

PART 4 DUTIES RELATING TO HEALTH AND SAFETY ON CONSTRUCTION SITES

Application of Regulations 26 to 44

25.—(1) Every contractor carrying out construction work shall comply with the requirements of regulations 26 to 44 insofar as they affect him or any person carrying out construction work under his control or relate to matters within his control.

(2) Every person (other than a contractor carrying out construction work) who controls the way in which any construction work is carried out by a person at work shall comply with the requirements of regulations 26 to 44 insofar as they relate to matters which are within his control.

(3) Every person at work on construction work under the control of another person shall report to that person any defect which he is aware may endanger the health and safety of himself or another person.

(4) Paragraphs (1) and (2) shall not apply to regulation 33, which expressly says on whom the duties in that regulation are imposed.

Safe places of work

26.—(1) There shall, so far as is reasonably practicable, be suitable and sufficient safe access to and egress from every place of work and to and from every other place provided for the use of any person while at work, which access and egress shall be properly maintained.

(2) Every place of work shall, so far as is reasonably practicable, be made and kept safe for, and without risks to health to, any person at work there.

(3) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that no person uses access or egress, or gains access to any place, which does not comply with the requirements of paragraph (1) or (2) respectively.

(4) Every place of work shall, so far as is reasonably practicable, have sufficient working space and be so arranged that it is suitable for any person who is working or who is likely to work there, taking account of any necessary work equipment present.

Good order and site security

27.—(1) Every part of a construction site shall, so far as is reasonably practicable, be kept in good order and every part of a construction site which is used as a place of work shall be kept in a reasonable state of cleanliness.

(2) Where necessary in the interests of health and safety, a construction site shall, so far as is reasonably practicable and in accordance with the level of risk posed, either—

(a) have its perimeter identified by suitable signs and be so arranged that its extent is readily identifiable; or

(b) be fenced off,

or both.

(3) No timber or other material with projecting nails (or similar sharp object) shall—

(a) be used in any work; or

(b) be allowed to remain in any place,

if the nails (or similar sharp object) may be a source of danger to any person.

Stability of structures

28.—(1) All practicable steps shall be taken, where necessary to prevent danger to any person, to ensure that any new or existing structure or any part of such structure which may become unstable or in a temporary state of weakness or instability due to the carrying out of construction work does not collapse.

(2) Any buttress, temporary support or temporary structure must be of such design and so installed and maintained as to withstand any foreseeable loads which may be imposed on it, and must only be used for the purposes for which it is so designed, installed and maintained.

(3) No part of a structure shall be so loaded as to render it unsafe to any person.

Demolition or dismantling

29.—(1) The demolition or dismantling of a structure, or part of a structure, shall be planned and carried out in such a manner as to prevent danger or, where it is not practicable to prevent it, to reduce danger to as low a level as is reasonably practicable.

(2) The arrangements for carrying out such demolition or dismantling shall be recorded in writing before the demolition or dismantling work begins.

Explosives

30.—(1) So far as is reasonably practicable, explosives shall be stored, transported and used safely and securely.

(2) Without prejudice to paragraph (1), an explosive charge shall be used or fired only if suitable and sufficient steps have been taken to ensure that no person is exposed to risk of injury from the explosion or from projected or flying material caused thereby.

Excavations

31.—(1) All practicable steps shall be taken, where necessary to prevent danger to any person, including, where necessary, the provision of supports or battering, to ensure that—

- (a) any excavation or part of an excavation does not collapse;
- (b) no material from a side or roof of, or adjacent to, any excavation is dislodged or falls; and
- (c) no person is buried or trapped in an excavation by material which is dislodged or falls.

(2) Suitable and sufficient steps shall be taken to prevent any person, work equipment, or any accumulation of material from falling into any excavation

(3) Without prejudice to paragraphs (1) and (2), suitable and sufficient steps shall be taken, where necessary, to prevent any part of an excavation or ground adjacent to it from being overloaded by work equipment or material;

(4) Construction work shall not be carried out in an excavation where any supports or battering have been provided pursuant to paragraph (1) unless—

- (a) the excavation and any work equipment and materials which affect its safety, have been inspected by a competent person—
 - (i) at the start of the shift in which the work is to be carried out,
 - (ii) after any event likely to have affected the strength or stability of the excavation, and
 - (iii) after any material unintentionally falls or is dislodged; and
- (b) the person who carried out the inspection is satisfied that the work can be carried out there safely.

(5) Where the person who carried out the inspection has under regulation 33(1)(a) informed the person on whose behalf the inspection was carried out of any matter about which he is not satisfied, work shall not be carried out in the excavation until the matters have been satisfactorily remedied.

Cofferdams and caissons

32.—(1) Every cofferdam or caisson shall be—

- (a) of suitable design and construction;
- (b) appropriately equipped so that workers can gain shelter or escape if water or materials enter it; and
- (c) properly maintained.

