

HEALTH AND SAFETY EXECUTIVE			
CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)			
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Cleared by:	Mike Cross on behalf of Heather Bryant, Chair of CONIAC, on 26 June 2013		

Update on work to deliver Löfstedt recommendations

A paper by Anthony Lees, Construction Policy Unit

Purpose of the paper

1. At its June 2012 meeting CONIAC agreed there should be a standing agenda item to update members about progress with work to deliver recommendations in Professor Löfstedt's report 'Reclaiming Health and Safety for All'. This paper provides updates on those areas of work felt to be particularly relevant to the construction industry.

Löfstedt review: Review of Progress one year on

2. Professor Löfstedt's progress report in January marked the end of his formal work in reviewing health and safety regulations. However, reports continue to be published on the .gov website¹ about the wider reforms of the health and safety system which in some cases relate directly to continuing work to deliver the recommendations in his original report. Members may wish to refer to this website.

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)

3. HSE's consultation on a second set of amendments to RIDDOR closed on 28 October 2012. Paper M1/2013/1 provided background to the consultation and the HSE Board's consideration of the responses to it.
4. A summary of the consultation responses² is now available on the HSE website. It is still expected that the amendments will take effect in October 2013.

¹ <https://www.gov.uk/government/policies/improving-the-health-and-safety-system/activity>

² <http://www.hse.gov.uk/consult/condocs/cd243-responses.pdf>

Self-employed exemption

5. The consultation on proposals to exempt the self-employed whose work poses no risk to others closed on 28 October 2012. The 176 responses have now been analysed, and the HSE Board considered these at their meeting on 30 January 2013. Paper M1/2013/1 similarly provided background to this consultation.
6. The draft Deregulation Bill was announced in the Queen's Speech in May. This Bill contains a provision to implement the necessary legal changes. Scrutiny of the Bill is still in its very early stages and a further update will be given at the July meeting of CONIAC.

Approved Codes of Practice

7. The consultation on proposals to amend, consolidate or withdraw 30 Approved Codes of Practice (ACoPs) closed on 14 September 2012. The HSE Board considered the 413 responses received at its meeting on 5 December 2012. Further background is given in paper M1/2013/1.
8. The Board has now considered detailed proposals for each of the ACoPs, and consultation on the proposed changes is now proceeding in three separate tranches, in order to avoid overloading potential respondents. Further details can be found on the consultation pages of HSE's website³, but in summary:
 - consultation on the draft ACoPs relating to gas safety and the Workplace (Health, Safety and Welfare) Regulations launched on 7 May for 12 weeks;
 - consultation on the draft ACoPs relating to COSHH, DSEAR and Legionella launched on 3 June for 12 weeks;
 - the HSE Board considered proposals to consult on the revised ACoP relating to asbestos at its June meeting. The consultation is expected to launch on 8 July for 12 weeks.
9. It is expected that, subject to consultation, all these ACoPs will be published by the end of 2012/13 as planned.

Proposal to revoke fourteen regulatory measures

10. Paper M1/2013/1 gives further details of the proposals to revoke 14 regulatory measures. The Health and Safety (Miscellaneous Repeals, Revocations and Amendment) Regulations 2013 came into force on 6

³ <http://www.hse.gov.uk/consult/live.htm>

April and revoked thirteen of these fourteen measures (the fourteenth being the Docks Regulations, whose revocation will be delayed until April 2014).

11. Three of these measures relate specifically to construction. The Construction (Head Protection) Regulations 1989 have been revoked with a consequential extension of the provisions of the Personal Protective Equipment at Work Regulations 1992 to cover construction sites.
12. The Notification of Conventional Tower Cranes Regulations 2010 and their amending Regulations have also now been revoked.

Strict liability

13. The amendment to section 47 of the Health and Safety at Work, etc. Act 1974 which delivers this recommendation is included in the Enterprise and Regulatory Reform Bill, which received Royal Assent on 25 April. Section 69 of the Enterprise and Regulatory Reform Act 2013 contains the required provision.
14. To bring s69 into force will require two further Statutory Instruments to make consequential amendments and to make a technical exclusion for pregnant workers.
15. The expected date of the amendment coming into force is October 2013. An oral update will be provided at the July meeting of CONIAC on progress with this work and the implications for construction work.

New consultation to remove twelve legislative measures

16. HSE has recently published a consultation⁴ on proposals to remove twelve further legislative measures. The consultation closes on 12 July. Members will wish to be aware that the proposals focus on legislation which is redundant (for example, subsidiary legislation whose parent regulations have been revoked). The measures relate primarily to the Factories Act 1961, the Offices, Shops and Railway Premises Act 1963 and subsidiary legislation, and do not focus on construction. It is believed that the measures can be removed without any adverse impact on health and safety protection.

⁴ <http://www.hse.gov.uk/consult/condocs/cd260.htm>

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