#### STATUTORY INSTRUMENTS

# 1992 No. 2966

# The Personal Protective Equipment at Work Regulations 1992

#### Citation and commencement

**1.** These Regulations may be cited as the Personal Protective Equipment at Work Regulations 1992 and shall come into force on 1st January 1993.

#### **Commencement Information**

II Reg. 1 in force at 1.1.1993, see reg. 1

## Interpretation

**2.**—[F1(1) In these Regulations—

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

"employer", in relation to a worker, means the person by whom the worker is employed under their worker's contract;

"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;

"relevant self-employed person" means a self-employed person (except a worker) who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the 1974 Act;

"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...

- (2) Any reference in these Regulations to—
  - (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
  - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears.

#### **Textual Amendments**

Reg. 2(1) substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 3

#### **Commencement Information**

**I2** Reg. 2 in force at 1.1.1993, see reg. 1

### **Disapplication of these Regulations**

- **3.**—(1) These Regulations shall not apply to or in relation to the master or crew of a sea-going ship or to the employer of such persons in respect of the normal ship-board activities of a ship's crew under the direction of the master.
  - (2) Regulations 4 to 12 shall not apply in respect of personal protective equipment which is—
    - (a) ordinary working clothes and uniforms which do not specifically protect the health and safety of the wearer;
    - (b) an offensive weapon within the meaning of section 1(4) of the Prevention of Crime Act 1953(1) used as self-defence or as deterrent equipment;
    - (c) portable devices for detecting and signalling risks and nuisances;
    - (d) personal protective equipment used for protection while travelling on a road within the meaning (in England and Wales) of section 192(1) of the Road Traffic Act 1988(2), and (in Scotland) of section 151 of the Roads (Scotland) Act 1984(3);
    - (e) equipment used during the playing of competitive sports.
- (3) Regulations 4 and 6 to 12 shall not apply where any of the following Regulations apply and in respect of any risk to a person's health or safety for which any of them require the provision or use of personal protective equipment, namely—
  - (a) [F2the Control of Lead at Work Regulations 2002];
  - (b) [F3the Ionising Radiations Regulations 2017 [SI 2017/1075]];
  - (c) [F4the Control of Asbestos Regulations 2012];
  - (d) [F5the Control of Substances Hazardous to Health Regulations 2002];
  - (e) [F6The Control of Noise at Work Regulations 2005];

<sup>F7</sup> (f)	`																														
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#### **Textual Amendments**

- **F2** Words in reg. 3(3)(a) substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 4(a)
- **F3** Words in reg. 3(3)(b) substituted (1.1.2018) by The Ionising Radiations Regulations 2017 (S.I. 2017/1075), reg. 1(2), **Sch. 9 para. 3** (with regs. 2(5), 3, Sch. 8)
- F4 Words in reg. 3(3)(c) substituted (6.4.2012) by The Control of Asbestos Regulations 2012 (S.I. 2012/632), reg. 1, Sch. 3
- Words in reg. 3(3)(d) substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 4(b)
- **F6** Words in reg. 3(3)(e) substituted (6.4.2006 for specified purposes, 6.4.2008 in so far as not already in force) by The Control of Noise at Work Regulations 2005 (S.I. 2005/1643), regs. 1, **15(1)(a)** (with reg. 3(3)(4))
- F7 Reg. 3(3)(f) revoked (6.4.2013) by The Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations 2013 (S.I. 2013/448), reg. 1, **Sch.** Table 4

<sup>(1) 1953</sup> c. 14.

<sup>(2) 1988</sup> c. 52.

<sup>(3) 1984</sup> c. 54.

#### **Commencement Information**

**I3** Reg. 3 in force at 1.1.1993, see **reg. 1** 

## [F8 Modification of the 1974 Act

- **3A.**—(1) The duty placed on the employer in respect of their employees by section 9 of the 1974 Act (duty not to charge employees) is modified to apply in respect of the duties under these Regulations to their workers, and "employer", as referenced in section 9, in relation to a worker means the person by whom the worker is employed under their worker's contract.
- (2) In these Regulations, section 52 of the 1974 Act (meaning of "work" and related expressions) is extended as follows—
  - (a) "work" includes work as a worker;
  - (b) a worker is at work throughout the time when they are working under their worker's contract, but not otherwise.]

