
 27.9.04 STATUTORY INSTRUMENTS

2004 No.**HEALTH AND SAFETY****The Work at Height Regulations 2004**

<i>Made</i> - - - -	2004
<i>Laid before Parliament</i>	2004
<i>Coming into force</i> - -	2004

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REVOCATION OF INSTRUMENTS

The Secretary of State, in the exercise of the powers conferred on him by sections 15(1), (2), (3)(a), (5)(b), (6)(a) and 82(3)(a) of, and paragraphs 1(1), (2) and (3), 9, 11, 14, 15(1) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974^(a) (“the 1974 Act”) and for the

^(a) 1974 c.37. Sections 15 and 50 were amended by the Employment protection Act 1975 (c.71) Schedule 15, paragraphs 6 and 16 respectively. The general purposes of Part I of the 1974 Act were extended by section 1(1) of the Offshore Safety Act

purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Work at Height Regulations 2004 and shall come into force on 2004.

Interpretation

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

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

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

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

“ladder” includes a fixed ladder and a stepladder;

“line” includes rope, wire, chain or webbing;

“the Management Regulations” means the Management of Health and Safety at Work Regulations 1999(a);

“personal fall protection system” means—

(a) a fall prevention, work restraint, work positioning, fall arrest or rescue system, other than a system in which the only safeguards are collective safeguards; or

(b) rope access and positioning techniques;

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

“work at height” means ~~work in any place, including a place~~—

(a) ~~in the course of obtaining access to or egress from any place except by a staircase in a permanent workplace~~ work in any place, including a place at or below ground level;

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

~~from which~~ where, if measures required by these Regulations were not taken, a person could fall a distance liable to cause personal injury; ~~and any reference to carrying out work at height includes obtaining access to or egress from such place while at work.~~

1992 (c.15.). Section 51A was inserted by section 1, and sections 52 and 53 were amended by sections 2 and 6 respectively, of the Police (Health and Safety) Act 1997 (c.42).
(a) S.I. 1999/3242.

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

“working platform”—

- (a) means any platform used as a place of work or as a means of access to or egress from a place of work;
- (b) includes any scaffold, suspended scaffold, cradle, mobile platform, trestle, gangway, gantry and stairway which is so used;
- (c) ~~does not include a building or other permanent structure.~~

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

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

Application

3.—(1) These Regulations shall apply—

- (a) in Great Britain; and
- (b) outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001(a) ~~(“the 2001 Order”).~~

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

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

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

- (a) a self-employed person, in relation to work—
 - (i) by him; or

- (ii) by a person under his control, to the extent of his control; and
 - (b) to any person other than a self-employed person, in relation to work by a person under his control, to the extent of his control.
- (4) Regulations 4 to 16 of these Regulations shall not apply to or in relation to—
- (a) the master and crew of a ship, or to the employer of such persons, in respect of the normal ship-board activities of a ship’s crew which—
 - (i) are carried out solely by the crew under the direction of the master; and
 - (ii) are not liable to expose persons at work other than the master and crew to a risk to their safety;
 - (b) a place specified in regulation 7(6) of the Docks Regulations 1988^(b) where persons are engaged in dock operations; or
 - (c) a place specified in regulation 5(3) of the Loading and Unloading of Fishing Vessels Regulations 1988^(c) where persons are engaged in fish loading processes.
- (5) Regulation 11 of these Regulations shall not apply to an installation while regulation 12 of the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996^(d) apply to it.
- (6) In this regulation “ship” includes every description of vessel used in navigation, other than a ship belonging to Her Majesty which forms part of Her Majesty’s Navy.

Organisation and planning

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

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

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

(a) S.I. 2001/2127.
 (b) S.I. 1988/1655, to which there are amendments not relevant to these Regulations.
 (c) S.I. 1988/1656.
 (d) S.I.1996/913.

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

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

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

Competence

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

Avoidance of risks from work at height

6.—(1) In identifying the measures required by this regulation, every employer shall take account of a risk assessment under regulation 3 of the Management Regulations.

