

SCHEDULE 3

SPECIAL PROVISIONS RELATING TO BIOLOGICAL AGENTS

PART I

PROVISIONS OF GENERAL APPLICATION TO BIOLOGICAL AGENTS

List of employees exposed to certain biological agents

11.—(1) Subject to paragraph 2(1), every employer shall keep a list of employees exposed to a Group 3 or Group 4 biological agent, indicating the type of work done and, where known, the biological agent to which they have been exposed, and records of exposures, accidents and incidents, as appropriate.

(2) Subject to sub-paragraph (3) below, the list shall be kept for at least 10 years following the last known exposure of the employee concerned.

(3) In the case of those exposures which may result in infections—

- (a) with biological agents known to be capable of establishing persistent or latent infections;
- (b) that, in the light of present knowledge, are undiagnosable until illness develops many years later;
- (c) that have particularly long incubation periods before illness develops;
- (d) that result in illnesses which recrudesce at times over a long period despite treatment; or
- (e) that may have serious long-term sequelae,

the list shall be kept for 40 years following the last known exposure.

(4) The employment medical adviser or appointed doctor referred to in regulation 11, and any employee of that employer with specific responsibility for the health and safety of his fellow employees, shall have access to the list.

(5) Each employee shall have access to the information on the list which relates to him personally.