

Statutory Instrument 1992 No.3004

The Workplace (Health, Safety and Welfare) Regulations 1992 - *continued*

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The Secretary of State, in exercise of the powers conferred on her by sections 15(1), (2), (3)(a) and (5)(b), and 82(3)(a) of, and paragraphs 1(2), 9 and 10 of Schedule 3 to, the Health and Safety at Work etc. Act 1974^[1] ("the 1974 Act") and of all other powers enabling her in that behalf and for the purpose of giving effect without modifications to proposals submitted to her by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Workplace (Health, Safety and Welfare) Regulations 1992.

(2) Subject to paragraph (3), these Regulations shall come into force on 1st January 1993.

(3) Regulations 5 to 27 and the Schedules shall come into force on 1st January 1996 with respect to any workplace or part of a workplace which is not—

- (a) a new workplace; or
- (b) a modification, an extension or a conversion.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"new workplace" means a workplace used for the first time as a workplace after 31st December 1992;

"public road" means (in England and Wales) a highway maintainable at public expense within the meaning of section 329 of the Highways Act 1980^[2] and (in Scotland) a public road within the meaning assigned to that term by section 151 of the Roads (Scotland) Act 1984^[3];

"traffic route" means a route for pedestrian traffic, vehicles or both and includes any stairs, staircase, fixed ladder, doorway, gateway, loading bay or ramp;

"workplace" means, subject to paragraph (2), any premises or part of premises which are not domestic premises and are made available to any person as a place of work, and includes—

- (a) any place within the premises to which such person has access while at work; and
- (b) any room, lobby, corridor, staircase, road or other place used as a means of access to or egress from that place of work or where facilities are provided for use in connection with the place of work other than a public road;

but shall not include a modification, an extension or a conversion of any of the above until such modification, extension or conversion is completed.

(2) Any reference in these Regulations, except in paragraph (1), to a modification, an extension or a conversion is a reference, as the case may be, to a modification, an extension or a conversion of a workplace started after 31st December 1992.

(3) Any requirement that anything done or provided in pursuance of these Regulations shall be suitable shall be construed to include a requirement that it is suitable for any person in respect of whom such thing is so done or provided.

- (4) Any reference in these Regulations to—
- (a) a numbered regulation or Schedule is a reference to the regulation in or Schedule to these Regulations so numbered; and
 - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears.

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 within the meaning assigned to that word by regulation 2(1) of the Docks Regulations 1988^[4];
- (b) a workplace where the only activities being undertaken are building operations or works of engineering construction within, in either case, section 176 of the Factories Act 1961^[5] and activities for the purpose of or in connection with the first-mentioned activities;
- (c) a workplace where the only activities being undertaken are the exploration for or extraction of mineral resources; or
- (d) a workplace which is situated in the immediate vicinity of another workplace or intended workplace where exploration for or extraction of mineral resources is being or will be undertaken, and where the only activities being undertaken are activities preparatory to, for the purposes of, or in connection with such exploration for or extraction of mineral resources at that other workplace.

(2) 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.

(3) 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^[6] 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

(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.

(4) 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.

Requirements under these Regulations

4.—(1) Every employer shall ensure that every workplace, modification, extension or conversion which is under his control and where any of his employees works complies with any requirement of these Regulations which—

(a) applies to that workplace or, as the case may be, to the workplace which contains that modification, extension or conversion; and

(b) is in force in respect of the workplace, modification, extension or conversion.

(2) Subject to paragraph (4), every person who has, to any extent, control of a workplace, modification, extension or conversion shall ensure that such workplace, modification, extension or conversion complies with any requirements of these Regulations which—

(a) applies to that workplace or, as the case may be, to the workplace which contains that modification, extension or conversion;

(b) is in force in respect of the workplace, modification, extension, or conversion; and

(c) relates to matters within that person's control.

(3) Any reference in this regulation to a person having control of any workplace, modification, extension or conversion is a reference to a person having control of the workplace, modification, extension or conversion in connection with the carrying on by him of a trade, business or other undertaking (whether for profit or not).

