

## SCHEDULE 1

Regulation 3(1)

### PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA

#### Interpretation

1.—(1) In this Schedule—

“activity” includes a diving project;

“designated area” means any area designated by Order under section 1(7) of the Continental Shelf Act 1964(1) and “within a designated area” includes over and under it;

“diving project” has the meaning assigned to it by regulation 2(1) of the Diving at Work Regulations (Northern Ireland) 2005(2) save that it includes an activity in which a person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

“energy structure” means a fixed or floating structure, other than a vessel, for producing energy from wind or water;

“offshore installation” shall be construed in accordance with paragraph 2(2) and (3);

“supplementary unit” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;

“stand-by vessel” means a vessel which is ready to give assistance in the event of an emergency on or near an offshore installation;

“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

(2) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(3) Any reference in this Schedule to premises and activities includes a reference to any person, article or substance on those premises or engaged in, or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

#### Offshore installations

2.—(1) This paragraph shall apply to and in relation to—

(a) any offshore installation and any activity on it;

(b) any activity in connection with an offshore installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, on or from a vessel or in any other manner, other than—

(i) transporting, towing or navigating the installation; and

(ii) any activity in or from a vessel being used as a stand-by vessel;

(c) a diving project involving—

(i) the survey and preparation of the sea bed for an offshore installation;

(ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation.

(2) Subject to sub-paragraph (3), in this paragraph, “offshore installation” means a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water—

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(1) 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (1982 c. 23), Schedule 3, paragraph 1

(2) S.R. 2005 No. 45, as amended by S.R. 2007 No. 247

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- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
- (b) for the storage of gas in or under the shore or bed of any water or the recovery of gas so stored;
- (c) for the conveyance of things by means of a pipe; or
- (d) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this sub-paragraph,

together with any supplementary unit which is ordinarily connected to it, and all the connections.

- (3) Any reference in sub-paragraph (2) to a structure or unit does not include—
  - (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
  - (b) a well;
  - (c) a structure which has ceased to be used for any of the purposes specified in sub-paragraph (2) and has since been used for a purpose not so specified;
  - (d) a mobile structure which has been taken out of use and is not yet being moved with a view to its being used for any of the purposes specified in sub-paragraph (2); and
  - (e) any part of a pipeline.

### **Wells**

- 3.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to—
  - (a) a well and any activity in connection with it; and
  - (b) an activity which is immediately preparatory to any activity in head (a).

(2) Sub-paragraph (1) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

### **Pipelines**

- 4.—(1) This paragraph applies to and in relation to—
  - (a) any pipeline;
  - (b) any pipeline works;
  - (c) the following activities in connection with pipeline works—
    - (i) the loading, unloading, fuelling or provisioning of a vessel;
    - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel, being in either case a vessel which is engaged in pipeline works.
- (2) In this paragraph—

“pipeline” means a pipe or system of pipes for the conveyance of any thing, together with—

  - (a) any apparatus for inducing or facilitating the flow of any thing through, or through part of, the pipe or system;
  - (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;
  - (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
  - (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in heads (a) to (c);

- (e) apparatus for the transmission of information for the operation of the pipe or system;
  - (f) apparatus for the cathodic protection of the pipe or system; and
  - (g) a structure used or to be used solely for the support of a part of the pipe or system;
- but not including a pipeline of which no initial or terminal point is situated in the United Kingdom, within the territorial sea adjacent to the United Kingdom, or within a designated area;

“pipeline works” means—

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the bed of the sea for the purposes of the works mentioned in heads (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in heads (a) to (d);
- (f) a diving project in connection with any of the works mentioned in heads (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

## **Mines**

5.—(1) This paragraph applies to and in relation to a mine within the territorial sea or extending beyond it, and any activity in connection with it, while it is being worked.

(2) In this paragraph “mine” has the same meaning as in the Mines Act (Northern Ireland) 1969<sup>(3)</sup>.

## **Other activities**

6.—(1) Subject to paragraph (2), this paragraph applies to and in relation to—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any building, energy structure or other structure, not being in any case a vessel, or any preparation for any such activity;
- (b) the transfer of people or goods between a vessel or aircraft and a structure (including a building) mentioned in head (a);
- (c) the loading, unloading, fuelling or provisioning of a vessel;
- (d) a diving project;
- (e) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel;
- (f) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(3)(d) applies;
- (g) the operation of a cable for transmitting electricity from an energy structure to shore;
- (h) the transfer of people or goods between a vessel or aircraft and a structure mentioned in head (f).

