

1967. No. 176

[C]

FACTORIES

**The Construction (Health and Welfare) Regulations
(Northern Ireland) 1967**

REGULATIONS, DATED 30TH JUNE 1967, MADE BY THE MINISTRY OF HEALTH
AND SOCIAL SERVICES UNDER THE FACTORIES ACT (NORTHERN IRELAND)
1965.

The Ministry of Health and Social Services for Northern Ireland in exercise of powers conferred by sections 7, 61, 75 and 179(3) and (4) of the Factories Act (Northern Ireland) 1965(a), and of all other powers in that behalf, hereby makes the following special Regulations:—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Construction (Health and Welfare) Regulations (Northern Ireland) 1967 and shall come into operation on 1st November 1967.

(2) The Building Operations (First-Aid and Ambulance Room Equipment) Order (Northern Ireland) 1951(b), Regulations 80 to 84 of, and Schedule 2 to, the Building Regulations (Northern Ireland) 1950(c) and the Building Operations (First-Aid Boxes) Order (Northern Ireland) 1960(d) are hereby revoked.

Application of Regulations

2.—(1) These Regulations apply—

(a) to building operations; and

(b) to works of engineering construction;

undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, or by or on behalf of the Crown or any municipal or other public authority, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway.

(2) The Chief Inspector may (subject to such conditions, if any, as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these Regulations—

(a) any particular site or any class or description of sites; or

(b) any particular work or any class or description of work;

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or are not reasonably practicable.

3.—(1) For the purposes of these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“approved” means approved for the time being by certificate of the Chief Inspector;

(a) 1965. c. 20 (N.I.).

(b) S.R. & O. (N.I.) 1951, No. 179.

(c) S.R. & O. (N.I.) 1950, No. 221.

(d) S.R. & O. (N.I.) 1960, No. 87.

"certificate in first-aid" does not include any certificate in first-aid of a kind which is issued to persons under the age of 15 years, whether or not any such kind of certificate is also issued to persons aged 15 years or over;

"contractor" means a contractor or an employer of workmen who is undertaking any of the operations or works to which these Regulations apply;

"hospital management committee" has the meaning assigned to that expression by section 28(2) of the Health Services Act (Northern Ireland) 1948(a);

"the principal Act" means the Factories Act (Northern Ireland) 1965;

"site" means any place where building operations or works of engineering construction or both such operations and such works are being carried on; and

"training organisation" means the St. John Ambulance Association of the Order of St. John, the St. Andrew's Ambulance Association, the British Red Cross Society, or any other body or society approved for the purposes of these Regulations.

(2) For the purpose of these Regulations, a number of persons employed shall be determined by reference to the number at work at any one time.

(3) References in these Regulations to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

Obligations under Regulations

4.—(1) Except as otherwise provided in this Regulation and subject to the provisions of Regulation 10, it shall be the duty of every contractor to comply with such of the requirements of these Regulations as affect any person employed by him.

(2) The requirements of any of the following Regulations, that is to say, Regulations 5, 8, 9, 11, 12 and 13 shall be deemed to be complied with by a contractor as regards any period during which there are in operation—

(a) effective arrangements made by him with another contractor on the site, being arrangements in respect of which the requirements of paragraph (3) are fulfilled, or

(b) effective arrangements made by him with any other person, for enabling persons employed by the first-mentioned contractor to have adequate access to and use of facilities which are respectively of the same kind, and as adequate and suitable, as those required by any of the said provisions to be provided, being facilities which are reasonably accessible to every working position on the site.

(3) A contractor who provides facilities in accordance with any arrangement made in pursuance of paragraph (2)(a) shall as soon as the said arrangement comes into operation—

(a) enter in a register in an approved form the approved particulars of the said arrangement; and

(b) give to the contractor with whom he has made the said arrangement a certificate in an approved form containing the approved particulars.

(4) All registers kept and certificates given in pursuance of paragraph (3) shall be preserved either on the site of the relevant operations or works or at

an office of the contractor by whom the register is kept or to whom the certificate was given, as the case may be.

(5) All registers kept and certificates given in pursuance of paragraph (3) shall at all reasonable times be open to inspection by any inspector. All such certificates shall at all reasonable times be open to inspection by any person employed affected thereby. The person keeping any such register or having any such certificate shall send to any such inspector such extracts therefrom or copies thereof as the inspector may from time to time require for the purpose of the execution of his duties under the principal Act.

