

2007 No. 114

HEALTH AND SAFETY

The Work at Height (Amendment) Regulations 2007

Made - - - - 23rd January 2007

Laid before Parliament 26th January 2007

Coming into force - - 6th April 2007

The Secretary of State for Work and Pensions makes these Regulations —

(a) in exercise of the powers conferred upon him by sections 15(1) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(a) (“the 1974 Act”), and

(b) for the 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.

Before submitting proposals for these Regulations, the Health and Safety Commission has consulted the bodies that appear to it to be appropriate, as required by section 50(3) of the 1974 Act.

Citation and commencement

1. These Regulations may be cited as the Work at Height (Amendment) Regulations 2007 and shall come into force on 6th April 2007.

Amendment of the Work at Height Regulations 2005

2. The Work at Height Regulations 2005(b) are amended in accordance with the following provisions of these Regulations.

3. In regulation 3 (application) —

(a) in paragraph (4) —

(i) at the end of sub-paragraph (b), insert “or”; and

(ii) omit sub-paragraph (d) and the word “or” preceding it; and

(b) in paragraph (6), omit sub-paragraphs (a) and (b).

4. After regulation 14 (duties of persons at work), insert —

(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.
(b) S.I. 2005/735.

“Special provision in relation to caving and climbing

14A.—(1) Paragraph (2) applies in relation to the application of these Regulations 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.

(2) Where this paragraph applies, an employer, self-employed person or other person shall be taken to have complied with the caving and climbing requirements, if, by alternative means to any requirement of those requirements, he maintains in relation to a person at such work as is referred to in paragraph (1) a level of safety equivalent to that required by those requirements.

(3) For the purposes of paragraph (2), in determining whether an equivalent level of safety is maintained, regard shall be had to —

- (a) the nature of the activity;
- (b) any publicly available and generally accepted procedures for the activity; and
- (c) any other relevant circumstances.

(4) In this regulation —

- (a) “caving” includes the exploration of parts of mines which are no longer worked;
- (b) “climbing” means climbing, traversing, abseiling or scrambling over natural terrain or man-made structures; and
- (c) “the caving and climbing requirements” means regulation 8(d)(ii), so far as it relates to paragraph 1 in Part 3 of Schedule 5, and that paragraph.”.

5. In paragraph 1 of Part 3 of Schedule 5 —

- (a) at the beginning, insert “Except as provided in paragraph 3,”; and
- (b) in sub-paragraph (a), omit “subject to paragraph 3”.

Signed by authority of the Secretary of State for Work and Pensions.

Bill McKenzie
Parliamentary Under-Secretary of State,
Department for Work and Pensions

23rd January 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Work at Height Regulations 2005 (S.I. 2005/735) (“the principal Regulations”) which give effect as respects Great Britain to Directive 2001/45/EC of the European Parliament and of the Council (OJ No L195, 19.7.2001, p.46), amending Council Directive 89/655/EEC (OJ No L393, 30.12.89, p.13) concerning the minimum safety and health requirements for the use of work equipment by workers at work. The principal Regulations contain additional provisions, including additional provisions which replace regulations giving effect to certain provisions of Council Directives 89/654/EEC (OJ No L393, 30.12.89, p.1) concerning the minimum safety and health requirements for the workplace and 92/57/EEC (OJ No L245, 26.8.92, p.6) on the implementation of minimum safety and health requirements at temporary or mobile construction sites.

2. These Regulations omit the disapplication in regulation 3(4)(d) of the principal Regulations in relation 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 (regulation 3). These Regulations also make provision as to what is taken to be compliance with certain requirements under the principal Regulations as they apply to such work (regulation 4).

3. A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Advisers Unit, Rose Court, 2 Southwark Bridge, London, SE1 9HS. A copy of the Transposition Note in relation to the implementation of the Directives can be obtained from the Health and Safety Executive, International Branch at the same address. Copies of both these documents have been placed in the Library of each House of Parliament.

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