
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend regulation 22 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 (“the 2000 Regulations”), which concerns civil liability for breach of the duties imposed by those Regulations.

2. The Management of Health and Safety at Work and Fire Precautions (Workplace) (Amendment) Regulations (Northern Ireland) 2003 ([S.R. 2003 No. 454](#)) amended regulation 22 of the 2000 Regulations so as to activate the statutory presumption of civil liability contained in Article 43(2) of the Health and Safety at Work (Northern Ireland) Order 1978, subject to a specific limitation. The effect was to permit civil claims to be brought against employers and employees who are in breach of duties imposed on them by those Regulations but the amendment provided that claims could not be brought against employers insofar as the duty applies for the protection of persons not in their employment, that is, third parties.

3. The effect of these Regulations is to extend to employees that protection against claims by third parties, in circumstances where employees may owe a duty to third parties under regulation 14 of the 2000 Regulations.

4. In Great Britain, the corresponding Regulations are the Management of Health and Safety at Work (Amendment) Regulations 2006 ([S.I. 2006/438](#)).