
STATUTORY INSTRUMENTS

2016 No. 1026

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016

PART 4

MISCELLANEOUS

Information and training

19. The employer must provide relevant information and training to any workers who are likely to be subjected to the risks identified in the most recent risk assessment under regulation 9, including in relation to—

- (a) the measures taken under regulation 10;
- (b) the concepts and values of the ALs and ELVs and the possible risks associated with them;
- (c) the possible indirect effects of exposure;
- (d) the results of the most recent exposure assessment under regulation 6;
- (e) how to detect and report sensory and health effects;
- (f) the circumstances in which workers are entitled to health surveillance and medical examinations under regulation 20;
- (g) safe working practices; and
- (h) any additional measures taken in respect of workers at particular risk.

Health surveillance and medical examinations

20.—(1) The employer must ensure that health surveillance and medical examinations are provided as appropriate to any worker who—

- (a) is exposed to electromagnetic field levels in excess of the health effect ELVs; and
- (b) reports experiencing a health effect to that employer.

(2) Any health surveillance or medical examination must be provided during any reasonable hours chosen by the worker.

(3) The employer must keep a record of any health surveillance and medical examination provided.

(4) In this regulation—
“health effect ELVs” means the health effect ELVs set out in Part 2 of the Schedule.

Records

21. An employer who employs five or more workers must—

- (a) record the significant findings of the most recent exposure assessment under regulation 6; and

- (b) where required to make them, record—
 - (i) the most recent action plan under regulation 8; and
 - (ii) the significant findings of the most recent risk assessment under regulation 9.

Duties of other persons

22.—(1) Where a person on whom a duty is imposed by any of the preceding provisions of these Regulations does not have control of the matter to which that provision relates because responsibility for the operation of the ship falls upon another person, that duty also extends to any other person who has control of that matter.

- (2) It is the duty of every worker performing activities to which these Regulations apply to—
 - (a) make full and proper use of all clothing and equipment provided by the employer to that worker in pursuance of these Regulations; and
 - (b) give effect to all information and training provided to that worker under regulation 19.

Exemptions

23.—(1) The Secretary of State may exempt an employer from the requirements of regulations 5(1) and 8 in relation to one or more work activities.

- (2) An exemption under paragraph (1) must be subject to the following conditions—
 - (a) the exposure of workers to electromagnetic fields must be reduced to the lowest level reasonably practicable; and
 - (b) workers must be protected against the health effects and safety risks arising from that exposure.
- (3) An exemption granted under this regulation must be—
 - (a) in writing;
 - (b) valid for a maximum period of five years; and
 - (c) withdrawn as soon as the Secretary of State is satisfied that it is no longer justified.
- (4) The Secretary of State may amend or revoke an exemption at any time.

Amendment to Regulations

24.—(1) The Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 ^{M1} are amended as follows.

(2) In the Schedule (merchant shipping health and safety regulations containing duties in respect of workers which regulation 13A extends to all seafarers) ^{M2}, at the appropriate place, insert “ The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016 ”.

Marginal Citations

M1 [S.I. 1997/2962](#).

M2 The Schedule was inserted by [S.I. 2014/1616](#), [regulation 2](#).

Review

25.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.
- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the Directive and by these Regulations,
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.
- (5) Reports under this regulation must afterwards be published at intervals not exceeding five years.
- (6) In this regulation—
- “the Directive” means Directive 2013/35/EU^{M3} of the European Parliament and of the Council of 26th June 2013 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (20th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) and repealing Directive 2004/40/EC.

Marginal Citations

M3 OJ L 179, 29.6.2013, p.1.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Electromagnetic Fields) Regulations 2016, PART 4.