

INDEX

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| Health and Safety Executive | | Operational Minute | |
| | | OM 2003/101 | |
| Cancellation Date | 30/04/2005 | Open Government Status | Fully Open |
| Version No & Date | 1: 30/04/2003 | Author Unit/Section | FOD Safety Unit |

Target Audience:
All HSE Inspectors

HEALTH AND SAFETY (MISCELLANEOUS AMENDMENTS) REGULATIONS 2002. SI 2002/2174- CHANGES TO WORKPLACE, MANUAL HANDLING AND DSE, PPE, FIRST AID AND QUARRIES REGULATIONS

This OM outlines the changes to Workplace (Health, Safety and Welfare) Regulations (W(HSW)R), Manual Handling Operations Regulations (MHOR), Health and Safety (Display Screen Equipment) Regulations (DSE), Personal Protective Equipment at Work Regulations 1992 (PPE), H&S (First Aid) Regulations 1981 (FAR) and Quarries Regulations 1999 (QR) as a result of the H&S (Miscellaneous Amendments) Regs 2002.

BACKGROUND

1 [The Health & Safety \(Miscellaneous Amendments\) Regulations 2002](#) came into force on 17 September 2002. The Regulations amend the following Regulations:

- H&S (First Aid) Regulations 1981 (FAR);
- H&S (Display Screen Equipment) Regulations 1992 (DSE);
- Manual Handling Operations Regulations 1992 (MHOR);
- Personal Protective Equipment at Work Regulations 1992 (PPE);
- Workplace (Health, Safety and Welfare) Regulations 1992 (W(HSW)R);
- Provision and Use of Work Equipment Regulations 1998 (PUWER);
- Lifting Operations and Lifting Equipment Regulations 1992 (LOLER);
- Quarries Regulations 1999 (QR).

2 This OM only deals with the changes in W(HSW)R, MHOR, DSE, PPE, FAR and QR Regulations.

3 A separate [OM 2002/124](#) outlines the amendments to PUWER and LOLER.

4 The amendment Regulations amend W(HSW)R regs.2, 4, 5, 6, 7, 24 and 25; MHOR reg.4; DSE regs.3, 4, 6; PPE regs.4, 6, 9; FAR reg.3; QR regs.2(1), 33(4) and 45(4).

WORKPLACE (HEALTH, SAFETY AND WELFARE) REGULATIONS 1992

W(HSW)R - Regulation 2

5 The amendment introduces the definition of “disabled person” within the interpretation section of the Regulations.

6 The phrase “but shall not” is removed from the paragraph after 2(1)(b) this means that workplace regulations apply to modifications, extensions and conversions prior to completion. Prior to completion W(HSW)R should only be applied to end-use matters, excluding maintenance matters that should be addressed by the Construction (Design and Management) Regulations 1994 (CDM) - CDM does place specific duties upon designers.

Note: The amendment in paragraph 6 will not be apparent from the 1992 ACOP and reference should be to the 1996 ACOP. Statutory Instrument SI 1992 No 3004 is available on the [HMSO website](#) or the ACOP on HSEDIRECT.

W(HSW)R - Regulation 4

7 A new Regulation 4A has been introduced independently of Regulation 4. This new regulation is a duty to ensure the solidity and stability of workplace buildings appropriate their use. This amendment is to introduce Clause 2 of Annex 1 to the Workplace Directive.

8 A new ACOP is being produced ([see para 17](#)) which will provide guidance on this new regulation. The duty to maintain a building is not new but it has not been previously covered by specific legislation.

9 The intention is that dutyholders should monitor the state of their buildings. This should include periodic inspections of buildings used as workplaces, with the period depending upon age, condition, etc. Defects such as cracks, bows in walls, sagging roofs, impact damage from vehicles should be evident to the person undertaking a periodic inspection. Competent persons (building surveyors, other specialists) will only be needed to assess the extent or significance of any damage or deterioration discovered at a periodic inspection.

10 Consideration of appropriate use will include risks from the normal running of the process (eg vibration, floor loadings) and foreseeable risks (fire in a cylinder store).

W(HSW)R - Regulation 5

11 The amendment introduces a new requirement 5(3)(c) that covers “equipment and devices intended to prevent or reduce hazards”. Such equipment and devices will include:

- (1) sensitive edges and other devices on automatic doors which are provided to protect persons; and

(2) mirrors provided at blind spots (eg check they are still present, are set at the correct angle and are in a usable condition - not dirty or cracked).

W(HSW)R - Regulation 6(3)

12 This Regulation has been deleted. This is to remove reference to repealed legislation.

W(HSW)R - Regulation 7

13 New Regulations 7(1A)(a) & (b) have been introduced. Regulation 7(1A)(a) requires the provision of adequate thermal insulation where necessary for the type of work and the physical activity undertaken. Regulation 7(1A)(b) requires the avoidance of the excessive effects of sunlight on temperature. This is to prevent excessive solar gain and not to reduce glare. Both of these requirements are intended to ensure maintenance of a reasonable temperature.

W(HSW)R - Regulation 24

14 Regulation 24(2) has been amended, by additions, so that facilities for changing clothing are be easily accessible, of sufficient capacity and provided with seating.

W(HSW)R - Regulation 25

15 Regulation 25(3)(a) and (b) have been introduced. The original requirement of regulation 25(3) to protect smokers and nonsmokers is now in regulation 25(3)(a). The new regulation 25(3)(b):

(1) transfers the requirement to provide rest rooms with an adequate number of tables and adequate seating with back rests from the ACOP to the regulations; and

(2) requires seating to be adequate for the number of disabled persons at work and suitable for them.