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(3) 1969 c. 6 (N.I.)

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- (2) This paragraph shall not apply—
- (a) to a case where paragraph 2, 3, 4 or 5 applies; or
  - (b) to vessels which are registered outside the United Kingdom and are on passage through the territorial sea.

## SCHEDULE 2

Regulation 21(1) and (2)

### PARTICULARS TO BE NOTIFIED TO THE EXECUTIVE

1. Date of forwarding.
2. Exact address of the construction site.
3. The name of the District Council where the site is located.
4. A brief description of the project and the construction work which it includes.
5. Contact details of the client (name, address, telephone number and any e-mail address).
6. Contact details of the CDM co-ordinator (name, address, telephone number and any e-mail address).
7. Contact details of the principal contractor (name, address, telephone number and any e-mail address).
8. Date planned for the start of the construction phase.
9. The time allowed by the client to the principal contractor referred to in regulation 15(b) for planning and preparation for construction work.
10. Planned duration of the construction phase.
11. Estimated maximum number of people at work on the construction site.
12. Planned number of contractors on the construction site.
13. Name and address of any contractor already appointed.
14. Name and address of any designer already engaged.
15. A declaration signed by or on behalf of the client that he is aware of his duties under these Regulations.

## SCHEDULE 3

Regulations 9(1)(b), 13(7) and 22(1)(c)

### WELFARE FACILITIES

#### **Sanitary conveniences**

1. Suitable and sufficient sanitary conveniences shall be provided or made available at readily accessible places. So far as is reasonably practicable, rooms containing sanitary conveniences shall be adequately ventilated and lit.
2. So far as is reasonably practicable, sanitary conveniences and the rooms containing them shall be kept in a clean and orderly condition.

3. Separate rooms containing sanitary conveniences shall be provided for men and women, except where and so far as each convenience is in a separate room, the door of which is capable of being secured from the inside.

### **Washing facilities**

4. Suitable and sufficient washing facilities, including showers if required by the nature of the work or for health reasons, shall so far as is reasonably practicable be provided or made available at readily accessible places.

5. Washing facilities shall be provided—

- (a) in the immediate vicinity of every sanitary convenience, whether or not provided elsewhere; and
- (b) in the vicinity of any changing rooms required by paragraph 14 whether or not provided elsewhere.

6. Washing facilities shall include—

- (a) a supply of clean hot and cold, or warm, water (which shall be running water so far as is reasonably practicable);
- (b) soap or other suitable means of cleaning; and
- (c) towels or other suitable means of drying.

7. Rooms containing washing facilities shall be sufficiently ventilated and lit.

8. Washing facilities and the rooms containing them shall be kept in a clean and orderly condition.

9. Subject to paragraph 10, separate washing facilities shall be provided for men and women, except where and so far as they are provided in a room the door of which is capable of being secured from inside and the facilities in each such room are intended to be used by only one person at a time.

10. Paragraph 9 shall not apply to facilities which are provided for washing hands, forearms and face only.

### **Drinking water**

11. An adequate supply of wholesome drinking water shall be provided or made available at readily accessible and suitable places.

12. Every supply of drinking water shall be conspicuously marked by an appropriate sign where necessary for reasons of health and safety.

13. Where a supply of drinking water is provided, there shall also be provided a sufficient number of suitable cups or other drinking vessels unless the supply of drinking water is in a jet from which persons can drink easily.

### **Changing rooms and lockers**

14.—(1) Suitable and sufficient changing rooms shall be provided or made available at readily accessible places if—

- (a) a worker has to wear special clothing for the purposes of his work; and
- (b) he cannot, for reasons of health or propriety, be expected to change elsewhere,

being separate rooms for, or separate use of rooms by, men and women where necessary for reasons of propriety.

(2) Changing rooms shall—

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- (a) be provided with seating;
  - (b) include, where necessary, facilities to enable a person to dry any such special clothing and his own clothing and personal effects.
- (3) Suitable and sufficient facilities shall, where necessary, be provided or made available at readily accessible places to enable persons to lock away—
- (a) any such special clothing which is not taken home;
  - (b) their own clothing which is not worn during working hours; and
  - (c) their personal effects.

