



Jersey

## HEALTH AND SAFETY (MANAGEMENT IN CONSTRUCTION) (JERSEY) REGULATIONS 201-

### Arrangement

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CONSULTATION DOCUMENT



Jersey

## HEALTH AND SAFETY (MANAGEMENT IN CONSTRUCTION) (JERSEY) REGULATIONS 201-

*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Article 9 of the Health and Safety at Work (Jersey) Law 1989, have made the following Regulations –

### PART 1 INTRODUCTORY

#### 1 Interpretation

In these Regulations –

“at height” means at a height of 2 metres or more;

“better”, in relation to the control of a risk, is defined in Regulation 5(3);

“client” means –

- (a) if the construction work is being carried out for a domestic client, the designer or, if none is involved, the relevant contractor; or
- (b) in any other case, a commercial client;

“collective”, in relation to a means of protection, means that it is effective to protect every person who is at risk;

“commercial client” means a person who, in the course or furtherance of a business –

- (a) commissions design work for a construction project; or
- (b) other than the relevant contractor or a person who carries out construction work, is the person for whom construction work is carried out;

“construction phase” means the period of time starting when construction work in a project starts and ending when that work is completed;

“construction phase plan” means a document recording the health and safety arrangements, site rules and any special measures for construction work;

“construction project” means a project to which construction work relates, and includes the design, preparation, and planning, of that work;

“construction site” has the meaning set out in Regulation 2;

“construction work” has the meaning set out in Regulation 3;

“contractor” means any person who, in the course or furtherance of a business, carries out, manages or controls construction work;

“control” means, in relation to a risk, to deal with it in accordance with Regulation 5;

“control measure” means a measure to control a risk;

“domestic client” means a person who, otherwise than in the course or furtherance of a business and in relation only to land or a dwelling of which the person is an owner or occupier, commissions design work or construction work;

“demolition” means the complete or partial dismantling of a structure;

“design” in relation to any structure means any drawing, design detail, scope-of-works document or specification relating to the structure;

“designer” means a person whose profession, trade or business involves him or her in –

- (a) preparing or modifying a design; or
- (b) arranging for or instructing people under his or her control to do so,

relating to a structure or to a product or mechanical or electrical system intended for a particular structure, and a person is treated as preparing a design where a design is prepared by a person under his or her control;

“excavation” includes any earthwork, trench, well, shaft, tunnel or underground work;

“hazard” means any thing (including an intrinsic property of a thing), or situation, with the potential to cause harm to people;

“health and safety file” means the record referred to in Regulation 8(g);

“health and safety project co-ordinator” means the person appointed under Regulation 7(3)(a) to perform the functions required by Regulation 8;

“high-risk construction work” has the meaning set out in Regulation 4;

“means of protection” means a means of minimising risk;

“major construction project” means a construction project where the work is scheduled to –

- (a) last longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or
- (b) the number of days to complete the project if the work were to be undertaken by one individual would exceed 500;

“minor construction project” means a construction project in which more than one contractor is engaged;



“personal”, in relation to a means of protection, means for one person;

“plant” includes any machinery, equipment (including scaffolding), appliance, implement or tool, including any component, fitting or accessory to any machinery, equipment (including scaffolding), appliance, implement or tool;

“pre-construction information” means information in the client’s possession or which is reasonably obtainable, that is relevant to the construction work and is of an appropriate level of detail and proportionate to the risks involved, including information about –

- (a) the construction project;
- (b) planning and management of that project;
- (c) health and safety hazards, including design and construction hazards and how they will be addressed; and
- (d) information in any existing health and safety file;

“pre-construction phase” means any period of time during which design or preparatory work is carried out for a construction project;

“principal contractor” means the contractor appointed under Regulation 7(2) to perform the functions in Regulation 12;

“relevant contractor” means the principal contractor or if there is none, the contractor who has control of the construction work or the construction project;

“risk” means the probability of a hazard causing harm to a person;

“safe work method statement” in relation to work means a statement that –

- (a) identifies any activity that poses one or more risks, being an activity comprised in the construction work;
- (b) specifies the risks;
- (c) describes the control measures that will be applied to the risks; and
- (d) includes a description of the equipment used in the work, the qualifications of the personnel doing the work and the training required to do the work safely.

“service” means a gas, water, sewerage, communication, or electrical, service or other service, such as a chemical, fuel or refrigerant line;

“site rules” means rules that are drawn up for a particular construction site and are necessary for health and safety purposes;

“structure” means –

- (a) any building, steel or reinforced concrete construction, crane, ramp, dock, ship, harbour, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipeline (whatever it contains or is intended to contain), structural cable, aqueduct, sewer, sewerage works, gasholder, road, airfield, sea defence works, drainage works, earthworks, constructed lagoon, dam, wall, mast, tower, pylon, underground tank, earth-retaining construction, fixed plant,

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construction designed to preserve or alter any natural feature, and any other similar construction; or

- (b) any formwork, falsework, scaffold or other construction designed or used to provide support or access during construction work.

## **2 Construction site**

- (1) In these Regulations, “construction site” means a place at which construction work is undertaken, including any area in the vicinity of that place where plant or other material used or to be used in connection with the construction work is stored during the construction work.
- (2) However, a construction site does not include a place where elements are manufactured off-site or where construction material is stored as stock for sale or for hire.

## **3 Construction work**

- (1) In these Regulations, “construction work” means any work of construction, alteration, conversion, fitting out, commissioning, renovation, repair, maintenance, de-commissioning, demolition or dismantling of any structure, and includes –
- (a) the demolition or dismantling of a structure and the removal from the relevant construction site of any product or waste resulting from the demolition or dismantling;
- (b) the assembly of prefabricated elements to form a structure or the disassembly of prefabricated elements, which, immediately before such disassembly, formed a structure; and
- (c) any work of excavation, landscaping, preparatory work, or site preparation carried out for the purpose of any work or activity referred to in this definition (otherwise than in this sub-paragraph).
- (2) However, “construction work” does not include the exploration for or extraction of mineral resources or preparatory work relating to the extraction carried out at a place where such exploration or extraction is carried out.

