



Jersey

**HEALTH AND SAFETY AT WORK
(CONSTRUCTION) (PERSONAL
PROTECTIVE EQUIPMENT) (JERSEY)
REGULATIONS 2002**

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HEALTH AND SAFETY AT WORK (CONSTRUCTION) (PERSONAL PROTECTIVE EQUIPMENT) (JERSEY) REGULATIONS 2002

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HEALTH AND SAFETY AT WORK (CONSTRUCTION) (PERSONAL PROTECTIVE EQUIPMENT) (JERSEY) REGULATIONS 2002¹

THE STATES, in pursuance of Article 9 of the Health and Safety at Work (Jersey) Law 1989,² have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

In these Regulations, unless the context otherwise requires –

“construction work” means the carrying out of any building, civil engineering or engineering construction work and includes any of the following –

- (a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure or the use of corrosive or toxic substances), decommissioning, demolition or dismantling of a structure;
- (b) the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation, and laying or installing the foundations of the structure;
- (c) the assembly of prefabricated elements to form a structure or the disassembly of prefabricated elements which, immediately before such disassembly, formed a structure;
- (d) the removal of a structure or part of a structure or of any product or waste resulting from demolition or dismantling of a structure or from disassembly of prefabricated elements which, immediately before such disassembly, formed a structure; and
- (e) the installation, commissioning, maintenance, repair or removal of the mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure,

but does not include the exploration for or extraction of mineral resources or any activities preparatory thereto carried on at a place where such exploration or extraction is carried out;

“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 the person’s health or safety, and any addition or accessory designed to meet that objective;

“structure” means –

- (a) any building, steel or reinforced structure (not being a building), railway line or siding, tramway line, dock, harbour, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipeline (whatever, in either case, it is intended to contain), cable, aqueduct, sewer, sewage works, gasholder, road, airfield, sea defence works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure, or structure designed to preserve or alter any natural feature, and any other structure similar to the foregoing;
- (b) any framework, falsework, scaffold or other structure designed or used to provide support or means of access during construction work; or
- (c) any fixed plant in respect of work which is installation, commissioning, de-commissioning or dismantling and where any such work involves a risk of a person falling more than 2 metres.

“suitable head protection” means personal protective equipment which –

- (a) is designed to provide protection for the head, so far as is reasonably practicable, against foreseeable risks of injury to the head to which the wearer may be exposed;
- (b) after any necessary adjustment, fits the wearer; and
- (c) is suitable having regard to the work or activity in which the wearer may be engaged.

2 Application

- (1) These Regulations apply to any person at work on construction work.
- (2) These Regulations do not apply in respect of personal protective equipment which is –
 - (a) ordinary working clothes and uniforms which do not specifically protect the health and safety of the wearer;
 - (b) an article made, adapted or intended for use for causing injury to any person and used as self-defence or as a deterrent;
 - (c) portable devices for detecting and signalling risks and nuisances;
 - (d) used for protection while travelling on a road (within the meaning of Article 1(1) of the Road Traffic (Jersey) Law 1956);³ or
 - (e) used during the playing of competitive sports.

3 Provision, maintenance and replacement of suitable head protection

- (1) Every employer shall provide each of his or her employees with suitable head protection and shall maintain it and replace it whenever necessary.
- (2) Every self-employed person shall provide himself or herself with suitable head protection and shall maintain it and replace it whenever necessary.

4 Ensuring suitable head protection is worn

- (1) Every employer shall ensure so far as is reasonably practicable that each of his or her employees wears suitable head protection unless there is no foreseeable risk of injury to the employee's head other than by falling.
- (2) Every employer, self-employed person or employee who has control over any other person shall ensure so far as is reasonably practicable that each such other person wears suitable head protection, unless there is no foreseeable risk of injury to that other person's head other than by falling.

5 Rules and directions

- (1) The person for the time being having control of a site where construction work is being carried out may, so far as is necessary to comply with Regulation 4, make rules regulating the wearing of suitable head protection on that site.
- (2) Rules made in accordance with paragraph (1) shall be in writing and shall be brought to the notice of persons who may be affected by them.
- (3) An employer may, so far as is necessary to comply with Regulation 4(1), give directions requiring the employer's employees to wear suitable head protection.
- (4) An employer, self-employed person or employee who has control over any other self-employed person may, so far as is necessary to comply with Regulation 4(2), give directions requiring each such other self-employed person to wear suitable head protection.

6 Wearing of suitable head protection

- (1) Every employee who has been provided with suitable head protection shall wear that head protection when required to do so by rules made or directions given under Regulation 5.
- (2) Every self-employed person shall wear suitable head protection when required to do so by rules made or directions given under Regulation 5.
- (3) Every self-employed person who is not under the control of another employer or self-employed person or of an employee shall wear suitable head protection unless there is no foreseeable risk of injury to his or her head otherwise than by his or her falling.

