



STATUTORY INSTRUMENTS.

S.I. No. 523 of 2010

SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION)
(AMENDMENT) REGULATIONS 2010

(Prn. A10/1641)

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SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION)
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I, DARA CALLEARY, Minister of State at the Department of Enterprise, Trade and Innovation, 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) (as adapted by the Enterprise, Trade and Employment (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 185 of 2010)) and the Enterprise, Trade and Innovation (Delegation of Ministerial Functions) (No. 2) Order 2010 (S.I. No. 333 of 2010), 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) Regulations 2010.

(2) The Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006), the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2008 (S.I. No. 130 of 2008), the Safety, Health and Welfare at Work (Construction) (Amendment) (No. 2) Regulations 2008 (S.I. No. 423 of 2008) and these Regulations may be cited together as the Safety, Health and Welfare at Work (Construction) Regulations 2006 to 2010.

2. The Safety, Health and Welfare at Work (Construction) Regulations 2006 are amended—

(a) by inserting, in the “Arrangement of Regulations”, after

“SCHEDULE 6

LIST OF VEHICLES REQUIRING AUXILIARY DEVICES AND VISUAL AIDS”,

the following:

“SCHEDULE 7

MINIMUM PARTICULARS TO BE NOTIFIED BY THE PROJECT SUPERVISOR FOR
THE CONSTRUCTION STAGE TO THE HEALTH AND SAFETY AUTHORITY
BEFORE THE CONSTRUCTION WORK BEGINS”,

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

“ ‘confined space’ means any place which, by virtue of its enclosed nature creates conditions which give rise to a likelihood of accident, harm or injury of such a nature as to require emergency action due to—

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 9th November, 2010.*

- (a) the presence or the reasonably foreseeable presence of—
 - (i) flammable or explosive atmospheres,
 - (ii) harmful gas, fume, or vapour,
 - (iii) free flowing solid or an increasing level of liquid,
 - (iv) excess of oxygen,
 - (v) excessively high temperature,
- (b) lack or reasonably foreseeable lack of oxygen;”,

(c) by substituting for Regulation 22 the following:

“Duties of the project supervisor for the construction stage, notification to the Authority

22. (1) If construction work on a construction site is planned to last longer than 30 working days or the volume of work is scheduled to exceed 500 person-days, the project supervisor for the construction stage, before the work begins, shall give written notice promptly to the Authority in a form and containing the particulars listed in Schedule 7, sent either—

- (a) by registered post, or
- (b) as may be directed from time to time by the Authority.

(2) The project supervisor for the construction stage shall cause to be clearly displayed on the construction site and, if necessary, periodically cause to be updated, the particulars required to be in any notice under paragraph (1).”

(d) by substituting for Regulation 51 the following:

“Safety precautions

51. (1) A contractor responsible for a construction site shall ensure for that site that adequate precautions are taken in any excavation, shaft, earthwork, underground works or tunnel to—

- (a) guard against danger to persons at work from a fall or dislodgement of earth, rock or other material by suitable shoring or otherwise,
- (b) guard against dangers arising from the fall of materials or objects or the inrush of water into the excavation, shaft, earthworks, underground works or tunnel,
- (c) secure adequate ventilation at all workstations so as to maintain an atmosphere fit for respiration and to limit any fumes,

gases, vapours, dust or other impurities to levels which are not dangerous or injurious to health,

- (d) guard against the occurrence of fire or flooding,
- (e) enable persons at work to reach safety in the event of fire or an inrush of water or materials,
- (f) avoid risk to persons at work arising from possible underground dangers such as underground cables or other distribution systems, the circulation of fluids or the presence of pockets of gas, by undertaking appropriate investigations to locate them before excavation begins, and
- (g) provide a safe means of access to and egress from each place of work.

(2) *Paragraph (1)(a)* does not apply to any excavation, shaft or earthwork where, having regard to the nature and slope of the sides of the excavation, shaft or earthwork and other circumstances, a fall or dislodgement of earth or other material which would strike, bury or trap a person is not liable to occur.

(3) Where a person is engaged in shoring or other work carried out for the purpose of compliance with *paragraph (1)(a)*, the relevant contractor shall take measures to ensure, so far as reasonably practicable, that appropriate precautions are taken to ensure the safety and health of the person so engaged.”,

(e) by substituting for Regulation 79 the following:

“Health hazards

79. (1) A contractor responsible for a construction site, where persons are liable to be exposed to any chemical, physical or biological hazard to such an extent as is liable to be dangerous to health, shall ensure that appropriate preventive measures are taken on the site against that exposure.

(2) The preventive measures referred to in paragraph (1) shall comprise—

- (a) as far as reasonably practicable, the replacement of a hazardous substance by a harmless or less hazardous substance,
- (b) technical measures applied to the plant, machinery, equipment or process, or
- (c) where it is not possible to comply with subparagraph (a) or (b), other effective measures, including the use of personal protective equipment and protective clothing.

(3) Notwithstanding the Safety, Health and Welfare at Work (Confined Spaces) Regulations 2001 (S.I. No. 218 of 2001), where persons at work on a construction site are required to enter any area where the atmosphere is liable to contain a toxic or harmful substance, or in which there may be an oxygen deficiency, or a flammable atmosphere, the confined atmosphere shall be monitored and adequate measures shall be taken to guard against danger.