## **4 High-risk construction work**

- (1) In these Regulations, “high-risk construction work” means any of the following –
- (a) construction work where there is a risk of a person falling 2 metres or more;
- (b) construction work on masts, towers, or pylons, used for telecommunications or for radio or television transmission;
- (c) construction work involving demolition;
- (d) construction work involving the disturbance or removal of asbestos;



- (e) construction work involving structural alterations that require temporary support to a structure to prevent its collapse;
  - (f) construction work involving a confined space;
  - (g) construction work involving excavation to a depth greater than 1.2 metres;
  - (h) the construction of tunnels;
  - (i) construction work involving the use of explosives;
  - (j) construction work on or near pressurised gas distribution mains, on or near pressurised gas consumer piping;
  - (k) construction work on or near chemical, fuel or refrigerant lines;
  - (l) construction work on or near energised electrical installations or energized electrical services;
  - (m) construction work in an area that may have a contaminated or flammable atmosphere;
  - (n) construction work involving hot work;
  - (o) construction work using pre-cast concrete or other forms of pre-fabricated structural elements;
  - (p) construction work on or adjacent to roadways used by road traffic;
  - (q) construction work on a construction site where there is any movement of mobile plant that is capable of movement through the action of motors or engines;
  - (r) construction work in an area where there are artificial extremes of temperature;
  - (s) construction work in, over or adjacent to water, or another liquid, where there is a risk of drowning;
  - (t) construction work involving diving;
  - (u) construction work involving lifting operations using cranes;
  - (v) construction work where a cofferdam or caisson is constructed, placed in position, substantially added to, altered or dismantled.
- (2) In this Regulation “hot work” means any work involving burning, welding, cutting, grinding, using fire or spark-producing tools or is otherwise capable of producing a source of ignition.

## **5 Requirement to control risk**

- (1) For the purposes of these Regulations, a requirement to control a risk is a requirement –
  - (a) to eliminate the risk, so far as elimination of the risk is reasonably practicable; or
  - (b) to minimize the risk, so far as elimination of the risk is not reasonably practicable.
- (2) The requirement to minimize the risk is a requirement –

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- (a) so far as it is reasonably practicable to do so, to substitute the hazard giving rise to the risk with a hazard that gives rise to a lesser risk;
  - (b) so far as it is not reasonably practicable to minimize the risk by the act specified in sub-paragraph (a), to isolate the hazard (so far as reasonably practicable) from persons subject to the risk;
  - (c) so far as it is not reasonably practicable to minimize the risk by one or more of the acts specified in sub-paragraphs (a) and (b), to minimise the risk (so far as reasonably practicable) by engineering means;
  - (d) so far as it is not reasonably practicable to minimize the risk by one or more of the acts specified in sub-paragraphs (a), (b) and (c), to apply administrative measures so far as reasonably practicable (such as the adoption of safe systems of work to minimize the risk); and
  - (e) so far as it is not reasonably practicable to minimize the risk by one or more of the acts specified in sub-paragraphs (a), (b), (c) and (d), to require the use (so far as reasonably practicable) of personal protective equipment by persons subject to the risk.
- (3) A reference in these Regulations to better control of a risk is a reference to control of the risk by means of an act to eliminate or minimize it referred to in paragraphs (1) and (2) that is described earlier than the act there referred to that is currently being taken.

## **6 Regulations do not apply to owner-builders of dwellings**

- (1) These Regulations do not apply to construction work performed in person, and otherwise than in the course or furtherance of a business –
  - (a) on a dwelling by a person who is an owner or occupier of the dwelling; or
  - (b) on land by a person who is an owner or occupier of the land, if the construction work is purely for the construction of a dwelling on the land for occupation by the person.
- (2) In this Regulation, “dwelling” includes any minor structure on the same corpus fundi on which a dwelling is erected.

## **PART 2**

### **GENERAL REQUIREMENTS**

## **7 Client’s duties**

- (1) In the case of all construction projects the client must take all reasonable steps to –
  - (a) ensure that all persons appointed to work on the project have the necessary competence and resources to do the tasks for which they are appointed to a satisfactory standard;

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- (b) ensure that suitable arrangements are in place for the management of the project so as to ensure that there is control of the risks arising from the work to all persons who are –
    - (i) undertaking the work; and
    - (ii) on or near the relevant construction site;
  - (c) ensure that adequate time and resources are allocated to all stages of the project to control of those risks; and
  - (d) provide pre-construction information to all designers and contractors engaged on the project.
- (2) In the case of a minor construction project a client must in addition to the duties set out in paragraph (1) –
- (a) appoint a principal contractor (unless he or she is the principal contractor); and
  - (b) ensure that a construction phase plan is in place before the construction work starts.
- (3) In the case of a major construction project the client must in addition to the duties set out in paragraphs (1) and (2) –
- (a) appoint a health and safety project co-ordinator;
  - (b) provide to the health and safety project co-ordinator such information relating to the health and safety file as the co-ordinator requires; and
  - (c) retain and provide access to the health and safety file to persons involved in the construction project or any future construction project.

## **8 Duties of health and safety project co-ordinator**

The health and safety project co-ordinator must –

- (a) advise and assist a client with his or her duties;
- (b) in the case of a major construction project, notify the Health and Safety Inspectorate of the project in accordance with Regulation 9;
- (c) co-ordinate the health and safety aspects of design work and co-operate with other persons who are part of the project;
- (d) facilitate good communication between client, designers and contractors;
- (e) liaise with the principal contractor regarding any ongoing aspects of the design;
- (f) identify, collect and pass on to any information gathered at the pre-construction phase of the project that is relevant to the construction phase; and
- (g) prepare and update the health and safety file.

## 9 Notification

- (1) Where Regulation 8(b) applies the health and safety project co-ordinator must give notice to the Health and Safety Inspectorate as soon as is practicable after he or she is appointed.
- (2) The notice must contain the following particulars –
  - (a) the date of forwarding the notice;
  - (b) the address of the construction site or precise description of its location;
  - (c) a brief description of the project and the construction work that it entails;
  - (d) the name, address, telephone number and email address of the client;
  - (e) the name, address, telephone number and email address of the health and safety project co-ordinator;
  - (f) the name, address, telephone number and email address of the principal contractor;
  - (g) the date planned for the start of the construction phase;
  - (h) the time allowed by the client to the principal contractor for planning and preparation for construction work;
  - (i) the planned duration of the construction phase;
  - (j) the estimated maximum number of people at work on the construction site;
  - (k) the planned number of contractors on the construction site;
  - (l) the name and address of any contractor already appointed;
  - (m) the name and address of any designer already engaged; and
  - (n) a declaration signed by or on behalf of the client that the client is aware of the client's duties under these Regulations.
- (3) The notice must be clearly displayed on site in a comprehensible form where it can be read by any worker engaged in the construction work and, if necessary, periodically updated.

