparagraph (m)*;
- (o) 360⁰ excavator operation;
- (p) Roof and wall cladding/sheeting;
- (q) Built-up roof felting;

- (r) Signing, lighting and guarding on roads;
- (s) Locating under-ground services;
- (t) Shotfiring;
- (u) such other construction related tasks as may be prescribed by the Minister.

(2) Where it is necessary to gain experience prior to undertaking a programme related to the tasks listed at *paragraph (1)* it is permissible for a person to undertake those tasks during the training period required by the programme if -

- (a) the person concerned is at all times under the close personal supervision of a person who is in possession of a valid construction skills registration card relevant to the task concerned, and
- (b) the person concerned is in possession of an appropriate identification identifying the person as a trainee in the relevant skills and an associated documented log-book recording experience gained in the skill in which the person is undergoing training.

2. The requirements for the issue of a valid construction skills registration card under the Construction Skills Certification Scheme are possession of -

- (a) the relevant FETAC award under the Construction Skills Certification Scheme,
- (b) an equivalent FETAC award, or
- (c) an equivalent award approved by a body in another Member State of the European Communities recognised by FÁS as equivalent to the FETAC award under the Construction Skills Certification Scheme.

3. (1) “Scaffolding - basic” listed in *paragraph 1(1)(a)* means general scaffolding operations (other than those covered by “Scaffolding - advanced” listed in *paragraph 1(1)(b)*).

(2) “Scaffolding - advanced” listed in *paragraph 1(1)(b)* includes any or all of the following:

- (a) construction of special scaffolds as may be specified in a relevant code of practice;

- (b) construction of scaffolds that may require design or calculation, including any such scaffold as may be specified in a relevant code of practice;
- (c) such other tasks as may be prescribed by the Minister .

Procedure for Selection of Site Safety Representatives

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

1. If a site safety representative is selected by the persons at work on a construction 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. The particulars listed 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 the project supervisor 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 selected by a process involving more than 50 per cent of the persons working on the construction 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 construction 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 6

Regulation 87

List of Vehicles Requiring Auxiliary Devices and Visual Aids.

Machine type	Reversing and visual aids required
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 more than 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 more than 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 ⁰ 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 more than 1 metre high and 1 metre from the machine

Scrapers	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 more than 1 metre high and 1 metre from the machine at each side and at rear of driver
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 more than 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 more than 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 more than 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

GIVEN under my hand,

28th September 2006.

Tony Killeen

Minister for 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 Council Directive 92/57/EEC³ on the minimum safety and health requirements at temporary or mobile construction sites.

These 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, Designers, Contractors and Employees.

These Regulations apply to all construction projects including the alteration, decoration, maintenance and repair of buildings and the installation, maintenance and removal of mechanical and other systems fixed within or to structures. They place obligations on clients and designers to ensure that safety and health 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.

A Regulatory Impact Analysis has been undertaken for these Regulations and is available from the website of the Department of Enterprise, Trade and Employment (www.entemp.ie).

These Regulations replace and revoke the Safety, Health and Welfare at Work (Construction) Regulations 2001 (S.I. No. 481 of 2001), and the Safety, Health and Welfare at Work (Construction)(Amendment) Regulations 2003 (S.I. No. 277 of 2003) except for Regulations 4 and 6 of the 2001 Regulations as they apply to project supervisors appointed prior to the commencement of these Regulations and to Regulations 80 to 123 - lifting appliances and lifting equipment.

³ OJ L245/6 of 26th August 1992