

STATUTORY INSTRUMENTS

S. I. No. 218 of 2001

Safety, Health and Welfare at Work (Confined Spaces) Regulations, 2001

(Pn. 10005)

ARRANGEMENT OF REGULATIONS

Regulation

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I, Tom Kitt, Minister of State at the Department of Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 28 of the Safety, Health and Welfare at Work Act, 1989 (No. 7 of 1989) in relation to the matters set out in paragraphs (2), (3), (5), (25), (26), (28) and (32) of the Fourth Schedule to that Act, the Labour (Transfer of Departmental Administration and Ministerial Functions) Order, 1993 (S.I. No. 18 of 1993) (as adapted by the Enterprise and Employment (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 305 of 1997)), and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No. 2) Order, 1997 (S.I. No. 330 of 1997) and after consultation with the National Authority for Occupational Safety and Health, hereby make the following regulations:

1. Citation and Commencement

- (1) These Regulations may be cited as the Safety, Health and Welfare at Work (Confined Spaces) Regulations, 2001.
- (2) These Regulations shall come into operation on the 31st day of August, 2001.

2. Interpretation

(1) In these Regulations -

“confined space” means any place which, by virtue of its enclosed nature creates conditions which give rise to a likelihood of accident, harm or injury of such a nature as to require emergency action due to –

(a) the presence or the reasonably foreseeable presence of

- (i) flammable or explosive atmospheres,
- (ii) harmful gas, fume, or vapour,
- (iii) free flowing solid or an increasing level of liquid,
- (iv) excess of oxygen,
- (v) excessively high temperature,

(b) lack or reasonably foreseeable lack of oxygen;

“diving operations” has the meaning assigned to it by Regulation 2 (1) of the Safety in Industry (Diving Operations) Regulations, 1981 (S.I. No. 422 of 1981);

“free flowing solid” means any substance consisting of solid particles and which is, or is capable of being in, a flowing or running consistency, and includes flour, grain, sugar, granular animal feeds, sand or other similar material;

“mine” has the meaning assigned thereto by section 3 of the Mines and Quarries Act, 1965 (No. 7 of 1965);

(2) In these Regulations, a reference to a paragraph is to a paragraph in the Regulation in which the reference occurs, unless it is indicated that reference to some other Regulation is intended, and a reference to a Regulation or a Schedule is to a Regulation of, or a Schedule to, these Regulations, unless it is indicated that reference to some other Regulation or Schedule is intended.

3. Application of Regulations

(1) The provisions of Regulations 2, 4 and Part II of the Safety, Health and Welfare at Work (General Application) Regulations, 1993 (S.I. No. 44 of 1993) shall apply in full to the application of the provisions of these Regulations.

- (2) These Regulations shall not apply to or in relation to -
 - (a) any place below ground in a mine; or
 - (b) any diving operations.
- (3) These Regulations shall apply to a self-employed person as they apply to an employer and as if that self-employed person was an employer and his own employee.

4. Duties

- (1) It shall be the duty of every employer to ensure –
 - (a) compliance with the provisions of these Regulations in respect of any work carried out by his employees; and
 - (b) compliance with the provisions of these Regulations in respect of any work carried out by persons other than his employees insofar as the provisions relate to matters which are within his control.
- (2) It shall be the duty of every employer and self-employed person involved in sharing a place of work with another employer or self-employed to co-operate in implementing the provisions of these Regulations.
- (3) Without prejudice to paragraph (1), it shall be the duty of every person at work to
 - (a) co-operate in carrying out the provisions of these Regulations; and
 - (b) make proper use of equipment including any personal protective equipment or other items provided for that person's health and safety.

5. Work in Confined Spaces

- (1) A person shall not enter a confined space to carry out work or any duty connected with that work (which work or duty is referred to in this Regulation and in Regulation 6 as a "work activity") for any purpose unless it is not reasonably practicable to achieve that purpose without such entry.
- (2) Without prejudice to paragraph (1), a person shall not enter a confined space to carry out a work activity in that confined space unless an

identification and evaluation of the risks to safety and health arising from such entry or such work activity have been made.

- (3)(a) Without prejudice to paragraph (1), a person shall not enter a confined space to carry out a work activity in that confined space unless there has been provided a system of work, which has been planned, organised, performed and maintained so as to render that work safe and without risks to health.
- (b) Any person involved in carrying out the system of work required under subparagraph (a) of this paragraph, shall be provided with adequate information, instruction and training appropriate to the particular characteristics of the work activity involved.

