

---

## EXPLANATORY NOTE

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

1. These Regulations implement as regards Northern Ireland Directive [2006/25/EC](#) of the European Parliament and of the Council (O.J. L114, 27.4.2006, p.38) on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) (nineteenth individual Directive within the meaning of Article 16(1) of Directive [89/391/EEC](#)) (“the Directive”). The Regulations impose duties on employers to protect both employees who may be exposed to risk from exposure to artificial optical radiation at work and other persons at work who might be affected by that work.

2. Regulation 1(2) defines exposure limit values as being those set out in Annexes I and II to the Directive, as amended from time to time, and these Annexes provide for exposure limit values for non-coherent radiation and laser radiation respectively.

3. The Regulations impose a duty to carry out a specific form of risk assessment where an employer carries out work which could expose its employees to levels of artificial optical radiation (i.e. artificial light) that could create a reasonably foreseeable risk of adverse health effects to the eyes or skin and where those risks have not already been eliminated or controlled (regulation 3). Where a risk assessment is necessary the Regulations also impose duties to—

- (a) eliminate, or where this is not reasonably practicable, to reduce to as low a level as is reasonably practicable the risk of adverse health effects to the eyes or skin of the employee as a result of exposure to artificial optical radiation where this risk has been identified in the risk assessment (regulation 4(1));
- (b) devise an action plan comprising technical and organisational measures to prevent exposure to artificial optical radiation exceeding the exposure limit values where the risk assessment indicates that employees are exposed to levels of artificial optical radiation that exceed the exposure limit values (regulation 4(3));
- (c) take action in the event that the exposure limit values are exceeded despite the implementation of the action plan and measures to eliminate or reduce so far as is reasonably practicable the risk of exposure (regulation 4(5));
- (d) demarcate, limit access to, and provide for appropriate signs in those areas where levels of artificial optical radiation are indicated in the risk assessment as exceeding the exposure limit values (regulation 4 (6) and (7));
- (e) provide information and training if the risk assessment indicates that employees could be exposed to artificial optical radiation which could cause adverse health effects to the eyes or skin of the employee (regulation 5); and
- (f) to provide health surveillance and medical examinations in certain cases (regulation 6).

4. In Great Britain the corresponding Regulations are the Control of Artificial Optical Radiation at Work Regulations 2010 ([S.I. 2010/1140](#)). The Great Britain Health and Safety Executive has prepared an impact assessment in respect of those 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 copies may be obtained. A copy of the transposition note in relation to the implementation of the Directive set out in paragraph 1 can also be obtained from the same address. Copies of both these

**Status:** This is the original version (as it was originally made).

documents are annexed to the Explanatory Memorandum which is available on the Office of the Public Sector Information website (<http://www.opsi.gov.uk/>).

**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—

- (a) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding £20,000, or both; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, or a fine, or both.