(6) Where by virtue of an arrangement in accordance with paragraph (2)(a) a contractor is deemed to have complied with any requirement of these Regulations, the contractor who has undertaken to provide facilities in accordance with that arrangement shall be responsible instead of the first-mentioned contractor for complying with that requirement and the persons employed by the first-mentioned contractor shall for the purposes of that requirement be deemed to be persons in the employment of the contractor who has undertaken to provide the said facilities.

(7) Nothing in these Regulations shall be construed as preventing two or more contractors from jointly appointing the same person or persons to have charge of first-aid boxes or cases or of a first-aid room or to be responsible for summoning an ambulance or other means of transport in pursuance of Regulation 8.

Provision of first-aid boxes or cases

5.—(1) Except as provided in paragraph (3), where a contractor has more than 5 persons in his employment on a site, he shall provide and keep clean and in good repair a sufficient number of suitable first-aid boxes or cases, which shall, while work is going on, be reasonably accessible to all positions on the site where persons in his employment are working.

(2) A first-aid box or case shall be distinctively marked "FIRST AID" and placed under the charge of a responsible person who—

- (a) while in charge of the box or case shall be readily available while any persons for whom it is provided are working on the site and whose name shall be plainly indicated in a prominent place on or near the box or case; and
- (b) where the box or case is provided by a contractor who has more than 50 persons in his employment on a site, shall be a person trained in first-aid treatment to the standard required by Regulation 7.

(3) In a case where operations or works to which these Regulations apply are carried out within the close, curtilage or precincts forming a factory and an ambulance room is provided at the factory in consequence of which provision the factory is for the time being exempted, in pursuance of section 60(8) (First-aid) of the principal Act, from the requirements of that section, the foregoing provisions shall not apply, provided in the case of such operations or works carried out by persons employed by a contractor other than the occupier of the factory—

- (i) that effective arrangements are made by the said contractor with the occupier of the factory for enabling persons employed by the said contractor to have adequate access to and use of the ambulance room; and
- (ii) that Regulation 4(3) and (5) are complied with in respect of those arrangements as if they were arrangements made in pursuance of paragraph 2(a) of that Regulation.

Contents of first-aid boxes or cases

6.—(1) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or case.

(2) Each first-aid box or case provided in pursuance of these Regulations shall contain the equipment and materials specified in the appropriate Part of the Schedule.

(3) All materials for dressings contained in first-aid boxes or cases shall be those designated in, and of a grade or quality not lower than the standard specified by, the British Pharmaceutical Codex and any supplement thereto, being the British Pharmaceutical Codex and any supplement current at the date of these Regulations or approved for the purposes of these Regulations.

Standard of training in first-aid treatment

7.—(1) For the purposes of Regulations 5 and 9 a person shall not at any time after 30th June 1968 be deemed to be trained in first-aid treatment unless—

(a) he is a registered or enrolled nurse within the meaning of the Nurses and Midwives Acts (Northern Ireland) 1959 and 1961(a), the Nurses Acts 1957 and 1961(b), or the Nurses (Scotland) Acts 1951 and 1961(c), or

(b) he is the holder of a certificate in first-aid issued within the immediately preceding period of three years by, or is otherwise recognised as being qualified in first-aid treatment by, a training organisation.

(2) Until 1st July 1968 Regulations 5(2)(b) and 9(1) shall have effect as if the words “to the standard required by Regulation 7” were omitted therefrom.

(3) No contractor shall be held not to have complied with the requirement in Regulation 5(2), that the persons in charge of certain first-aid boxes or cases shall be persons trained in first-aid treatment, in any case where he proves that he used all due diligence to secure compliance with that provision.

(4) In a case where the person in charge of a first-aid box or case is required by Regulation 5(2)(b) to be a person trained in first-aid treatment to the standard required by this Regulation, the following particulars shall be recorded in writing as respects that person, namely—

(a) his name;

(b) the nature and date of his qualification as a person trained in first-aid treatment; and

(c) the date on which evidence of his being so trained was inspected by the person undertaking the operations or works to which these Regulations apply.

(5) The record required by the last foregoing paragraph shall be securely fixed inside the first-aid box or case and shall at all reasonable times be open to inspection by any inspector. The person keeping any such record shall send to any inspector such extracts therefrom or copies thereof as the inspector may from time to time require for the purpose of the execution of his duties under the principal Act.

(a) 1959. c. 19; 1961. c. 14.

(b) 5 & 6 Eliz. 2. c. 15; 9 & 10 Eliz. 2. c. 14.