## 10 Designer's duties

- (1) In the case of all construction projects a designer must –
  - (a) check that the client has been made aware of the client's duties under Regulation 7;
  - (b) before the start of the construction work identify, so far as is reasonably practicable, the hazards and risks that may arise from the design and the work done to give effect to it and take all reasonable steps to eliminate the hazards and control the risks; and
  - (c) provide information to the contractors about the remaining risks.
- (2) In the case of a minor construction project a designer must in addition to the duties set out in paragraph (1) check that a principal contractor has been appointed.

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- (3) In the case of a major construction project a designer must in addition to the duties set out in paragraphs (1) and (2) –
    - (a) check that the client has appointed a principal contractor (unless the client is the principal contractor); and
    - (b) take all reasonable steps to ensure that any information in the designer's possession that is needed for the health and safety file is included on that file.

## **11 Designs prepared or modified outside Jersey**

Where a design is prepared or modified outside Jersey for use in construction work to which these Regulations apply –

- (a) the person who commissions it, if established within Jersey; or
- (b) if that person is not so established, the client for the project, must ensure that regulation 10 is complied with.

## **12 Duties of principal contractor**

- (1) In the case of all construction projects for which a principal contractor is appointed the principal contractor must –
  - (a) plan, manage and monitor the construction phase, in liaison with the other appointed contractors;
  - (b) take all reasonable steps to check the competence of all contractors appointed to the project;
  - (c) prepare a construction phase plan in accordance with Regulation 18 as soon as practicable prior to setting up a construction site;
  - (d) ensure that the construction phase plan is appropriately updated, reviewed and revised so that it continues to be sufficient to ensure that construction work is carried out so far as is reasonably practicable without risk to health and safety;
  - (e) give all other contractors copies of the relevant parts of the construction phase plan;
  - (f) in the case of high risk construction work, check that safe work method statements have been prepared in accordance with Regulation 19;
  - (g) ensure that arrangements for welfare that comply with the requirements of Regulation 34 are provided throughout the construction phase;
  - (h) provide a health and safety file to the client on completion of the work; and
  - (i) ensure that the necessary steps are taken to prevent access by unauthorised persons to the construction site.
- (2) In the case of a major construction project the principal contractor must in addition to the duties set out in paragraph (1) –

- (a) ensure that all workers on the project have a suitable site induction and any further information or training that is needed for them to do their work safely and to comply with Regulation 20 is provided;
- (b) consult with the workers in accordance with Regulation 17; and
- (c) liaise with the health and safety project co-ordinator regarding ongoing design matters.

### 13 Contractor's duties

- (1) Every contractor engaged in a construction project must –
  - (a) check that the client is aware of his or her duties;
  - (b) plan, manage and monitor his or her own work and that of workers engaged in the project;
  - (c) in the case of high risk construction work, to prepare safe work method statements in accordance with Regulation 19;
  - (d) take all reasonable steps to check that all contractors engaged by him or her on the project and all workers are competent to do the work of which they are engaged;
  - (e) provide supervision and training to their employees where it is necessary to ensure so far as is reasonable practicable that the work is done competently and safely and Regulation 20 is complied with; and
  - (f) ensure that arrangements for welfare that comply with the requirements of Regulation 34 are provided to his or her employees.
- (2) In the case of a minor construction project every contractor must in addition to the duties set out in paragraph (1) –
  - (a) check that the client has appointed a principal contractor (unless the client is the principal contractor);
  - (b) co-operate with the principal contractor in planning and managing work, including taking notice of the principal contractor's directions and site rules;
  - (c) provide details to the principal contractor of any contractor whom he or she engages in connection with the project;
  - (d) provide any information needed for the health and safety file to the principal contractor in the case of minor construction projects and to the health and safety project co-ordinator in the case of major construction projects;
  - (e) inform the principal contractor of any likely difficulties in implementing and adhering to the health and safety plan; and
  - (f) inform the principal contractor of any accident, illness or dangerous occurrence at the site.
- (3) In the case of a major construction project every contractor must in addition to the duties set out in paragraphs (1) and (2) check that the client has appointed a health and safety project co-ordinator.



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- (4) Where there is no principal contractor the contractor who has control of the construction work or the construction project must draw up a construction phase plan in accordance with Regulation 18.

#### **14 Responsibilities of persons engaged to undertake construction work**

All persons who are engaged to undertake construction work must –

- (a) undertake only work that they are competent to perform;
- (b) co-operate with other persons and co-ordinate their work so as to ensure the health and safety of other persons;
- (c) ensure that risk from the work is controlled in accordance with these Regulations; and
- (d) undertake their work in accordance with the information, direction, instruction and training with which they have been provided by or on behalf of the relevant contractor.

#### **15 Responsibility to provide information**

- (1) In relation to a particular construction project, where a person has –
- (a) consulted with another person about the risks associated with the construction work that is undertaken under the project;
  - (b) reported to another person about the health and safety aspects of that construction work;
  - (c) identified and recorded hazards associated with that construction work;
  - (d) assessed the risks associated with any such hazards;
  - (e) prepared a construction phase plan for the construction project;
  - (f) prepared a safe work method statement for construction work that is to be undertaken under the project;
  - (g) implemented measures to control risks associated with that construction work; or
  - (h) provided information, instruction and training to persons undertaking that construction work,

he or she must take reasonable steps to notify any person involved in project, or the construction work under the project, of any matter that may affect the latter person's capacity to comply with these Regulations in relation to the project or the work.

- (2) A person undertaking construction work must take reasonable steps to notify the relevant contractor of any matter of which the person is aware that may affect the relevant contractor's capacity to comply with these Regulations.

## **16 Joint responsibility**

If more than one person has responsibility for a matter under these Regulations, or is required to do something under these Regulations, in relation to a construction project or to construction work –

- (a) each of the persons retains responsibility for the matter, or is subject to the requirement in relation to the matter;
- (b) each of the persons shall fulfil his or her responsibility or meet the requirement to the extent that he or she controls the construction project or the construction work;
- (c) all of the persons shall fulfil the responsibility or meet the requirement in a co-ordinated manner; and
- (d) each of the persons shall cooperate with the other persons who have a responsibility, or are under a requirement, under these Regulations in relation to the construction project or construction work.

