
STATUTORY INSTRUMENTS

1990 No. 1380

HEALTH AND SAFETY

**The Health and Safety (Training
for Employment) Regulations 1990**

| | | |
|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>3rd July 1990</i> |
| <i>Laid before Parliament</i> | | <i>16th July 1990</i> |
| <i>Coming into force</i> | - - | <i>8th August 1990</i> |

The Secretary of State, in exercise of the powers conferred on him by section 52(2) and (3) of the Health and Safety at Work etc. Act 1974(1) (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Training for Employment) Regulations 1990, and shall come into force on 8th August 1990.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“educational establishment” means a university, polytechnic, college, school or similar educational or technical institute;

“relevant training” means work experience provided pursuant to a training course or programme, or training for employment, or both, except if—

- (a) the immediate provider of the work experience or training for employment is an educational establishment and it is provided on a course run by the establishment; or
- (b) received under a contract of employment.

(1) 1974 c. 37; sections 50 and 52 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 16 and 17 respectively.

Meaning of “work” and “at work”

3. For the purposes of Part I of the 1974 Act—

- (a) the meaning of the word “work” shall be extended to include relevant training;
- (b) a person provided with relevant training is at work throughout the time when he would be in the course of his employment if he were receiving such training under a contract of employment, but not otherwise, and the meaning of “at work” shall be so extended;

and in that connection, in the other relevant statutory provisions, “work” and “at work” shall be construed accordingly.

Meaning of “employee”, “employer” etc.

4. For the purposes of the relevant statutory provisions a person provided with relevant training shall be treated as being the employee of the person whose undertaking (whether carried on by him for profit or not) is for the time being the immediate provider to that person of the training; and “employee”, “worker”, “employer” and related expressions in those provisions shall be construed accordingly.

Revocation

5. The Health and Safety (Training for Employment) Regulations 1988⁽²⁾ and the Health and Safety (Training for Employment) (Amendment) Regulations 1989⁽³⁾ are hereby revoked.

Signed by order of the Secretary of State.

3rd July 1990

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

(2) S.I.1988/1222.
(3) S.I. 1989/1039.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give the protection for and duties of employees under the relevant statutory provisions as defined in the Health and Safety at Work etc. Act 1974 to those who are provided with “relevant training” as defined in regulation 2.

For the purposes of the relevant statutory provisions, regulation 3 extends the meaning of “work” and “at work” to include relevant training as defined in regulation 2; and regulation 4 provides that the trainee shall be treated as if he were the employee of the person whose undertaking is the immediate provider of the training.

The Regulations do not apply if the immediate provider of the relevant training is an educational establishment and it is provided on a course run by the establishment nor if the training is received under a contract of employment.

Regulation 5 revokes the Health and Safety (Training for Employment) Regulations 1988 and the Health and Safety (Training for Employment) (Amendment) Regulations 1989.