

## 1986 No. 36

## HEALTH AND SAFETY

**Control of Lead at Work Regulations (Northern Ireland) 1986***Made* . . . . . 31st January 1986*Coming into operation* . . . . . 6th March 1986

## ARRANGEMENT OF REGULATIONS

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SCHEDULE 1 — Repeals of provisions of the Factories Act (Northern Ireland) 1965.

SCHEDULE 2 — Revocations.

The Department of Agriculture, the Department of Economic Development, the Department of the Environment and the Department of Health and Social Services, acting jointly as the Department concerned<sup>(a)</sup> in exercise of the powers conferred by Article 17(1), (2), (3), (4), (5) and (6), and paragraphs 1(1), 5(1), 6, 7, 8, 9, 10, 12(1) and (3), 13, 14(1) and 15 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978<sup>(b)</sup> and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appear to them to be appropriate, hereby make the following Regulations:—

(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(b) S.I. 1978/1039 (N.I. 9)

*Citation and commencement*

1. These Regulations may be cited as the Control of Lead at Work Regulations (Northern Ireland) 1985 and shall come into operation on 6th March 1986.

*Interpretation*

2.—(1) In these Regulations—

“adequate” means adequate having regard only to the nature and degree of exposure to lead;

“the Department” means the Department of Economic Development;

“lead” means lead (including lead alloys, any compounds of lead and lead as a constituent of any substance or material) which is liable to be inhaled, ingested or otherwise absorbed by persons except where it is given off from the exhaust system of a vehicle on a road within the meaning of Article 2 of the Road Traffic (Northern Ireland) Order 1981(a).

“the Order” means the Health and Safety at Work (Northern Ireland) Order 1978.

(2) Any reference in these Regulations to either—

(a) an employee being exposed to lead; or

(b) any place being contaminated by lead,

is a reference to exposure to or, contamination by lead arising out of work being carried on by the employer.

*Duty of employer to persons at work who are not his employees*

3. Where any duty is placed by these Regulations on an employer in respect of his employees, he shall, so far as is reasonably practicable, be under a like duty in respect of any other person who is at work on the premises where the work with lead is being carried on and who is; or is liable to be, exposed to lead from that work.

*Assessment of work which exposes persons to lead*

4.—(1) Where any work may expose persons to lead, the employer or self-employed person, shall assess that work to determine the nature and degree of the exposure to lead.

(2) The assessment required by paragraph (1) shall be made—

(a) in the case of work being carried out immediately before the date of coming into operation of these Regulations within 4 weeks of that date;

(b) in any other case, before the work is commenced.

(3) An assessment shall be revised—

(a) when there is reason to suspect that it is incorrect;

(b) when there is a material change in the work;

(c) when requested by an inspector appointed under Article 21(1) of the Order.

*Information, instruction and training*

5. Every employer shall ensure that adequate information, instruction and training is given to his employees—

(a) who are liable to be exposed to lead so that they are aware of the risks from lead and the precautions which should be observed;

(b) who carry out any work in connection with the employer's duties under regulations 4, 11, 13, 14 and 15 so that they can carry out that work effectively.

*Control measures for materials, plant and processes*

6. Every employer shall, so far as is reasonably practicable, provide such control measures for materials, plant and processes as will adequately control the exposure of his employees to lead otherwise than by the use of respiratory protective equipment or protective clothing by those employees.

*Respiratory protective equipment*

7. Every employer shall provide each employee who is liable to be exposed to airborne lead with such respiratory protective equipment of a type approved in writing by the Department as will adequately protect him against that airborne lead unless the control measures adopted in compliance with regulation 6 provide him with adequate protection.

*Protective clothing*

8. Every employer shall provide each employee who is liable to be exposed to lead with adequate protective clothing unless the exposure to lead is not significant.

*Washing and changing facilities*

9. Every employer shall provide for his employees who are liable to be exposed to lead—

- (a) adequate washing facilities; and
- (b) where he is required under regulation 8 to provide protective clothing, adequate changing facilities and adequate facilities for the storage of—
  - (i) that protective clothing; and
  - (ii) personal clothing not worn during working hours;

so however that this regulation shall not apply during the period of 12 months after the coming into operation of these Regulations where in order to comply with this regulation it would be necessary to erect a new building or make substantial structural alterations to a building.

*Eating, drinking and smoking*

10.—(1) Every employer shall take such steps as are adequate to secure that—

- (a) so far as is reasonably practicable, his employees do not eat, drink or smoke in any place which is or is liable to be contaminated by lead;
- (b) suitable arrangements are made for such employees to eat, drink or smoke in a place which is not liable to be contaminated by lead.

(2) An employee shall not eat, drink or smoke in any place which he has reason to believe to be contaminated by lead.