## **17 Consultation**

The relevant contractor must ensure there are arrangements for –

- (a) all persons engaged to undertake construction work, or their representatives, to be consulted, in a timely fashion, on matters relating to the work that may affect their health or safety; and
- (b) consideration of the views that those persons, or their representatives, express on matters relating to the construction work that may affect their health or safety, whether those views are expressed as a result of the consultation or spontaneously and whether before the start of the work or during its course.

## **18 Construction phase plans**

- (1) The relevant contractor must ensure that –
  - (a) a site-specific construction phase plan is prepared before the construction work commences;
  - (b) the plan is in accordance with this Regulation; and
  - (c) the plan is monitored, maintained and kept up to date during the course of the work.
- (2) The plan must include so far as is reasonably practicable –
  - (a) a statement of responsibilities, listing the names, positions and responsibilities of all persons who will have specific responsibilities on the site for occupational health and safety;
  - (b) details of arrangements for ensuring occupational health and safety training appropriate to the construction work under the construction project;
  - (c) details of arrangements for the co-ordination of health and safety matters concerning persons engaged to undertake that construction work;



- (d) details of arrangements for managing occupational health or safety incidents when they occur, including the identities of and contact details of all persons who will be available to prevent, prepare for, respond to, or manage recovery from, those incidents;
  - (e) any site safety rules, with the detail of arrangements for ensuring that all persons at the site, whether employees, contractors, suppliers or visitors, are informed of the rules;
  - (f) hazard identification, risk assessment and risk control information for all work activities assessed as having risks; and
  - (g) safe work method statements for all high-risk construction work.
- (3) The relevant contractor, must ensure that a copy of the plan is available for inspection throughout the course of the construction work by –
- (a) any person engaged to undertake construction work at the site;
  - (b) any person about to commence work at the site; and
  - (c) any person who works at the site.
- (4) The relevant contractor must ensure that any person engaged to carry out construction work at the construction site is provided with a copy of the parts of the construction phase plan for that site that relate to that work or to the person so engaged before the person so engaged starts work at the site.
- (5) If a construction phase plan is changed during the course of construction work, the relevant contractor must ensure that every person engaged to carry out construction work at the site concerned is promptly provided with a copy of the changed parts of the plan that relate to that work or to that person.

#### **19 Safe work method statements**

- (1) If high-risk construction work is to be undertaken, the relevant contractor must, except in the situation referred to in paragraph (2), ensure that each contractor carrying out high-risk construction work gives the relevant contractor a written safe work method statement for the high-risk construction work before the work is started.
- (2) The contractor who has control of the high-risk construction work must prepare a written safe work method statement for the work before it is started.
- (3) The relevant contractor of a construction project in relation to which high-risk construction work is undertaken, must ensure that work stops on the site if –
  - (a) paragraph (1) or (2) (as the case requires) is not complied with in relation to the project; or
  - (b) the safe work method statements given under paragraph (1) or prepared under paragraph (2) are not kept up to date and reviewed whenever there is a change to the high-risk construction work that may have an impact on the health and safety of any person.

- 
- (4) The relevant contractor must ensure that there are arrangements for –
- (a) ensuring that all persons undertaking high risk construction work comply with the safe work method statement that applies to that work; and
  - (b) making a person who is not complying with a safe work method statement that applies to the work –
    - (i) if it is safe to do so, stop the work immediately, or
    - (ii) if an immediate stop would increase the risk to health or safety of that or any other person, stop the work when it is safe to do so,and then not resume the work until the person who failed to comply complies with the safe work method statement.

## **20 Occupational health and safety training**

- (1) The relevant contractor must not direct or allow another person, including a self-employed person, to carry out construction work on the construction project unless –
  - (a) the relevant contractor is satisfied that the other person has undertaken occupational health and safety training appropriate to the construction work to be carried out by the person; or
  - (b) the other person is a person specified in paragraph (5).
- (2) A person engaged to undertake construction work must not undertake that work unless he or she –
  - (a) has completed occupational health and safety training appropriate to the construction work to be carried out by the person; or
  - (b) is a person specified in paragraph (5).
- (3) The relevant contractor must make a record of the occupational health and safety induction training and any other training given to persons directly engaged or trained by the relevant contractor to undertake any construction work.
- (4) The relevant contractor must keep the record made under paragraph (3) for 3 years after the completion of the construction project or work.
- (5) The persons specified for the purposes of paragraph (1)(b) and (2)(b) are –
  - (a) a visitor to the relevant construction site who is accompanied by a person who has received occupational health and safety training appropriate to the construction work;
  - (b) a person temporarily at the relevant construction site to deliver plant, supplies, materials or services where a risk assessment indicates that any risks to such a person can be controlled through measures other than that person's undertaking occupational health and safety training appropriate to the construction work; or
  - (c) a person undertaking construction work while he or she is undergoing such training as will ensure that the work is carried out without risk to health and safety.

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## **PART 3**

### **SPECIFIC REQUIREMENTS**

#### **21 Existing services**

- (1) Before the commencement of construction work, the relevant contractor must, so far as reasonably practicable, ensure that existing services at the construction site are identified and that the condition of, and risks posed by, these services are assessed in accordance with this Regulation.
- (2) The assessment is in accordance with this Regulation if it identifies –
  - (a) the types of existing services;
  - (b) the locations of the services and whether they are underground, overhead or contained within a structure;
  - (c) the extent of the services; and
  - (d) the risks that the services present, including the risks of electric shock, fire, explosion and an inrush of water.
- (3) If contact with an existing service would present a risk to any person on the construction site, the relevant contractor must ensure that the existing service is removed or disconnected, or otherwise isolated from the work to be carried out, so that contact with the service will be prevented.

#### **22 Electricity supply**

The relevant contractor must ensure, so far as is reasonably practicable, that electrical installations, electrical material, electrical equipment, and electrical apparatus, on any construction site relating to the project are designed, constructed, installed, protected, used, maintained and tested to control the risk of electrical shock, burns, fire or explosion.