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

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

(3)(4) The measures required by paragraph (2) shall include—

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

(i) from an existing place of work; or

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

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

(b) ~~in other cases where it is not reasonably practicable for the work to be carried out in accordance with sub-paragraph (a), the selection of his providing~~ work equipment ~~in~~

~~accordance with regulation 7 for preventing, so far as is reasonably practicable, a fall occurring.~~

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

~~(a) suitable and sufficient measures, including the provision of work equipment, to minimise—~~

~~(i) the distance and consequences; or~~

~~(ii) where it is not reasonably practicable to minimise the distance, the consequences of a fall; and~~

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

~~(5)(6) The measures required by paragraph (4) shall include the selection of work equipment in accordance with regulation 7.~~

~~(7) In identifying the measures required by this regulation, every employer shall—~~

~~(a) take account of a risk assessment under regulation 3 of the Management Regulations; and~~

~~(b) without prejudice to paragraph (3)(a), giving separate consideration to the measures required to prevent a person falling, and those required to minimise the distance and consequences of a fall, give collective measures priority over personal protection measures.~~

General principles for selection of work equipment for work at height

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

~~(a) give collective protection measures priority over personal protection measures; and~~

~~(a)(b) take account of—~~

~~(i) the working conditions and the risks to the safety of persons at the place where the work equipment is to be used;~~

- (ii) in the case of work equipment for access and egress, the distance to be negotiated;
- (iii) the distance and consequences of a potential fall;
- (iv) the duration and frequency of use;
- (v) the need for easy and timely evacuation and rescue in an emergency;
- (vi) any additional risk posed by the use, installation or removal of that work equipment or by evacuation and rescue from it; and
- (vii) the ~~later~~ other provisions of these Regulations; ~~and~~

~~(b)(c) give collective protection measures priority over personal protection measures.~~

- (2) An employer shall select work equipment for work at height which—
- (a) has characteristics including dimensions which—
 - (i) are appropriate to the nature of the work to be performed and the foreseeable loadings; and
 - (ii) allow passage without risk; and
 - (b) is in other respects the most suitable work equipment, having regard in particular to the purposes specified in regulation 6.

Requirements for particular work equipment

8. Every employer shall ensure that, in the case of—
- (a) a guard-rail, toe-board, barrier or similar means of protection, Schedule 2 is complied with;
 - (b) a working platform—
 - (i) Part 1 of Schedule 3 is complied with; and
 - (ii) where scaffolding is provided, Part 2 of Schedule 3 is also complied with;
 - (c) a net, airbag or other collective safeguard for arresting falls which is not part of a personal fall protection system, Schedule 4 is complied with;
 - (d) ~~any~~ personal fall protection system, Part 1 of Schedule 5 ~~is complied with; and—~~

~~(e)(i) in the case of~~ a work positioning system, Part 2 of Schedule 5 ~~is also complied with;~~

~~(f)(ii) in the case of~~ rope access and positioning techniques, Part 3 of Schedule 5 ~~is also complied with;~~

~~(g)(iii) in the case of~~ a fall arrest system, Part 4 of Schedule 5 ~~is also complied with;~~

~~(h)(iv) in the case of~~ a work restraint system, Part 5 of Schedule 5 ~~is complied with; and,~~

~~are complied with; and~~

~~(i)(e)~~ a ladder, Schedule 6 is complied with.

Fragile surfaces

~~9. Every employer shall take suitable and sufficient steps to prevent any person at work from falling through any fragile surface.~~

~~(2)(1) Without prejudice to the generality of paragraph (1), every employer shall ensure that—~~

no person at work passes across or near, or works on, ~~or~~ from or near, a fragile surface where it is reasonably practicable to carry out work safely and under appropriate ergonomic conditions without ~~their~~his doing so;

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

~~(b)(a) no person at work passes across, or works on or from, a fragile surface unless~~ensure, so far as is reasonably practicable, that suitable and sufficient platforms, coverings, guard rails or ~~other~~ similar means of support or protection are provided and used so that any foreseeable loading is supported by such supports or borne by such protection;

~~(c)(b) no person at work passes or works near a fragile surface unless there are provided suitable and sufficient guard rails, coverings or other similar means for preventing, so far as is reasonably practicable, a person from falling through the material; and~~

