

STATUTORY INSTRUMENTS

**2005 No. 735**

**The Work at Height Regulations 2005**

**Application** **E+W+S**

- 3.—(1) These Regulations shall apply—
- (a) in Great Britain; and
  - (b) outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2001 <sup>M1</sup>.
- (2) The requirements imposed by these Regulations on an employer shall apply in relation to work—
- (a) by an employee of his; or
  - (b) by any other person under his control, to the extent of his control.
- (3) The requirements imposed by these Regulations on an employer shall also apply to—
- (a) a [<sup>F1</sup>relevant self-employed person], in relation to work—
    - (i) by him; or
    - (ii) by a person under his control, to the extent of his control; and
  - (b) to any person other than a self-employed person [<sup>F2</sup>or relevant self-employed person], in relation to work by a person under his control, to the extent of his control.
- (4) Regulations 4 to 16 of these Regulations shall not apply to or in relation to—
- (a) the master and crew of a ship, or to the employer of such persons, in respect of the normal ship-board activities of a ship's crew which—
    - (i) are carried out solely by the crew under the direction of the master; and
    - (ii) are not liable to expose persons at work other than the master and crew to a risk to their safety;
  - <sup>F3</sup>(b) .....
  - (c) a place specified in regulation 5(3) of the Loading and Unloading of Fishing Vessels Regulations 1988 <sup>M2</sup> where persons are engaged in fish loading processes; <sup>F4</sup>...
  - <sup>F4</sup> .....
- (5) Regulation 11 of these Regulations shall not apply to an installation while regulation 12 of the Offshore Installations and Wells (Design and Construction, etc) Regulations 1996 <sup>M3</sup> apply to it.
- (6) In this regulation—
- <sup>F5</sup>(a) .....
  - <sup>F5</sup>(b) .....
- [<sup>F6</sup>(ba) “relevant self-employed person” means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the 1974 Act;]

- (c) “ship” includes every description of vessel used in navigation, other than a ship which forms part of Her Majesty's Navy.

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#### Textual Amendments

- F1** Words in [reg. 3\(3\)\(a\)](#) substituted (1.10.2015) by [The Deregulation Act 2015 \(Health and Safety at Work\) \(General Duties of Self-Employed Persons\) \(Consequential Amendments\) Order 2015 \(S.I. 2015/1637\)](#), art. 1, [Sch. para. 8\(a\)](#)
- F2** Words in [reg. 3\(3\)\(b\)](#) inserted (1.10.2015) by [The Deregulation Act 2015 \(Health and Safety at Work\) \(General Duties of Self-Employed Persons\) \(Consequential Amendments\) Order 2015 \(S.I. 2015/1637\)](#), art. 1, [Sch. para. 8\(b\)](#)
- F3** [Reg. 3\(4\)\(b\)](#) revoked (6.4.2014) by [The Health and Safety \(Miscellaneous Revocations and Amendments\) Regulations 2013 \(S.I. 2013/1512\)](#), [reg. 1\(2\)\(b\)](#), [Sch.](#)
- F4** [Reg. 3\(4\)\(d\)](#) and word omitted (6.4.2007) by virtue of [The Work at Height \(Amendment\) Regulations 2007 \(S.I. 2007/114\)](#), [regs. 1, 3\(a\)\(ii\)](#)
- F5** [Reg. 3\(6\)\(a\)\(b\)](#) omitted (6.4.2007) by virtue of [The Work at Height \(Amendment\) Regulations 2007 \(S.I. 2007/114\)](#), [regs. 1, 3\(b\)](#)
- F6** [Reg. 3\(6\)\(ba\)](#) inserted (1.10.2015) by [The Deregulation Act 2015 \(Health and Safety at Work\) \(General Duties of Self-Employed Persons\) \(Consequential Amendments\) Order 2015 \(S.I. 2015/1637\)](#), art. 1, [Sch. para. 8\(c\)](#)

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#### Marginal Citations

- M1** [S.I. 2001/2127](#).
- M2** [S.I. 1988/1656](#).
- M3** [S.I.1996/913](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Work at Height Regulations 2005, Section 3.