(4) Paragraph (2) shall not impose any requirement upon a self-employed person in respect of his own work or the work of any partner of his in the undertaking.

(5) Every person who is deemed to be the occupier of a factory by virtue of section 175(5) of the Factories Act 1961 shall ensure that the premises which are so deemed to be a factory comply with these Regulations.

Maintenance of workplace, and of equipment, devices and systems

5.—(1) The workplace and the equipment, devices and systems to which this regulation applies shall be maintained (including cleaned as appropriate) in an efficient state, in efficient working order and in good repair.

(2) Where appropriate, the equipment, devices and systems to which this regulation applies shall be subject to a suitable system of maintenance.

(3) The equipment, devices and systems to which this regulation applies are—

- (a) equipment and devices a fault in which is liable to result in a failure to comply with any of these Regulations; and
- (b) mechanical ventilation systems provided pursuant to regulation 6 (whether or not they include equipment or devices within subparagraph (a) of this paragraph).

Ventilation

6.—(1) Effective and suitable provision shall be made to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air.

(2) Any plant used for the purpose of complying with paragraph (1) shall include an effective device to give visible or audible warning of any failure of the plant where necessary for reasons of health or safety.

(3) This regulation shall not apply to any enclosed workplace or part of a workplace which is subject to the provisions of—

- (a) section 30 of the Factories Act 1961^[7];
- (b) regulations 49 to 52 of the Shipbuilding and Ship-Repairing Regulations 1960^[8];
- (c) regulation 21 of the Construction (General Provisions) Regulations 1961^[9];
- (d) regulation 18 of the Docks Regulations 1988^[10].

Temperature in indoor workplaces

7.—(1) During working hours, the temperature in all workplaces inside buildings shall be reasonable.

(2) A method of heating or cooling shall not be used which results in the escape into a workplace of fumes, gas or vapour of such character and to such extent that they are likely to be injurious or offensive to any person.

(3) A sufficient number of thermometers shall be provided to enable persons at work to determine the temperature in any workplace inside a building.

Lighting

8.—(1) Every workplace shall have suitable and sufficient lighting.

(2) The lighting mentioned in paragraph (1) shall, so far as is reasonably practicable, be by natural light.

(3) Without prejudice to the generality of paragraph (1), suitable and sufficient emergency lighting shall be provided in any room in circumstances in which persons at work are specially exposed to danger in the event of failure of artificial lighting.

Cleanliness and waste materials

9.—(1) Every workplace and the furniture, furnishings and fittings therein shall be kept sufficiently clean.

(2) The surfaces of the floors, walls and ceilings of all workplaces inside buildings shall be capable of being kept sufficiently clean.

(3) So far as is reasonably practicable, waste materials shall not be allowed to accumulate in a workplace except in suitable receptacles.

Room dimensions and space

10.—(1) Every room where persons work shall have sufficient floor area, height and unoccupied space for purposes of health, safety and welfare.

(2) It shall be sufficient compliance with this regulation in a workplace which is not a new workplace, a modification, an extension and which, immediately before this regulation came into force in respect of it, was subject to the provisions of the Factories Act 1961, if the workplace does not contravene the provisions of Part I of Schedule 1.

Workstations and seating

11.—(1) Every workstation shall be so arranged that it is suitable both for any person at work in the workplace who is likely to work at that workstation and for any work of the undertaking which is likely to be done there.

(2) Without prejudice to the generality of paragraph (1), every workstation outdoors shall be so arranged that—

- (a) so far as is reasonably practicable, it provides protection from adverse weather;
- (b) it enables any person at the workstation to leave it swiftly or, as appropriate, to be assisted in the event of an emergency; and
- (c) it ensures that any person at the workstation is not likely to slip or fall.

(3) A suitable seat shall be provided for each person at work in the workplace whose work includes operations of a kind that the work (or a substantial part of it) can or must be done sitting.