#### **Textual Amendments**

F8 Reg. 3A inserted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 5

#### Provision of personal protective equipment

- **4.**—(1) [F9Subject to paragraph (1A),] every employer shall ensure that suitable personal protective equipment is provided to [F10their workers] who may be exposed to a risk to their health or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective.
- [<sup>F11</sup>(1A) Where the characteristics of any policing activity are such that compliance by the relevant officer with the requirement in paragraph (1) would lead to an inevitable conflict with the exercise of police powers or performance of police duties, that requirement shall be complied with so far as is reasonably practicable.]
- (2) Every [F12 relevant self-employed person] shall ensure that [F13 they are] provided with suitable personal protective equipment where [F14 they may] be exposed to a risk to [F15 their health] or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective.
- (3) Without prejudice to the generality of paragraphs (1) and (2), personal protective equipment shall not be suitable unless—
  - [F16(a) it is appropriate for the risk or risks involved, the conditions at the place where exposure to the risk may occur, and the period for which it is worn;
    - (b) it takes account of ergonomic requirements and the state of health of the person or persons who may wear it, and of the characteristics of the workstation of each such person;]
    - (c) it is capable of fitting the wearer correctly, if necessary, after adjustments within the range for which it is designed;
    - (d) so far as is practicable, it is effective to prevent or adequately control the risk or risks involved without increasing overall risk;
  - [F17(e) it complies with any legal requirement which is applicable to that item of personal protective equipment.]

- [<sup>F18</sup>(4) Where it is necessary to ensure that personal protective equipment is hygienic and otherwise free of risk to health, every employer and every [<sup>F12</sup>relevant self-employed person] shall ensure that personal protective equipment provided under this regulation is provided to a person for use only by [<sup>F19</sup>them].]
  - [F20(5) In paragraph (3)(e), "any legal requirement" means any requirement of—
    - (a) an enactment (whether in an Act or instrument) which implements in Great Britain any provision on design or manufacture with respect to health or safety in any relevant Community Directive listed in Schedule 1; or
    - (b) Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC<sup>F21</sup>....]

- F9 Words in reg. 4(1) inserted (14.4.1999) by The Police (Health and Safety) Regulations 1999 (S.I. 1999/860), regs. 1, 4(2)
- **F10** Words in reg. 4 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(i)
- F11 Reg. 4(1A) inserted (14.4.1999) by The Police (Health and Safety) Regulations 1999 (S.I. 1999/860), regs. 1, 4(3)
- F12 Words in Regulations substituted (1.10.2015) by The Deregulation Act 2015 (Health and Safety at Work) (General Duties of Self-Employed Persons) (Consequential Amendments) Order 2015 (S.I. 2015/1637), art. 1, Sch. para. 2(2)
- F13 Words in reg. 4 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(d)
- F14 Words in reg. 4 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(e)
- F15 Words in reg. 4 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(k)
- F16 Reg. 4(3)(a)(b) substituted (17.9.2002) by The Health and Safety (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/2174), regs. 1, 5(a)
- F17 Reg. 4(3)(e) substituted (21.4.2018) by The Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390), reg. 1(1), Sch. 5 para. 1(a) (with reg. 2(1)-(3))
- F18 Reg. 4(4) added (17.9.2002) by The Health and Safety (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/2174), regs. 1, 5(b)
- F19 Word in reg. 4 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(g)
- **F20** Reg. 4(5) inserted (21.4.2018) by The Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390), reg. 1(1), **Sch. 5 para. 1(b)** (with reg. 2(1)-(3))
- **F21** Words in reg. 4(5)(b) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 35 para. 2(2) (as amended by S.I. 2020/676, regs. 1(1), 2, 3); 2020 c. 1, Sch. 5 para. 1(1)

## **Modifications etc. (not altering text)**

C1 Reg. 4(3)(e) restricted (temp.) (1.1.1995) by The Personal Protective Equipment (EC Directive) (Amendment) Regulations 1994 (S.I. 1994/2326), regs. 1(3), 5

## **Commencement Information**

**I4** Reg. 4 in force at 1.1.1993, see reg. 1

#### Compatibility of personal protective equipment

- **5.**—(1) Every employer shall ensure that where the presence of more than one risk to health or safety makes it necessary for [F22their worker] to wear or use simultaneously more than one item of personal protective equipment, such equipment is compatible and continues to be effective against the risk or risks in question.
- (2) Every [F12relevant self-employed person] shall ensure that where the presence of more than one risk to health or safety makes it necessary for [F23them] to wear or use simultaneously more than one item of personal protective equipment, such equipment is compatible and continues to be effective against the risk or risks in question.

