STATUTORY RULES OF NORTHERN IRELAND

2006 No. 255

HEALTH AND SAFETY

The Management of Health and Safety at Work (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*8th June 2006*
Coming into operation -	*17th July 2006*

The Department of Enterprise, Trade and Investment(**a**), being a Department designated(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to measures relating to employers' obligations in respect of the health and safety of workers, makes the following Regulations in exercise of the powers conferred on it by the said section 2(2) and being the Department concerned(**d**), in exercise of the powers conferred on it by Articles 2(5), 17(1), (2), (3), and (5)(**e**), 43(2), 54(1) and 55(2) of, and paragraphs 5(1), 6, 7(1), 8, 9, 11, 13, 14, 15 and 17(a) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**f**) ("the 1978 Order"). The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(c)(**g**) of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)(**h**) of the 1978 Order.

Citation and commencement

1.—(1) These Regulations may be cited as the Management of Health and Safety at Work (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 17th July 2006.

(2) The Interpretation Act (Northern Ireland) 1954(**i**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000

2. For regulation 22 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(**j**) there shall be substituted the following regulation—

(**a**) Formerly the Department of Economic Development, *see* S.I. 1982/846 (N.I. 11), Article 3 and S.I. 1999/283 (N.I. 1), Article 3(5)
(**b**) S.I. 1999/2027
(**c**) 1972 c. 68; the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51)
(**d**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**e**) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)
(**f**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1). Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 2, paragraph 19
(**g**) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**h**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(**i**) 1954 c. 33 (N.I.)
(**j**) S.R. 2000 No. 388, as amended by S.R. 2001 No. 348 and S.R. 2003 No. 454

"Restriction of civil liability for breach of statutory duty

22.—(1) Breach of a duty imposed on an employer by these Regulations shall not confer a right of action in any civil proceedings insofar as that duty applies for the protection of a third party.

(2) Breach of a duty imposed on an employee by regulation 14 shall not confer a right of action in any civil proceedings insofar as that duty applies for the protection of a third party.

(3) In this regulation, "third party", in relation to the undertaking, means any person who may be affected by that undertaking other than the employer whose undertaking it is and persons in his employment."

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 8th June 2006.

L.S.

M. Bohill
A senior officer of the Department of Enterprise, Trade and Investment

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend regulation 22 of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 ("the 2000 Regulations"), which concerns civil liability for breach of the duties imposed by those Regulations.

2. The Management of Health and Safety at Work and Fire Precautions (Workplace) (Amendment) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 454) amended regulation 22 of the 2000 Regulations so as to activate the statutory presumption of civil liability contained in Article 43(2) of the Health and Safety at Work (Northern Ireland) Order 1978, subject to a specific limitation. The effect was to permit civil claims to be brought against employers and employees who are in breach of duties imposed on them by those Regulations but the amendment provided that claims could not be brought against employers insofar as the duty applies for the protection of persons not in their employment, that is, third parties.

3. The effect of these Regulations is to extend to employees that protection against claims by third parties, in circumstances where employees may owe a duty to third parties under regulation 14 of the 2000 Regulations.

4. In Great Britain, the corresponding Regulations are the Management of Health and Safety at Work (Amendment) Regulations 2006 (S.I. 2006/438).

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