STATUTORY INSTRUMENTS

2015 No. 1637

HEALTH AND SAFETY

The Deregulation Act 2015 (Health and Safety at Work) (General Duties of Self-Employed Persons) (Consequential Amendments) Order 2015

Made - - - -	*31st August 2015*
Laid before Parliament	*7th September 2015*
Coming into force - -	*1st October 2015*

The Secretary of State makes the following Order in exercise of the powers conferred by section 112 of the Deregulation Act 2015(**a**):

Citation and commencement

1. This Order may be cited as the Deregulation Act 2015 (Health and Safety at Work) (General Duties of Self-Employed Persons) (Consequential Amendments) Order 2015 and comes into force on 1st October 2015.

Consequential amendments to regulations made under section 15 of the Health and Safety at Work etc. Act 1974

2. The Schedule, which contains amendments to regulations made under section 15 of the Health and Safety at Work etc. Act 1974(**b**) in consequence of the provisions of section 1 of the Deregulation Act 2015, has effect.

Review

3.—(1) Before the end of each review period, the Secretary of State must—

(a) carry out a review of this Order;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by this Order;

(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.

(**a**) 2015 c. 20.
(**b**) 1974 c. 37.

(3) "Review period" means the period of five years beginning with the day on which this Order comes into force.

Signed by authority of the Secretary of State for Work and Pensions.

Justin Tomlinson
Parliamentary Under Secretary of State,
31st August 2015 Department for Work and Pensions

SCHEDULE

Article 2

Consequential amendments to regulations made under section 15 of the Health and Safety at Work etc. Act 1974

Health and Safety (First-Aid) Regulations 1981

1. For regulation 5 of the Health and Safety (First-Aid) Regulations 1981(**a**) (duty of self-employed person to provide first-aid equipment) substitute—

"**Duty of relevant self-employed person to provide first-aid equipment**

5.—(1) A relevant self-employed person must provide, or ensure that there is provided, such equipment, if any, as is adequate and appropriate in the circumstances to enable that person to render first-aid to himself or herself while at work.

(2) For the purpose of this regulation "relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the Health and Safety at Work etc. Act 1974(**b**).".

Personal Protective Equipment at Work Regulations 1992

2.—(1) The Personal Protective Equipment at Work Regulations 1992(**c**) are amended as follows.

(2) For "self-employed person" substitute "relevant self-employed person" in each place occurring.

(3) For regulation 2(1) (interpretation) substitute—

"(1) In these Regulations—

(a) unless the context otherwise requires, "personal protective equipment" means all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects the person against one or more risks to that person's health or safety, and any addition or accessory designed to meet that objective; and

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(**a**) S.I. 1981/917; to which there are amendments not relevant to this Order.

(**b**) Section 3(2) of the Health and Safety at Work etc. Act 1974 (c.37) was amended by section 1 of the Deregulation Act 2015. The Health and Safety at Work etc. Act 1974 (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2015 (S.I. 2015/1583) prescribe descriptions of undertakings for the purposes of section 3(2) of the Health and Safety at Work etc. Act 1974 (as amended).

(**c**) S.I. 1992/2966; amended by S.I. 2002/2174; there are other amending instruments but none is relevant.

(b) "relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the Health and Safety at Work etc. Act 1974.".

(4) In the full-out words in regulation 6(3), for "the relevant" substitute "that".

Manual Handling Operations Regulations 1992

3. In regulation 2 of the Manual Handling Operations Regulations 1992(**a**) (interpretation)—

(a) in paragraph (2) for "self-employed person" insert "relevant self-employed person"; and

(b) after paragraph (2) insert—

"(3) For the purposes of paragraph (2) "relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the Health and Safety at Work etc. Act 1974.".

Provision and Use of Work Equipment Regulations 1998

4. In regulation 3 of the Provision and Use of Work Equipment Regulations 1998(**b**) (application)—

(a) in paragraph (3)(a) for "self-employed person" substitute "relevant self-employed person"; and

(b) in paragraph (11) after the definition of "merchant shipping requirements" insert—

""relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the 1974 Act; ".

Lifting Operations and Lifting Equipment Regulations 1998

5. In regulation 3 of the Lifting Operations and Lifting Equipment Regulations 1998(**c**) (application)—

(a) in paragraph (3)(a) for "self-employed person" substitute "relevant self-employed person";

(b) In paragraph (11) after the definition of "merchant shipping requirements" insert—

""relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the 1974 Act; ".

Management of Health and Safety at Work Regulations 1999

6. In regulation 3 of the Management of Health and Safety at Work Regulations 1999(**d**) (risk assessment)—

(a) in paragraph (2) for "self-employed person" substitute "relevant self-employed person";

(b) in paragraph (3) for "self-employed person", in both places it appears, substitute "relevant self-employed person" and

(c) after paragraph (3) insert—

"(3A) In this regulation "relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the Health and Safety at Work etc. Act 1974.".