**Facilities for rest**

15.—(1) Suitable and sufficient rest rooms or rest areas shall be provided or made available at readily accessible places.

- (2) Rest rooms and rest areas shall—
- (a) include suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke;
  - (b) be equipped with an adequate number of tables and adequate seating with backs for the number of persons at work likely to use them at any one time;
  - (c) where necessary, include suitable facilities for any person at work who is a pregnant woman or nursing mother to rest lying down;
  - (d) include suitable arrangements to ensure that meals can be prepared and eaten;
  - (e) include the means for boiling water; and
  - (f) be maintained at an appropriate temperature.

SCHEDULE 4

Regulation 32(1)(b)

PARTICULARS TO BE INCLUDED IN A REPORT OF INSPECTION

1. Name and address of the person on whose behalf the inspection was carried out.
2. Location of the place of work inspected.
3. Description of the place of work or part of that place inspected (including any work equipment and materials).
4. Date and time of the inspection.
5. Details of any matter identified that could give rise to a risk to the health or safety of any person.
6. Details of any action taken as a result of any matter identified in paragraph 5.
7. Details of any further action considered necessary.
8. Name and position of the person making the report.

## SCHEDULE 5

Regulation 47(1)

## REVOCATIONS

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
Construction (General Provisions) Regulations (Northern Ireland) 1963	<a href="#">S.R. &amp; O. (N.I.) 1963 No 87</a>	The whole Regulations
Health and Safety Information for Employees Regulations (Northern Ireland) 1991	<a href="#">S.R. 1991 No. 105</a>	Regulations 8(3); Part III of the Schedule
Construction (Design and Management) Regulations (Northern Ireland) 1995	<a href="#">S.R. 1995 No. 209</a>	The whole Regulations
Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996	<a href="#">S.R. 1996 No. 510</a>	The whole Regulations
Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999	<a href="#">S.R. 1999 No. 304</a>	In Schedule 3, the entry relating to the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996
Provision and Use of Work Equipment Regulations (Northern Ireland) 1999	<a href="#">S.R. 1999 No. 305</a>	In Schedule 5, the entry relating to the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996
Management of Health and Safety at Work Regulations (Northern Ireland) 2000	<a href="#">S.R. 2000 No. 388</a>	Regulation 27
		In Schedule 3, the entry relating to the Construction (Design and Management) Regulations (Northern Ireland) 1995
Construction (Design and Management) (Amendment) Regulations (Northern Ireland) 2001	<a href="#">S.R. 2001 No. 142</a>	The whole Regulations

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<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Work at Height Regulations (Northern Ireland) 2005	S.R. 2005 No. 279	In Schedule 9, the entry relating to the Construction (Health, Safety and Welfare) Regulations (Northern Ireland) 1996

## SCHEDULE 6

Regulation 47(2)

### AMENDMENTS

#### **Amendment of the Factories Act (Northern Ireland) 1965**

1. In section 176(1) (General interpretation) of the Factories Act (Northern Ireland) 1965<sup>(4)</sup>, for the definition of “building operation” and “work of engineering construction” there shall be substituted the following definition—

““building operation” and “work of engineering construction” mean “construction work” within the meaning assigned to that phrase by regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 291);”.

#### **Amendment of the Construction (Head Protection) Regulations (Northern Ireland) 1990**

2. For regulation 3(1) of the Construction (Head Protection) Regulations (Northern Ireland) 1990<sup>(5)</sup> there shall be substituted the following paragraph—

“3.—(1) Subject to paragraph (2) these Regulations shall apply to construction work within the meaning of regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 2007.”.

#### **Amendment of the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993**

3. For regulation 3(1)(b) of the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993<sup>(6)</sup> there shall be substituted—

“(b) a workplace which is a construction site within the meaning of the Construction (Design and Management) Regulations Northern Ireland) 2007, and in which the only activity being undertaken is construction work within the meaning of those Regulations, save that—

(i) regulations 18 and 25A apply to such a workplace,

(ii) regulations 7(1A), 12, 14, 15, 16, 18, 19 and 26(1) apply to such a workplace which is indoors;”

(4) 1965 c. 20, as amended by S.R. 1996 No. 510

(5) S.R. 1990 No. 424, as amended by S.R. 1993 No. 20, S.R. 1999 No. 150 and S.R. 2005 No. 45

(6) S.R. 1993 No. 37, as amended by S.R. 1995 No. 378, S.R. 1996 No. 510, S.R. 2003 No. 423 and S.R. 2006 No. 205; revoked in part by S.R. 2003 No. 152 and S.R. 2005 No. 279



#### **Amendment of the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999**

4.—(1) The Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999(7) shall be amended in accordance with the following paragraphs.