16 A new Regulation 25A, independent of Regulation 25, has been introduced so that workplaces are organized to accommodate disabled persons who use or directly occupy those parts of the workplace.

17 The W(HSW)R are to be reviewed during 2003. As a consequence, the ACOP will be revised to include clarification of these miscellaneous amendments.

MANUAL HANDLING OPERATIONS REGULATIONS 1992 (MHOR)

18 A new version of L23 Manual *Handling: guidance on the Regulations* is currently being developed and will be launched in Autumn 2003. A

revised version of OC 313/2 (rev) will be issued soon.

MHOR - Regulation 4

19 A new Regulation 4(3) has been introduced, which applies when considering:

- (1) whether a MH operation "involves a risk of injury";and
- (2) determining appropriate risk reduction measures.

20 The Regulation requires regard to be paid to the physical suitability of employees; the clothing/footwear/personal effects they are wearing; their knowledge and training; the result of any relevant risk assessment under MHSWR 1999 including whether they are identified by that assessment as being especially at risk; and the results of any health surveillance under MHSWR reg.6.

HEALTH AND SAFETY (DISPLAY SCREEN EQUIPMENT) REGULATIONS 1992

21 The revised DSE guidance will be launched on 28 February 2003. A revised version of OC 202/1 will be issued soon.

DSE - Regulation 3

22 Amendment of Regulation 3 on requirements for workstations. The scope has changed to apply to **all** workstations used for the purposes of the undertaking. (Not just those used by "users"). This will include screens showing film and TV pictures.

DSE Regulations - 5 and 6

23 Regulations 5 and 6 have been amended merely to give more clarity of meaning and are in line with how we have interpreted the intent of the original text.

24 Regulations 5(1) and (2) have slight changes to the wording on the timing of eye tests requested by users or those who are to become a user in the undertaking where they are or are to become employed.

25 Regulation 6(1) has slight changes to the wording on the training of users or those who are to become a user in the undertaking where they are or are to become employed.

PERSONAL PROTECTIVE EQUIPMENT AT WORK REGULATIONS 1992

26 In relation to PPE (eg harnesses) the principal changes are in Regulation 9, though this requirement also applies to RPE. Other changes to Regulations 4 and 6 are more relevant to RPE for the period equipment is worn, characteristics of workstations, hygiene and health risks from

shared equipment, and compatibility with other equipment that is worn at the same time.

PPE - Regulation 9

27 The requirements have been changed to include 9(1)(d) and 9(3) relating to information and demonstrations. Under 9(1)(d) information will need to be kept available for employees. Under 9(3) demonstrations of PPE will need to be organized at suitable intervals.

THE HEALTH AND SAFETY (FIRST-AID) REGULATIONS 1981

FAW - Regulation 3

28 The amendment adds a new requirement (Regulation 3(5)) concerning access into, and identification of, first aid rooms. "Any first-aid room provided pursuant to this Regulation shall be easily accessible to stretchers and to any other equipment needed to convey patients to and from the room and be signposted, and such sign to comply with Regulation 4 of the Health and Safety (Safety Signs and Signals) Regulations 1996 as if it were provided in accordance with that Regulation".

29 This is a relatively minor change to the First Aid at Work Regulations and is unlikely to have much impact on those employers who have provided a first-aid room in their workplace as a result of a first-aid needs assessment. Any impact will only be where access to the room may need to be changed or enlarged to allow stretchers and equipment, carrying a patient, to reach and enter/leave it.

30 The reference to Reg 4 of the Health and Safety (Safety Signs and Signals) Regs 1996 (SSSR) means, in this context, that first aid rooms should be clearly signposted with the 'standard' first aid sign (a white cross on a green square).

31 With regard to SSSR, this amendment does not require major changes in industry. Most employers who provide a first-aid room would have thought to signpost it and all the commercially available first aid signs should conform to SSSR.

QUARRIES REGULATIONS 1999

32 The amendments are minor alterations and no revision to the current ACOP and guidance is being made as a result of these.

QR - Regulation 2(1)

33 The definition of "explosive" has been deleted and replaced with definitions which mirror those used in other legislation relating to explosives:

- (1) "*explosive article*" means an article containing one or more explosive substances;
- (2) "*explosive substance*" means:

(a) a solid or a liquid substance; or

(b) a mixture of solid or liquid substances or both, which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;

(3) “*explosives*” means explosive articles or substances.

QR - Regulation 33(4)

34 The word “*undertaken*” is replaced by the word “*completed*”. This clarifies the requirement to complete remedial work identified in the geotechnical assessment within the time period specified by the geotechnical specialist.

QR - Regulation 45(4)

35 The figure “(2)” is replaced by the figure “(3)”. This clarifies the arrangements relating to quarry abandonment plans submitted to the HSE.

FURTHER INFORMATION

36 The Health and Safety (Miscellaneous Amendments) Regulations 2002. (SI 2002/2174) can be downloaded from www.hmso.gov.uk.

37 Further information regarding W(HSW)R and PPE is available from FOD Safety Unit, NW Division, Manchester.

38 Further information regarding MHO and DSE is available from FOD Health Unit, Edinburgh.

39 Further information regarding FAW is available from Health Management Unit, Rose Court.

40 Further information regarding QR is available from the Quarries Section, FOD Wales and West Division, Cardiff.

Date first issued: 30 April 2003
(FOD/220/1012/2003)

 **TOP**