(4) A seat shall not be suitable for the purpose of paragraph (3) unless—
(a) it is suitable for the person for whom it is provided as well as for

- the operations to be performed; and
- (b) a suitable footrest is also provided where necessary.

Condition of floors and traffic routes

12.—(1) Every floor in a workplace and the surface of every traffic route in a workplace shall be of a construction such that the floor or surface of the traffic route is suitable for the purpose for which it is used.

(2) Without prejudice to the generality of paragraph (1), the requirements in that paragraph shall include requirements that—

- (a) the floor, or surface of the traffic route, shall have no hole or slope, or be uneven or slippery so as, in each case, to expose any person to a risk to his health or safety; and
- (b) every such floor shall have effective means of drainage where necessary.

(3) So far as is reasonably practicable, every floor in a workplace and the surface of every traffic route in a workplace shall be kept free from obstructions and from any article or substance which may cause a person to slip, trip or fall.

(4) In considering whether for the purposes of paragraph (2)(a) a hole or slope exposes any person to a risk to his health or safety—

- (a) no account shall be taken of a hole where adequate measures have been taken to prevent a person falling; and
- (b) account shall be taken of any handrail provided in connection with any slope.

(5) Suitable and sufficient handrails and, if appropriate, guards shall be provided on all traffic routes which are staircases except in circumstances in which a handrail can not be provided without obstructing the traffic route.

Falls or falling objects

13.—(1) So far as is reasonably practicable, suitable and effective measures shall be taken to prevent any event specified in paragraph (3).

(2) So far as is reasonably practicable, the measures required by paragraph (1) shall be measures other than the provision of personal protective equipment, information, instruction, training or supervision.

(3) The events specified in this paragraph are:—

- (a) any person falling a distance likely to cause personal injury;
- (b) any person being struck by a falling object likely to cause personal injury.

(4) Any area where there is a risk to health or safety from any event mentioned in paragraph (3) shall be clearly indicated where appropriate.

(5) So far as is practicable, every tank, pit or structure where there is a risk of a person in the workplace falling into a dangerous substance in the

tank, pit or structure, shall be securely covered or fenced.

(6) Every traffic route over, across or in an uncovered tank, pit or structure such as is mentioned in paragraph (5) shall be securely fenced.

- (7) In this regulation, "dangerous substance" means—
- (a) any substance likely to scald or burn;
 - (b) any poisonous substance;
 - (c) any corrosive substance;
 - (d) any fume, gas or vapour likely to overcome a person; or
 - (e) any granular or free-flowing solid substance, or any viscous substance which, in any case, is of a nature or quantity which is likely to cause danger to any person.

Windows, and transparent or translucent doors, gates and walls

14.—(1) Every window or other transparent or translucent surface in a wall or partition and every transparent or translucent surface in a door or gate shall, where necessary for reasons of health or safety—

- (a) be of safety material or be protected against breakage of the transparent or translucent material; and
- (b) be appropriately marked or incorporate features so as, in either case, to make it apparent.

Windows, skylights and ventilators

15.—(1) No window, skylight or ventilator which is capable of being opened shall be likely to be opened, closed or adjusted in a manner which exposes any person performing such operation to a risk to his health or safety.

(2) No window, skylight or ventilator shall be in a position when open which is likely to expose any person in the workplace to a risk to his health or safety.

Ability to clean windows etc. safely

16.—(1) All windows and skylights in a workplace shall be of a design or be so constructed that they may be cleaned safely.

(2) In considering whether a window or skylight is of a design or so constructed as to comply with paragraph (1), account may be taken of equipment used in conjunction with the window or skylight or of devices fitted to the building.

Organisation etc. of traffic routes

17.—(1) Every workplace shall be organised in such a way that pedestrians and vehicles can circulate in a safe manner.

(2) Traffic routes in a workplace shall be suitable for the persons or vehicles using them, sufficient in number, in suitable positions and of sufficient size.

