STATUTORY INSTRUMENTS

1961 No. 1580

FACTORIES

The Construction (General Provisions) Regulations, 1961

Made - - - -	*15th August*, 1961
Laid before Parliament	*22nd August*, 1961
Coming into Operation	*1st March*, 1962

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REGULATIONS

The Minister of Labour by virtue of the powers conferred on him by sections 17, 46 and 60 of the Factories Act, 1937(a), section 8 of the Factories Act, 1948(b), and of all other powers enabling him in that behalf, hereby makes the special Regulations set out in Parts I to XI hereof and the Regulation set out in Part XII hereof, after publishing, pursuant to the Second Schedule to the said Act of 1937, notice of the proposal to make the said special Regulations and after the holding of an inquiry under that Schedule into objections made to the draft special Regulations:—

PART I

APPLICATION AND INTERPRETATION

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Construction (General Provisions) Regulations, 1961, and shall come into operation on the first day of March, 1962.

(2) Regulations 5 and 75 to 79 and 85 to 98 and 100 of the Building (Safety, Health and Welfare) Regulations, 1948(c), and the Building (Safety, Health and Welfare) Amendment Regulations, 1952(d), are hereby revoked.

(a) 1 Edw. 8 & 1 Geo. 6. c. 67. (b) 11 & 12 Geo. 6. c. 55.
(c) S.I. 1948/1145 (Rev. VII, p. 191: 1948 I, p. 953). (d) S.I. 1952/1584 (1952 I, p. 985).

Application of Regulations

2.—(1) These Regulations apply—

(*a*) to building operations; and

(*b*) to works of engineering construction,

undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, or by or on behalf of the Crown or any municipal or other public authority, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway.

(2) The Chief Inspector may (subject to such conditions, if any, as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these Regulations—

(*a*) any particular plant or equipment or any class or description of plant or equipment; or

(*b*) any particular work or any class or description of work;

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or are not reasonably practicable.

Obligations under Regulations

3.—(1) It shall be the duty of every contractor, and every employer of workmen, who is undertaking any of the operations or works to which these Regulations apply—

(*a*) to comply with such of the requirements of the following Regulations as affect him or any workman employed by him, that is to say, Regulations 7 to 11, 13, 15 to 17, 20, 21, 23 to 25, 35, 36, 45, 46 (1), 47 to 49, 52 and 55:

Provided that the requirements of the said Regulations shall be deemed not to affect any workman if and so long as his presence in any place is not in the course of performing any work on behalf of his employer and is not expressly or impliedly authorised or permitted by his employer; and

(*b*) to comply with such of the requirements of Regulations 12, 14, 18, 19, 30, 38, 39, 40, 41, 44, 46 (2), 50, 51, 54 and 56 as relate to any work, act or operation performed or about to be performed by any such contractor or employer of workmen,

and it shall be the duty of every contractor, and every employer of workmen, who erects or alters any scaffold to comply with such of the requirements of these Regulations as relate to the erection or alteration of scaffolds having regard to the purpose or purposes for which the scaffold is designed at the time of erection or alteration; and of every contractor, and every employer of workmen, who erects, installs, works or uses any plant or equipment to which any of the provisions of Regulations 22, 26 to 29, 31 to 34, 37, 42, 43 and 53 applies, to erect, install, work or use any such plant or equipment in a manner which complies with those provisions.

(2) It shall be the duty of every person employed to comply with the requirements of such of these Regulations as relate to the performance of or the refraining from an act by him and to co-operate in carrying out these Regulations and if he discovers any defect in the plant or equipment to report such defect without unreasonable delay to his employer or foreman, or to a person appointed by the employer under Part II of these Regulations.

Interpretation

4.—(1) The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament, and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

"locomotive" in Part IX of these Regulations means any self-propelled wheeled vehicle used on a line of rails for the movement of trucks or wagons;

"plant or equipment" includes any plant, equipment, gear, machinery, apparatus or appliance, or any part thereof;

"the principal Act" means the Factories Act, 1937, as amended by or under any other Act;

"scaffold" means any temporarily provided structure on or from which persons perform work in connection with operations or works to which these Regulations apply, and any temporarily provided structure which enables persons to obtain access to or which enables materials to be taken to any place at which such work is performed, and includes any working platform, working stage, gangway, run, ladder or step-ladder (other than an independent ladder or step-ladder which does not form part of such a structure) together with any guard-rail, toe-board or other safeguards and all fixings, but does not include a lifting appliance or a structure used merely to support such an appliance or to support other plant or equipment;

"truck" or "wagon" in Part IX of these Regulations means, respectively, a truck or wagon used on a line of rails.

