

# Health and Safety Legislation Consultation

## Confined Spaces Regulations 2025

Department of Environment, Food and Agriculture

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**Contact**

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## Overview

The Isle of Man (IOM) has jurisdiction over its territorial waters but currently does not have a comprehensive offshore health, safety, and environmental framework to regulate work activities offshore.

To address this gap, the Department of Environment, Food and Agriculture (DEFA) is reviewing and updating specific legislation to align with UK Health and Safety Executive (HSE) standards. This will enable offshore work to proceed under internationally recognised safety regulations, supporting future offshore energy developments.

To ensure consistent health and safety standards across both land and sea, the updated legislation will apply to work undertaken onshore and offshore within the Island and its territorial waters. This process has the added advantage of updating legislation in key areas to align with the latest UK legislation.

This consultation specifically relates to the following draft legislation:

- **Confined Spaces Regulations 2025**

Recognising the potential impact on IOM businesses, DEFA will implement a phased approach designed to give businesses sufficient time to prepare for compliance. Following public consultation and incorporation of any necessary amendments, the Department aims to submit the proposed legislation to Tynwald in early 2026, with a target commencement date of 1 Aug 2028.

DEFA welcomes stakeholder and public feedback on the updated and proposed health and safety legislation, and where appropriate any associated guidance documentation, through this public consultation process.

## What these Regulations do

At present, the IOM does not have dedicated confined spaces regulations. Instead, work in confined or enclosed environments is governed indirectly through Health and Safety at Work etc. Act 1974, as applied to the Island. This legislation imposes general duties on employers, employees, and the self-employed to manage workplace risks “so far as is reasonably practicable,” which includes hazards in confined spaces.

The IOM **Confined Spaces Regulations 2025** are designed to safeguard workers from the significant hazards associated with working in enclosed or partially enclosed environments where serious risks such as asphyxiation, fire, explosion, drowning, or entrapment may arise.

These regulations set out clear duties for employers, self-employed persons and workers, emphasizing the need to avoid entry wherever possible, implement safe systems of work when entry is unavoidable, and establish robust emergency arrangements. By defining responsibilities and prohibitions, the regulations aim to prevent accidents and protect health and safety in some of the most hazardous workplace conditions.

## Practical Implications of the Introduction of the 2025 Regulations

The practical implications of introducing the Confined Spaces Regulations 2025 can be summarized as follows:

### 1. Stronger Legal Duties

- Employers and self-employed persons will have explicit obligations to avoid entry unless absolutely necessary, and to ensure safe systems of work for any confined-space activity.
- This moves from general duty under the Health and Safety at Work Act to specific, enforceable requirements.

### 2. Mandatory Risk Assessment and Planning

- Before entry, organizations must demonstrate that alternative methods were considered and that entry is unavoidable.
- Detailed risk assessments and permit-to-work systems will become standard practice.

### 3. Emergency Preparedness

- Businesses will need to prepare and maintain rescue arrangements, including resuscitation equipment where relevant.
- Training for emergency response teams will become essential.

### 4. Possible Increased Compliance Costs

- Investment in specialist equipment (e.g., gas monitors, breathing apparatus) and training for confined-space entry and rescue.
- Possible need for external contractors for high-risk work.

### 5. Enforcement and Accountability

- Clearer legal framework means greater scrutiny by inspectors and potential penalties for non-compliance.
- Employers will need robust documentation to demonstrate compliance.

## 6. Cultural and Operational Change

- Shift towards “avoid entry” philosophy, encouraging innovation in remote inspection and maintenance.
- More emphasis on competence and supervision for confined-space work.

## Other legislation mentioned in the Legislation

The draft legislation mentions several other pieces of legislation within specific regulations and for clear reasons, as follows:

### 1. The IOM **Health and Safety at Work etc. Act 1974**

- Where: Introductory section and Regulation 10.
- Purpose: Provides the enabling powers for these regulations under section 15 and Schedule 3. It is the primary Act applied in the Isle of Man for workplace health and safety.

### 2. The IOM (draft) **Diving at Work Regulations 2025**

- Where: Regulation 3 (Interpretation) and Regulation 4 (Disapplication).
- Purpose: Defines “diving project” and excludes diving operations from these regulations because they are covered by separate, specialized legislation.

### 3. The IOM **Mines and Quarries Regulation Act 1950**

- Where: Regulation 3 (Interpretation).
- Purpose: Defines “mine” and excludes below-ground work in mines from these regulations, as those activities are regulated under this Act.

### 4. The IOM (draft) **Health and Safety at Work etc. Act 1974 (Application to the Territorial Sea) Order 2026**

- Where: Regulation 10.
- Purpose: Extends the application of these regulations to certain offshore premises and activities within the Isle of Man’s territorial sea.

## Consultation Objectives

The following are the objectives of this consultation:

### 1. **Legislative alignment:**

Assess stakeholder support for aligning Manx health & safety legislation with UK standards, ensuring consistency and regulatory compatibility.

2. **Regulatory scope and clarity:**  
Identify specific areas within health & safety regulation that may require additional focus, clarification, or enhancement to meet industry needs and best practices.
3. **Industry impact and readiness:**  
Understand potential challenges for IOM-based businesses in adapting to the new framework, including operational, financial, or compliance-related concerns.
4. **Support mechanisms:**  
Identify the support needs of stakeholders (e.g., guidance, training, transitional arrangements) to facilitate effective implementation and compliance with the new regime.
5. **Feedback on draft legislation:**  
Collect stakeholder input on the draft legislative instruments for each stage of consultation.
6. **General feedback:**
  - Provide an open channel for additional comments, concerns, or suggestions to inform the development of a robust and responsive health & safety framework.