(3) Without prejudice to the generality of paragraph (2), traffic routes shall not satisfy the requirements of that paragraph unless suitable measures are taken to ensure that—

- (a) pedestrians or, as the case may be, vehicles may use a traffic route without causing danger to the health or safety of persons at work near it;
- (b) there is sufficient separation of any traffic route for vehicles from doors or gates or from traffic routes for pedestrians which lead onto it; and
- (c) where vehicles and pedestrians use the same traffic route, there is sufficient separation between them.

(4) All traffic routes shall be suitably indicated where necessary for reasons of health or safety.

(5) Paragraph (2) shall apply so far as is reasonably practicable, to a workplace which is not a new workplace, a modification, an extension or a conversion.

Doors and gates

18.—(1) Doors and gates shall be suitably constructed (including being fitted with any necessary safety devices).

(2) Without prejudice to the generality of paragraph (1), doors and gates shall not comply with that paragraph unless—

- (a) any sliding door or gate has a device to prevent it coming off its track during use;
- (b) any upward opening door or gate has a device to prevent it falling back;
- (c) any powered door or gate has suitable and effective features to prevent it causing injury by trapping any person;
- (d) where necessary for reasons of health or safety, any powered door or gate can be operated manually unless it opens automatically if the power fails; and
- (e) any door or gate which is capable of opening by being pushed from either side is of such a construction as to provide, when closed, a clear view of the space close to both sides.

Escalators and moving walkways

19. Escalators and moving walkways shall:—

- (a) function safely;
- (b) be equipped with any necessary safety devices;
- (c) be fitted with one or more emergency stop controls which are easily identifiable and readily accessible.

Sanitary conveniences

20.—(1) Suitable and sufficient sanitary conveniences shall be provided at readily accessible places.

(2) Without prejudice to the generality of paragraph (1), sanitary

conveniences shall not be suitable unless—

- (a) the rooms containing them are adequately ventilated and lit;
- (b) they and the rooms containing them are kept in a clean and orderly condition; and
- (c) separate rooms containing conveniences are provided for men and women except where and so far as each convenience is in a separate room the door of which is capable of being secured from inside.

(3) It shall be sufficient compliance with the requirement in paragraph (1) to provide sufficient sanitary conveniences in a workplace which is not a new workplace, a modification, an extension or a conversion and which, immediately before this regulation came into force in respect of it, was subject to the provisions of the Factories Act 1961, if sanitary conveniences are provided in accordance with the provisions of Part II of Schedule 1.

Washing facilities

21.—(1) Suitable and sufficient washing facilities, including showers if required by the nature of the work or for health reasons, shall be provided at readily accessible places.

(2) Without prejudice to the generality of paragraph (1), washing facilities shall not be suitable unless—

- (a) they are provided in the immediate vicinity of every sanitary convenience, whether or not provided elsewhere as well;
- (b) they are provided in the vicinity of any changing rooms required by these Regulations, whether or not provided elsewhere as well;
- (c) they include a supply of clean hot and cold, or warm, water (which shall be running water so far as is practicable);
- (d) they include soap or other suitable means of cleaning;
- (e) they include towels or other suitable means of drying;
- (f) the rooms containing them are sufficiently ventilated and lit;
- (g) they and the rooms containing them are kept in a clean and orderly condition; and
- (h) separate facilities are provided for men and women, except where and so far as they are provided in a room the door of which is capable of being secured from inside and the facilities in each such room are intended to be used by only one person at a time.

(3) Paragraph (2)(h) shall not apply to facilities which are provided for washing hands, forearms and face only.

Drinking water

22.—(1) An adequate supply of wholesome drinking water shall be provided for all persons at work in the workplace.

- (2) Every supply of drinking water required by paragraph (1) shall—
- (a) be readily accessible at suitable places; and
 - (b) be conspicuously marked by an appropriate sign where necessary for reasons of health or safety.

(3) Where a supply of drinking water is required by paragraph (1), there shall also be provided a sufficient number of suitable cups or other drinking vessels unless the supply of drinking water is in a jet from which persons can drink easily.

