



STATUTORY INSTRUMENTS.

S.I. No. 2 of 2020

SAFETY, HEALTH AND WELFARE AT WORK (GENERAL
APPLICATION) (AMENDMENT) REGULATIONS 2020

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I, PAT BREEN, Minister of State at the Department of Business, Enterprise and Innovation, in exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) (as adapted by the Jobs, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 364 of 2017)) and the Business, Enterprise and Innovation (Delegation of Ministerial Functions) Order 2017 (No. 569 of 2017), after consultation with the Health and Safety Authority, hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2020.

(2) These Regulations come into operation on 1 April 2020.

(3) The Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2016 and these Regulations may be cited together as the Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2020.

2. The Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) are amended -

(a) in the “Arrangement of Regulations”, by the substitution of -

- “55. Safe working loads for excavators, telehandlers and backhoe loaders when used for object handling.” for
- “55. Safe working loads for excavators, draglines, telehandlers, loaders or combined excavators and loaders when used as cranes.”,

(b) in Regulation 27, by -

- (i) the deletion of the definition “selection, installation and use of work equipment”, and
- (ii) the insertion of the following definition:

“ ‘use of work equipment’ means any activity involving work equipment, including, its use, transport, repair, modification, maintenance, servicing, cleaning, and the starting or stopping of the equipment;”,

(c) in paragraph (1) of Regulation 32, by the substitution of the following subparagraph for subparagraph (g):

“(g) an exposed employee has the time and the means quickly to avoid hazards caused by the starting or stopping of the work equipment;”,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th January, 2020.*

- (d) in subparagraph (a) of Regulation 36, by the substitution of “between a mobile item of work equipment and its accessories or anything towed” for “between an item of mobile work equipment and its accessories or anything towed, or both,”,
- (e) in Regulation 38, by the substitution of the following paragraph for paragraph (3):

“(3) An employer shall ensure that, where there is a risk of a ride-on employee being crushed between parts of the work equipment and the ground should the equipment roll over, a restraining system for the ride-on employees is installed.”,
- (f) in subparagraph (c) of Regulation 39, by the substitution of “ride-on employees” for “employees carried”,
- (g) in subparagraph (c) of Regulation 41, by the substitution of “for that purpose” for “to this effect”,
- (h) in Regulation 42 -
 - (i) by the substitution, in subparagraph (b), of “ensured” for “assured”, and
 - (ii) by the substitution, in subparagraph (d), of “and, where appropriate, is fitted with a load plate giving” for “, and where appropriate”,
- (i) in Regulation 43, by -
 - (i) the substitution, in paragraph (1)(e)(i), of “unless the use of either coefficient is prohibited by direction from the equipment manufacturer, in which case the test at issue shall be carried out taking account of any direction from the machine manufacturer” for “taking account of any direction from the equipment manufacturer”, and
 - (ii) the substitution of the following paragraph for paragraph (2):

“(2) This Regulation does not apply to machines to which Regulation 55 applies”,
- (j) in paragraph (1) of Regulation 48, by the substitution of “for that purpose” for “to this effect”,
- (k) in subparagraph (a) of Regulation 49, by the substitution of “by reference to” for “as a function of”,
- (l) in Regulation 50, by -
 - (i) the substitution, in subparagraph (e), of -
 - (I) “lifted simultaneously” for “lifted”, and
 - (II) “loads” for “loads simultaneously”, and
 - (ii) the substitution, in subparagraph (i), of “particular measures” for “particular”,
- (m) in Regulation 52, by -

- (i) the substitution, in paragraph (1)(b)(ii), of the following clause for clause (III):

“(III) is accompanied by any necessary information and instructions required under paragraph (c) of, and any relevant proofs of any assessment, research and tests required under paragraph (d) of, Regulation 4 of the European Communities (Machinery) Regulations 2008 (S.I. No. 407 of 2008), and”, and

- (ii) the substitution, in paragraph (2), of “the date of first use” for “the date of the certificate referred to in paragraph (1)(b)(ii)(III)”, and

(n) in Regulation 55 -

- (i) by the substitution of the following title for the title:

“Safe working loads for excavators, telehandlers and backhoe loaders when used for object handling.”,

- (ii) by the substitution of the following paragraph for paragraph (1):

“(1) In this Regulation, reference to -

- (a) “machine” is a reference to an excavator, a telehandler, or a backhoe loader when used for object handling, and

- (b) “object handling” is a reference to lifting, lowering or transporting a load by the use of lifting accessories, whereby the assistance of a person or the operator of the machine is required for hooking or unhooking the load, or stabilising it while it is being transported.”, and

- (iii) in paragraph (2) -

- (I) by the substitution, in subparagraph (a) -

- (A) of “used for object handling” for “used”, and

- (B) in clause (ii), of “load for the different configurations of the machine and” for “load and”,

- (II) by the substitution of the following subparagraph for subparagraph (c):

- “(c) a machine is not loaded beyond the relevant safe working load specified in the certificate required by subparagraph

(a)(ii), or as specified by the manufacturer, whichever is the lower, except when Regulation 42(j) applies.",

- (III) by the substitution, in subparagraph (d), of -
 - (A) "and, where applicable, the outrigger or jack position" for "and the outrigger position",
 - (B) "information" for "a copy of the table", and
 - (C) "displayed" for "affixed",
- (IV) by the substitution of the following for subparagraph (f) -
 - "(f) machines with a maximum rated lift capacity at a minimum lift point radius as specified by the manufacturer of greater than or equal to 1,000kg or an overturning moment greater than or equal to 40,000 Nm are fitted with -
 - (i) check valves on the cylinders used for lifting or by another means to prevent a gravity fall of the load in the event of a hydraulic failure, and
 - (ii) an acoustic or visual warning device that indicates to the operator when the rated lift capacity or corresponding load moment is reached.",

and

- (V) by the deletion of subparagraphs (g) and (h)

GIVEN under my hand,
10 January 2020

PAT BREEN,
Minister of State at the Department of Business, Enterprise and
Innovation

EXPLANATORY NOTE

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

These Regulations amend the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as previously amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007); the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2010 (S.I. No. 176 of 2010); the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2012 (S.I. No. 445 of 2012); the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2016 (S.I. No. 36 of 2016); the Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2016 (S.I. No. 70 of 2016) and the Safety, Health and Welfare at Work (General Application) (Amendment) (No. 3) Regulations 2016 (S.I. No. 370 of 2016) in order to give effect to the provisions of Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (codified version).

The Regulations along with the other Regulations listed above shall be cited together as the Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2020.

The Regulations amend certain provisions in Chapter 2 Use of Work Equipment of Part 2 Workplace and Work Equipment of the General Application Regulations in order to facilitate the full transposition of the provisions of Directive 2009/104/EC. The Regulations amended are No.s 27, 32, 36, 38, 39, 41, 42, 43, 48, 50 52, and 55.

The Regulations shall come into operation on 1st April 2020.

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