#### **Textual Amendments**

- **F12** Words in Regulations substituted (1.10.2015) by The Deregulation Act 2015 (Health and Safety at Work) (General Duties of Self-Employed Persons) (Consequential Amendments) Order 2015 (S.I. 2015/1637), art. 1, **Sch. para. 2(2)**
- **F22** Words in reg. 5 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, **6(h)**
- **F23** Word in reg. 5 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, **6(g)**

#### **Commencement Information**

**I5** Reg. 5 in force at 1.1.1993, see **reg. 1** 

## Assessment of personal protective equipment

- **6.**—(1) Before choosing any personal protective equipment which by virtue of regulation 4 [F<sup>24</sup>they are] required to ensure is provided, an employer or [F<sup>12</sup>relevant self-employed person] shall ensure that an assessment is made to determine whether the personal protective equipment [F<sup>25</sup>they intend] will be provided is suitable.
  - (2) The assessment required by paragraph (1) shall include—
    - (a) an assessment of any risk or risks to health or safety which have not been avoided by other means;
    - (b) the definition of the characteristics which personal protective equipment must have in order to be effective against the risks referred to in sub-paragraph (a) of this paragraph, taking into account any risks which the equipment itself may create;
    - (c) comparison of the characteristics of the personal protective equipment available with the characteristics referred to in sub-paragraph (b) of this paragraph.
  - [F26(d) an assessment as to whether the personal protective equipment is compatible with other personal protective equipment which is in use and which [F27a worker] would be required to wear simultaneously.]
- (3) Every employer or [F12 relevant self-employed person] who is required by paragraph (1) to ensure that any assessment is made shall ensure that any such assessment is reviewed if—
  - (a) there is reason to suspect that it is no longer valid; or
  - (b) there has been a significant change in the matters to which it relates,

and where as a result of any such review changes in the assessment are required, [F28that] employer or [F12relevant self-employed person] shall ensure that they are made.

- **F12** Words in Regulations substituted (1.10.2015) by The Deregulation Act 2015 (Health and Safety at Work) (General Duties of Self-Employed Persons) (Consequential Amendments) Order 2015 (S.I. 2015/1637), art. 1, Sch. para. 2(2)
- **F24** Words in reg. 6 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(d)
- F25 Words in reg. 6 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(c)
- F26 Reg. 6(2)(d) added (17.9.2002) by The Health and Safety (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/2174), regs. 1, 5(c)
- **F27** Words in reg. 6 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(a)
- **F28** Word in reg. 6(3) substituted (1.10.2015) by The Deregulation Act 2015 (Health and Safety at Work) (General Duties of Self-Employed Persons) (Consequential Amendments) Order 2015 (S.I. 2015/1637), art. 1, **Sch. para. 2(4)**

#### **Commencement Information**

**I6** Reg. 6 in force at 1.1.1993, see **reg. 1** 

## Maintenance and replacement of personal protective equipment

- 7.—(1) Every employer shall ensure that any personal protective equipment provided to [F29 their workers] is maintained (including replaced or cleaned as appropriate) in an efficient state, in efficient working order and in good repair.
- (2) Every [F12 relevant self-employed person] shall ensure that any personal protective equipment provided to [F30 them] is maintained (including replaced or cleaned as appropriate) in an efficient state, in efficient working order and in good repair.

#### **Textual Amendments**

- **F12** Words in Regulations substituted (1.10.2015) by The Deregulation Act 2015 (Health and Safety at Work) (General Duties of Self-Employed Persons) (Consequential Amendments) Order 2015 (S.I. 2015/1637), art. 1, **Sch. para. 2(2)**
- **F29** Words in reg. 7 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(i)
- **F30** Word in reg. 7 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, **6(g)**

#### **Commencement Information**

I7 Reg. 7 in force at 1.1.1993, see reg. 1

## Accommodation for personal protective equipment

**8.** Where an employer or [F12 relevant self-employed person] is required, by virtue of regulation 4, to ensure personal protective equipment is provided, [F31 they shall] also ensure that appropriate accommodation is provided for that personal protective equipment when it is not being used.

- F12 Words in Regulations substituted (1.10.2015) by The Deregulation Act 2015 (Health and Safety at Work) (General Duties of Self-Employed Persons) (Consequential Amendments) Order 2015 (S.I. 2015/1637), art. 1, Sch. para. 2(2)
- **F31** Words in reg. 8 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(f)

#### **Commencement Information**

**I8** Reg. 8 in force at 1.1.1993, see reg. 1

## Information, instruction and training

- **9.**—(1) Where an employer is required to ensure that personal protective equipment is provided to [F32a worker], the employer shall also ensure that [F33the worker] is provided with such information, instruction and training as is adequate and appropriate to enable [F33the worker] to know—
  - (a) the risk or risks which the personal protective equipment will avoid or limit;
  - (b) the purpose for which and the manner in which personal protective equipment is to be used; and
  - (c) any action to be taken by [F33] the worker] to ensure that the personal protective equipment remains in an efficient state, in efficient working order and in good repair as required by regulation 7(1) [F34] and shall ensure that such information is kept available [F35] to workers]].
- (2) Without prejudice to the generality of paragraph (1), the information and instruction provided by virtue of that paragraph shall not be adequate and appropriate unless it is comprehensible to the persons to whom it is provided.
- [F36(3)] Without prejudice to the generality of paragraph (1) the employer shall, where appropriate, and at suitable intervals, organise demonstrations in the wearing of personal protective equipment.]