#### **23 Safe place of work, access and egress**

- (1) The relevant contractor must, so far as reasonably practicable, ensure that all persons undertaking construction work are provided with a safe place of work and safe access to, and egress from, all places on the site where they may be required to work or pass.
- (2) This includes the provision of appropriate emergency access and egress routes and the maintenance of these free of obstructions.

#### **24 Traffic control**

If any pedestrian movement, vehicular movement or movement of plant at a construction site may be affected by construction work, the relevant contractor must, so far as reasonably practicable, ensure that those movements are managed so as to control any risk that the movements may present to persons present on the site.

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**25 Protecting the public**

- (1) The relevant contractor must, so far as reasonably practicable, ensure that members of the public are not exposed to health and safety risks arising from the construction work.
- (2) In particular, the relevant contractor must ensure that –
  - (a) every construction site is left secured when unattended so as to prevent access by unauthorized persons; and
  - (b) signs are placed on every construction site, clearly visible from outside the site, stating the names and contact telephone numbers of the relevant contractor, including an after-hours emergency telephone number that allows the relevant contractor to be reached with reasonable speed and ease.

**26 Excavations**

- (1) If excavation work is carried out, the relevant contractor must take all practicable steps to ensure that appropriate measures are in place to control risks associated with cave-in, collapse of adjoining structures or inrush of water.
- (2) If an excavation needs to be supported or battered back to control risks, the relevant contractor must ensure that construction work is not carried out on the excavation until it and any supports have been inspected by a competent person –
  - (a) at the start of the shift in which the work is to be carried out;
  - (b) after any event likely to have affected the strength or stability of the excavation; or
  - (c) after any material unintentionally falls or is dislodged.
- (3) If, after the inspection, the competent person is not satisfied that the construction work can be carried out safely, he or she must advise the relevant contractor of that fact and the excavation must not be used until the matters identified have been resolved.
- (4) The competent person must complete a written record of the inspection, being a record that includes the information required by Regulation 31.

**27 Work at height**

- (1) The relevant contractor must ensure that if construction work is carried out at height, suitable and sufficient measures are taken to prevent any person falling through such a distance as to put the person at risk of personal injury.
- (2) In particular –
  - (a) the work must be carried out from a place of work, with (if necessary) a means of access or egress at height, where the place and means satisfy the requirements of Schedule 1; or

- 
- (b) sufficient work equipment shall be provided and used in carrying out the work, being work equipment that meets such of the requirements of Schedules 2 to 7 as apply to it.
  - (3) The work equipment referred to in sub-paragraph (2)(b) must be inspected by a competent person after it has been installed or assembled and then at suitable intervals or after every occasion when the equipment has been subject to conditions liable to affect its safe use.
  - (4) A scaffold from which a person could fall 2 metres or more must be thoroughly examined by a competent person before it is brought into use and after it has been substantially altered or erected.
  - (5) A scaffold from which a person could fall 2 metres or more must be inspected by a competent person once in every period of 7 days in which it continues to be used.
  - (6) The competent person must complete a written record of an examination referred to in sub-paragraph (4) or an inspection referred to in sub-paragraph (5), being a record that includes the information required by Regulation 31.

## **28 Fragile surfaces**

- (1) The relevant contractor must ensure that measures are taken to control the risk of persons falling 2 metres or more through any fragile surface on a construction site.
- (2) In particular –
  - (a) if a person works over or near a fragile surface on a construction site from which a person could fall 2 metres or more, suitable and sufficient platforms, coverings, guard rails or similar means of support and protection must be provided;
  - (b) signs warning of the presence and location of that fragile surface must be fixed to the approaches to the area where the fragile surface is situated.

## **29 Falling objects**

The relevant contractor must so far as is reasonably practicable ensure that arrangements are made to control any risk of a person's being struck by falling objects at or in the vicinity of a construction site.

## **30 Hoists**

- (1) The relevant contractor must so far as is reasonably practicable ensure that the risks from the installation or use of any hoist provided for the movement of workers or material on a construction site are controlled.
- (2) In particular –
  - (a) the hoist must be properly constructed of sound materials and capable of lifting the required loads;

- (b) any hoist way must be enclosed to the extent required to prevent persons being struck by the moving parts of the hoist installation or by materials being carried on the hoist;
- (c) every hoist and every hoist enclosure must be constructed so as to prevent any part of any person or any goods carried in the hoist being trapped between –
  - (i) any part of the hoist and any fixed structure,
  - (ii) between the counterbalance weight and any other moving part of the hoist.
- (d) gates must be provided at each landing level of the hoist;
- (e) any such gate must not obstruct the movement of the hoist and must be fitted with efficient interlocking or other devices to ensure that the gate cannot be opened except when the hoist is at the landing and that the hoist platform cannot be moved away from the landing until the gate is closed;
- (f) efficient devices that will support the lift platform together with its safe working load in the event of the failure of the hoisting system must be provided and maintained, where practicable, in connection with every hoist;
- (g) efficient automatic devices must be provided and maintained in connection with every hoist that will ensure that the carrier does not overrun the highest point set for its intended travel;
- (h) the gap between the edge of the hoist platform and each landing must be as small as practicable;
- (i) signs must be placed on the hoist identifying its intended purpose and the safe working load that it can carry;
- (j) if the hoist is intended only for the movement of material, a sign must be placed making it clear that persons are prohibited from travelling on the hoist;
- (k) in the case of hoists used for carrying persons, whether or not with materials –
  - (i) efficient automatic devices must be provided and maintained to prevent the hoist platform from overrunning,
  - (ii) every hoist platform on each side from which access is afforded to a landing must be fitted with a gate and, in connection with every such gate, efficient devices must be provided to secure that when persons or material are on the hoist platform, the hoist platform cannot be raised or lowered until the gate is closed and that it comes to rest when the gate is opened,
  - (iii) in the case of a hoist where the hoist platform is suspended by a rope or chain, there must be at least 2 ropes or chains separately connected to the hoist platform, each rope or chain with its attachments being capable of carrying the whole weight of the hoist platform and its maximum working load, and

- (iv) suitable efficient automatic devices must be provided that will ensure that the hoist platform comes to rest at a point above the lowest point to which the hoist platform can travel;
  - (l) the hoist must be erected by trained and experienced persons, operated by trained and competent persons and only used for its intended purpose;
  - (m) the hoist must be capable of being operated from only one position;
  - (n) measures must be taken to prevent any person, or thing, that is being carried on the hoist platform from falling from the hoist platform or coming into contact with any moving parts of the installation or with any adjoining structures;
  - (o) following erection, substantial alteration or repair of the hoist, a test and examination of the hoist must be carried out by a competent person; and
  - (p) the hoist must be thoroughly examined by a competent person at least once in every 6 months while it continues to be used.
- (3) The competent person must complete a written record of an examination referred to in sub-paragraph (2)(p) or (q), being a record that includes the information required by Regulation 31.