~~(d)(c) where any person at work may pass across or near or work on or near a fragile surface, prominent warning notices are so far as is reasonably practicable affixed at the approach to the place where the fragile surface is situated, where a risk of a person at work falling remains despite the measures taken under the preceding provisions of this regulation, take suitable and sufficient measures to minimise the distances and consequences of his fall.~~

~~(3) Where a risk of a person at work falling remains despite the means provided under paragraph (1), every employer shall provide suitable and sufficient means for arresting his fall, so far as is reasonably practicable. Where any person at work may pass across or near, or work on, from or near, a fragile surface, every employer shall ensure that—~~

~~(a) prominent warning notices are so far as is reasonably practicable affixed at the approach to the place where the fragile surface is situated; or~~

~~(b) where that is not reasonably practicable, such persons are made aware of it by other means.~~

Falling objects

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

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

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

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

Danger areas

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

(a) where a workplace contains an area in which, owing to the nature of the work, there is a risk of any person at work—

(i) falling a distance; or

(ii) being struck by a falling object,

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

(b) such area is clearly indicated.

Inspection of work equipment

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

(2) Every employer shall ensure that, where the safety of work equipment ~~(including work equipment to which paragraph (3) applies)~~ depends on how it is installed or assembled, it is not used after installation or assembly in any position unless it has been inspected in that position.

(3) ~~Without prejudice to paragraphs (2) and (4),~~ Every employer shall ensure that work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations is inspected—

(a) at suitable intervals; and

(b) each time that exceptional circumstances which are liable to jeopardise the safety of the work equipment have occurred.

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

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

(a) used for construction work; and

(b) from which a person could fall more than 2 metres,

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

(5) Every employer shall ensure that no work equipment, other than lifting equipment to which the requirement in regulation 9(4) of the Lifting Equipment and Lifting Operations Regulations 1998^(a) (“LOLER”) applies—

(a) leaves his undertaking; or

(b) if obtained from the undertaking of another person, is used in his undertaking,

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

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

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

(a) before the end of the working period within which the inspection is completed, prepare a report containing the particulars set out in Schedule 7; and

~~(b)~~ within 24 hours of completing the inspection, provide the report or a copy thereof ~~which he may do by electronic means~~, to the person on whose behalf the inspection was carried out.

^(a) S.I.1998/2307, to which there are amendments not relevant to these Regulations.

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

(a) at the site where the inspection was carried out until the construction work is completed;

and

(b) thereafter at an office of his for 3 months.

(9) Where a thorough examination has been made of lifting equipment under regulation 9 of LOLER—

(a) it shall for the purposes of this regulation, other than paragraphs (7) and (8), be treated as an inspection of the lifting equipment; and

(b) the making under regulation 10 of LOLER of a report of such examination shall for the purposes of paragraph (6) of this regulation be treated as the recording of the inspection.

~~(8)~~(10) In this regulation—

(a) “construction work” has the meaning assigned to it by regulation 2(1) of the Construction (Health, Safety and Welfare) Regulations 1996(a);

(b) “inspection”, subject to paragraph (8)—

(a)(i) _____ means such visual or more rigorous inspection by a competent person as is appropriate for safety purposes;

(b)(ii) _____ includes any testing appropriate for those purposes.

and related expressions shall be construed accordingly.

~~(9) Where a thorough examination has been made of lifting equipment under regulation 9 of LOLER—~~

~~(a) it shall for the purposes of this regulation, other than paragraph (7), be treated as an inspection of the lifting equipment; and~~

(a) S.I.1996/1592, to which there are amendments not relevant to these Regulations.

~~(b)(c) the making under regulation 10 of LOLER of a report of such examination shall for the purposes of paragraph (6) of this regulation be treated as the recording of the inspection.~~

Inspection of places of work at height

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

Duties of persons at work

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

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

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

Exemption by the Health and Safety Executive

15.—(1) ~~{Subject to Community law}~~ Subject to paragraph (2), the Health and Safety Executive (“the Executive”) may, by a certificate in writing, exempt—

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

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

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

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

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

Exemption for the armed forces

16.—(1) ~~Subject to paragraph (2).~~ The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt any ~~of Her Majesty's Forces, any visiting force or any headquarters person or class of persons~~ from any requirement or prohibition imposed by these Regulations in respect of activities carried out in the interests of national security, and any such exemption may be granted subject to conditions and may be revoked by the Secretary of State by a certificate in writing at any time.

