
EXPLANATORY NOTE

(This note is not part of the Order)

1. These Regulations re-enact the Management of Health and Safety at Work Regulations 1992, with the following modifications—

2. A new regulation 4 requires an employer to implement preventive and protective measures on the basis of general principles of prevention set out in Article 6(2)(a)-(i) of Council Directive [89/391/EEC](#) (OJ No L 183, 29.6.89, p.1) and specified in Schedule 1 to the Regulations.

3. A new regulation 7(8) requires that a competent person in the employer's employment shall be appointed for the purpose of paragraph (1) of regulation 7 in preference to a competent person who is not in such employment. Minor consequential amendments are made to regulation 7(5) of these Regulations.

4. A new regulation 9 requires every employer to arrange any necessary contacts with external services, especially as regards first-aid, emergency medical care and rescue work.

5. A new regulation 21 provides that an employer is not to be afforded a defence for contravention of the relevant statutory provisions as defined in section 53 of the Health and Safety at Work etc Act 1974 by reason of any act or default caused by his employee or by a person appointed by the employer under regulation 7 of these Regulations.

6. The Regulations revoke regulation 6 of the Health and Safety (First-Aid) Regulations 1981 which confers power on the Health and Safety Executive to grant exemptions from those Regulations (regulation 24). The Regulations also amend the Offshore Installations and Pipeline Works (First-Aid) Regulations 1989 to limit the scope of the exemptions that may be granted by the Health and Safety Executive to those specified in regulation 5(1)(b)(c) and (2)(a) of those Regulations, and to impose a condition that where an exemption is granted the person provided under regulation 5(1)(a) shall have undergone adequate training (regulation 25).

7. These Regulations amend the Mines Miscellaneous Health and Safety Provisions Regulations 1995 so as to give full effect to Articles 8(1) and 8(2) of Council Directive [89/391/EEC](#). A new paragraph (5) in regulation 4 requires that a fire protection plan be included in all cases in the health and safety document prepared under the Regulations. In respect of all parts of a mine other than buildings on the surface, the provision requires every mine owner to designate in the document the persons who are to implement the plan and to include in the document the arrangements for the necessary contacts with external services especially as regards rescue work and fire-fighting (regulation 26).

8. These Regulations amend the Construction (Health, Safety and Welfare) Regulations 1996 so as to give full effect to Article 8(1) and 8(2) of the Directive. Regulation 20 is amended so that arrangements for dealing with foreseeable emergencies on construction sites include the designation of persons to implement the arrangements and the inclusion of necessary contacts with external services, especially as regards rescue work and fire-fighting (regulation 27).

9. The Regulations provide that, subject to the exceptions specified in regulation 9 of the Fire Precautions (Workplace) Regulations 1997, they have effect as health and safety regulations within the meaning of the Health and Safety at Work etc Act 1974 (regulation 28).

10. The Regulations revoke the Management of Health and Safety at Work Regulations 1992, the Management of Health and Safety at Work (Amendment) Regulations 1994, the Health and Safety

Status: *This is the original version (as it was originally made).*

(Young Persons) Regulations 1997 and Part III of the Fire Precautions (Workplace) Regulations 1997. The Regulations also make consequential amendments to the instruments specified in Schedule 2 (regulation 29).

11. The Regulations contain a transitional provision (regulation 30).

12. A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Policy Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the library of each House of Parliament.