### **31 Information in record of inspection**

The record of an inspection must include the following information –

- (a) the name and the address of the relevant contractor of the relevant construction work;
- (b) the address of the relevant construction site;
- (c) a description of the relevant construction work;
- (d) the date and the time of the inspection;
- (e) details of any risk that was identified;
- (f) any action taken to control that risk;
- (g) the name and the address of competent person who carried out the inspection.

### **32 Housekeeping**

- (1) The relevant contractor must so far as is reasonably practicable ensure that the construction site relating to the project is kept orderly and tidy.
- (2) In particular, the relevant contractor must so far as is reasonably practicable ensure that –
  - (a) access ways are kept clear of material and debris and maintained in a non-slippery condition;

- (b) general safety signs are erected in accordance with any construction phase plan under Regulation 18, or in the absence of such a plan, as appropriate, and kept in good condition;
- (c) there is a safe system for collecting, storing and disposing of excess material and waste material at the construction site;
- (d) plant is safely secured when not in use; and
- (e) material at or near a construction site under the project is moved and stored in a safe and orderly manner so that it does not present a risk to any person.

### **33 Lighting**

The relevant contractor must so far as is reasonably practicable ensure that the level of lighting provided –

- (a) in any area where a person performs construction work under the project; or
  - (b) anywhere where a person may be required to pass through in order to perform that work, including access ways and emergency exits,
- permits that work or passage to take place without risk to the person.

### **34 Welfare**

Persons engaged in construction work on a construction site must have reasonable access to appropriate amenities for their comfort, welfare and hygiene, including toilets, washing facilities, drinking water, changing rooms and rest rooms.

### **35 Emergency procedures**

The relevant contractor must ensure that –

- (a) in the event of danger it is possible for workers to evacuate all work areas of the construction site quickly and safely;
- (b) emergency exits and emergency routes are signposted, and emergency plans are displayed, at appropriate locations on the construction site;
- (c) arrangements are in place for rescuing any injured persons from the construction site; and
- (d) where indicated by the risk assessment that relates to the construction work, emergency evacuation procedures are practised at regular intervals and any difficulties identified and resolved.

### **36 First-aid and medical attention**

The relevant contractor must ensure that there are arrangements for first aid to be available when construction work is being undertaken under the project, being first aid that –



- 
- (a) is adequate for the initial treatment of any foreseeable injuries and illnesses that may arise on the relevant construction site; and
  - (b) includes the provision of trained personnel where this is appropriate.

## **PART 4**

### **CLOSING**

#### **37 Repeal**

The Construction (Safety Provisions) (Jersey) Regulations 1970 are repealed.

#### **38 Saving**

Nothing in these Regulations affects the operation of –

- (a) the Safeguarding of Workers (Cranes and Lifting Appliances) (Jersey) Regulations 1978; or
- (b) the Safeguarding of Workers (Electricity at Work) (Jersey) Regulations 1983,

or their application to or in respect of any construction project, construction work or construction site referred to in these Regulations.

#### **39 Citation and commencement**

- (1) These Regulations may be cited as the Health and Safety (Management in Construction) (Jersey) Regulations 201-.
- (2) These Regulations shall come into force on .

**SCHEDULE 1**

(Regulation 27(2)(a))

**REQUIREMENTS FOR PLACE OF WORK AT HEIGHT**

A place of work at height must –

- (a) be stable and of sufficient strength and rigidity for the purpose for which it is intended to be or is being used;
- (b) where applicable, rest on a stable, sufficiently strong surface;
- (c) be of sufficient dimensions –
  - (i) to permit the safe passage of persons,
  - (ii) to permit the safe use of any plant or materials required to be used, and
  - (iii) to provide a safe working area having regard to the work to be carried out there;
- (d) possess suitable and sufficient means for preventing a fall;
- (e) possess a surface that has no gap –
  - (i) through which a person could fall,
  - (ii) through which any material or object could fall and injure a person, or
  - (iii) that gives rise to any other risk of injury to a person, not being a risk against which measures have been taken to protect persons;
- (f) be so constructed and used, and maintained in such condition, as to –
  - (i) control the risk of slipping or tripping, and
  - (ii) prevent, so far as is reasonably practicable, any person from being caught between it and any adjacent structure; and
- (g) where it has moving parts, be prevented by appropriate devices from moving inadvertently during work at height.

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## SCHEDULE 2

(Regulation 27(2)(b))

### REQUIREMENTS FOR GUARD-RAILS, TOE-BOARDS, BARRIERS ETC.

#### 1 Interpretation

Unless the context otherwise requires, a reference in this Schedule to means of protection is to a guard-rail, toe-board, barrier or similar collective means of protection.

#### 2 General requirements

Any means of protection must –

- (a) be of sufficient dimensions, of sufficient strength and rigidity for the purposes for which the means are being used, and otherwise suitable;
- (b) be so placed, secured and used as to ensure, so far as is reasonably practicable, that the means do not become accidentally displaced; and
- (c) be so placed as to prevent, so far as is reasonably practicable, the fall of any person, or of any material or object, from any place of work.

#### 3 Parameters

In relation to work at height involved in construction work –

- (a) a top guard-rail or other similar means of protection must be at least 950 millimetres above the edge from which any person is liable to fall;
- (b) a toe-board must be suitable and sufficient to prevent the fall of any person, or of any material or object, from any place of work; and
- (c) an intermediate guard-rail or similar means of protection must be positioned so that any gap between it and other means of protection does not exceed 470 millimetres.

#### 4 Supports

A structure, or part of a structure, that supports any means of protection or to which any means of protection are attached must be of sufficient strength and suitable for the purpose of such support or attachment.

#### 5 Ladder access and temporary removal of means of protection

- (1) A lateral opening may be made or maintained in means of protection if it is necessary to allow access to or egress from a ladder or stairway, but only for the time and to the extent necessary to allow that access or egress.