~~(2) The Secretary of State shall not grant any such exemption unless he is satisfied that the health and safety of the employees concerned are ensured as far as possible in the light of the objectives of these Regulations.~~In this regulation—

~~(a) "Her Majesty's Forces" means any of the naval, military or air forces of the Crown, whether raised inside or outside the United Kingdom and whether any such force is a regular, auxiliary or reserve force;~~

~~(b) "headquarters" means a headquarters for the time being specified in Schedule 2 to the Visiting Forces and International Headquarters (Application of Law) Order 1999(a); and~~

~~(c)(a) "visiting force" has the same meaning as it has for the purposes of any provision of Part I of the Visiting Forces Act 1952(b).~~

Amendment of the Provision and Use of Work Equipment Regulations 1998

17. ~~For regulation 6(5)(c)~~ There shall be added to regulation 6(5) of the Provision and Use of Work Equipment Regulations 1998(c) ~~there shall be substituted~~ the following sub-paragraph—

“(e) work equipment to which regulation 12 of the Work at Height Regulations 2003~~4~~ applies”.

Repeal of section 24 of the Factories Act 1961

18. Section 24 of the Factories Act 1961(d) is repealed.

Revocation of instruments

19. The instruments specified in column 1 of Schedule 8 are revoked to the extent specified in column 3 of that Schedule.

Signed by authority of the Secretary of State

2004

Name
Minister of State,
Department for Work and Pensions

(a) S.I. 1999/1736.
(b) 1952 c.67.
(c) S.I. 1998/2306, to which there are amendments not relevant to these Regulations.
(d) 1961 c.34.

SCHEDULE 1

Regulation 6(3)(a)

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

Every existing place of work or means of access or egress at height shall—

- (a) be stable and of sufficient strength and rigidity for the purpose for which it is intended to be or is being used;
- (b) where applicable, rest on a stable, sufficiently strong surface;
- (c) be of sufficient dimensions to permit the safe passage of persons and the safe use of any plant or materials required to be used and to provide a safe working area having regard to the work to be carried out there;
- (d) be provided with suitable and sufficient edge protection;
- (e) possess a surface which has no gap—
 - (i) through which a person could fall;
 - ~~(ii) through which any material or object could fall and injure a person, unless measures have been taken to ensure that no person could be so injured;~~ or
 - ~~(iii) giving rise to other risk of injury to any person, unless measures have been taken to protect persons against such risk;~~

~~and which is otherwise suitable;~~
- (f) be so constructed and used, and maintained in such condition, as to prevent, so far as is reasonably practicable—
 - (i) the risk of slipping or tripping; or
 - (ii) any person being caught between it and any adjacent structure;
- (g) where it has moving parts, be prevented by appropriate devices from moving inadvertently during work at height.

SCHEDULE 2

Regulation 8(a)

REQUIREMENTS FOR GUARD-RAILS ETC.

1. Unless the context otherwise requires, any reference in this Schedule to means of protection is to a guard-rail, toe-board, barrier or similar means of protection.

2. Means of protection shall—

(a) be ~~suitable and of sufficient dimensions~~, of sufficient strength and rigidity for the ~~purpose~~ ~~for purposes~~ for which they are being used, ~~and otherwise suitable~~;

(b) be so placed, secured and used as to ensure, so far as is reasonably practicable, that they do not become accidentally displaced; and

~~(c) be so placed as to prevent, so far as is practicable, the fall of any person, or of any material or object, from any place of work,~~

~~(e)(d) _____ in the case of toe boards or similar means of protection, shall be not less than 150 millimetres high.~~

~~3. In relation to work at height involved in construction work to which the Construction (Health, Safety and Welfare) Regulations 1996(a) apply—~~

~~(a) the top guard-rail or other similar means of protection shall be at least 950 millimetres or, in the case such means of protection already fixed at the coming into force of these Regulations, at least 910 millimetres above the edge from which any person is liable to fall;~~

~~(b) toe-boards shall be suitable and sufficient to prevent the fall of any person, or any material or object, from any place of work; and~~

~~(c) any intermediate guard-rail or similar means of protection shall be positioned so that any gap between it and other means of protection does not exceed 470 millimetres.~~

(a) S.I.1996/1593; to which there are amendments, not relevant to these Regulations.