PART II

SUPERVISION OF SAFE CONDUCT OF WORK

Appointment of safety supervisors

5.—(1) Every contractor, and every employer of workmen, who undertakes operations or works to which these Regulations apply and who normally employs more than twenty persons thereon at any one time (whether or not all those persons are employed on the same site or are all at work at any one time) shall specifically appoint in writing one or more persons experienced in such operations or works and suitably qualified for the purpose to be specially charged with the duties—

(*a*) of advising the contractor or employer as to the observance of the requirements for the safety or protection of persons employed imposed by or under the Factories Acts, 1937 to 1959, or the Lead Paint (Protection against Poisoning) Act, 1926(b), and as to other safety matters; and

(*b*) of exercising a general supervision of the observance of the aforesaid requirements and of promoting the safe conduct of the work generally.

(2) The name of every person so appointed shall be entered by the contractor or employer appointing him on the copy or abstract either of these Regulations or of the Factories Acts, 1937 to 1959, required to be posted up in accordance with sections 114 or 115 and 107 or 108 of the Factories Act, 1937.

(a) 52 & 53 Vict. c. 63. (b) 16 & 17 Geo. 5. c. 37.

Other duties and joint appointments of safety supervisors

6.—(1) The duties assigned to any person appointed under the preceding Regulation by the contractor or employer appointing him, including any duties other than those mentioned in that Regulation, shall not be such as to prevent that person from discharging with reasonable efficiency the duties assigned to him under that Regulation.

(2) Nothing in these Regulations shall be construed as preventing the same person or persons being appointed for a group of sites or as preventing two or more contractors or employers from jointly appointing the same person or persons.

PART III

SAFETY OF WORKING PLACES AND MEANS OF ACCESS

Provision of scaffolds and means of access

7.—(1) Sufficient safe means of access and egress shall so far as is reasonably practicable be provided and maintained to and from every place at which any person has at any time to work and every such place shall so far as is reasonably practicable be made and kept safe for any person working there.

(2) Where work cannot safely be done on or from the ground or from part of a building, or other permanent structure there shall be provided and maintained either scaffolds or where appropriate ladders or other means of support, each of which shall be suitable and sufficient for the purpose.

PART IV

EXCAVATIONS, SHAFTS AND TUNNELS

Supply and use of timber

8.—(1) An adequate supply of timber of suitable quality or other suitable support shall where necessary be provided and used to prevent, so far as is reasonably practicable and as early as is practicable in the course of the work, danger to any person employed from a fall or dislodgement of earth, rock or other material forming a side or the roof of or adjacent to any excavation, shaft, earthwork or tunnel:

Provided that this Regulation shall not apply—

(*a*) to any excavation, shaft or earthwork where, having regard to the nature and slope of the sides of the excavation, shaft or earthwork and other circumstances, no fall or dislodgement of earth or other material so as to bury or trap a person employed or so as to strike a person employed from a height of more than four feet is liable to occur; or

(*b*) in relation to a person actually engaged in timbering or other work which is being carried out for the purpose of compliance with this Regulation, if appropriate precautions are taken to ensure his safety as far as circumstances permit.

(2) In the case of tunnelling operations on works of engineering construction, no person shall be held not to have complied with a requirement of the foregoing paragraph of this Regulation by reason of any matter proved to have been due to physical conditions over which he had no control and against which it was not reasonably practicable for him to make provision.

Inspections and examinations of excavations, etc.

9.—(1) Subject to the provisions of paragraph (4) of this Regulation, every part of any excavation, shaft, earthwork or tunnel where persons are employed shall be inspected by a competent person at least once on every day

during which persons are employed therein; and the face of every tunnel and the working end of every trench more than six feet six inches deep and the base or crown of every shaft shall be inspected by a competent person at the commencement of every shift.

(2) Subject to the provisions of paragraph (4) of this Regulation no person shall be employed in any excavation, shaft, earthwork or tunnel unless a thorough examination has been carried out by a competent person—

(*a*) of those parts thereof, and in particular any timbering or other support, in the region of the blast since explosives have been used in or near the excavation, shaft, earthwork or tunnel in a manner likely to have affected the strength or stability of that timbering or other support or any part thereof; and

(*b*) of those parts thereof in the region of any timbering or other support or any part thereof that has been substantially damaged and in the region of any unexpected fall of rock or earth or other material; and

(*c*) of every part thereof within the immediately preceding seven days:

Provided that sub-paragraph (*c*) shall not apply to timbering or other support which has not been erected or installed for more than seven days.

