

2024 No. 161

HEALTH AND SAFETY

**The Personal Protective Equipment at Work (Amendment)
Regulations (Northern Ireland) 2024**

Made - - - - *12th September 2024*

Coming into operation - *21st October 2024*

The Department for the Economy, being the Department concerned^(a), makes these Regulations in exercise of the powers conferred by Articles 2(4), (5), 17(1), (2), (3)(b) of, and paragraphs 10 and 13 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978 (“the 1978 Order”)^(b).

These Regulations give effect without modifications to proposals submitted to the Department for the Economy by the Health and Safety Executive for Northern Ireland under Article 13(1A) of the 1978 Order^(c). Before submitting those proposals to the Department for the Economy, the Health and Safety Executive for Northern Ireland consulted such bodies that appeared to be appropriate as required by Article 46(3) of the 1978 Order^(d).

Citation and commencement

1.—(1) These Regulations may be cited as the Personal Protective Equipment at Work (Amendment) Regulations (Northern Ireland) 2024 and come into operation on 21st October 2024.

The Personal Protective Equipment at Work Regulations (Northern Ireland) 1993

2.—(1) The Personal Protective Equipment at Work Regulations (Northern Ireland) 1993^(e) are amended in accordance with paragraphs (2) to (5).

(2) For regulation 2 (interpretation) substitute—

“In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“employer”, in relation to a worker, means the person by whom the worker is employed under their worker’s contract;

(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9); Formerly the Department of Enterprise, Trade and Investment; see 2016 c. 5, section 1(3); that Department was formerly the Department of Economic Development; see S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, see S.I. 1982/846 (N.I. 11), Article 3

(b) S.I. 1978/1039

(c) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

(d) Article 46(3) was amended by S.I. 1998/2795

(e) S.R.1993 No.20; as amended by S.R. 2006 No. 1 and S.R. 2012 No. 179; revoked in part by S.R. 2015 No. 223 and modified by S.R. 2017 No. 229

“offensive weapon” means any article made or adapted for use for causing injury to the person, or intended by the person having it with them for such use by them or by some other person;

“personal protective equipment”, unless the context requires otherwise, means all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects the person against one or more risks to that person’s health and safety, and any addition or accessory designed to meet that objective;

“worker” means an individual who has entered into or works under—

- (a) a contract of employment;
- (b) any contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual;

and any reference to a worker’s contract shall be construed accordingly.”.

- (3) In regulation 3(3)(a) (disapplication of these regulations)—
 - (a) in sub-paragraph (b) for “the Control of Lead at Work Regulations (Northern Ireland) 1986” substitute “the Control of Lead at Work Regulations (Northern Ireland) 2003(b)”; and
 - (b) in sub-paragraph (e) for “the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1990” substitute “the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003(c)”.
- (4) After regulation 3 insert—

“Modification of the 1978 Order

3A.—(1) The duty placed on the employer in respect of their employees by Article 10 of the 1978 Order (duty not to charge employees for things done or provided pursuant to certain specific requirements) is modified to apply in respect of the duties under these Regulations to their workers, and “employer”, as referenced in Article 10, in relation to a worker means the person by whom the worker is employed under their worker’s contract.

(2) In these Regulations, Article 2(4) of the 1978 Order (meaning of “work” and related expressions) is extended as follows—

- (a) “work” includes work as a worker; and
- (b) a worker is at work throughout the time when they are working under their worker’s contract, but not otherwise.”.

- (5) In regulations 4 to 11, in each place it occurs—
 - (a) for “an employee” substitute “a worker”;
 - (b) for “every employee” substitute “every worker”;
 - (c) for “he is” substitute “they are”;
 - (d) for “he may” substitute “they may”;
 - (e) for “he shall” substitute “they shall”;
 - (f) for “him” substitute “them”;
 - (g) for “his employee” substitute “their worker”;

(a) Regulation 3(3) was amended by regulation 15(1)(a) of S.R. 2006 No. 1, Schedule 4 to, S.R. 2012 No. 179, regulation 2(2) and Table 4 of the Schedule to, S.R. 2015 No. 223 and paragraph 3 of Schedule 9 to, S.R. 2017 No. 229
(b) S.R. 2003 No. 35
(c) S.R.2003 No. 34

- (h) for “his employees” substitute “their workers”;
- (i) for “his employer” substitute “their employer”;
- (j) for “his health” substitute “their health”;
- (k) for “the employee” substitute “the worker”; and
- (l) for “to employees” substitute “to workers”.

Sealed with the Official Seal of the Department for the Economy on 12th September 2024.



Conor Murphy
Minister of the
Department for the Economy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993 (“the PPER 1993”) to extend the duties contained in regulations 4 to 11 of the PPER 1993 from employees to workers, and to update cross-references to other legislation.

Regulation 2(2) of these Regulations substitutes a new interpretation provision, including a new definition of worker.

Regulation 2(3) makes amendments to update references to legislation referred to in regulation 4 of the PPER 1993.

Regulation 2(4) insets a new regulation 3A into the PPER 1993. Regulation 3A modifies the duty contained in Article 10 of the Health and Safety at Work (Northern Ireland) Order 1978 (“the 1978 Order”) for employers not to charge employees for things done in pursuance of a relevant statutory provision, to apply that duty to workers for the purposes of the PPER 1993. Further, regulation 3A extends the meaning of “work” and related expressions in Article 2(4) of the 1978 Order for the purpose of the PPER 1993 to apply the meaning to workers.

Regulation 2(5) makes textual amendments to ensure all duties contained in the PPER 1993 apply to an employer of a worker and a worker.

A full Impact Assessment of the effect of these Regulations has been prepared by the Great Britain Health and Safety Executive. This is available from the Health and Safety Executive for Northern Ireland, Legislation Unit, 83 Ladas Drive, Belfast, BT6 9FR.

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