(c) 14 & 15 Geo. 6. c. 55; 9 & 10 Eliz. 2. c. 14.

Ambulances

8.—(1) A contractor who has in his employment on a site more than 25 persons shall—

- (a) notify in writing the hospital management committee in whose area the site is situated within 24 hours of employing for the first time more than 25 persons on the site of—
 - (i) the location and address (if any) of the site; and
 - (ii) the nature of the operations or works and the probable date of their completion;
- (b) provide and maintain on the site a suitable stretcher or such number of suitable stretchers as may be necessary;
- (c) appoint a responsible person or responsible persons who shall always be readily available during working hours and whose duty it is to summon an ambulance or other means of transport if needed in cases of accident or illness and the contractor shall ensure that legible copies of a notice indicating that person or, as the case may be, those persons, and containing instructions on the making of emergency telephone or radio calls are affixed in one or more prominent positions on the site.

(2) Without prejudice to the requirements of paragraph (1), in the case of a site where means of telephonic or radio communication with an ambulance station are not readily accessible, a contractor who has in his employment on the site more than 25 persons shall provide at or in the immediate vicinity of the site, so as to be readily available during working hours, a motor vehicle constructed or adapted so as to be able to carry a person or persons on the stretcher or stretchers provided. The contractor by whom the vehicle is provided shall obtain from the Northern Ireland Hospitals Authority a card showing the address of the nearest hospital named by the Authority as one designated by them to provide accident and emergency services and shall ensure that the card is kept in a prominent position on the vehicle.

First-aid rooms

9.—(1) In the case of a site where the number of persons employed exceeds 250, a contractor who has more than 40 persons in his employment on that site shall provide and maintain in good order and in a clean condition at or near to the site of the operations or works and conveniently accessible a properly constructed and suitable first-aid room the interior surfaces of which shall be capable of being easily kept clean. A first-aid room shall be used only for purposes of treatment and rest and shall be in the charge of a person trained in first-aid treatment to the standard required by Regulation 7, who shall always be readily available during working hours.

(2) A first-aid room shall contain at least the following equipment, namely—

- (a) a sink having smooth impervious internal surfaces with hot and cold water always available;
- (b) a table with a smooth impervious top;
- (c) means of sterilising instruments;
- (d) a supply of suitable dressings, bandages and splints;
- (e) a couch;
- (f) suitable and sufficient stretchers including a sling stretcher;
- (g) sufficient blankets and hot water bottles; and
- (h) a foot bath or basin or bowl suitable for use as a foot bath.

Application of first-aid provisions to office workers

10.—(1) This Regulation applies in the case of persons employed to work in any office premises to which the Office and Shop Premises Act (Northern Ireland) 1966(a) applies, being premises—

- (a) erected at, or adjacent to, a place where there are carried on any of the operations or works to which these Regulations apply, and for the purpose of, or in connection with, the operations or works; and
- (b) deemed for the time being to form part of the said place by virtue of special Regulations made under section 26(2) of the said Act of 1966.

(2) In calculating for the purposes of Regulations 5 to 9 a number of persons employed, persons to whom this Regulation applies shall be taken into account to a number less than the full number thereof, that is to say, of the persons employed to work at any one time in any such office premises as aforesaid—

- (a) of every unit of three persons, one person shall be taken into account, and
- (b) of any fraction of a unit of three persons, where the fraction consists of two persons one person shall be taken into account, and where the fraction consists of one person that person shall be left out of account.

(3) In relation to persons to whom this Regulation applies, the references in Regulation 4 to a contractor shall be construed as including references to the employer of such persons.

Shelters and accommodation for clothing and for taking meals

11.—(1) Subject to the provisions of paragraphs (2) and (3), there shall be provided at or in the immediate vicinity of every site for the use of the persons employed and conveniently accessible to them—

- (a) adequate and suitable accommodation for taking shelter during interruptions of work owing to bad weather and for depositing clothing not worn during working hours, being accommodation containing—
 - (i) where more than 5 persons are employed by a contractor on a site, adequate and suitable means of enabling the persons employed to warm themselves and to dry wet clothing; or
 - (ii) where 5 persons or less are employed by a contractor on a site, such arrangements as are reasonably practicable for enabling persons to warm themselves and for drying wet clothing;
- (b) adequate and suitable accommodation for the deposit of protective clothing used for work and kept, when not in use, at or in the immediate vicinity of the site, with such arrangements as are reasonably practicable for drying such clothing if it becomes wet;
- (c) adequate and suitable accommodation, affording protection from the weather and including sufficient tables and seats or benches, for taking meals, with facilities for boiling water and, where a contractor has more than 10 persons in his employment on a site and heated food is not otherwise available on the site, adequate facilities for heating food: and
- (d) an adequate supply of wholesome drinking water at a convenient point or convenient points and clearly marked "Drinking Water" or patently intended to be used as such.