(3) A report of the results of every thorough examination required by paragraph (2) of this Regulation, signed by the person carrying out the examination, shall be made on the day of the examination in the prescribed form and containing the prescribed particulars:

Provided that in the case of a site where the employer for whom a thorough examination as aforesaid was carried out has reasonable grounds for believing that the operations or works will be completed in a period of less than six weeks, the provisions of paragraph (3) of this Regulation shall be deemed to have been satisfied if the person in charge of the operations or works carried on by that employer at such a site has himself carried out the examination and is a competent person and if within one week of the date of the examination he reports to his employer in writing the results of such examination, and the date of such examination and the results thereof together with the name of the person making the examination are entered by the employer in the prescribed form together with the prescribed particulars.

(4) This Regulation shall not apply—

(*a*) to any excavation, shaft or earthwork where, having regard to the nature and slope of the sides of the excavation, shaft or earthwork and other circumstances, no fall or dislodgement of earth or other material so as to bury or trap a person employed or so as to strike a person employed from a height of more than four feet is liable to occur; or

(*b*) in relation to persons carrying out inspections or examinations required by this Regulation or actually engaged in timbering or other work for the purpose of making a place safe, if appropriate precautions are taken to ensure their safety as far as circumstances permit.

Supervision and execution of timbering and other work

10.—(1) No timbering or other support for any part of an excavation, shaft, earthwork or tunnel shall be erected or be substantially added to, altered or dismantled except under the direction of a competent person and so far as possible by competent workmen possessing adequate experience of such work. All material for any such work shall be inspected by a competent person on each occasion before being taken into use and material found defective in any respect shall not be used.

(2) Timbering or other support for any part of an excavation, shaft, earthwork or tunnel shall be of good construction, sound material, free from patent defect and of adequate strength for the purpose for which it is used and shall be properly maintained.

(3) All struts and braces in any excavation, shaft, earthwork or tunnel shall be properly and adequately secured so as to prevent their accidental displacement or fall.

Means of egress in case of flooding

11.—(1) In any excavation, shaft or tunnel where there is reason to apprehend danger to persons employed therein from rising water or from an irruption of water or material there shall be provided, so far as practicable, means to enable such persons to reach positions of safety.

(2) In the case of tunnelling operations on works of engineering construction, no person shall be held not to have complied with a requirement of the foregoing paragraph of this Regulation by reason of any matter proved to have been due to physical conditions over which he had no control and against which it was not reasonably practicable for him to make provision.

Excavations, etc. likely to reduce security of a structure

12.—(1) No excavation, shaft, earthwork or tunnel which is likely to reduce, so as to endanger any person employed, the security or stability of any part of any structure, whether temporary or permanent, shall be commenced or continued unless adequate steps are taken before and during the progress of the work to prevent danger to any person employed from collapse of the structure or the fall of any part thereof.

(2) In the case of tunnelling operations on works of engineering construction, no person shall be held not to have complied with a requirement of the foregoing paragraph of this Regulation by reason of any matter proved to have been due to physical conditions over which he had no control and against which it was not reasonably practicable for him to make provision.

Fencing of excavations, etc.

13. Every accessible part of an excavation, shaft, pit or opening in the ground near to which employed persons are working and into or down a side of which a person is liable to fall a distance of more than six feet six inches shall be provided with a suitable barrier placed as close as is reasonably practicable to the edge or shall be securely covered:

Provided that the foregoing requirement shall not apply to any part of an excavation, shaft, pit or opening while (and to the extent to which) the absence of such barrier and covering is necessary for the access of persons or for the movement of plant or equipment or materials or while (and to the extent to which) it has not yet been practicable to erect such barrier or covering since the formation of that part of the excavation, shaft, pit or opening.

Safeguarding edges of excavations, etc.

14.—(1) Material shall not be placed or stacked near the edge of any excavation, shaft, pit or opening in the ground so as to endanger persons employed below.

(2) No load or plant or equipment shall be placed or moved near the edge of any excavation, shaft, pit or opening in the ground where it is likely to cause a collapse of the side of the excavation, shaft, pit or opening and thereby endanger any person.

PART V

COFFERDAMS AND CAISSONS

Construction and maintenance

15. Every cofferdam or caisson and every part thereof shall be of good construction, of suitable and sound material, free from patent defect and of adequate strength and shall be properly maintained.