3.4. Any structure or part of a structure which supports a means of protection or to which a means of protection are attached shall be of sufficient strength and suitable for the purpose of such support or attachment.

~~4. Means of protection shall be so placed as to prevent, so far as is practicable, the fall of any person, or of any material or object, from any place of work.~~

~~5. The top guard rail or other similar means of protection shall be at least 950 millimetres above the edge from which any person is liable to fall.~~

6.—(1) Subject to sub-paragraph (2), there shall not be a lateral gap opening in means of protection save at a point of access to a ladder or stairway where an opening gap is necessary.

~~(2) There shall not be an unprotected vertical gap exceeding 470 millimetres in means of protection, or between means of protection and a work surface and, in the case of any gap between a toe board and a work surface, the gap shall be as small as is reasonably practicable.~~

(2) Means of protection shall be removed only for the time and to the extent necessary to gain access or egress or for the performance of a particular task and shall be replaced as soon as practicable.

(3) The task shall not be performed while means of protection are removed unless effective compensatory safety measures are in place.

REQUIREMENTS FOR WORKING PLATFORMS

PART 1

REQUIREMENTS FOR ALL WORKING PLATFORMS

Interpretation

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

Condition of surfaces

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

Stability of supporting structure

3. Any supporting structure shall—

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

Stability of working platforms

4. A working platform shall—

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

Safety on working platforms

5. A working platform shall—

- (a) be of sufficient dimensions to permit the safe passage of persons and the safe use of any plant or materials required to be used and to provide a safe working area having regard to the work being carried out there;
- (b) possess a suitable surface and, in particular, be so constructed that the surface of the working platform has no gap—

(i) through which a person could fall;

~~(ii)~~ through which any material or object could fall and injure a person, unless measures have been taken to ensure that no person could be so injured; or

~~(iii)~~ giving rise to other risk of injury to any person, unless measures have been taken to protect persons against such risk; and

- (c) be so erected and used, and maintained in such condition, as to prevent, so far as is reasonably practicable—
 - (i) the risk of slipping or tripping; or
 - (ii) any person being caught between the working platform and any adjacent structure.

Loading

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

PART 2
ADDITIONAL REQUIREMENTS FOR SCAFFOLDING

Additional requirements for scaffolding

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

(a) a note of the calculations, covering the structural arrangements contemplated, is available;

or

(b) it is assembled in conformity with a generally recognised standard configuration.

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

3. A copy of the plan, including any instructions it may contain, shall be kept available for the use of persons concerned in the assembly, use, dismantling or alteration of scaffolding until it has been dismantled. The dimensions, form and layout of scaffolding decks shall be appropriate to the nature of the work to be performed and suitable for the loads to be carried and permit work and passage in safety.

4. While a scaffold is not available for use, including during its assembly, dismantling or alteration, it shall be marked with general warning signs in accordance with the Health and Safety (Safety Signs and Signals) Regulations 1996(a) and be suitably delineated by physical means preventing access to the danger zone.

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

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

(b) safety during the assembly, dismantling or alteration of the scaffolding concerned;

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

SCHEDULE 4

Regulation 8(c)

REQUIREMENTS FOR COLLECTIVE SAFEGUARDS FOR ARRESTING FALLS

1. Any reference in this Schedule to a safeguard is to a collective safeguard for arresting falls.

2. A safeguard shall be used only if—

- (a) a risk assessment has demonstrated that the work activity can so far as is reasonably practicable be performed safely while using it and without affecting its effectiveness
- (b) the use of other, safer work equipment is not reasonably practicable; and
- (c) a sufficient number of available persons have received adequate training specific to the safeguard, including rescue procedures.

2.3. A safeguard shall be suitable and of sufficient strength to arrest safely the fall of any person who is liable to fall.