(3) Nothing in this regulation shall prevent the provision and use of drinking facilities which are not liable to be contaminated by lead where such facilities are required for the welfare of employees who are exposed to lead.

*Cleaning*

11. Where an employee is liable to be exposed to lead, the employer shall take adequate steps to secure the cleanliness of work places, premises, plant, respiratory protective equipment and protective clothing.

*Duty to avoid spread of contamination by lead*

12.—(1) Every employer, his employees and every self-employed person shall, so far as is reasonably practicable, prevent the spread of contamination by lead from the place where work is being carried out.

(2) Nothing in paragraph (1) shall prejudice any other requirements imposed by or under any enactment which relates to preventing the spread of contamination by lead.

*Use of control measures, etc.*

13.—(1) Every employer who provides any control measure, respiratory protective equipment, protective clothing or other thing or facility pursuant to regulations 6 to 12 shall ensure, so far as is reasonably practicable, that it is properly used or applied as the case may be.

(2) Every employee shall make full and proper use of any control measure, respiratory protective equipment, protective clothing or other thing or facility provided pursuant to regulations 6 to 12; and if he discovers any defect therein he shall report it forthwith to his employer.

*Maintenance of control measures, etc.*

14. Every employer who provides any control measure, respiratory protective equipment, protective clothing or other thing or facility pursuant to regulations 6 to 12 shall ensure, so far as is practicable, that it is maintained in an efficient state, in efficient working order and good repair.

*Air monitoring*

15. Every employer shall—

- (a) have adequate monitoring procedures to measure the concentrations of lead in air to which his employees are exposed unless the exposure is not significant;
- (b) measure the concentration of lead in air in accordance with those procedures.

*Medical surveillance and biological tests*

16.—(1) Every employer shall secure that each of his employees who is employed on work which exposes that employee to lead is under medical surveillance by an employment medical adviser or appointed doctor if either—

- (a) the exposure of that employee to lead is significant; or
- (b) an employment medical adviser or appointed doctor certifies that the employee should be under medical surveillance;

and where the employment medical adviser or appointed doctor has certified that in his opinion the employee should not be employed on work which exposes him to lead or that he should only be so employed under the conditions specified in the certificate the employer shall not expose that employee to lead except under the conditions, if any, specified in the certificate.

(2) Every employee who is exposed to lead at work shall, when required by the employer, present himself, during his normal working hours, for such medical examination or biological tests as may be required for the purposes of paragraph (1).

(3) In this regulation—

“medical surveillance” includes biological tests;

“employment medical adviser” means an employment medical adviser appointed under Article 48(3) of the Order;

“appointed doctor” means a registered medical practitioner who is appointed in writing by the Department for the purposes of this regulation.

*Records*

17.—(1) Every employer shall—

- (a) ensure that adequate records are kept of the assessments, maintenance, air monitoring, medical surveillance and biological tests required by regulations 4, 14, 15 and 16 respectively;

- (b) make those records available for inspection by employees, except that this sub-paragraph shall not apply to the health record of an identifiable individual.
- (2) An entry in the records shall be kept for two years from the date on which the entry was made, except in the case of an entry relating to an assessment made under regulation 4 which shall be kept until whichever is the earlier of the following dates—
- (a) two years from the date on which that assessment was revised;
- (b) two years from the date on which the work to which that assessment related ceased.

#### *Exemption certificates*

**18.**—(1) Subject to paragraph (2) the Department may, by certificate in writing, exempt any person or class of person from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time.

(2) The Department shall not grant any such exemption unless having regard the circumstances of the case and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption, and
- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

#### *Repeals, revocations and modifications*

**19.**—(1) The provisions of the Factories Act (Northern Ireland) 1965(a) specified in column 1 of Schedule 1 are hereby repealed to the extent set out opposite thereto in column 2.

(2) The Statutory Provisions specified in column 1 of Schedule 2 are hereby revoked to the extent set out opposite thereto in column 2.

(3) The Construction (Health and Welfare) Regulations (Northern Ireland) 1967(b) shall cease to have effect in relation to lead.

Sealed with the Official Seal of the Department of Agriculture on 31st January 1986.

(L.S.)

*K. E. Brady*

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 31st January 1986.

(L.S.)

*S. Cooper*

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 31st January 1986.

(L.S.)

*J. M. Irvine*

Assistant Secretary

(a) 1965 c. 20 (N.I.) as amended by S.R. 1979 No. 246

(b) S.R. & O. (N.I.) 1967 No. 176

Sealed with the Official Seal of the Department of Health and Social Services on  
31st January 1986.

(L.S.)