7 Provision, maintenance and replacement of other personal protective equipment

- (1) Every employer shall –
 - (a) provide suitable personal protective equipment other than head protection to his or her employees who may be exposed to a risk to their health or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective; and
 - (b) maintain such equipment in an efficient state, in efficient working order and in good repair and replace or clean it whenever necessary.
- (2) Every self-employed person shall –
 - (a) provide himself or herself with suitable personal protective equipment other than head protection where the self-employed person may be exposed to a risk to his or her health or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective; and
 - (b) maintain such equipment in an efficient state, in efficient working order and in good repair and replaced or clean it whenever necessary.
- (3) Without prejudice to the generality of paragraphs (1) and (2), personal protective equipment is not suitable unless –
 - (a) it is appropriate for the risk or risks involved, the conditions at the place where exposure to the risk may occur and the period for which it is worn;
 - (b) it takes account of ergonomic requirements and the state of health of the person or persons who may wear it, and of the characteristics of the workstation of each such person;
 - (c) it is capable of fitting the wearer correctly, if necessary, after adjustments within the range for which it is designed; and
 - (d) so far as is practicable, it is effective to prevent or adequately control the risk or risks involved without increasing overall risk.
- (4) Where it is necessary to ensure that personal protective equipment is hygienic and otherwise free of risk to health, every employer and every self-employed person shall ensure that personal protective equipment provided under this Regulation is provided for individual use.

8 Compatibility of personal protective equipment

- (1) Every employer shall ensure that where the presence of more than one risk to health or safety makes it necessary for his or her employee to wear or use simultaneously more than one item of personal protective equipment, such equipment is compatible and continues to be effective against the risk or risks in question.
- (2) Every self-employed person shall ensure that where the presence of more than one risk to health or safety makes it necessary for the self-employed

person to wear or use simultaneously more than one item of personal protective equipment, such equipment is compatible and continues to be effective against the risk or risks in question.

9 Assessment of personal protective equipment

- (1) Before choosing any personal protective equipment, an employer or self-employed person shall make an assessment to determine whether it is suitable.
- (2) The assessment required by paragraph (1) shall involve –
 - (a) in the case of personal protective equipment other than head protection, an assessment of any risk or risks to health or safety which have not been avoided by other means;
 - (b) the definition of the characteristics which personal protective equipment must have in order to be suitable and, where subparagraph (a) applies, effective against the risks there referred to, taking into account any risks which the equipment itself may create;
 - (c) comparison of the characteristics of the personal protective equipment available with the characteristics referred to in subparagraph (b); and
 - (d) an assessment as to whether the personal protective equipment is compatible with other personal protective equipment provided which is in use and which an employee would be required to wear simultaneously.
- (3) The person who made the assessment required by paragraph (1) shall review it if –
 - (a) there is reason to suspect that it is no longer valid; or
 - (b) there has been a significant change in the matters to which it relates,

and where as a result of any such review changes in the assessment are required, the person shall make such changes.

10 Accommodation for personal protective equipment

Every employer or self-employed person shall ensure that appropriate accommodation is available for personal protective equipment provided by virtue of these Regulations when it is not being used.

11 Information, instruction and training

- (1) Where an employer is required to provide personal protective equipment to an employee, the employer shall ensure that the employee is provided with such information, instruction and training as is adequate and appropriate to enable the employee to know –

- (a) the risk or risks which the personal protective equipment will avoid or limit;
 - (b) the purpose for which and the manner in which personal protective equipment is to be used; and
 - (c) any action to be taken by the employee to ensure that the personal protective equipment remains in an efficient state, in efficient working order and in good repair as required by these Regulations, and shall also ensure that such information is kept available to employees.
- (2) Without prejudice to the generality of paragraph (1) –
- (a) the information and instruction provided by virtue of that paragraph shall not be adequate and appropriate unless it is comprehensible to the persons to whom it is provided and kept available to them; and
 - (b) the employer shall, where appropriate and if so, at suitable intervals, organise demonstrations of the wearing of personal protective equipment.

12 Use of personal protective equipment

- (1) Every employer shall take all reasonable steps to ensure that any personal protective equipment provided to the employer's employees by virtue of these Regulations is properly used.
- (2) Every employee shall use any personal protective equipment provided to him or her by virtue of these Regulations in accordance both with any training in the use of the personal protective equipment concerned which has been received by the employee and the instructions respecting that use which have been provided to the employee by virtue of Regulation 11.
- (3) Every self-employed person shall make full and proper use of any personal protective equipment with which he or she is required to provide himself or herself by virtue of these Regulations.
- (4) Every employee who has been provided with, and every self-employed person who provides himself or herself with, personal protective equipment by virtue of these Regulations shall take all reasonable steps to ensure that it is returned to the accommodation provided for it after use.

13 Reporting loss or defect

Every employee who has been provided with personal protective equipment shall take reasonable care of it and shall forthwith report to his or her employer any loss of or obvious defect in that personal protective equipment.

14 Exemption certificates

- (1) Subject to paragraph (2), the Minister may, by certificate in writing, exempt any person or class of persons or any activity or class of activities

from any requirement imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

- (2) The Minister shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to –
- (a) the conditions, if any, which the Minister proposes to attach to the exemption; and
 - (b) any other requirements imposed by or under any enactment which apply to the case,

if the Minister is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced because of it.

15 Citation

These Regulations may be cited as the Health and Safety at Work (Construction) (Personal Protective Equipment) (Jersey) Regulations 2002.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Health and Safety at Work (Construction) (Personal Protective Equipment) (Jersey) Regulations 2002	R&O.115/2002	3 October 2002
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005

Table of Renumbered Provisions

Original	Current
1(1)	1
(2), (3)	spent, omitted from this revised edition

Table of Endnote References

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- ¹ *These Regulations have been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *chapter 05.300*
- ³ *chapter 25.550*