3.4. A safeguard shall—

- (a) in the case of a safeguard which is designed to be attached, be securely attached to all the required anchors, and the anchors and the means of attachment thereto shall be suitable and of sufficient strength and stability for the purpose of safely supporting the foreseeable loading in arresting any fall and during any subsequent rescue;
- (b) in the case of an airbag, landing mat or similar safeguard, be stable; and
- (c) in the case of a safeguard which distorts in arresting a fall, afford sufficient clearance.

4.5. Suitable and sufficient steps shall be taken to ensure, so far as practicable, that in the event of a fall by any person the safeguard does not itself cause injury to that person.

REQUIREMENTS FOR PERSONAL FALL PROTECTION SYSTEMS

PART 1

REQUIREMENTS FOR ALL PERSONAL FALL PROTECTION SYSTEMS

1. A personal fall protection system shall be used only if—

(a) a risk assessment has demonstrated that—

(i) the work can so far as is reasonably practicable be performed safely while using that system; and

(b)(i) the use of other, safer work equipment is not justified reasonably practicable; and

(e)(b) the user and a sufficient number of available persons have received adequate training specific to the operations envisaged, including rescue procedures.

2. A personal fall protection system shall —

(a) be suitable and of sufficient strength for the purposes for which it is being used having regard to the work being carried out and any foreseeable loading;

(b) where necessary, fit the user;

(c) be correctly fitted;

(d) be designed to minimise injury to the user and, where necessary, be adjusted to minimise injury to the user, prevent the user falling or slipping from it, should a fall occur, and

(e) be so designed, installed and used as to prevent unplanned or uncontrolled movement of the user.

3. A personal fall protection system designed for use with an anchor shall be securely attached to at least one anchor, and each anchor and the means of attachment thereto shall be suitable and of sufficient strength and stability for the purpose of supporting any foreseeable loading.

4. Suitable and sufficient steps shall be taken to prevent any person falling or slipping from a personal fall protection system.

~~5. A personal fall protection system shall be installed and used in such a way as to prevent unplanned or uncontrolled movement of the user.~~

~~6. Suitable and sufficient steps shall be taken to ensure, so far as is practicable, that in the event of a fall by any person an injury from the personal fall protection system is minimised.~~

PART 2

ADDITIONAL REQUIREMENTS FOR WORK POSITIONING SYSTEMS

A work positioning system shall be used only if either—

- (a) the system includes a suitable backup system for preventing or arresting a fall; and
- (b) where the system includes a line as a backup system, the user is connected to it; or
- (c) where it is not reasonably practicable to comply with sub-paragraphs (a) and (b), other suitable measures are taken for preventing or arresting a fall.

PART 3

ADDITIONAL REQUIREMENTS FOR ROPE ACCESS AND POSITIONING TECHNIQUES

1. A rope access or positioning technique shall be used only if—

- (a) subject to paragraph ~~(3)~~, it involves a system comprising at least two separately anchored lines, of which one (“the working line”) is used as a means of access, egress and support and the other is the safety line;
- (b) the user is provided with a suitable harness and is connected by it to the working line and the safety line;
- (c) the working line is equipped with safe means of ascent and descent and has a self-locking system to prevent the user falling ~~{should he lose control of his movements}~~; and
- (d) the safety line is equipped with a mobile fall protection system which is connected to and travels with the user of the system.

2. Taking the risk assessment into account and depending in particular on the duration of the job and the ergonomic constraints, provision must be made for a seat with appropriate accessories.

3. The system may comprise a single rope where—

- (a) a risk assessment has demonstrated that the use of a second line would entail higher risk to persons; and
- (b) appropriate measures have been taken to ensure safety.

PART 4

ADDITIONAL REQUIREMENTS FOR FALL ARREST SYSTEMS

1. A fall arrest system shall incorporate a suitable ~~shock~~energy absorber or other suitable means of limiting the force applied to the user's body.

2. A fall arrest system shall not be used in a manner—

- (a) which involves the risk of a line being cut; ~~or~~
- (b) where its safe use requires a clear zone (allowing for any pendulum effect), which does not afford such zone; ~~or~~
- (c) ~~or~~ which otherwise inhibits its performance or renders its use unsafe.