#### **Textual Amendments**

- **F32** Words in reg. 9 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(a)
- **F33** Words in reg. 9 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(1)
- **F34** Words in reg. 9(1) added (17.9.2002) by The Health and Safety (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/2174), regs. 1, **5(d)**
- F35 Words in reg. 9 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(m)
- F36 Reg. 9(3) added (17.9.2002) by The Health and Safety (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/2174), regs. 1, 5(e)

## **Commencement Information**

**I9** Reg. 9 in force at 1.1.1993, see **reg. 1** 

## Use of personal protective equipment

**10.**—(1) Every employer shall take all reasonable steps to ensure that any personal protective equipment provided to  $I^{F37}$  their workers] by virtue of regulation 4(1) is properly used.

- (2) [F38 Every worker] shall use any personal protective equipment provided to [F39 them] by virtue of these Regulations in accordance both with any training in the use of the personal protective equipment concerned which has been received by [F39 them] and the instructions respecting that use which have been provided to [F39 them] by virtue of regulation 9.
- (3) Every [F12 relevant self-employed person] shall make full and proper use of any personal protective equipment provided to [F39 them] by virtue of regulation 4(2).
- (4) [F18 Every worker] and [F12 relevant self-employed person] who has been provided with personal protective equipment by virtue of regulation 4 shall take all reasonable steps to ensure that it is returned to the accommodation provided for it after use.

- **F12** Words in Regulations substituted (1.10.2015) by The Deregulation Act 2015 (Health and Safety at Work) (General Duties of Self-Employed Persons) (Consequential Amendments) Order 2015 (S.I. 2015/1637), art. 1, Sch. para. 2(2)
- **F37** Words in reg. 10 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(i)
- **F38** Words in reg. 10 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, **6(b)**
- **F39** Word in reg. 10 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(g)

#### **Commencement Information**

**I10** Reg. 10 in force at 1.1.1993, see reg. 1

#### Reporting loss or defect

11. [F40 Every worker] who has been provided with personal protective equipment by virtue of regulation 4(1) shall forthwith report to [F41 their employer] any loss of or obvious defect in that personal protective equipment.

#### **Textual Amendments**

- **F40** Words in reg. 11 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, **6(b)**
- **F41** Words in reg. 11 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, 6(j)

#### **Commencement Information**

**III** Reg. 11 in force at 1.1.1993, see reg. 1

## **Exemption certificates**

- **12.**—(1) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt—
  - (a) any of the home forces, any visiting force or any headquarters from those requirements of these Regulations which impose obligations on employers; or
  - (b) any member of the home forces, any member of a visiting force or any member of a headquarters from the requirements imposed by regulation 10 or 11;

and any exemption such as is specified in sub-paragraph (a) or (b) of this paragraph may be granted subject to conditions and to a limit of time and may be revoked by the said Secretary of State by a further certificate in writing at any time.

- (2) In this regulation—
  - (a) "the home forces" has the same meaning as in section 12(1) of the Visiting Forces Act 1952(4);
  - (b) "headquarters" has the same meaning as in article 3(2) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(5);
  - (c) "member of a headquarters" has the same meaning as in paragraph 1(1) of the Schedule to the International Headquarters and Defence Organisations Act 1964(6); and
  - (d) "visiting force" has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952.

#### **Commencement Information**

I12 Reg. 12 in force at 1.1.1993, see reg. 1

#### **Extension outside Great Britain**

13. These Regulations shall apply to and in relation to the premises and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the [F42 the 1974 Act] apply by virtue of the [F43 Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 2013] as they apply within Great Britain.

#### **Textual Amendments**

- **F42** Words in reg. 13 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, **7(a)**
- **F43** Words in reg. 13 substituted (6.4.2022) by The Personal Protective Equipment at Work (Amendment) Regulations 2022 (S.I. 2022/8), regs. 1, **7(b)**

## **Commencement Information**

II3 Reg. 13 in force at 1.1.1993, see reg. 1

#### Modifications, repeal and revocations

- **14.**—(1) The Act and Regulations specified in Schedule 2 shall be modified to the extent specified in the corresponding Part of that Schedule.
  - (2) Section 65 of the Factories Act 1961 is repealed.
- (3) The instruments specified in column 1 of Schedule 3 are revoked to the extent specified in column 3 of that Schedule.

#### **Commencement Information**

**I14** Reg. 14 in force at 1.1.1993, see reg. 1

<sup>(4) 1952</sup> c. 67

<sup>(5)</sup> S.I. 1965/1536, to which there are amendments not relevant to these Regulations.

<sup>(6) 1964</sup> c. 5.

Signed by order of the Secretary of State.

Patrick McLoughlin
Parliamentary Under Secretary of State,
Department of Employment

**Changes to legislation:**There are currently no known outstanding effects for the The Personal Protective Equipment at Work Regulations 1992.