

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations re-enact, with modifications, the Control of Lead at Work Regulations (Northern Ireland) 1998 (S.R. 1998 No. 281) (“the 1998 Regulations”). The 1998 Regulations imposed requirements for the protection of employees who might be exposed to lead at work and of other persons who might be affected by such work and also imposed certain duties on employees concerning their own protection from such exposure.

2. The Regulations, with the exception of regulations 4, 7, 8, 9(2) and (3) and 10(7) and (11) to (15), implement as respects Northern Ireland Council Directive 98/24/EC (O.J. No. L131, 5.5.98, p. 11) on the protection of the health and safety of workers from risks related to chemical agents at work (fourteenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) insofar as it relates to risks to health from exposure to lead.

3. In addition to minor and drafting amendments, the Regulations make changes of substance so as to—

- (a) include certain further definitions (regulation 2);
- (b) extend the matters to be considered when carrying out an assessment of the risk from exposure to lead and require the risk assessment to be reviewed regularly and forthwith in certain circumstances (regulation 5);
- (c) detail the measures which the employer must take to prevent or adequately control the exposure of his employees to lead (regulation 6);
- (d) provide for further duties in respect of care and decontamination of personal protective equipment (regulation 8);
- (e) provide for the keeping of an individual record of air monitoring where an employee is required to be under medical surveillance (regulation 9);
- (f) extend the circumstances in which an employee must be under medical surveillance and the duties imposed upon the employer where the blood-lead concentration or urinary lead concentration of an employee reaches the appropriate suspension level (regulation 10);
- (g) introduce a duty to ensure that the contents of containers and pipes for lead used at work are clearly identifiable (regulation 11(5)); and
- (h) introduce a duty on the employer to prepare procedures, provide information and establish warning systems to deal with an emergency in the workplace related to the presence of lead (regulation 12).

4. In Great Britain the corresponding Regulations are the Control of Lead at Work Regulations 2002 (S.I. 2002/2676). The Great Britain Health and Safety Executive has prepared a regulatory impact assessment in respect of these Regulations and a copy of that assessment, together with a Northern Ireland Supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast BT6 9FR from where a copy may be obtained on request.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Control of Lead at Work Regulations (Northern Ireland) 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

5. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.

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Changes and effects yet to be applied to :

- Sch. 1 para. 1 coming into force by [S.R. 2003/35 reg. 1](#)
- Sch. 1 para. 2 coming into force by [S.R. 2003/35 reg. 1](#)
- Sch. 1 para. 3 coming into force by [S.R. 2003/35 reg. 1](#)
- Sch. 2 coming into force by [S.R. 2003/35 reg. 1](#)
- Sch. 2 words omitted by [S.R. 2010/160 reg. 30Sch. 5](#)
- Sch. 2 words substituted by [S.R. 2010/160 reg. 30Sch. 5](#)
- Sch. 2 words substituted by [S.R. 2015/265 reg. 10\(3\)](#)
- Sch. 3 para. 1 coming into force by [S.R. 2003/35 reg. 1](#)
- Sch. 3 para. 2 coming into force by [S.R. 2003/35 reg. 1](#)
- Sch. 3 para. 3 coming into force by [S.R. 2003/35 reg. 1](#)
- Sch. 3 para. 4 coming into force by [S.R. 2003/35 reg. 1](#)
- Sch. 3 para. 5 coming into force by [S.R. 2003/35 reg. 1](#)
- Sch. 3 para. 6 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 1 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 2 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 2(1) text amended by [S.R. 2009/238 Sch. 7](#)
- reg. 2(1) words substituted by [S.R. 2015/265 reg. 10\(2\)](#)
- reg. 3 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 3(3) substituted by [S.R. 2005/165 reg. 4\(a\)](#)
- reg. 4 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 5 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 6 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 6(7)(a) words substituted by [S.I. 2018/390 Sch. 5 para. 4\(a\)](#)
- reg. 7 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 8 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 8(1) substituted by [S.R. 2005/165 reg. 4\(b\)](#)
- reg. 9 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 10 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 11 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 12 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 13 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 14 coming into force by [S.R. 2003/35 reg. 1](#)
- reg. 15 coming into force by [S.R. 2003/35 reg. 1](#)

Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 5 words omitted by [S.R. 2010/160 reg. 30Sch. 5](#)
- reg. 6(11) inserted by [S.I. 2018/390 Sch. 5 para. 4\(b\)](#)
- reg. 6(11) words omitted by [S.I. 2019/696 Sch. 35 para. 2\(6\)](#) (This amendment not applied to legislation.gov.uk. Sch. 35 para. 2(5)(6) omitted immediately before IP completion day by virtue of S.I. 2020/1460, reg. 1(4), Sch. 3 para. 24(3))