*Z. I. Davies*

Under Secretary

## SCHEDULE 1

Regulation 19(1)

## REPEALS — THE FACTORIES ACT (NORTHERN IRELAND) 1965

<i>Provision</i> (1)	<i>Extent of Repeal</i> (2)
Section 63(1).	The word "lead".
Section 74.	The whole section.
Section 126(a).	The words "and in processes involving the use of lead compounds".
Section 127.	The whole section.
Section 128.	The whole section.

## REVOCATIONS OF STATUTORY PROVISIONS

<i>Statutory Provision</i> (1)	<i>Extent of Revocation</i> (2)
Regulations, dated 19th June 1903, for the process of file-cutting by hand (The File-cutting by Hand Regulations 1903), S.R. & O. 1903/507.	The whole Regulations.
Regulations, dated 21st January 1907, with respect to the manufacture of paints and colours (The Paints and Colours Regulations 1907), S.R. & O. 1907/17; amended by S.R. 1979 No. 187.	<p>The definitions of—</p> <p>(a) "lead process";</p> <p>(b) "appointed doctor";</p> <p>(c) "employment medical adviser".</p> <p>The paragraph—</p> <p>"It shall be the duty of all persons employed to observe Part II of these Regulations".</p> <p>Regulations 1 and 2 and 4 to 16.</p>
Regulations, dated 6th August 1907, with respect to the process of the manipulation of yarn dyed by means of a lead compound (The Yarn (Dyed by Lead Compounds) Heading Regulations 1907), S. R. & O. 1907/616; amended by S.R. 1979 No. 187.	<p>The definitions of—</p> <p>(a) "appointed doctor";</p> <p>(b) "employment medical adviser";</p> <p>The paragraph—</p> <p>"It shall be the duty of all persons employed to observe Part II of these Regulations".</p> <p>Regulations 1 and 3 to 8.</p>
Regulations, dated 18th December 1908, with respect to the process of vitreous enamelling of metal or glass (The Vitreous Enamelling Regulations 1908), S.R. & O. 1908/1258; amended by S.R. 1979 No. 187.	<p>The definitions of—</p> <p>(a) "appointed doctor";</p> <p>(b) "employment medical adviser".</p> <p>The paragraph—</p> <p>"It shall be the duty of all persons employed to observe Part II of these Regulations".</p> <p>Regulations 1 to 6 and 8 to 15.</p>
Regulations, dated 30th June 1909, with respect to the coating of metal articles with a mixture of tin and lead or lead alone (The Tinning of Metal Hollow-ware, Iron Drums and Harness Furniture Regulations 1909), S.R. & O. 1909/720; amended by S.R. 1979 No. 187.	<p>The definitions—</p> <p>(a) "mounting", "denting" and "scouring";</p> <p>(b) "appointed doctor";</p> <p>(c) "employment medical adviser";</p> <p>(d) "efficient draught".</p> <p>The paragraph—</p> <p>"It shall be the duty of all persons employed to observe Part II of these Regulations.</p> <p>Regulations 1 and 3 to 13.</p>



Statutory Provision (1)	Extent of Revocation (2)
Regulations, dated 12th August 1911, with respect to the manufacture of lead and flaked litharge (The Lead Smelting and Manufacture Regulations 1911), S.R. & O. 1911/752; amended by S.R. 1979 No. 187.	<p>The definitions—</p> <p>(a) “appointed doctor”;</p> <p>(b) “employment medical adviser”;</p> <p>(c) “damp”;</p> <p>(d) “efficient exhaust draught”.</p>
Regulations, dated 11th April 1912, with respect to bronzing with dry metallic powders in letterpress printing, lithographic printing and coating of metal sheets (The Bronzing Regulations 1912), S.R. & O. 1912/361.	<p>The paragraph—</p> <p>“It shall be the duty of every person employed to observe Part II of these Regulations”.</p> <p>Regulations 1 to 9 and 11 to 19.</p>
Regulations, dated 23rd August 1921, with respect to the manufacture of any carbonate, sulphate, nitrate or acetate of lead (The Lead Compounds Manufacture Regulations 1921), S.R. & O. 1921/1443; amended by S.R. 1979 No. 187.	The whole Regulations.
Regulations, dated 23rd August 1921, with respect to the manufacture of any carbonate, sulphate, nitrate or acetate of lead (The Lead Compounds Manufacture Regulations 1921), S.R. & O. 1921/1443; amended by S.R. 1979 No. 187.	The whole Regulations.
Order, dated 8th November 1921, as to the meaning of the expression “lead compound” and the method of ascertaining whether any compound is a “lead compound” (The Lead Compounds (Definition) Order 1921), S.R. & O. 1921/1713.	The whole Order.
Order, dated 8th November 1921, prescribing the medical examination of women and young persons employed in processes involving use of lead compounds (The Women and Young Persons (Employed in Lead Process) Medical Examinations Order 1921), S.R. & O. 1921/1714; amended by S.R. 1979 No. 187.	The whole Order.
Order, dated 8th November 1921, prescribing the cloakroom, messroom and washing accommodation to be provided in factories and workshops in which women and young persons are employed in processes involving the use of lead compounds (The Women and Young Persons Employed in Lead Process (Provision of Facilities for Clothing, Canteen and Washing Accommodation) Order 1921), S.R. & O. 1921/1715.	The whole Order.

