
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Management of Health and Safety at Work Regulations 1999 (“the 1999 Regulations”) and the Fire Precautions (Workplace) Regulations 1997 (“the 1997 Regulations”).

2. These Regulations make a small number of amendments rectifying minor defects in the 1999 Regulations. In addition, they replace regulation 22 of the 1999 Regulations (which provided that breach of a duty imposed by the Regulations could not confer a right of action in any civil proceedings), to the effect that employees may bring civil claims against their employers where they are in breach of duties imposed by the 1999 Regulations (but as respects claims by non-employees the exclusion of civil liability for breach of duties imposed by the 1999 Regulations remains). They also make amendments to the 1997 Regulations so as to achieve the same effect in relation to breaches of duties imposed by Part II of those Regulations and regulations 1 to 5, 7 to 12 and 13(2) and (3) of the 1999 Regulations in so far those regulations impose requirements concerning general fire precautions to be taken or observed by an employer (other than in “excepted workplaces”, as defined by those Regulations).

3. Regulation 3 of these Regulations replaces regulation 2 of the 1999 Regulations. Apart from changes to correct drafting errors and anomalies, the effect of the new regulation is to alter the disapplication of the 1999 Regulations with regard to activities on ships.

4. Regulations 8 to 11 of these Regulations amend regulation 9 of the 1997 Regulations. The amendments are for making the Health and Safety Executive the enforcing authority in respect of Part II of the 1997 Regulations in relation to a workplace which is or is in or on a ship in the course of construction or repair and a workplace, other than a building on the surface at a mine, which comprises premises of a description specified in Part I of Schedule 1 to the Fire Certificates (Special Premises) Regulations 1976. The amendments also take away the enforcement role fire authorities had in respect of such workplaces (other than a building on the surface at a mine) for the purposes of regulations 1 to 5, 7 to 12 and 13(2) and (3) of the 1999 Regulations; this role will now pass to the Health and Safety Executive.

5. A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Economic Adviser’s Unit, Rose Court, 2 Southwark Bridge, London SE1 9HS. A copy has been placed in the library of each House of Parliament.