(2) For the purposes of paragraph (1)(c) in determining whether accommodation of any kind provided in pursuance of that sub-paragraph at

any time and place is adequate, regard shall be had to the number of persons who appear to be likely to use such accommodation at that time and place.

(3) For the purposes of paragraph (1)(a), (b) and (c), in determining whether accommodation is conveniently accessible account shall be taken of any transport provided at appropriate times for the persons employed.

(4) All accommodation provided in pursuance of paragraph (1)(a) to (c) shall be kept in a clean and orderly condition and shall not be used for the deposit or storage of materials or plant.

Washing facilities

12.—(1) Except in the cases provided for by paragraphs (2), (3) and (4), every contractor who has in his employment on a site one or more persons of whom at least one is present on the site on any occasion for more than four consecutive hours shall provide adequate and suitable facilities for washing.

(2) Subject to the provisions of paragraph (4), and except in the case provided for by paragraph (3), where a contractor has more than 20 persons in his employment on a site or there are reasonable grounds for believing that the operations or works to be undertaken by him on the site will not be completed within 6 weeks from their commencement, he shall provide for the persons employed suitable facilities for washing which shall include—

- (a) adequate troughs, basins or buckets having in every case a smooth impervious internal surface;
- (b) adequate and suitable means of cleaning and drying being soap and towels or other means, as the case may require; and
- (c) a sufficient supply of hot and cold or warm water.

(3) Subject to the provisions of paragraph (4), where a contractor has more than 100 persons in his employment on a site and there are reasonable grounds for believing that the operations or works to be undertaken by him on the site will not be completed within 12 months from their commencement, he shall provide for the persons employed facilities such as are required by paragraph (2)(b) and (c) and also wash-basins on the following scale, that is to say, 4 with the addition of one for every unit of 35 persons by which the number of persons exceeds 100 (any fraction of a unit of 35 persons being treated as one).

(4) In any case where persons are employed on a site in a process in which a lead compound or other poisonous substance is used facilities shall be provided in accordance with paragraph (2) or in accordance, in a case to which it applies, with paragraph (3) and shall include nail brushes and the troughs, basins, buckets or wash-basins so provided shall be on the scale of one for every 5 persons so employed.

(5) Washing facilities shall be conveniently accessible from the accommodation for taking meals provided in pursuance of Regulation 11 and shall be kept in a clean and orderly condition.

(6) For the purpose of this Regulation "lead compound" means any material containing lead, which, when treated in the manner prescribed by rules made under section 130 of the principal Act yields to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, 5 per cent. of the dry weight of the portion taken for analysis.

Numbers of sanitary conveniences

13.—(1) Subject to paragraph (2), a contractor shall provide at least one suitable sanitary convenience (not being a convenience suitable only as a urinal) for every 25 persons in his employment on a site.

(2) Where a contractor has more than 100 persons in his employment on a site, and sufficient urinal accommodation is also provided, it shall be sufficient if there is one such convenience as aforesaid for every 25 persons in his employment on the site up to the first 100 and one for every 35 persons thereafter.

(3) In calculating the number of conveniences any number of persons less than 25 or 35, or in excess of a multiple of 25 or 35, as the case may be, shall be reckoned as 25 or 35.

Other requirements as to sanitary conveniences

14.—(1) Every sanitary convenience shall be sufficiently ventilated, and shall not communicate with any workroom or messroom except through the open air or through an intervening ventilated space.

(2) Every sanitary convenience (other than a convenience suitable merely as an urinal) shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastening. Urinals shall be so placed or so screened as not to be visible from other places, whether on or off the site.

(3) The sanitary conveniences shall be so arranged as to be conveniently accessible to the persons employed at all times while they are at the site.

(4) This Regulation is without prejudice to the requirements in section 7(1) of the principal Act that the conveniences shall be maintained and kept clean, that effective provision shall be made for lighting the conveniences and that where persons of both sexes are or are intended to be employed the conveniences shall afford proper separate accommodation for persons of each sex.

Protective clothing

15. Every contractor shall provide adequate and suitable protective clothing for any person so employed who by reason of the nature of his work is required to continue working in the open air during rain, snow, sleet or hail.