Means of egress in case of flooding

16.—(1) In any cofferdam or caisson there shall, so far as is reasonably practicable, be adequate means for persons to reach places of safety in the event of an inrush of water.

(2) No person shall be held not to have complied with a requirement of the foregoing paragraph of this Regulation by reason of any matter proved to have been due to physical conditions over which he had no control and against which it was not reasonably practicable for him to make provision.

Supervision of work and inspection of material

17.—(1) No cofferdam or caisson or part thereof shall be constructed or be placed in position or be substantially added to or altered or be dismantled except under the immediate supervision of a competent person and so far as possible by competent workmen possessing adequate experience of such work.

(2) All material for the construction or fixing of a cofferdam or caisson shall be inspected by a competent person on each occasion before being taken into use for such a purpose and material which is unsuitable or defective in any respect shall not be so used.

Inspections and examinations

18.—(1) Subject to paragraph (2) of this Regulation, no person shall be employed in a cofferdam or caisson unless it has been inspected by a competent person at least once on the same or preceding day and unless it has been thoroughly examined by a competent person—

(*a*) since explosives have been used in or near to the cofferdam or caisson in a manner likely to have affected the strength or stability of the cofferdam or caisson or of any part thereof; and

(*b*) since the cofferdam or caisson has been substantially damaged; and

(*c*) in any case within the immediately preceding seven days:

Provided that sub-paragraph (*c*) shall not apply until seven days have elapsed since the cofferdam or caisson was erected or placed in its position on the site.

A report of the results of every such examination, signed by the person carrying out the examination, shall be made on the day of the examination in the prescribed form and containing the prescribed particulars.

(2) This Regulation shall not apply in relation to persons actually engaged in the construction, placing, repairing or alteration of the cofferdam or caisson or carrying out inspections or examinations required by this Regulation if appropriate precautions are taken to ensure their safety as far as circumstances permit.

PART VI

EXPLOSIVES

Explosives

19. Explosives shall not be handled or used except by or under the immediate control of a competent person with adequate knowledge of the dangers connected with their use and steps shall be taken to see that, when a charge is fired, persons employed are in positions in which, so far as can reasonably be anticipated, they are not exposed to risk of injury from the explosion or from flying material.

PART VII

DANGEROUS OR UNHEALTHY ATMOSPHERES

Inhalation of dust and fumes to be prevented

20. Where in connection with any grinding, cleaning, spraying or manipulation of any material, there is given off any dust or fume of such a character and to such extent as to be likely to be injurious to the health of persons employed all reasonably practicable measures shall be taken either by securing adequate ventilation or by the provision and use of suitable respirators or otherwise to prevent inhalation of such dust or fume.

Ventilation of excavations, etc.

21.—(1) Effective steps shall be taken to secure and maintain the adequate ventilation of every working place in any excavation, pit, hole, adit, tunnel, shaft, caisson or other enclosed or confined space and of every approach to any such working place so as—

(*a*) to maintain an atmosphere which is fit for respiration; and

(*b*) to render harmless, so far as is reasonably practicable, all fumes, dust or other impurities which may be dangerous or injurious to health and which are generated, produced or released by explosives or by any other means in such working place or approach thereto.

(2) Where there is reason to apprehend that the atmosphere in any of the working places or approaches thereto mentioned in paragraph (1) of this Regulation is poisonous or asphyxiating, then, without prejudice to the requirements of the said paragraph, no person shall be employed in or allowed to enter such working place or approach until the atmosphere has been suitably tested by or under the immediate supervision of a competent person and he is satisfied that the working place or approach is, for the time being, free from the danger of a person being overcome by poisoning or asphyxiation.

(3) No person shall be held not to have complied with a requirement of the foregoing paragraphs of this Regulation by reason of any matter proved to have been due to physical conditions over which he had no control and against which it was not reasonably practicable for him to make provision.

Internal combustion engines

22. No stationary internal combustion engine shall be used in any enclosed or confined place unless specific provision is made for conducting the exhaust gases from the engine into the open air or the place is adequately ventilated so as to prevent danger to health from such exhaust gases.

PART VIII

WORK ON OR ADJACENT TO WATER

Transport by water

23. When any person employed is conveyed to or from any working place by water, proper measures shall be taken to provide for his safe transport. Vessels used for this purpose shall be of suitable construction, shall be properly maintained and shall be in charge of a competent person and shall not be over-crowded or overloaded.