- 
- (2) Means of protection may be removed, but only for the time and to the extent necessary to gain access or egress or to carry out a particular task.
  - (3) A task must not be performed while means of protection are removed unless effective compensatory safety measures are in place.
  - (4) The means of protection must be replaced as soon as practicable.

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**SCHEDULE 3**

(Regulation 27(2)(b))

**REQUIREMENTS FOR WORKING PLATFORMS**

**1 Interpretation**

In this Schedule, “supporting structure” means any structure used for the purpose of supporting a working platform and includes any scaffolding, or plant, used for that purpose.

**2 Condition of surfaces**

A surface on which a supporting structure rests must be stable, of sufficient strength and of suitable composition safely to support the supporting structure, the working platform and any loading intended to be placed on the working platform.

**3 Stability etc. of supporting structure**

Any supporting structure must –

- (a) be of sufficient strength and rigidity, and otherwise suitable, for the purpose for which it is used;
- (b) if –
  - (i) it is a wheeled structure, be prevented by appropriate devices from moving inadvertently during work at height, or
  - (ii) it is not a wheeled structure, be prevented from slipping by secure attachment to the bearing surface or to another structure, provision of an effective anti-slip device or by other means of equivalent effectiveness; and
- (c) be stable while being erected, used, altered, modified or dismantled.

**4 Stability etc. of working platforms**

A working platform must –

- (a) be of sufficient strength and rigidity, and otherwise suitable, for the purpose for which it is used;
- (b) be so erected and used as to ensure that its components do not become accidentally displaced in such a way as to endanger any person;
- (c) be stable while being used; and
- (d) not be dismantled in such a way as to present a risk of accidental displacement.

**5 Safety on working platforms**

A working platform must –

- (a) be of sufficient dimensions –
  - (i) to permit the safe passage of persons that are to work on it,
  - (ii) to permit the safe use of the relevant plant and materials, and
  - (iii) to provide a safe working area for the relevant work;
- (b) have a suitable surface and, in particular, a surface that has no gap –
  - (i) through which a person could fall,
  - (ii) through which any material or object could fall and injure a person, or
  - (iii) that could give rise to any other risk to any person, unless measures have been taken to control the risk; and
- (c) be so erected used and maintained as to control the risk that a person –
  - (i) slip or trip on it, or
  - (ii) be caught between it and any adjacent structure.

**6 Loading**

A working platform and any supporting structure must not be loaded so as to give rise to a risk of collapse or to any deformation that could affect its safe use.

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**SCHEDULE 4**

(Regulation 27(2)(b))

**REQUIREMENTS FOR SCAFFOLDING**

**1 Additional requirements for scaffolding**

Strength and stability calculations for scaffolding must be carried out before it is erected unless –

- (a) a note of the calculations, covering the structural arrangements contemplated, is already available; or
- (b) it is assembled in conformity with a generally recognized standard configuration.

**2 Plan to be drawn up**

- (1) An assembly, use and dismantling plan for scaffolding must be drawn up by a competent person.
- (2) This may, but need not, be in the form of a standard plan, supplemented by items relating to specific details of the scaffolding in question.

**3 Plan available to scaffolders**

A copy of the plan, including any instructions it may contain, must be kept available for the use of persons concerned in the assembly, use, dismantling, or alteration, of scaffolding until the scaffolding has been dismantled.

**4 Appropriate decking**

The dimensions, form and layout of scaffolding decks must be –

- (a) appropriate to the nature of the work to be performed from the scaffolding;
- (b) suitable for the loads to be carried on the scaffolding; and
- (c) permit passage in safety.

**5 Signage when scaffolding not in use**

While scaffolding is not available for use, including during its assembly, dismantling or alteration, it must be marked with general warning signs and be suitably delineated by physical means to prevent any access to it that could be dangerous.

**6 Competent person to supervise**

- (1) Scaffolding must be assembled, dismantled or significantly altered –
  - (a) under the supervision of a competent person; and
  - (b) by persons who have received training appropriate to the configuration and the operations envisaged.
- (2) That training must address the specific risks that the operations may entail and the precautions to be taken.
- (3) In particular, the training must address –
  - (a) an understanding of the plan for the assembly, dismantling or alteration of the scaffolding concerned;
  - (b) safety during the assembly, dismantling or alteration of the scaffolding;
  - (c) measures to prevent a risk of persons, materials, or objects, falling;
  - (d) safety measures in the event of changing weather conditions which could adversely affect the safety of the scaffolding concerned;
  - (e) permissible loadings; and
  - (f) any other risks that the assembly, dismantling or alteration of the scaffolding may entail.
- (4) When scaffolding is assembled in conformity with a generally recognized standard configuration, the training referred to in this paragraph may consist of standard training appropriate to the configuration and the operations envisaged.



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**SCHEDULE 5**

(Regulation 27(2)(b))

**REQUIREMENTS FOR COLLECTIVE SAFEGUARDS FOR ARRESTING  
FALLS**

**1 Interpretation**

A reference in this Schedule to a safeguard is to a collective safeguard for arresting falls.

**2 General conditions**

A safeguard may be used only if –

- (a) a risk assessment has demonstrated that the relevant work activity can, so far as is reasonably practicable, be performed safely while using the safeguard and without affecting the safeguard's effectiveness;
- (b) the use of other, safer, work equipment is not reasonably practicable; and
- (c) a sufficient number of persons available on the construction site have received adequate training specific to the safeguard, including rescue procedures.

**3 Strength of safeguard**

A safeguard must be suitable in form, and of sufficient strength, to arrest safely the fall of any person whom the safeguard is intended to protect.

**4 Details of different safeguards**

- (1) A safeguard must –
  - (a) in the case of a safeguard designed to be attached, be securely attached to all the required anchors;
  - (b) in the case of an airbag, landing mat or similar safeguard, be stable; or
  - (c) in the case of a safeguard that distorts in arresting a fall, afford sufficient clearance from any nearby surface when the safeguard is undergoing any foreseeable distortion in arresting a fall.
- (2) Sub-paragraph (1)(a) is satisfied only if the anchors, and the means of attaching the safeguard to them, are suitable, and of sufficient strength and stability, for the purpose of safely supporting the foreseeable loading in arresting the fall of any person whom the safeguard is intended to protect and during any subsequent rescue.