6. Emergency Arrangements

- (1) Without prejudice to Regulation 5 (1), a person shall not enter a confined space to carry out a work activity in that confined space unless there have been prepared in respect of that space suitable and sufficient arrangements for the rescue of persons in the event of an emergency.
- (2) Without prejudice to the generality of paragraph (1), the emergency arrangements shall include -
 - (a) all practicable measures necessary to ensure the safety and health of any person required to take part in the arrangements for rescue,
 - (b) the provision of a suitable and reliable means of raising the alarm in the event of an emergency,
 - (c) the making readily available of such equipment at point of use as is necessary to enable rescue procedures to be carried out and the maintenance of this equipment to ensure its reliability,
 - (d) the provision to any person, who is required to take part in the arrangements for rescue, of adequate information, instruction and training appropriate to the particular characteristics of the work activity involved, and
 - (e) where the need for resuscitation of any person is a likely consequence of a foreseeable risk, the provision and maintenance of such equipment as is necessary to enable resuscitation procedures to be carried out and the provision of appropriate training to any persons required to carry out these resuscitation procedures.

- (3) The emergency arrangements referred to in paragraph (1) shall be put into operation immediately, whenever there arises any circumstance to which those arrangements relate.

7. Revocations

The Regulations specified in column (2) of the Schedule are hereby revoked to the extent specified in column (3) of the Schedule.

Schedule

Regulation 7

Regulations Revoked

Number and Year (1)	Title (2)	Extent of Revocation (3)
S. I. No. 279 of 1960	Docks (Safety, Health and Welfare) Regulations, 1960	Regulation 18.
S. I. No. 322 of 1975	Shipbuilding and Ship-repairing (Safety, Health and Welfare) Regulations, 1975	Regulations 49, 50, 51 and 52.
S. I. No. 311 of 1979	Dangerous Substances (Retail and Private Petroleum Stores) Regulations, 1979	Regulations 48, 49 and 50.
S. I. No. 312 of 1979	Dangerous Substances (Oil Jetties) Regulations, 1979	Regulation 46.
S. I. No. 313 of 1979	Dangerous Substances (Petroleum Bulk Stores) Regulations, 1979	Regulations 62 and 63.
S. I. No. 314 of 1979	Dangerous Substances (Conveyance of Petroleum by Road) Regulations, 1979	Regulations 21 and 34 (3).
S. I. No. 138 of 1995	Safety, Health and Welfare at Work (Construction) Regulations, 1995	Regulation 36.

Given under my hand this 22nd day of May, 2001

Tom Kitt
Minister of State at the Department
of Enterprise, Trade and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations and does not purport to be a legal interpretation.)

These Regulations impose requirements and prohibitions with respect to the safety and health of persons carrying out work in confined spaces, as defined in Regulation 2(1). They apply to all work activities involving confined spaces, with the exception of activities below ground at a mine and diving operations.

The Regulations -

- (a) prohibit the entry into a confined space for the purpose of carrying out work or any duty connected with that work where it is reasonably practicable to carry out the work by other means (Regulation 5 (1));
- (b) require a risk identification and evaluation to be carried out prior to entering a confined space for the purpose of carrying out work (Regulation 5 (2));
- (c) require that entry into a confined space or work in a confined space be carried out only in accordance with a safe system of work (Regulation 5 (3)(a));
- (d) require the persons involved in carrying out the system of work to be adequately informed, instructed and trained appropriate to the particular characteristics of the work activity involved (Regulation 5 (3)(b));
- (e) require the preparation of suitable and sufficient arrangements for the rescue of any person at work in a confined space in case of an emergency (Regulation 6 (1));
- (f) impose requirements with regard to the content of the emergency arrangements, including the provision of a suitable and reliable means of raising the alarm in an emergency, the provision and maintenance of necessary rescue equipment, the provision of appropriate information, instruction and training and, where necessary, the provision and maintenance of resuscitation equipment and the provision of appropriate training to any persons required to carry out resuscitation procedures (Regulation 6 (2));

- (g) require the implementation of the emergency arrangements in the event of an emergency (Regulation 6 (3)).

These Regulations revoke and replace Regulation 18 of the Docks (Safety, Health and Welfare) Regulations, 1960, Regulations 49 to 52 of the Shipbuilding and Ship-repairing (Safety, Health and Welfare) Regulations, 1975, Regulations 48 to 50 of the Dangerous Substances (Retail and Private Petroleum Stores) Regulations, 1979, Regulation 46 of the Dangerous Substances (Oil Jetties) Regulations, 1979, Regulations 62 and 63 of the Dangerous Substances (Petroleum Bulk Stores) Regulations, 1979, Regulations 21 and 34 (3) of the Dangerous Substances (Conveyance of Petroleum by Road) Regulations, 1979 and Regulation 36 of the Safety, Health and Welfare at Work (Construction) Regulations, 1995.

The Regulations also replace the provisions of section 38 of the Factories Act, 1955, as amended by section 21 of the Safety in Industry Act, 1980, the repeal of which is activated by the Safety, Health and Welfare at Work Act, 1989 (Repeal of Section 38 of Factories Act, 1955) (Commencement), Order, 2001, made under sections 1 (2) and 4 (3) of the Safety, Health and Welfare at Work Act, 1989.

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