

# **Work at Height (Amendment) Regulations 2007**

Briefings for Enforcers –  
March 2007

# Dalguise 12 March 2007

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## Programme

- Welcome & Introductions
- Background
- NGB role and qualifications
- Alternative routes to competence
- Common activities
- Familiarisation session
- Enforcement expectations
- Panel questions

# Background to WAH(A)R 2007

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- Why and how we got here
- TWAH EU Directive
- HSC desire for single, goal setting set of regulations covering all work at height
- Initial draft and proposed guidance very industrial and construction oriented

# Background to WAH(A)R 2007

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- Strong representations from adventure activities sector about content and tone of drafts
- Desire for complete exemption
- EC position that Directive applied to all work at height
- Continued negotiations with sector
- Some agreement on redrafted sections

# Background to WAH(A)R 2007

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- Dialogue continued at Ministerial level
- Minister agreed to grant temporary derogation from WAHR for sector to allow consideration of separate provisions
- Close work with sector through AAIAC working group and with legal advisors led to the “equivalent level of safety” approach

# Background to WAH(A)R 2007

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- Continued Ministerial interest and involvement
- Amendments drafted and consultation in autumn 2006
- HSC accepted consultation and advised Minister
- WAH(A)R come into effect on 6 April 2007

# WAH(A)R 2007

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- Bring climbing and caving into the main regulations
- Achieves goal of a single set of regulations for all work at height while recognising the unique circumstances of the sector
- Very short and simple regulations

# WAH(A)R 2007

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- Reg. 3 - removes the derogation from WAHR 2005 paras. 4 - 16
- Reg. 4 – creates new Reg. 14A in WAHR 2005

# WAH(A)R 2007

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- 14A (1) – sets out the the scope of the provisions for climbing and caving – i.e. **only** apply to “*work concerning the provision of instruction or leadership to one or more persons in connection with their engagement in caving or climbing by way of sport, recreation, team building or similar activities*”

# WAH(A)R 2007

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- 14A (2) – Introduces the “equivalent level of safety” concept.
- i.e. employer (etc.) needs to provide a level of safety equivalent to that required by the original regulations but without being tied to doing *only* what is specified in the original regulations

# WAH(A)R 2007

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- 14A (3) – sets out how an equivalent level of safety is determined – *“regard shall be had to –”*
- The nature of the activity
- Any publicly available and generally accepted procedures for the activity
- Any other relevant circumstances

# WAH(A)R 2007

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- 14A (4) – Definitions of climbing and caving
- Applies the equivalent level of safety provision to personal fall protection systems for climbing and caving and to the rope access and positions provisions of Sch. 5 part 3

# WAH(A)R 2007

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- 14A (5) – makes drafting changes to Sch.5 Part 3 to make it clearer that single rope working is permissible provided a risk assessment demonstrates a second line would entail higher risk to persons and appropriate measures are taken to ensure safety