Accommodation for clothing

23.—(1) Suitable and sufficient accommodation shall be provided—
(a) for the clothing of any person at work which is not worn during working hours; and
(b) for special clothing which is worn by any person at work but which is not taken home.

(2) Without prejudice to the generality of paragraph (1), the accommodation mentioned in that paragraph shall not be suitable unless—
(a) where facilities to change clothing are required by regulation 24, it provides suitable security for the clothing mentioned in paragraph (1)(a);
(b) where necessary to avoid risks to health or damage to the clothing, it includes separate accommodation for clothing worn at work and for other clothing;
(c) so far as is reasonably practicable, it allows or includes facilities for drying clothing; and
(d) it is in a suitable location.

Facilities for changing clothing

24.—(1) Suitable and sufficient facilities shall be provided for any person at work in the workplace to change clothing in all cases where—
(a) the person has to wear special clothing for the purpose of work; and
(b) the person can not, for reasons of health or propriety, be expected to change in another room.

(2) Without prejudice to the generality of paragraph (1), the facilities mentioned in that paragraph shall not be suitable unless they include separate facilities for, or separate use of facilities by, men and women where necessary for reasons of propriety.

Facilities for rest and to eat meals

25.—(1) Suitable and sufficient rest facilities shall be provided at readily accessible places.

(2) Rest facilities provided by virtue of paragraph (1) shall—
(a) where necessary for reasons of health or safety include, in the case of a new workplace, an extension or a conversion, rest facilities provided in one or more rest rooms, or, in other cases, in rest rooms or rest areas;
(b) include suitable facilities to eat meals where food eaten in the workplace would otherwise be likely to become contaminated.

(3) Rest rooms and rest areas shall include suitable arrangements to protect non-smokers from discomfort caused by tobacco smoke.

(4) Suitable facilities shall be provided for any person at work who is a pregnant woman or nursing mother to rest.

(5) Suitable and sufficient facilities shall be provided for persons at work to eat meals where meals are regularly eaten in the workplace.

Exemption certificates

26.—(1) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt any of the home forces, any visiting force or any headquarters from the requirements of these Regulations and any exemption may be granted subject to conditions and to a limit of time and may be revoked by the said Secretary of State by a further certificate in writing at any time.

(2) In this regulation—

(a) "the home forces" has the same meaning as in section 12(1) of the Visiting Forces Act 1952^[11];

(b) "headquarters" has the same meaning as in article 3(2) of the Visiting Forces and International Headquarters (Application of Law) Order 1965^[12];

(c) "visiting force" has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952.

Repeals, saving and revocations

27.—(1) The enactments mentioned in column 2 of Part I of Schedule 2 are repealed to the extent specified in column 3 of that Part.

(2) Nothing in this regulation shall affect the operation of any provision of the Offices, Shops and Railway Premises Act 1963^[13] as that provision has effect by virtue of section 90(4) of that Act.

(3) The instruments mentioned in column 1 of Part II of Schedule 2 are revoked to the extent specified in column 3 of that Part.

Signed by order of the Secretary of State.

Patrick McLoughlin

Parliamentary Under Secretary of State, Department of Employment.

1st December 1992

Notes:

[1] 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively. [back](#)

[2] 1980 c. 66. [back](#)

[3] 1984 c. 54. [back](#)

[4] S.I.1988/1655. [back](#)

[5] 1961 c. 34; section 176 has been extended by S.I.1960/421 and 1968/1530. [back](#)

[6] 1971 c. 10. [back](#)

[7] 1961 c. 34; section 30 is amended by S.I.1983/978. [back](#)

[8] S.I.1960/1932. [back](#)

[9] S.I.1961/1580, to which there are amendments not relevant to these Regulations. [back](#)

[10] S.I.1988/1655. [back](#)

[11] 1952 c. 67. [back](#)

[12] S.I. 1965/1536, to which there are amendments not relevant to these Regulations. [back](#)

[13] 1963 c. 41. [back](#)

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