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**5 Safeguard must not injure**

Suitable and sufficient steps must be taken to ensure, so far as is reasonably practicable, that in the event of a fall by any person a safeguard intended to protect against that fall does not itself cause injury to a person.

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**SCHEDULE 6**

(Regulation 27(2)(b))

**PERSONAL FALL PROTECTION SYSTEMS**

**PART 1**

**REQUIREMENTS FOR ALL PERSONAL FALL PROTECTION SYSTEMS**

**1 Interpretation**

A personal fall protection system may be used in relation to work only if –

- (a) a risk assessment has demonstrated that the work can so far as is reasonably practicable be performed safely while using that system and the use of other work equipment that would offer a better control of the risks is not reasonably practicable; and
- (b) the user and a sufficient number of persons available on the construction site have received adequate training specific to the operations envisaged, including rescue procedures.

**2 General requirements**

A personal fall protection system must –

- (a) be suitable and of sufficient strength for the purposes for which it is being used having regard to the work being carried out and any foreseeable loading;
- (b) where necessary, fit the user;
- (c) be correctly fitted;
- (d) be designed to minimize injury to the user and, where necessary, be adjusted to prevent the user falling or slipping from it, should a fall occur; and
- (e) be so designed, installed and used as to prevent unplanned or uncontrolled movement of the user.

**3 Anchors**

A personal fall protection system designed for use with an anchor must be securely attached to at least one anchor, and each anchor and the means of attachment to the anchor must be suitable and of sufficient strength and stability for the purpose of supporting any foreseeable loading.

**4 Avoidance of slip**

Suitable and sufficient steps must be taken to prevent any person falling or slipping from a personal fall protection system.

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**PART 2****ADDITIONAL REQUIREMENTS FOR WORK POSITIONING SYSTEMS****5 Work positioning system**

A work positioning system may be used on a construction site only if –

- (a) the system includes a suitable backup system for preventing or arresting a fall, and, where the system includes a line as a backup system, the user is connected to the line; or
- (b) where it is not reasonably practicable to comply with sub-paragraph (a), all reasonably practicable measures are taken to ensure that the work positioning system does not fail.

**PART 3****ADDITIONAL REQUIREMENTS FOR ROPE ACCESS AND POSITIONING TECHNIQUES****6 Rope access**

A rope access or positioning technique may be used only if –

- (a) it involves a system comprising at least 2 separately anchored lines, of which one (“the working line”) is used as a means of access, egress and support and the other is the safety line;
- (b) the user is provided with a suitable harness and is connected by it to the working line and the safety line;
- (c) the working line is equipped with safe means of ascent and descent and has a self-locking system to prevent the user falling should he or she lose control of his or her movements; and
- (d) the safety line is equipped with a mobile fall protection system which is connected to and travels with the user of the system.

**7 Seat required**

If it is appropriate to do so, taking into account any relevant risk assessment, the duration of the relevant job and the relevant ergonomic constraints, provision must be made for a seat with appropriate accessories when a rope access or positioning technique is used.

**8 Single-rope system**

Despite paragraph 6, a rope access or positioning technique used by a person may consist of a single line where –

- (a) a risk assessment has demonstrated that the use of a second line would entail higher risk to the person using the technique; and

- 
- (b) appropriate measures have been taken to control the risks to the person using the technique.

#### **PART 4**

##### **ADDITIONAL REQUIREMENTS FOR FALL-ARREST SYSTEMS**

#### **9 Energy absorber**

A fall-arrest system used on a construction site must incorporate a suitable means of absorbing energy and limiting the forces applied to the user's body.

#### **10 Manner of use not to negate safety**

A fall-arrest system must not be used in a manner that –

- (a) involves the risk of a line in the system being cut;
- (b) does not provide for a sufficient clear zone in those cases where there may be a pendulum effect; or
- (c) otherwise inhibits the system's performance or renders its use unsafe.

#### **PART 5**

##### **ADDITIONAL REQUIREMENTS FOR WORK RESTRAINT SYSTEMS**

#### **11 Correct use of work restraint**

A work restraint system must –

- (a) be so designed that, if used correctly, it prevents the user from getting into a position in which a fall can occur; and
- (b) be used correctly.

**SCHEDULE 7**

(Regulation 27(2)(b))

**LADDERS****1 Limitation on use of ladder**

A relevant contractor of construction work must ensure that a ladder is used for work at height only if a risk assessment has demonstrated that the use of equipment that better controls risk is not justified because the work involves a low risk and –

- (a) the work is of short duration; or
- (b) the existing features of the relevant construction site make the use of that equipment impracticable, being features that the relevant contractor cannot alter.

**2 Surface**

A surface on which a ladder rests must be stable, firm, of sufficient strength and of suitable composition safely to support –

- (a) the ladder so that its rungs or steps remain horizontal; and
- (b) any loading intended to be placed on the ladder.

**3 Stability**

A ladder must be so positioned as to ensure its stability during use.

**4 Suspended ladders**

A suspended ladder must be attached –

- (a) in any case, in a secure manner; and
- (b) except in the case of a flexible ladder, so that it cannot be displaced and swinging is prevented.

**5 Portable ladders**

A portable ladder must be prevented from slipping during use by –

- (a) securing the stiles at or near their upper or lower ends;
- (b) an effective anti-slip or other effective stability device; or
- (c) any other arrangement of equivalent effectiveness.



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**6 Clearance above landing**

A ladder used for access must be long enough to protrude sufficiently above the place of landing to which it provides access, unless other measures have been taken to ensure a firm handhold for the user.

**7 Extension ladders**

An interlocking or extension ladder must not be used except when its sections are prevented from moving relative to each other.

**8 Mobile ladders**

A mobile ladder must not be used except when it is immobilized.

**9 Landings**

If a ladder or run of ladders rises a vertical distance of 9 metres or more above its base, then, where reasonably practicable, sufficient safe landing areas or rest platforms must be provided at suitable intervals.

**10 Handholds**

- (1) A ladder must be used in such a way that a secure handhold and secure support are always available to the user, including when the user is carrying a load.
- (2) However, in the case of a step ladder, a secure handhold need not be available in circumstances where a load is carried if the availability of a handhold is not reasonably practicable in those circumstances, and a risk assessment in accordance with the construction phase plan has demonstrated that the use of a stepladder in those circumstances is justified because of the low risk in its use and the short duration of its use.

CONSULTATION DOCUMENT