(4) A person at work shall not in any circumstances be exposed to a high-risk confined space unless observed at all times from outside and all appropriate precautions shall be taken to ensure that he or she can be assisted effectively and immediately.”,

(f) by substituting for Regulation 98 the following:

“Shelters and accommodation for clothing and for taking meals

98. (1) Subject to paragraphs (2) and (3), a contractor responsible for a construction site shall provide or cause to be provided at or in the immediate vicinity of the site for the use of persons at work and conveniently accessible to them—

- (a) adequate and suitable enclosed accommodation for taking shelter during interruptions of work owing to bad weather and for depositing clothing not worn during working hours, being accommodation containing—
 - (i) where there are more than 5 persons at work, adequate and suitable means of enabling them to warm themselves and to dry wet clothing, or
 - (ii) where there are 5 persons or less at work, such arrangements as are practicable for enabling them to warm themselves and for drying wet clothing,
- (b) adequate and suitable accommodation for the deposit of protective clothing used for work and kept, when not in use, at or in the immediate vicinity, with such arrangements as are practicable for drying the clothing if it becomes wet,
- (c) adequate and suitable accommodation, affording protection from the weather, and including sufficient tables with impermeable surfaces and seats with backs, for taking meals in satisfactory conditions,
- (d) facilities for boiling water and, where appropriate, facilities for preparing their meals in satisfactory conditions,
- (e) if there are more than 5 persons at work and heated food is not otherwise available, adequate facilities for heating food, and

(f) an adequate supply of potable drinking water and, where appropriate, another suitable non-alcoholic beverage, at a convenient point or convenient points.

(2) In determining whether accommodation of any kind provided in pursuance of *paragraph (1)(c)* at any time and place is adequate, regard shall be had to the number of the persons at work who appear to be likely to use such accommodation at that time and place.

(3) For the purpose of *paragraph (1)*, in determining whether accommodation is conveniently accessible account shall be taken of any transport provided by the relevant contractor for the persons at work.

(4) The relevant contractor shall ensure that all accommodation provided in pursuance of *paragraph (1)* is—

(a) properly ventilated, adequately lighted, kept in a clean, hygienic and orderly condition, and

(b) not used for the deposit or storage of building materials or plant.”,

and

(g) by inserting, after

“SCHEDULE 6

LIST OF VEHICLES REQUIRING AUXILIARY DEVICES AND VISUAL AIDS”,

the following:

“*Regulation 22(1)*.

SCHEDULE 7

MINIMUM PARTICULARS TO BE NOTIFIED BY THE PROJECT SUPERVISOR FOR THE CONSTRUCTION STAGE TO THE HEALTH AND SAFETY AUTHORITY BEFORE THE CONSTRUCTION WORK BEGINS

1. Client(s): name(s), address(es) and contact details:
2. Name, address and contact details for—
 - (i) Project Supervisor Design Process (PSDP), and
 - (ii) Health and Safety Coordinator (H&SC), if appointed:
3. Name, address and contact details for—

- (i) Project Supervisor Construction Stage (PSCS),
and
- (ii) Health and Safety Coordinator (H&SC), if
appointed:

4. Information on construction work:

- (i) Description of Project:
- (ii) Exact address of construction site:
- (iii) Planned date for the commencement of the
construction work:
- (iv) How long the construction work is expected to
take (in weeks):
- (v) Estimated maximum number of workers on
site at any one time:
- (vi) Planned number of contractors and self-
employed persons expected to work on site:

5. Details of contractors chosen:

6. Date of forwarding of notice to the Health and
Safety Authority:

7. Signature:

Position:”.

GIVEN under my hand,
2 November 2010.

DARA CALLEARY,
Minister of State at the Department of Enterprise, Trade
and Innovation.

EXPLANATORY NOTE

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

These Regulations 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) and the Safety, Health and Welfare at Work (Construction)(Amendment) (No. 2) Regulations 2008 (S.I. No. 423 of 2008).

The Regulations substitute revised provisions for Regulations 22 (Duties of the project supervisor for the construction stage, notification to the Health and Safety Authority), 51 (Safety precautions), 79 (Health hazards) and 98 (Shelters and accommodation for clothing and for taking meals) and insert new Schedule 7 relating to “Minimum particulars to be notified by the Project Supervisor for the Construction Stage to the Health and Safety Authority before the construction work begins”, in the Safety, Health and Welfare at Work (Construction) Regulations 2006.

The purpose of the amendments is to provide for the further transposition of Council Directive 92/57/EEC¹ on the minimum safety and health requirements at temporary or mobile construction sites. In that respect, the main new provisions are—

- (i) Regulation 22(1) and Schedule 7, as regards Article 3(3) and Annex III of the Directive,
- (ii) Regulation 51(2), as regards point 10.1(b) of Part B, Section II, of Annex IV of the Directive,
- (iii) new Regulation 79(3) and (4), as regards points 6.2 and 6.3 of Part A of Annex IV of the Directive, and
- (iv) Regulation 98(1)(d) and (e), as regards the second indent of point 18.3 of Part A of Annex IV of the Directive.

¹ OJ No. L245, 26.08.1992, p. 6.

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