<i>Statutory Provision</i> (1)	<i>Extent of Revocation</i> (2)
Order, dated 23rd June 1927, modifying the application of certain provisions of the Factory and Workshop Act 1901 in cases where persons are employed in painting buildings, S.R. & O. (N.I.) 1927 No. 78.	The whole Order.
Rul�e, dated 23rd June 1927, for ascertaining whether a paint is a lead paint. S.R. & O. (N.I.) 1927 No. 79.	The whole Rule.
The Lead Paint Regulations (Northern Ireland) 1927, S.R. & O. (N.I.) 1927 No. 129; amended by S.R. 1979 No. 187.	The whole Regulations.
Order, dated 3rd February 1928, in respect of employment of young persons in the painting trade and of women and young persons in work of decorative design. S.R. & O. (N.I.) 1928 No. 9.	The whole Order.
The Vehicle Painting Regulations (Northern Ireland) 1928, S.R. & O. (N.I.) 1928 No. 19; amended by S.R. 1979 No. 187.	The whole Regulations.
The Electric Accumulator Special Regulations (Northern Ireland) 1945, S.R. & O. (N.I.) 1945, No. 41; amended by S.R. 1979 No. 187.	In regulation 3 the definitions— (a) “appointed doctor”; (b) “employment medical adviser”. Regulations 6 to 34.
The Lead Processes (Medical Examinations) Regulations (Northern Ireland) 1965, S.R. & O. (N.I.) 1965 No. 187; amended by S.R. 1979 No. 187.	The whole Regulations.
The Lead Paint (Prescribed Leaflet) Order (Northern Ireland) 1967, S.R. & O. (N.I.) 1967 No. 119.	The whole Order.
The Shipbuilding and Shiprepairing Regulations (Northern Ireland) 1971, S.R. & O. (N.I.) 1971 No. 372.	In Regulation 3 the definition of “lead paint”. Regulation 77. The First Schedule.
The Employment Medical Advisory Service (Factories Act Legislation Amendment) Regulations (Northern Ireland) 1979, S.R. 1979 No. 187.	In Part II of the Schedule the following entries relating to— (a) Regulations, dated 21st January 1907, with respect to the manufacture of paints and colours; (b) Regulations, dated 6th August 1907, with respect to the process of manipulation of yarn dyed by means of a lead compound;

Statutory Provision (1)	Extent of Revocation (2)
	<ul style="list-style-type: none"> <li>(c) Regulations, dated 18th December 1908, with respect to the process of vitreous enamelling metal or glass;</li> <li>(d) Regulations, dated 30th June 1909, with respect to coating metal articles with a mixture of tin and lead, or lead alone;</li> <li>(e) Regulations, dated 12th August 1911, with respect to the smelting and manufacture of lead and flaked litharge;</li> <li>(f) Regulations, dated 23rd August 1921, with respect to the manufacture of any carbonate, sulphate, nitrate or acetate of lead;</li> <li>(g) Order, dated 8th November 1921, with respect to the employment of women and young persons in certain processes involving the use of a lead compound;</li> <li>(h) The Lead Paint Regulations (Northern Ireland) 1927;</li> <li>(i) The Vehicle Painting Regulations (Northern Ireland) 1928;</li> <li>(j) The Electric Accumulator Special Regulations (Northern Ireland) 1945;</li> <li>(k) The Lead Processes (Medical Examinations) Regulations (Northern Ireland) 1965).</li> </ul>

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations impose requirements for the protection of employees who may be exposed to lead at work and of other persons who may be affected by such work.

The Regulations require any work which may expose persons to lead to be assessed to determine the nature and degree of that exposure and for adequate measures to be taken to control it and to prevent the spread of contamination by lead from the work place. The Regulations also provide, in appropriate cases, for air monitoring and for the medical surveillance of employees including biological tests.

The Regulations apply in relation to any work with lead to which the Health and Safety at Work (Northern Ireland) Order 1978 ("the Order of 1978") applies and supersede existing provisions (listed in Schedules 1 and 2) which are repealed or revoked.

A person who contravenes the Regulations is guilty of an offence under Article 31 of the Order of 1978 and is liable, on summary conviction, to a fine not exceeding £2,000, or on conviction on indictment to a fine.