(2) In regulation 2(1) in the definition of “construction work” and “contractor” for “1995” substitute “2007”.

(3) For paragraph 4(a)(i) of Schedule 2 there shall be substituted—

“(i) the project which includes the work is notifiable within the meaning of regulation 2(3) of the Construction (Design and Management) Regulations (Northern Ireland) 2007; or”

#### **Amendment of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999**

5. For regulation 6(5)(e) of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999(8) there shall be substituted—

“(e) work equipment required to be inspected by regulations 30(4) or 31(2) of the Construction (Design and Management) Regulations (Northern Ireland) 2007.”

#### **Amendment of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001**

6. For regulation 3(5)(a) of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001(9) there shall be substituted—

“(a) any workplace which is or is on a construction site within the meaning of regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 2007 and to which those Regulations apply;”.

#### **Amendment of the Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004**

7. In regulation 2(4)(d) of the Gas Safety (Installation and Use) Regulations (Northern Ireland) 2004(10) for “1995” substitute “2007”.

#### **Amendment of the Work in Compressed Air Regulations (Northern Ireland) 2004**

8.—(1) The Work in Compressed Air Regulations (Northern Ireland) 2004(11) shall be amended in accordance with the following paragraphs.

(2) In regulation 2(1), for the definition of the “1996 Regulations” there shall be substituted—

““2007 Regulations” means the Construction (Design and Management) Regulations (Northern Ireland) 2007;”.

(3) For regulation 3(1) there shall be substituted—

“3.—(1) These Regulations shall apply to and in relation to work in compressed air which is construction work within the meaning of the Construction (Design and Management) Regulations (Northern Ireland) 2007, and is carried out in the course of a project which is notifiable within the meaning of regulation 2(3) of those Regulations.”.

(7) S.R. 1999 No. 90, as amended by S.R. 2000 No. 375, S.R. 2003 No. 33, S.R. 2006 No. 205, S.R. 2006 No. 425 and S.R. 2007 No. 31

(8) S.R. 1999 No. 305, as amended by S.I. 1999/2001, S.R. 2000 No. 87, S.I. 2001/1701, S.R. 2003 No. 423, S.I. 2004/129, S.R. 2005 No. 279, S.R. 2005 No. 397, S.R. 2006 No. 1 and S.R. 2007 No. 31

(9) S.R. 2001 No. 348, as amended by S.R. 2003 No. 152 and S.R. 2003 No. 454

(10) S.R. 2004 No. 63, as amended by S.R. 2006 No. 205

(11) S.R. 2004 No. 241, as amended by S.R. 2005 No. 45

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- (4) In regulation 5(3) for “1995” substitute “2007”.
- (5) Regulation 13(2) shall be amended as follows—
  - (a) in sub-paragraph (a) for “18, 19 and 24(3) of the 1996 Regulations” substitute “38, 39 and 43(3) of the 2007 Regulations”; and
  - (b) in sub-paragraph (d) for “19(1) of the 1996 Regulations” substitute “38(1) of the 2007 Regulations”.
- (6) In regulation 14(1) for “20 of the 1996 Regulations” substitute “40 of the 2007 Regulations”.
- (7) In regulation 18(a) for “regulation 21 of the 1996 Regulations” substitute “Schedule 3 of the 2007 Regulations”.

#### **Amendment of the Work at Height Regulations (Northern Ireland) 2005**

9. In regulation 2(1) of the Work at Height Regulations (Northern Ireland) 2005<sup>(12)</sup> for the definition of “construction work” there shall be substituted the following definition—

““construction work” has the meaning assigned to it by regulation 2(1) of the Construction (Design and Management) Regulations (Northern Ireland) 2007;”.

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(12) [S.R. 2005 No. 279](#), as amended by [S.R. 2007 No.135](#)