## IOM Health & Safety at Work Inspectorate

When any new legislation is introduced the Department is conscious of the need to ensure that the best guidance documentation is available. The current [IOM HSWI website](#) states the following:

- *“UK legislation and their associated codes of practice is best viewed as an illustration of good practice which may be helpful in explaining the general duties imposed by the Health and Safety at Work etc. Act 1974”.*

## Differences between UK HSE ACOPs and UK HSE Guidance

When referring to UK codes of practice, better known as “Approved Codes of Practice (ACOPs)” it is important to note and be aware of the differences between UK Health and Safety Executive (HSE) guidance and a UK HSE issued ACOP. UK HSE clarifies the differences here: [Legal status of HSE guidance and ACOPs](#).

When reading a UK HSE published ACOP, individuals and organisations should be aware of the presentation convention; which is normally explained within the documentation. A common standard is that ACOP text is set out in bold, accompanying guidance in normal type, with the text of the actual Regulations in italics.

It should also be noted that whilst certain UK Regulations have an associated ACOP, others only have guidance. As an example there is no longer an ACOP for the **UK Construction (Design and Management) Regulations (CDM) 2015**; it was replaced by guidance when the regulations were last updated.

## Using UK HSE Guidance Documents with IOM legislation

When referring to UK ACOPs and guidance to assist with compliance of IOM legislation, individuals and organisations must be aware that whilst the intent is to align with the UK best practice, there may still be specific elements of the IOM legislation that are different to UK legislation. Examples being different paragraph and section/article numbering or elements of the UK legislation being omitted (e.g. if UK is referring to legislation not currently in place or applicable on the IOM).

## Relevant UK ACOP or Guidance

- [HSE ACOP & Guidance: Safe Work in Confined Spaces](#) (L101, 3rd Edition, 2014)
- [HSE INDG258 – Safe Work in Confined Spaces](#) (Leaflet)

## Summary

The IOM **Confined Spaces Regulations 2025** will make work in confined spaces safer by introducing clear, enforceable standards. They require employers to avoid entry where possible, use safe systems of work when entry is unavoidable, and have effective emergency arrangements in place. These measures will reduce serious risks, improve compliance, and align the IOM with modern best practice, creating safer workplaces and stronger safety culture.

## Reasonable adjustments and alternative formats

The Department is committed to equal opportunities and our aim is to make our documents easy to use and accessible to all. The Department will take steps to accommodate any reasonable adjustments and provide such assistance as may reasonably be required to enable access or reply to this consultation. If this document is required in another format or assistance is required with accessing or replying to this consultation, please email [DEFAOffshore@gov.im](mailto:DEFAOffshore@gov.im).

## Responding to this consultation and questions

This consultation can be responded to by clicking on the 'Online Survey' link below. Alternatively you can download a paper version of this consultation from the links on the consultation hub and email it to [DEFAOffshore@gov.im](mailto:DEFAOffshore@gov.im) or post it to:

The Offshore Team

Department of Environment Food and Agriculture,  
Regulation Directorate,

Thie Slieau Whallian, Foxdale Road, St Johns, Isle of Man, IM4 3AS.

## About you

### 1. Which option best describes your interest in responding to this consultation?

- ☐ Member of public
- ☐ Isle of Man Government
- ☐ Business owner or Stakeholder
- ☐ Member of Tynwald
- ☐ Other (please specify)

Other:

### 2. Are you responding on behalf of an organisation or industry?

- ☐ Yes
- ☐ No

Organisation / industry:

Number of people or organisations represented:

### 3. Are you happy for us to contact you regarding your response if we need to?

- ☐ Yes
- ☐ No

If yes then please add your name and contact email address.

Name:

Email:

### 4. May we publish your response?

Please read our Privacy Policy for more details and your rights.

More Information:

- **Publish in full** – your organisation name, or the industry you represent, along with full answers will be published on the hub (your email will not be published)
- **Publish anonymously** – only your responses will be published on the hub (your organisation name, or the industry you represent, and email will not be published)
- **Do not publish** – nothing will be published publically on the hub (your response will only be part of a larger summary response document)

(An answer is required)

- ☐ Yes, you can publish my response in full
- ☐ Yes, you may publish my response anonymously
- ☐ No, please do not publish my response

## Consultation Questions

1. Do you agree that the Isle of Man should follow UK standards and processes for health and safety laws and its regulation?  
*(Yes/No – Please tell us why you agree or disagree).*
2. Are there any parts of the legislation being consulted upon that require more clarity to aid understanding and assist with compliance?  
*(Yes/No – If yes, please tell us which areas and why).*
3. Is the proposed implementation strategy and timescale for the introduction of the IOM **Confined Spaces Regulations 2025** appropriate for industry readiness?  
*(Yes/No – Please add any comments you may have).*
4. Are there any specific support mechanisms (e.g., guidance, training, transitional arrangements) that would help you or your organisation prepare for the new legislation?  
*(Yes/No – If yes, please tell us what kind of support would be most helpful).*
- Do you have any other comments on the draft IOM **Confined Spaces Regulations 2025** legislation attached to this stage of the overall consultation process?  
*(Comment Box)*
5. Is there anything else you'd like to tell us about the proposed changes or the consultation process?  
*(Comment Box)*