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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 152**

**Dangerous Substances and Explosive  
Atmospheres Regulations (Northern Ireland) 2003**

**Risk assessment**

5.—(1) Where a dangerous substance is or is liable to be present at the workplace, the employer shall make a suitable and sufficient assessment of the risks to his employees which arise from that substance.

(2) The risk assessment shall include consideration of –

- (a) the hazardous properties of the substance;
- (b) information on safety provided by the supplier, including information contained in any relevant safety data sheet;
- (c) the circumstances of the work including –
  - (i) the work processes and substances used and their possible interactions;
  - (ii) the amount of the substance involved;
  - (iii) where the work will involve more than one dangerous substance, the risk presented by such substances in combination; and
  - (iv) the arrangements for the safe handling, storage and transport of dangerous substances and of waste containing dangerous substances;
- (d) activities, such as maintenance, where there is the potential for a high level of risk;
- (e) the effect of measures which have been or will be taken pursuant to these Regulations;
- (f) the likelihood that an explosive atmosphere will occur and its persistence;
- (g) the likelihood that ignition sources, including electrostatic discharges, will be present and become active and effective;
- (h) the scale of the anticipated effects of a fire or an explosion;
- (i) any places which are or can be connected via openings to places in which explosive atmospheres may occur; and
- (j) such additional safety information as the employer may need in order to complete the risk assessment.

(3) The risk assessment shall be reviewed by the employer regularly so as to keep it up to date and particularly if –

- (a) there is reason to suspect that the risk assessment is no longer valid; or
- (b) there has been a significant change in the matters to which the risk assessment relates including when the workplace, work processes, or organisation of the work undergoes significant changes, extensions or conversions;

and where, as a result of the review, changes to the risk assessment are required, those changes shall be made.

- (4) Where the employer employs five or more employees, the employer shall record the significant findings of the risk assessment as soon as is practicable after that assessment is made, including in particular –
- (a) the measures which have been or will be taken by him pursuant to these Regulations;
  - (b) sufficient information to show that the workplace and work processes are designed, operated and maintained with due regard for safety and that, in accordance with the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999<sup>(1)</sup>, adequate arrangements have been made for the safe use of work equipment; and
  - (c) where an explosive atmosphere may occur at the workplace and subject to the transitional provisions in regulation 17(1) to (3), sufficient information to show –
    - (i) those places which have been classified into zones pursuant to regulation 7(1);
    - (ii) equipment which is required for, or helps to ensure, the safe operation of equipment located in places classified as hazardous pursuant to regulation 7(1);
    - (iii) that any verification of overall explosion safety required by regulation 7(4) has been carried out; and
    - (iv) the aim of any coordination required by regulation 11 and the measures and procedures for implementing it.
- (5) No new work activity involving a dangerous substance shall commence unless –
- (a) an assessment has been made; and
  - (b) the measures required by these Regulations have been implemented.

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<sup>(1)</sup> S.R. 1999 No. 305, as amended by S.I. 1999/2001, S.R. 2000 No. 81 and S.I. 2001/1701