



STATUTORY INSTRUMENTS

S.I. No. 732 of 2007

SAFETY, HEALTH AND WELFARE AT WORK (GENERAL
APPLICATION) (AMENDMENT) REGULATIONS 2007

(Prn. A7/1891)

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I, BILLY KELLEHER, Minister of State at the Department of Enterprise, Trade and Employment, in exercise of 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 2007 (S.I. No. 561 of 2007), 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 (General Application) (Amendment) Regulations 2007.

(2) These Regulations come into operation on 12 November 2007.

2. The Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) are amended as follows:

(a) in Regulation 27, by substituting for the definition of “hoist or lift” the following:

“ ‘hoist or lift’ means a lifting machine which has its direction of movement restricted by a guide or guides but, for the purpose of this Chapter, does not include—

(a) a fork lift truck, order picker, self-propelled variable reach truck or similar type equipment,

(b) platform lifts for use by persons with impaired mobility,

(c) lifting equipment intended for lifting performers during artistic performances, or

(d) lifting equipment fitted in means of transport;”,

(b) by substituting for Regulation 80 the following:

“Protection against electric shock in fault conditions.

80. An employer shall ensure that—

(a) precautions are taken, either by—

(i) earthing and automatic disconnection of the supply of electricity, or

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 9th November, 2007.

(ii) other suitable means,

to prevent danger arising where any exposed conductive part may become live, and

(b) all electrical circuits supplying—

(i) electric water heating devices,

(ii) electrically heated showers, and

(iii) pumps for electrically operated showers,

which are located in zone (1), as defined by the Electro-Technical Council of Ireland ‘National Rules for Electrical Installations’, of rooms in a place of work containing a bath or shower basin, are protected by a residual current device having a tripping current not exceeding 30 milliamperes operating within such period of time so as to provide the necessary protection to prevent danger to any person coming into direct or indirect contact with any live part of the circuit.”,

(c) in Regulation 81, by substituting for paragraph (4) the following:

“(4) An employer shall ensure that—

(a) portable equipment, other than portable transformers and portable generators, supplied at a voltage exceeding 125 volts alternating current is not used in—

(i) construction work,

(ii) external quarrying activities, or

(iii) damp or confined locations,

unless its rating exceeds 2 kilovolt amperes,

(b) portable hand lamps supplied at a voltage exceeding 25 volts alternating current or 50 volts direct current are not used in—

(i) construction work,

(ii) external quarrying activities, or

(iii) damp or confined locations, and

(c) where a transformer or engine-driven generator is used to supply electricity to portable equipment at a voltage greater

than 25 volts, but not exceeding 125 volts, alternating current, the neutral (star) point of the secondary windings of three-phase transformers and generators, or the midpoint of the secondary windings of single-phase transformers and generators, shall be connected to earth and in the case of transformers these shall be of the double wound isolating type.”,

(d) in Regulation 89, by substituting for paragraph (b) the following:

“(b) an existing electrical installation is tested by a competent person in an appropriate manner—

(i) from time to time where required having regard to the nature, location and use of the installation, or

(ii) if an inspector so requires,

and a report of the test is completed by the competent person carrying out the test,”,

(e) by substituting for Regulation 90 the following:

“Earth leakage protection for higher voltage.

90. An employer shall ensure, so far as is reasonably practicable, that effective means are provided in relation to every circuit in which higher voltage is used to prevent danger arising from leakage currents to earth.”,

(f) by substituting for Regulation 102 the following:

“Stability of supporting structure.

102. An employer shall ensure that a supporting structure is—

(a) suitable and of sufficient strength and rigidity for the purpose for which it is being used,

(b) in the case of a mobile structure, prevented by appropriate devices from moving inadvertently during work at height,

(c) in a case other than a mobile structure, prevented from slipping by secure attachment to the bearing surface or to another structure, by provision of an effective anti-slip device, or by other means of equivalent effectiveness,

(d) stable while being erected, used and dismantled, and

(e) when altered or modified, so altered or modified as to ensure that it remains stable.”,

(g) in Regulation 131, by substituting the following for paragraph (1):

“(1) Without prejudice to section 22 of the Act, an employer shall—

(a) ensure that appropriate health surveillance is made available to those employees for whom a risk assessment referred to in Regulation 124 reveals a risk to their health, and

(b) without prejudice to the generality of paragraph (a)—

(i) in the case of employees whose exposure exceeds an upper exposure action value, make available to them the services of a registered medical practitioner to carry out, or to have carried out on his or her responsibility, a hearing check, and

(ii) in the case of employees whose exposure exceeds a lower exposure action value, make available to them preventive audiometric testing.”,

(h) in Regulation 141, by deleting paragraph (8),

(i) in Regulation 144, by substituting the following for paragraph (d):

“(d) in taking the protective and preventive measures in accordance with paragraph (b) and as regards planning for and implementing measures to monitor and protect the safety and health of a child or young person, take account of section 18 of the Act, and”,

(j) in Regulation 158, by deleting the definition of “supplementary signboard” where it first occurs between the definitions of “safety or health signs” and “signboard”, and

(k) in Schedule 1, by substituting the following for Part C:

**“Part C — Circumstances requiring testing of lifting equipment as
part of a thorough examination**

Column 1	Column 2
<i>Description of Equipment</i>	<i>Period within which or conditions under which testing is required</i>
All lifting equipment	After any substantial alteration or repair affecting its strength or stability
Fixed lifting equipment	Before first use
Tower crane	After each assembly
Mobile crane	Every 4 years
Winch	Every 4 years
Self erecting crane	After erection and before first use on site and after any change in configuration or support conditions
Pulley block, gin wheel or sheer legs or supporting systems for same, used in the raising or lowering of any load weighing 1,000 kg or more	Before first use

”.

GIVEN under my hand,
5 November 2007

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).

These Regulations amend the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) by—

- (i) amending the definition of “hoist or lift” in Regulation 27 to exclude “platform lifts for use by persons with impaired mobility”, “lifting equipment intended for lifting performers during artistic performances” and “lifting equipment fitted in means of transport” as regards the application of the requirements of Regulation 46 on hoists and lifts,
- (ii) deleting paragraph (b) of Regulation 80 in relation to protection against electric shock in fault conditions,
- (iii) replacing paragraph (4)(c) of Regulation 81, with a new paragraph (4)(c), for the purpose of technical clarity in relation to portable equipment,
- (iv) substituting a replacement paragraph 89(b) in respect of testing existing electrical installations,
- (v) inserting the phrase “so far as is reasonably practicable” in Regulation 90,
- (vi) correcting the paragraph numbering in Regulation 102,
- (vii) substituting a replacement paragraph (1) in Regulation 131 in relation to health surveillance associated with the control of noise at work,
- (viii) deleting paragraph (8) in Regulation 141 in relation to health records associated with the control of vibration at work,
- (ix) correcting a paragraph reference in Regulation 144(d),
- (x) deleting a superfluous definition of “supplementary signboard” in Regulation 158,
- (xi) substituting a new Part C to Schedule 1 to S.I. No. 299 of 2007 relating to the circumstances requiring testing of lifting equipment as part of a thorough examination.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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