(2) A cofferdam or caisson shall be used to carry out construction work only if—

- (a) the cofferdam or caisson, and any work equipment and materials which affect its safety, have been inspected by a competent person—
 - (i) at the start of the shift in which the work is to be carried out, and
 - (ii) after any event likely to have affected the strength or stability of the cofferdam or caisson; and
- (b) the person who carried out the inspection is satisfied that the work can be safely carried out there.

(3) Where the person who carried out the inspection has under regulation 33(1)(a) informed the person on whose behalf the inspection was carried out of any matter about which he is not satisfied, work shall not be carried out in the cofferdam or caisson until the matters have been satisfactorily remedied.

Reports of inspections

33.—(1) Subject to paragraph (5), the person who carries out an inspection under regulation 31 or 32 shall, before the end of the shift within which the inspection is completed—

- (a) where he is not satisfied that the construction work can be carried out safely at the place inspected, inform the person for whom the inspection was carried out of any matters about which he is not satisfied; and
- (b) prepare a report which shall include the particulars set out in Schedule 3.

(2) A person who prepares a report under paragraph (1) shall, within 24 hours of completing the inspection to which the report relates, provide the report or a copy of it to the person on whose behalf the inspection was carried out.

(3) Where the person owing a duty under paragraph (1) or (2) is an employee or works under the control of another, his employer or, as the case may be, the person under whose control he works shall ensure that he performs the duty.

(4) The person on whose behalf the inspection was carried out shall—

- (a) keep the report or a copy of it available for inspection by an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974(10)—
 - (i) at the site of the place of work in respect of which the inspection was carried out until that work is completed, and
 - (ii) after that for 3 months,and send to the inspector such extracts from or copies of it as the inspector may from time to time require.

(5) Nothing in this regulation shall require as regards an inspection carried out on a place of work for the purposes of regulations 31(4)(a)(i) and 32(2)(a)(i), the preparation of more than one report within a period of 7 days

Energy distribution installations

34.—(1) Where necessary to prevent danger, energy distribution installations shall be suitably located, checked and clearly indicated.

(2) Where there is a risk from electric power cables—

- (a) they shall be directed away from the area of risk; or
- (b) the power shall be isolated and, where necessary, earthed; or
- (c) if it is not reasonably practicable to comply with paragraph (a) or (b), suitable warning notices and—
 - (i) barriers suitable for excluding work equipment which is not needed, or
 - (ii) where vehicles need to pass beneath the cables, suspended protections, or
 - (iii) in either case, measures providing an equivalent level of safety,shall be provided or (in the case of measures) taken.

(3) No construction work which is liable to create a risk to health or safety from an underground service, or from damage to or disturbance of it, shall be carried out unless suitable and sufficient steps (including any steps required by this regulation) have been taken to prevent such risk, so far as is reasonably practicable.

Prevention of drowning

35.—(1) Where in the course of construction work any person is liable to fall into water or other liquid with a risk of drowning, suitable and sufficient steps shall be taken—

- (a) to prevent, so far as is reasonably practicable, such person from so falling;
- (b) to minimise the risk of drowning in the event of such a fall; and

(c) to ensure that suitable rescue equipment is provided, maintained and, when necessary, used so that such person may be promptly rescued in the event of such a fall.

(2) Suitable and sufficient steps shall be taken to ensure the safe transport of any person conveyed by water to or from any place of work.

(3) Any vessel used to convey any person by water to or from a place of work shall not be overcrowded or overloaded.

Traffic routes

36.—(1) Every construction site shall be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move safely and without risks to health.

(2) Traffic routes shall be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

(3) A traffic route shall not satisfy sub-paragraph (2) unless suitable and sufficient steps are taken to ensure that—

- (a) pedestrians or vehicles may use it without causing danger to the health or safety of persons near it;
- (b) any door or gate for pedestrians which leads onto a traffic route is sufficiently separated from that traffic route to enable pedestrians to see any approaching vehicle or plant from a place of safety;
- (c) there is sufficient separation between vehicles and pedestrians to ensure safety or, where this is not reasonably practicable —
 - (i) there are provided other means for the protection of pedestrians, and
 - (ii) there are effective arrangements for warning any person liable to be crushed or trapped by any vehicle of its approach;
- (d) any loading bay has at least one exit point for the exclusive use of pedestrians; and
- (e) where it is unsafe for pedestrians to use a gate intended primarily for vehicles, one or more doors for pedestrians is provided in the immediate vicinity of the gate, is clearly marked and is kept free from obstruction.

(4) Every traffic route shall be—

- (a) indicated by suitable signs where necessary for reasons of health or safety;
- (b) regularly checked; and
- (c) properly maintained.

(5) No vehicle shall be driven on a traffic route unless, so far as is reasonably practicable, that traffic route is free from obstruction and permits sufficient clearance.

Vehicles

37.—(1) Suitable and sufficient steps shall be taken to prevent or control the unintended movement of any vehicle.