Prevention of drowning

24. Where, on or adjacent to the site of any operations or works to which these Regulations apply, there is water into which a person employed is, in the course of his employment, liable to fall with risk of drowning, suitable rescue equipment shall be provided and kept in an efficient state and ready for use and measures shall be taken to arrange for the prompt rescue of

any such person in danger of drowning. Where there is special risk of such fall from the edge of adjacent land or of a structure adjacent to or above the water, or of a floating stage, secure fencing shall be provided near the edge to prevent such fall, so, however, that such fencing may be removed or remain unerected for the time and to the extent necessary for the access of persons or the movement of materials.

PART IX

TRANSPORT

Rails and rail tracks

25. All rails on which any locomotive, truck or wagon moves shall—

(*a*) have an even running surface, be sufficiently and adequately supported, and be of adequate section ;

(*b*) be jointed by fish plates or double chairs ;

(*c*) be securely fastened to sleepers or bearers ;

(*d*) be supported on a surface sufficiently firm to prevent undue movement of the rails ;

(*e*) be laid in straight lines or in curves of such radii that the locomotive, truck or wagon can be moved freely and without danger of derailment ;

(*f*) be provided with an adequate stop or buffer on each rail at each end of the track.

All rails and equipment referred to in this Regulation shall be properly maintained:

Provided that requirements (*b*) and (*c*) of this Regulation shall not apply if other adequate steps are taken to ensure the proper junction of the rails, and to prevent any material variation in their gauge.

Maintenance of locomotives, etc.

26. Every locomotive, truck and wagon in use for transport purposes and every power-driven capstan or winch used for the movement of trucks or wagons shall be of good construction, sound material, adequate strength, free from patent defect and properly maintained.

Clearance

27.—(1) In connection with the erection, installation, working or use of any line of rails on which any locomotive, truck or wagon moves, there shall, except where such clearance is not reasonably practicable, be adequate clearance so that persons are not liable to be crushed or trapped by any passing locomotive, truck or wagon or any part of a load thereon. Without prejudice to the foregoing requirement there shall, save to the extent to which such arrangements are impracticable, be arrangements, including where appropriate the provision of suitable recesses, such that the lack of adequate clearance as aforesaid does not extend for more than twenty yards in length.

(2) In any case where there is not adequate clearance as aforesaid there shall be effective arrangements for warning any person liable to be crushed or trapped of the danger and of the approach of a locomotive, truck or wagon.

(3) Where a locomotive is or is to be driven, all reasonable steps shall be taken to avoid or obviate low clearances and overhead obstructions which will not afford a clearance of at least three feet six inches above the seat of the driver when driving the locomotive in a normal sitting position and six feet six inches above the footplate if he is driving it in a standing

position; and appropriate steps shall be taken by means of suitable warning devices, warning notices or otherwise, to make the driver aware of the danger when the locomotive is approaching any point at which there is such a low clearance or obstruction and to warn any persons riding on the train of approaching danger to them due to lack of overhead or side clearance.

Gantries

28. Every gantry or elevated structure carrying rails on which a locomotive, truck or wagon moves shall, at every part along which persons employed have to pass on foot, be provided with a suitable and adequate footway. If such footway is on the outside of the rail track and any person is liable to fall more than six feet six inches therefrom, the footway shall be provided with suitable guard-rails not less than three feet in height.

Brakes, sprags and scotches

29.—(1) Every locomotive shall be fitted with effective brakes.

(2) Every truck and wagon shall be fitted with an effective brake or brakes unless the circumstances in which it is used render a brake unnecessary for safety.

(3) A sufficient number of suitable sprags or scotches shall be provided for the use of persons employed on the movement of trucks or wagons. Sprags or scotches shall be used whenever necessary and shall be in good condition.

Replacement of derailed locomotives, etc.

30. Suitable equipment shall be provided and used for replacing on the track any locomotive, truck or wagon which may become derailed.

Warning of movement of locomotives, trucks or wagons

31.—(1) Every locomotive shall be fitted with an efficient whistle or other warning device which shall be properly maintained.

(2) Where any person may be endangered by the movement of any locomotive, truck or wagon the person in charge of the movement of the locomotive, truck or wagon shall see that adequate warning is given.

Competent persons to drive locomotives, etc.

32. A locomotive, power-driven capstan or haulage winch or a vehicle to which Regulation 34 applies shall be driven or operated only by a trained and competent person who has attained the age of eighteen, except that for the purpose of training it shall be permissible for a locomotive or any such capstan or haulage winch or any such vehicle to be driven or operated by a person under eighteen years of age who is under the direct supervision of a person qualified for that purpose.

