



STATUTORY INSTRUMENTS.

S.I. No. 423 of 2008

SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION)
(AMENDMENT) (No. 2) REGULATIONS 2008

(Prn. A8/1684)

SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION)
(AMENDMENT) (No. 2) REGULATIONS 2008

I, BILLY KELLEHER, Minister of State at the Department of Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No. 3) Order 2008 (S.I. No. 289 of 2008), and after consultation with the Health and Safety Authority, hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (Construction) (Amendment) (No. 2) Regulations 2008.

(2) In these Regulations “Principal Regulations” means the Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006).

(3) The Principal Regulations, the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2008 (S.I. No. 130 of 2008) and these Regulations may be cited together as the Safety, Health and Welfare at Work (Construction) Regulations 2006 to 2008.

2. The Principal Regulations are amended—

(a) by substituting for paragraph (13) of Regulation 1 the following:

“(13) Regulations 19(1)(b), 25(1)(b), 29(1)(g), 74(e) and 97(1)(a)(ii) and (iii) shall—

(a) in respect of the tasks specified in clauses (e) and (n) of paragraph 1(1) of Schedule 4, apply from 6 May 2008, and

(b) in respect of the tasks specified in clauses (c), (r), (s), (t) and (u) of paragraph 1(1) of Schedule 4, apply from 6 July 2009.”,

(b) by inserting in Regulation 2(1) the following definitions:

(i) “‘cycle track’ means part of a road, including part of a footway or part of a roadway, which is reserved for the use of pedal cycles and from which all mechanically propelled vehicles, other than mechanically propelled wheelchairs, are prohibited from entering except for the purpose of access to and egress from such a road;”,

(ii) “‘footway’ means that portion of any road associated with a roadway which is provided primarily for use by pedestrians;”,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 4th November, 2008.*

(iii) “‘roadway’ means that portion of a road which is provided primarily for the use of vehicles;”,

(c) in Regulation 2(1), by substituting for the definition of “road” the following:

“‘road’ means a road, as defined in the Roads Act 1993 (No. 14 of 1993);”,

(d) by substituting for Regulation 97 the following:

“97. (1) A contractor responsible for a construction site shall ensure, in respect of that site, that—

(a) for any part of a road that is opened, excavated, broken up or obstructed by plant or equipment or by materials for the purpose of performing construction work, the following measures are taken to protect persons at work and others in the course of the work being carried on:

(i) adequate guarding and lighting, appropriate to the circumstances, is provided, and traffic signs are placed and maintained, and where necessary operated, as reasonably required for the safe guidance or direction of persons, having regard, in particular, to the needs of people with disabilities,

(ii) the works are supervised by a competent person who has been issued with a valid construction skills registration card referred to in Schedule 4 for the tasks specified in clause (r) of paragraph 1(1) of that Schedule,

(iii) where the person referred to in clause (ii) is not on site, there is on site, at all times when the works are in progress and workers are on site, at least one person who has been issued with a valid construction skills registration card referred to in Schedule 4 for the tasks specified in clause (u) of paragraph 1(1) of that Schedule,

(b) without prejudice to the generality of subparagraph (a), where—

(i) any construction work obstructs a roadway, or

(ii) pedestrians, people with disabilities or cyclists on a cycle track that forms part of a footway are diverted onto a roadway due to construction work,

that there is on that site at all times when road signing, lighting and guarding is being installed, modified or removed, at least one person who has been issued with a valid construction

skills registration card referred to in Schedule 4 for the tasks specified in clause (r) of paragraph 1(1) of that Schedule.

(2) A person referred to in paragraph (1)(b) shall have responsibility for the implementation of the signing, lighting and guarding of the site concerned, so as to protect the safety of persons at work and others in the course of the work being carried on there and shall monitor the said arrangements and take any necessary corrective action in respect of same.”,

and

(e) by substituting for clause (u) of paragraph 1(1) of Schedule 4 the following:

“(u) assisting in the implementation of health and safety at roadworks;

(v) such other construction related tasks as may be prescribed by the Minister.”.

GIVEN under my hand,
30 October 2008

BILLY KELLEHER,
Minister of State at the Department of Enterprise, Trade
and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

The purpose of these Regulations is to amend the Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006), as previously amended by the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2008 (S.I. No. 130 of 2008), by substituting revised provisions for Regulation 97, relating to guarding, lighting and signage in connection with construction works on roads, footpaths and cycle tracks.

The revision of Regulation 97 of the 2006 Regulations is intended to clarify the provisions applicable to ensure that in respect of construction roadworks adequate guarding and lighting is provided, and traffic signs are placed and maintained, and where necessary operated, as reasonably required for the safe guidance or direction of persons, having regard, in particular, to the needs of people with disabilities.

There must be on site, at all times when the works are in progress and workers are on site, at least one person who has been issued with a valid construction skills registration card relating to health and safety at roadworks and the works must be supervised by a competent person who has been issued with a valid construction skills registration card relating to signing, lighting and guarding on roads.

Where any construction work which obstructs the roadway or where pedestrians, people with disabilities or cyclists on a cycle track that forms part of a footway are diverted onto the roadway due to construction work, there must be on that site at all times when road signing, lighting and guarding is being installed, modified or removed, at least one person who has been issued with a valid construction skills registration card relating to signing, lighting and guarding on roads.

The revised provisions come into operation from 6 July 2009.

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