



STATUTORY INSTRUMENTS.

S.I. No. 619 of 2021



SAFETY, HEALTH AND WELFARE AT WORK (GENERAL
APPLICATION) (AMENDMENT) (NO. 2) REGULATIONS 2021

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SAFETY, HEALTH AND WELFARE AT WORK (GENERAL APPLICATION) (AMENDMENT) (NO. 2) REGULATIONS 2021

I, DAMIEN ENGLISH, Minister of State at the Department of Enterprise, Trade and Employment, 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 Business, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 519 of 2020)) and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) Order 2020 (No. 579 of 2020), hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (General Application) (Amendment) (No. 2) Regulations 2021.

(2) These Regulations shall come into operation on 20 November 2023.

(3) These Regulations shall be included in the collective citation the Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2021.

(4) In these Regulations “Principal Regulations” means the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007).

2. The Principal Regulations are amended as follows -

(a) Regulation 27 of the Principal Regulations is amended by inserting before “carrier” the following –

“‘all-terrain vehicle’ means a motorised vehicle, propelled by an internal combustion engine with liquid fuel or by other means, intended primarily to travel on unpaved surfaces on four wheels with low-pressure tyres, having a seat designed to be straddled by the rider and handlebars for steering.”

(b) Regulation 40 (b) of the Principal Regulations is amended by inserting after it the following –

“(c) where work involves the operation of an all-terrain vehicle –

(i) that the operator of the all-terrain vehicle has successfully completed an all-terrain vehicle safety training course provided by a registered training provider to a QQI Standard or equivalent,

(ii) that a risk assessment is conducted in accordance with section 19 of the Act,

(iii) that an assessment is conducted in accordance with Regulation 63, and

- (iv) that personal protective equipment is provided to and worn by the operator of the all-terrain vehicle in accordance with Regulation 62.”
- (c) PART B of SCHEDULE 2 of the Principal Regulations is amended by inserting before “– Hairnets against risk of entanglement” the following –
 - “– Where work involves the operation of an all-terrain vehicle, a protective helmet recommended by the all-terrain vehicle manufacturer, or designed for use with all-terrain vehicles in compliance with relevant European Community directives and European Union regulations regarding design and manufacture of personal protective equipment with respect to safety and health, said helmet to have a chin strap and to be capable of use with suitable eye protection”
- (d) PART C of SCHEDULE 2 of the Principal Regulations is amended –
 - (i) by inserting after “– Work involving travelling on bicycles and mechanically propelled bikes” the following –
 - “– Operation of all-terrain vehicles”, and
 - (ii) by inserting after “– Dental and surgical procedures” the following –
 - “– Operation of all-terrain vehicles”.

GIVEN under my hand,
24 November 2021

DAMIEN ENGLISH,
Minister of State at the Department of Enterprise, Trade and
Employment.

EXPLANATORY NOTE

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

The Regulations amend the Safety, Health and Welfare at Work (General Application) Regulations 2007 to 2021, introducing specific PPE requirements for operators of all-terrain vehicles (ATVs) when used as part of work practices.

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