Precautions in connection with the use of capstans and haulage winches

33.—(1) Where any power-driven capstan or haulage winch is used for the movement of trucks or wagons the space in the immediate vicinity thereof shall be kept clear of all obstructions and shall be sufficient for safe working.

(2) No power-driven capstan or haulage winch shall be set in motion for the movement of trucks or wagons until adequate warning by means of efficient sound or visual signals has been given by the person in charge of such movement to any person who may be endangered thereby.

Mechanically propelled vehicles and trailers

34.—(1) Subject to paragraph (2) of this Regulation, a mechanically propelled vehicle or a mechanically drawn trailer-vehicle if owned or used by, or hired by and operated under the control of, a contractor or employer undertaking operations or works to which these Regulations apply and used for conveying workmen, goods or materials for the purpose of such operations or works shall, when being moved at a site where such operations or works are carried on (whether or not workmen, goods or materials are actually being conveyed on the vehicle at the time)—

(*a*) be in an efficient state, in efficient working order and in good repair ;

(*b*) not be used in an improper manner ;

(*c*) not be loaded in such a manner or to such extent as to interfere with the safe driving or operation of the vehicle :

Provided that, where all practicable precautions are taken to avoid danger to the persons affected, sub-paragraph (*a*) of this paragraph shall not apply to a vehicle which has broken-down or been damaged on the site and—

(i) on which no workmen, goods or materials are being conveyed and which is being moved only for the purpose of its repair or disposal or so as not to cause an obstruction ; or

(ii) on which no workmen are being conveyed and which is being moved only so far as is necessary to render unloading of goods or materials practicable.

(2) This Regulation shall not apply to locomotives, trucks or wagons.

Riding in insecure positions on vehicles, etc.

35. No person shall ride or be required or permitted to ride on the buffer, running board or other insecure position—

(*a*) on any vehicle to which Regulation 34 applies ; or

(*b*) on any locomotive, truck or wagon,

and shall only ride at the place thereon provided for that purpose.

Remaining on vehicles during loading

36. No person shall remain or be required or permitted to remain on any vehicle to which Regulation 34 applies or on any truck or wagon during the loading of loose materials by means of a grab, excavator or similar appliance, if he is endangered by so remaining.

Vehicles near edge of excavation, etc.

37. Where any vehicle is used for tipping material into any excavation or pit or over the edge of any embankment or earthwork adequate measures shall be taken where necessary so as to prevent such vehicle from overrunning the edge of such excavation, pit, embankment or earthwork.

PART X

DEMOLITION

Application of Part X

38. The requirements of this Part of these Regulations shall apply as respects the demolition of the whole or any substantial part of a building or other structure.

Supervision

39.—(1) Every contractor (other than an individual contractor) undertaking demolition operations to which this Part of these Regulations applies

shall appoint a competent person experienced in such operations to supervise the work; so, however, that where more than one contractor (other than an individual contractor) takes part in such demolition operations, each such contractor shall appoint a competent person as aforesaid and either the same person shall be jointly appointed by every contractor or each contractor shall make arrangements to ensure that no operation is undertaken by his workmen except after consultation between all the persons so appointed as to the method by which and the time at which the operation is to be carried out.

(2) Where part of any demolition operations to which this Part of these Regulations applies is to be undertaken by an individual contractor—

(*a*) no operation shall be undertaken by that individual contractor except after consultation with every other individual contractor undertaking the operations and with the person or persons appointed under the foregoing paragraph of this Regulation; and

(*b*) no operation shall be undertaken by any contractor except after consultation between the person or persons appointed under the said paragraph and every individual contractor undertaking the operations as to the method by which and the time at which the operation is to be carried out.

(3) In this Regulation the expression "individual contractor" means a contractor who personally performs the demolition operations without employing any workmen thereon.

Fire and flooding

40. Before demolition is commenced and also during the progress of the work all practicable steps shall be taken to prevent danger to persons employed—

(*a*) from risk of fire or explosion through leakage or accumulation of gas or vapour; and

(*b*) from risk of flooding.

Precautions in connection with demolition

41.—(1) No part of a building or other structure shall be so overloaded with debris or materials as to render it unsafe to persons employed.