(**a**) S.I. 1992/2793; to which there are amendments not relevant to this Order.
(**b**) S.I. 1998/2306; to which there are amendments not relevant to this Order.
(**c**) S.I. 1998/2307; to which there are amendments not relevant to this Order.
(**d**) S.I. 1999/3242; to which there are amendments not relevant to this Order.

Control of Substances Hazardous to Health Regulations 2002

7.—(1) The Control of Substances Hazardous to Health Regulations 2002(**a**) are amended as follows.

(2) In regulation 3 (duties under these Regulations)—

(a) in paragraph (2) for "self-employed person" substitute "relevant self-employed person" in each place occurring;

(b) after paragraph (2) insert—

"(2A) For the purposes of this regulation "relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the 1974 Act.".

(3) In regulation 20 (modification of section 3(2) of the 1974 Act)—

(a) after "self-employed person" insert "who conducts an undertaking of a prescribed description";

(b) for "his undertaking" substitute "the undertaking".

Work at Height Regulations 2005

8. In regulation 3 of the Work at Height Regulations 2005(**b**) (application)—

(a) in paragraph (3)(a) for "self-employed person" substitute "relevant self-employed person"; and

(b) in paragraph (3)(b) after "self-employed person" insert "or relevant self-employed person"; and

(c) before paragraph (6)(c) insert—

"(ba) "relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the 1974 Act;".

Control of Vibration at Work Regulations 2005

9. In regulation 3 of the Control of Vibration at Work Regulations 2005(**c**) (application and transitional provisions)—

(a) in paragraph (5) for "self-employed person" substitute "relevant self-employed person" in each place occurring;

(b) after paragraph (5) insert—

"(5A) For the purposes of this regulation, "relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the Health and Safety at Work etc. Act 1974.".

Control of Noise at Work Regulations 2005

10. In regulation 3 of the Control of Noise at Work Regulations 2005(**d**) (application)—

(a) in paragraph (3) for "self-employed person" substitute "relevant self-employed person" in each place occurring;

(b) after paragraph (3) insert—

(**a**) S.I. 2002/2677; to which there are amendments not relevant to this Order.
(**b**) S.I. 2005/735; to which there are amendments not relevant to this Order.
(**c**) S.I. 2005/1093; to which there are amendments not relevant to this Order.
(**d**) S.I. 2005/1643; to which there are amendments not relevant to this Order.

"(3A) For the purposes of this regulation, "relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the Health and Safety at Work etc. Act 1974.".

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013

11. In regulation 3 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013(**a**) (responsible person)—

(a) in paragraph (1)(b)(ii) for "self-employed person" in the first place in which it occurs substitute "relevant self-employed person";

(b) after paragraph (2) insert—

"(3) For the purposes of this regulation, "relevant self-employed person" means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the 1974 Act.".

Genetically Modified Organisms (Contained Use) Regulations 2014

12. In regulation 4 of the Genetically Modified Organisms (Contained Use) Regulations 2014(**b**) (meaning of "work" and "at work" and modification of the 1974 Act)—

(a) in paragraph (3)(a) after "self-employed person" insert "who conducts an undertaking of a prescribed description";

(b) in sub-paragraph (b) for "that person's undertaking" substitute "the undertaking".

EXPLANATORY NOTE

(This note is not part of the Order)

Section 3(2) of the Health and Safety at Work etc. Act 1974 ("the 1974 Act") was amended by the Deregulation Act 2015 (c. 20) to limit the scope of the general duty under that section. Only those self-employed persons who conduct undertakings of a prescribed description will have an obligation to conduct their undertaking in such a way as to ensure that, so far as is reasonably practicable, they themselves and other persons who may be affected thereby are not exposed to risks to their health and safety.

For the purposes of Part 1 of the 1974 Act, "prescribed" means prescribed in regulations made by the Secretary of State. The Health and Safety at Work etc. Act 1974 (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations (S.I. 2015/1583) prescribe descriptions of undertakings for the purposes of section 3 of the 1974 Act.

This Order makes amendments to Regulations made under section 15 of the 1974 Act in consequence of these changes.

Article 3 requires the Secretary of State to review the operation and effect of this Order and publish a report within five years after it comes into force and within every five years after that. Following a review, it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or amended. A further instrument would be required to revoke this Order or to amend it.

A full impact assessment of the effect that section 1 of the Deregulation Act 2015 will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum accompanying this Order. It is available from the Health and Safety Executive, Redgrave Court, Merton Road, Merseyside, L20 7HS and also in the libraries of both Houses of Parliament.

(**a**) S.I. 2013/1471; to which there are amendments not relevant to this Order.
(**b**) S.I. 2014/1663.

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