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STATUTORY INSTRUMENTS

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**2007 No. 3077**

**The Merchant Shipping and Fishing Vessels  
(Control of Vibration at Work) Regulations 2007**

**Exemptions**

**12.**—(1) The Secretary of State may grant an exemption in respect of work on a particular ship from the requirement to comply with regulation 7(4) and (5) in relation to whole-body vibration where he is satisfied that the state of the art and the specific characteristics of the ship do not make it possible to comply with the whole body exposure limit value whatever technical and organisational measures are adopted.

(2) If the conditions in paragraph (3) are satisfied, the Secretary of State may grant an exemption from the requirements of regulation 7(4) and (5) where a worker is exposed to mechanical vibration which is usually below the exposure action values referred to in regulation 5 but which varies significantly from time to time and may sometimes exceed the exposure action value.

(3) The conditions referred to in paragraph (2) are that—

- (a) the exposure value averaged over 40 hours is less than the exposure limit value;
- (b) there is evidence to show that the risks from the pattern of exposure are lower than those from exposure at the exposure limit value;
- (c) the worker concerned is subject to health surveillance in accordance with regulation 9; and
- (d) the risk is reduced to as low as is reasonably practicable.

(4) The Secretary of State may not grant an exemption under paragraphs (1) or (2) unless—

- (a) he has consulted with—
  - (i) the employer or other person having control of the matter in question; and
  - (ii) the workers concerned or their representatives;
- (b) the resulting risks are reduced to as low as is reasonably practicable; and
- (c) health surveillance has been increased to a level considered appropriate by the Secretary of State.

(5) Any exemption granted under this regulation shall—

- (a) be in writing;
- (b) be valid for a maximum period of four years; and
- (c) be withdrawn as soon as the Secretary of State is satisfied that it is no longer justified.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Control of Vibration at Work) Regulations 2007, Section 12.