(2) The following operations shall be carried out only (i) under the immediate supervision of a competent foreman or chargehand with adequate experience of the particular kind of work, or (ii) by workmen experienced in the kind of work and under the direction of a competent foreman or chargehand as aforesaid, that is to say—

(*a*) the actual demolition of a building or part thereof or any other structure or part thereof except where there is no risk of a collapse of any part of the building or the structure in the course or as a result of the said demolition, so as to endanger any person employed, other than a risk which could not reasonably have been foreseen;

(*b*) the actual demolition of any part of a building or other structure where there is a special risk of collapse, whether of that or of any other part of the building or structure, in the course or as a result of the said demolition, so as to endanger any person employed;

(*c*) the cutting of reinforced concrete, steelwork or ironwork forming part of the building or other structure which is being demolished;

and before any steelwork or ironwork is cut or released, precautions shall be taken to avoid danger from any sudden twist, spring or collapse.

(3) All practicable precautions shall be taken to avoid danger from collapse of the building or other structure when any part of the framing is removed from a framed or partly framed building or other structure.

(4) Before demolition is commenced and also during the progress of the work, precautions shall, where necessary, be taken by adequate shoring or otherwise to prevent, as far as practicable, the accidental collapse of any part of the building or structure or of any adjoining building or structure the collapse of which may endanger any person employed:

Provided that this requirement shall not apply in relation to any person actually engaged in erecting or placing shoring or other safeguards for the purpose of compliance with the requirement, if appropriate precautions are taken to ensure his safety as far as circumstances permit.

PART XI

MISCELLANEOUS

Fencing of machinery

42. Every flywheel and every moving part of any prime mover, every part of transmission machinery and every dangerous part of other machinery (whether or not driven by mechanical power) shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the site of the operations or works as it would be if it were securely fenced.

Fencing of new machinery

43. Without prejudice to the provisions of Regulation 42, every prime mover and other machine intended to be driven by mechanical power (being a prime mover or machine used or intended to be used in operations or works to which these Regulations apply) shall, unless constructed before the date of commencement of these Regulations, be so constructed that the following parts of such prime mover or machine are securely fenced or are in such a position or of such construction as to be as safe as they would be if they were securely fenced, that is to say—

all revolving shafts, flywheels, couplings, toothed gearing, friction gearing, belt and pulley drives, chain and sprocket drives and all projecting screws, bolts or keys on any revolving shaft, wheel or pinion:

Provided that where a prime mover provides energy for another machine the foregoing requirements of this Regulation shall not apply to parts which transmit energy from the prime mover to that other machine unless the prime mover and that machine are constructed as a unit.

Electricity

44.—(1) Before any operations or works to which these Regulations apply are commenced, and also during the progress thereof, all practicable steps shall be taken to prevent danger to persons employed from any live electric cable or apparatus which is liable to be a source of such danger, either by rendering such cable or apparatus electrically dead or otherwise.

(2) Where any electrically charged overhead cable or apparatus is liable to be a source of danger to persons employed during the course of any operations or works to which these Regulations apply, whether from the operation of a lifting appliance or otherwise, all practicable precautions shall be taken to prevent such danger either by the provision of adequate and suitably placed barriers or otherwise.

Generation of steam, smoke and vapour

45. Measures shall be taken to prevent, so far as practicable, steam, smoke or other vapour generated on the site from obscuring any part of the work, scaffolding, machinery or other plant or equipment where any person is employed.

Protection from falling material

46.—(1) At any place on the site of the operations or works where any person is habitually employed steps shall be taken to prevent any person who is working in that place from being struck by any falling material or article.

(2) Scaffold materials, tools, other objects and material (including waste material) shall not be thrown, tipped or shot down from a height where they are liable to cause injury, but where practicable shall be properly lowered. In any place where proper lowering is not practicable and also where any part of a building or other structure is being demolished or broken off adequate steps shall be taken to protect persons employed from falling or flying debris.

Lighting of working places, etc.

47. Every working place and approach thereto, every place where raising or lowering operations with the use of a lifting appliance are in progress, and all openings dangerous to persons employed, shall be adequately and suitably lighted.

Projecting nails and loose material

48.—(1) No timber or material with projecting nails shall be used in any work in which they are a source of danger to persons employed or be allowed to remain in any place where they are a source of danger to such persons.

(2) Loose materials where not required for use shall not be placed or left so as to restrict unduly the passage of persons upon platforms, gangways, floors or other places on the site used for such passage, but shall be removed, stacked or stored so as to leave an unobstructed passage. Materials shall not be insecurely stacked in a place where they may be dangerous to persons employed, or so stacked as to overload and render unsafe any floor, roof or other part of a building or other structure.

Construction of temporary structures

49. Any temporary structure erected for the purpose of operations or works to which these Regulations apply, not being a scaffold or other structure to which Regulation 11 of the Construction (Lifting Operations) Regulations, 1961(a), applies, shall (having regard to the purpose for which it is used) be of good construction and adequate strength and stability and shall be of sound material, free from patent defect and properly maintained.