Safe access to places where facilities are provided

16. Safe means of access and egress shall so far as reasonably practicable be provided and maintained to and from every place at which any of the facilities provided in pursuance of these Regulations is situated and every such place shall, so far as reasonably practicable, be made and kept safe for persons using the said facilities.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 30th day of June 1967.

(L.S.)

W. Slinger,
Assistant Secretary.

Regulation 6(2)

SCHEDULE

CONTENTS OF FIRST-AID BOXES OR CASES

PART I

Where the number of persons employed by a contractor exceeds 5 but does not exceed 25—

- (i) A copy of the leaflet (Form N.I.1008) giving advice on first-aid treatment issued by the Ministry of Health and Social Services.
- (ii) A sufficient number (not less than 6) of small sterilized unmedicated dressings for injured fingers.
- (iii) A sufficient number (not less than 3) of medium-sized sterilized unmedicated dressings for injured hands or feet.
- (iv) A sufficient number (not less than 3) of large sterilized unmedicated dressings for other injured parts.
- (v) A sufficient number (not less than 12) of adhesive wound dressings of an approved type and of assorted sizes.
- (vi) A sufficient number (not less than 2) of triangular bandages of unbleached calico, the longest side of which measures not less than 51 inches and each of the other sides not less than 36 inches.
- (vii) A sufficient supply of adhesive plaster.
- (viii) A sufficient supply of absorbent sterilised cotton wool in half-ounce packets.
- (ix) A sufficient supply of approved eye ointment in a container of an approved type and size.
- (x) A sufficient number (not less than 2) of sterilized eye-pads in separate sealed packets.
- (xi) A rubber bandage or pressure bandage.
- (xii) Safety pins.

PART II

Where the number of persons employed by a contractor exceeds 25—

- (i) A copy of the leaflet (Form N.I.1008) giving advice on first-aid treatment issued by the Ministry of Health and Social Services.
- (ii) A sufficient number (not less than 24) of small sterilized unmedicated dressings for injured fingers.
- (iii) A sufficient number (not less than 12) of medium-sized sterilized unmedicated dressings for injured hands or feet.
- (iv) A sufficient number (not less than 12) of large sterilized unmedicated dressings for other injured parts.
- (v) A sufficient number (not less than 36) of adhesive wound dressings of an approved type and of assorted sizes.
- (vi) A sufficient number (not less than 8) of triangular bandages of unbleached calico, the longest side of which measures not less than 51 inches and each of the other sides not less than 36 inches.
- (vii) A sufficient supply of adhesive plaster.
- (viii) A sufficient supply of absorbent sterilized cotton wool in half-ounce packets.
- (ix) A sufficient supply of approved eye ointment in a container of an approved type and size.
- (x) A sufficient number (not less than 8) of sterilized eye-pads in separate sealed packets.
- (xi) A rubber bandage or pressure bandage.
- (xii) Safety pins.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations impose requirements for the health and welfare of persons employed at places where building operations and works of engineering construction are carried on. The Regulations contain provisions as to first-aid and ambulance arrangements, shelter from the weather, accommodation for clothing and for taking meals, protective clothing, washing facilities and sanitary conveniences.

1967. No. 177

[NC]

FACTORIES

The Abstract of Factories Act (Northern Ireland) Order 1967

ORDER, DATED 30TH JUNE 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTION 138 OF THE FACTORIES ACT (NORTHERN IRELAND) 1965.

The Ministry of Health and Social Services for Northern Ireland in exercise of powers conferred by Section 138(1) of the Factories Act (Northern Ireland) 1965(a) and of all other powers in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Abstract of Factories Act (Northern Ireland) Order 1967, and shall come into operation on the 24th day of July 1967.

(2) The Factories (Forms and Particulars) Order (Northern Ireland) 1955(b) is hereby revoked.

2. Except as provided by Article 3, the Abstract of the Factories Act (Northern Ireland) 1965 required by Section 138(1) of that Act to be kept posted at the principal entrances of a factory at which employed persons enter shall be in the form set out in the Schedule.

3. Nothing in this Order shall apply to any premises to which provisions of the Factories Act (Northern Ireland) 1965 apply by virtue of Section 123 (docks, etc.) or to any place to which provisions of that Act apply by virtue of Section 125 thereof (building operations and works of engineering construction).

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 30th day of June 1967.

(L.S.)

W. Slinger,
Assistant Secretary.

(a) 1965. c. 20 (N.I.).

(b) S.R. & O. (N.I.) 1955, No. 175.