

SCHEDULE 5

Modifications

PART 2

Modifications to secondary legislation

7. In the Workplace (Health, Safety and Welfare) Regulations 1992⁽¹⁾, for regulation 3 substitute—

“Application of these Regulations

- 3.—(1) These Regulations apply to every workplace but shall not apply to—
- (a) a workplace which is or is in or on a ship, save that regulations 8(1) and (3) and 12(1) and (3) apply to such a workplace where the work involves any of the relevant operations in—
 - (i) a shipyard, whether or not the shipyard forms part of a harbour or wet dock; or
 - (ii) dock premises, not being work done—
 - (aa) by the master or crew of a ship;
 - (bb) on board a ship during a trial run;
 - (cc) for the purpose of raising or removing a ship which is sunk or stranded; or
 - (dd) on a ship which is not under command, for the purpose of bringing it under command;
 - (b) a workplace which is a construction site within the meaning of the Construction (Design and Management) Regulations 2007, and in which the only activity being undertaken is construction work within the meaning of those Regulations, save that—
 - (i) regulations 18 and 25A apply to such a workplace; and
 - (ii) regulations 7(1A), 12, 14, 15, 16, 18, 19 and 26(1) apply to such a workplace which is indoors; or
 - (c) a workplace located below ground at a mine, except that regulation 20 applies to such a workplace subject to the modification in paragraph (7).
- (2) Regulation 12 does not apply to a workplace located above ground at a mine that is a tip (within the meaning of regulation 2(1) of the Mines Regulations 2014).
- (3) In their application to temporary work sites, any requirement to ensure a workplace complies with any of regulations 20 to 25 shall have effect as a requirement to so ensure so far as is reasonably practicable.
- (4) As respects any workplace which is or is in or on an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicles (Excise) Act 1971 or a vehicle exempted from duty under that Act—
- (a) regulations 5 to 12 and 14 to 25 shall not apply to any such workplace; and

⁽¹⁾ S.I. 1992/3004; in respect of which relevant amendments were made by S.I. 1995/2036, 2007/320 and 2013/448.

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- (b) regulation 13 shall apply to any such workplace only when the aircraft, locomotive or rolling stock, trailer or semi-trailer or vehicle is stationary inside a workplace and, in the case of a vehicle for which a licence is in force under the Vehicles (Excise) Act 1971, is not on a public road.
- (5) As respects any workplace which is in fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings—
- (a) regulations 5 to 19 and 23 to 25 shall not apply to any such workplace; and
 - (b) any requirement to ensure that any such workplace complies with any of regulations 20 to 22 shall have effect as a requirement to so ensure so far as is reasonably practicable.
- (6) As respects any workplace that is a quarry—
- (a) regulation 12 only applies to a floor or traffic route that is located inside a building; and
 - (b) regulation 20 applies to such a workplace subject to the modification in paragraph (7).
- (7) In relation to any workplace that is a quarry or located below ground at a mine, the requirement that sanitary conveniences provided under regulation 20 must be at readily accessible places has effect as a requirement that such sanitary conveniences must be, so far as is reasonably practicable, at readily accessible places.
- (8) For the purposes of this regulation—
- (a) “dock premises” means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities;
 - (b) “mine” means a mine within the meaning of regulation 3 of the Mines Regulations 2014;
 - (c) “relevant operations” means, in relation to a ship, its repairing, refitting, painting and finishing, the scaling, scurfing or cleaning of its boilers (including combustion chambers or smoke boxes) and the cleaning of its bilges or oil-fuel tanks or any of its tanks last used for carrying oil;
 - (d) “ship” includes all vessels and hovercraft which operate on water or land and water;
 - (e) “shipyard” means any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted or finished; and
 - (f) “vessel” means any description of craft used for the transport of goods or passengers or the storage of goods or the accommodation of passengers on water, whether used in navigation or not.”