Avoidance of danger from collapse of structure

50.—(1) All practicable precautions shall be taken by the use of temporary guys, stays, supports and fixings or otherwise where necessary to prevent danger to any person employed through the collapse of any part of a building or other structure during any temporary state of weakness or instability of the building or structure or part thereof before the building or structure is completed.

(a) S.I. 1961/1581 (*See* p. 3223 of this Pt.).

(2) Where any work is carried on which is likely to reduce, so as to endanger any person employed, the security or stability of any part of an existing building or structure or of a building or structure in course of construction all practicable precautions shall be taken by shoring or otherwise to prevent danger to any person employed from the collapse of the building or structure or the fall of any part thereof.

Wet paint or cement wash on ironwork or steelwork

51. No ironwork or steelwork which has been painted or cement washed shall be moved or manipulated on the site of the operations or works unless all the paint or wash on it (other than paint for the purpose of jointing) is dry and no person shall walk or work or be required or permitted to walk or work on erected ironwork or steelwork on which the paint (other than paint for the purpose of jointing) or cement wash is wet:

Provided that the requirement of this Regulation as to moving or manipulating shall not apply to moving or manipulating in connection with the painting or cement washing of ironwork or steelwork on the site.

Protection of the eyes

52. Where there is carried on any process specified in the Schedule to these Regulations suitable goggles or effective screens shall be provided to protect the eyes of persons employed in the process, and no person so employed shall carry on, or be required or permitted to carry on, any such process, without utilising such goggles or screens.

Helmets or crowns for pile driving

53. Every helmet or crown used in connection with pile driving shall be of good construction, of sound and suitable material, of adequate strength and free from patent defect.

Safety nets, sheets and belts

54. If the special nature or circumstances of any part of the work render impracticable compliance with any of the provisions of these Regulations designed to prevent the fall of any persons engaged on that part of the work, then those provisions shall be complied with so far as practicable and except for persons for whom there is adequate handhold and foothold either there shall be provided suitable safety nets or safety sheets or there shall be available safety belts or other contrivances which will so far as practicable enable such persons who elect to use them to work without risk of serious injury.

Lifting excessive weights

55. A person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

Keeping of records

56.—(1) The reports required by Regulations 9 (3) and 18 (1) shall be kept on the site of the operations or works and when there are no relevant operations or works shall be kept at an office of the contractor or employer for whom the examination was carried out:

Provided that in the case of a site where the contractor or employer has reasonable grounds for believing that the operations or works will be completed in a period of less than six weeks, the contractor or employer may keep the said reports at his office.

(2) All reports and other documents required for the purposes of these Regulations shall at all reasonable times be open to inspection by any of H.M. Inspectors of Factories, and the person keeping any such report or other document shall send to any such inspector such extracts therefrom or copies thereof as the inspector may from time to time require for the purpose of the execution of his duties under the Factories Acts, 1937 to 1959.

PART XII

OFFENCES UNDER SECTION 17 OF THE PRINCIPAL ACT

Prohibited sale or hire of machinery

57. The provisions of subsection (2) of section 17 of the Factories Act, 1937 (which prohibits the sale or letting on hire of certain machines which do not comply with the provisions of that section) shall extend to prime movers or machines which do not comply with the requirements of Regulation 43 of these Regulations.

Dated this 15th day of August, 1961.

John Hare,
Minister of Labour.

SCHEDULE

PROCESSES TO WHICH REGULATION 52 APPLIES

(1) Dry grinding of surfaces of metal, stone, concrete or similar materials by means of a wheel or disc driven by mechanical power.

(2) Breaking, cutting, dressing or carving of stone, concrete, slag or similar materials by means of a hand tool (other than a trowel) or a portable tool driven by mechanical power.

(3) Chipping or scaling of painted or corroded metal surfaces or wire-brushing of such surfaces by mechanical power.

(4) Cutting out or cutting off of cold rivets or bolts from any structure or part thereof.

(5) Welding or cutting of metals by means of an electrical, oxy-acetylene or similar process.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

For the protection of the persons employed, these Regulations impose requirements designed to promote the safe conduct of building operations and works of engineering construction. In the case of building operations these Regulations replace similar requirements in the Building (Safety, Health and Welfare) Regulations, 1948. Regulation 57 makes it an offence to sell or let on hire prime movers and other machines which are not securely fenced as required by Regulation 43.