(2) Suitable and sufficient steps shall be taken to ensure that, where any person may be endangered by the movement of any vehicle, the person having effective control of the vehicle shall give warning to any person who is liable to be at risk from the movement of the vehicle.

(3) Any vehicle being used for the purposes of construction work shall when being driven, operated or towed—

- (a) be driven, operated or towed in such a manner as is safe in the circumstances; and
- (b) be loaded in such a way that it can be driven, operated or towed safely.

(4) No person shall ride or be required or permitted to ride on any vehicle being used for the purposes of construction work otherwise than in a safe place thereon provided for that purpose.

(5) No person shall remain or be required or permitted to remain on any vehicle during the loading or unloading of any loose material unless a safe place of work is provided and maintained for such person.

(6) Suitable and sufficient measures shall be taken so as to prevent any vehicle from falling into any excavation or pit, or into water, or overrunning the edge of any embankment or earthwork.

Prevention of risk from fire etc.

38. Suitable and sufficient steps shall be taken to prevent, so far as is reasonably practicable, the risk of injury to any person during the carrying out of construction work arising from—

- (a) fire or explosion;
- (b) flooding; or
- (c) any substance liable to cause asphyxiation.

Emergency procedures

39.—(1) Where necessary in the interests of the health and safety of any person on a construction site, there shall be prepared and, where necessary, implemented suitable and sufficient arrangements for dealing with any foreseeable emergency, which arrangements shall include procedures for any necessary evacuation of the site or any part thereof.

(2) In making arrangements under paragraph (1), account shall be taken of—

- (a) the type of work for which the construction site is being used;
- (b) the characteristics and size of the construction site and the number and location of places of work on that site;
- (c) the work equipment being used;
- (d) the number of persons likely to be present on the site at any one time; and
- (e) the physical and chemical properties of any substances or materials on or likely to be on the site.

(3) Where arrangements are prepared pursuant to paragraph (1), suitable and sufficient steps shall be taken to ensure that—

- (a) every person to whom the arrangements extend is familiar with those arrangements; and
- (b) the arrangements are tested by being put into effect at suitable intervals.

Emergency routes and exits

40.—(1) Where necessary in the interests of the health and safety of any person on a construction site, a sufficient number of suitable emergency routes and exits shall be provided to enable any person to reach a place of safety quickly in the event of danger.

(2) An emergency route or exit provided pursuant to paragraph (1) shall lead as directly as possible to an identified safe area.

(3) Any emergency route or exit provided in accordance with paragraph (1), and any traffic route giving access thereto, shall be kept clear and free from obstruction and, where necessary, provided with emergency lighting so that such emergency route or exit may be used at any time.

(4) In making provision under paragraph (1), account shall be taken of the matters in regulation 39(2).

(5) All emergency routes or exits shall be indicated by suitable signs.

Fire detection and fire-fighting

41.—(1) Where necessary in the interests of the health and safety of any person at work on a construction site there shall be provided suitable and sufficient—

- (a) fire-fighting equipment; and
- (b) fire detection and alarm systems,

which shall be suitably located.

(2) In making provision under paragraph (1), account shall be taken of the matters in regulation 39(2).

(3) Any fire-fighting equipment and any fire detection and alarm system provided under paragraph (1) shall be examined and tested at suitable intervals and properly maintained.

(4) Any fire-fighting equipment which is not designed to come into use automatically shall be easily accessible.

(5) Every person at work on a construction site shall, so far as is reasonably practicable, be instructed in the correct use of any fire-fighting equipment which it may be necessary for him to use.

(6) Where a work activity may give rise to a particular risk of fire, a person shall not carry out such work unless he is suitably instructed.

(7) Fire-fighting equipment shall be indicated by suitable signs.

Fresh air

42.—(1) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that every place of work or approach thereto has sufficient fresh or purified air to ensure that the place or approach is safe and without risks to health.

(2) Any plant used for the purpose of complying with paragraph (1) shall, where necessary for reasons of health or safety, include an effective device to give visible or audible warning of any failure of the plant.

Temperature and weather protection

43.—(1) Suitable and sufficient steps shall be taken to ensure, so far as is reasonably practicable, that during working hours the temperature at any place of work indoors is reasonable having regard to the purpose for which that place is used.

(2) Every place of work outdoors shall, where necessary to ensure the health and safety of persons at work there, be so arranged that, so far as is reasonably practicable and having regard to the purpose for which that place is used and any protective clothing or work equipment provided for the use of any person at work there, it provides protection from adverse weather.

Lighting

44.—(1) Every place of work and approach thereto and every traffic route shall be provided with suitable and sufficient lighting, which shall be, so far as is reasonably practicable, by natural light.

(2) The colour of any artificial lighting provided shall not adversely affect or change the perception of any sign or signal provided for the purposes of health and safety.

(3) Without prejudice to paragraph (1), suitable and sufficient secondary lighting shall be provided in any place where there would be a risk to the health or safety of any person in the event of failure of primary artificial lighting.

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