PART 5

ADDITIONAL REQUIREMENTS FOR WORK RESTRAINT SYSTEMS

A work restraint system shall—

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

SCHEDULE 6

Regulation 8(i)

REQUIREMENTS FOR LADDERS

1. Every employer shall ensure that a ladder is used for work at height only if a risk assessment under regulation 3 of the Management Regulations has demonstrated that the use of more suitable work equipment is not justified because of the low risk and—

- (a) the short duration of use; or
- (b) existing features on site which he cannot alter.

2. Any surface upon which a ladder rests shall be stable, firm, of sufficient strength and of suitable composition safely to support the ladder so that its rungs or steps remain horizontal, and any loading intended to be placed on it.

3. A ladder shall be so positioned as to ensure its stability during use.

4. A suspended ladder shall be attached in a secure manner and so that, with the exception of a flexible ladder, it cannot be displaced and swinging is prevented.

5. ~~The feet of a~~ portable ladder shall be prevented from slipping during use by—

- (a) securing the stiles at or near their upper or lower ends; ~~or~~
- (b) ~~an~~ effective anti-slip or other effective stability devices; or
- (c) any other arrangements ~~of~~ equivalent effectiveness.

6. A ladder used for access shall be long enough to protrude sufficiently above the place of landing to which it provides access, unless other measures have been taken to ensure a firm handhold.

7. No interlocking or extension ladder shall be used unless its sections are prevented from moving relative to each other while in use.

8. A mobile ladder shall be prevented from moving before it is stepped on.

9. Where a ladder or run of ladders rises a vertical distance of 9 metres or more above its base, there shall, where reasonably practicable, be provided at suitable intervals sufficient safe landing areas or rest platforms.

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

- (a) a secure handhold and secure support are always available to the user; and
- (b) the user can maintain a safe handhold when carrying a load unless, in the case of a step ladder, the maintenance of a handhold is not practicable when a load is carried, and a risk assessment under regulation 3 of the Management Regulations has demonstrated that the use of a stepladder is justified because of—
 - (i) the low risk; and
 - (ii) the short duration of use.

SCHEDULE 7

Regulation 12(7)

PARTICULARS TO BE INCLUDED IN A REPORT OF INSPECTION

1. The name and address of the person for whom the inspection was carried out.
2. The location of the work equipment inspected.
3. A description of the work equipment inspected.
4. The date and time of the inspection.
5. Details of any matter identified that could give rise to a risk to the health or safety of any person.
6. Details of any action taken as a result of any matter identified in paragraph 5.
7. Details of any further action considered necessary.
8. The name and position of the person making the report.

SCHEDULE 8

Regulation 19

REVOCATION OF INSTRUMENTS

<i>(1)</i> <i>Description of instrument</i>	<i>(2)</i> <i>Reference</i>	<i>(3)</i> <i>Extent of revocation</i>
The Shipbuilding and Ship-repairing Regulations 1960	S.I. 1960, amended by S.I. 1983/644 and 1998/2307	Regulations 7 to 10 and 12 to 30
The Docks, Shipbuilding etc. (Metrication) Regulations 1983	S.I. 1983/644	In the Schedule the entries relating to regulations 9(1) and 17 to 28(c) Regulation 7(4) and (5); in regulation 7(6) the words “and (c) any other place not being a quay or jetty where any person working or passing might fall a distance of more than 2 metres”
The Docks Regulations 1988	S.I. 1988/1655	
The Loading and Unloading of Fishing Vessels Regulations 1988	S.I. 1988/1656	In regulation 5(3) the words “and (c) any other place not being a quay where any person working or passing might fall a distance of more than two metres”
The Workplace (Health, Safety and Welfare) Regulations 1992	S.I. 1992/3004	Regulation 13(1) to (4)
The Construction (Health, Safety and Welfare) Regulations 1996	S.I. 1996/1592	In regulation 2(1), the definitions of “fragile material”, “personal suspension equipment” and “working platform”; regulations 6 to 8; in regulation 29(2) the word “scaffold” in both instances; regulation 30(5) and (6)(a); Schedules 1 to 5; and the entry first mentioned in columns 1 and 2 of Schedule 7