



CONFINED SPACES REGULATIONS 2025

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Statutory Document No. 20XX/XXXX

*Health and Safety at Work etc. Act 1974*

CONFINED SPACES REGULATIONS 2025

*Approved by Tynwald:**Coming into Operation:**1 August 2028*

The Department of Environment, Food and Agriculture makes the following Regulations, after consulting such organisations as it considers represent the interests affected by the Regulations¹, under section 15(1), (2), (3)(a), (5)(a) and (b), (6)(a) and (b), (8) and (9) and 82(3)(a) of, and paragraphs 1(1) and (2), 9, 11 and 18(a) of Schedule 3 to, the Health and Safety at Work etc. Act 1974² (an Act of Parliament), as it has effect in the Island³.

1 Title

These Regulations are the Confined Spaces Regulations 2025.

2 Commencement

If approved by Tynwald⁴, these Regulations come into operation on 1 August 2028.

3 Interpretation

SI 1997/1713/1(3)

In these Regulations, unless the context otherwise requires —

“**confined space**” means any place, including any chamber, tank, vat, silo, pit, trench, pipe, sewer, flue, well or other similar space in which, by virtue of its enclosed nature, there arises a reasonably foreseeable specified risk;

“**the Department**” means the Department of Environment, Food and Agriculture;

“**diving project**” has the meaning assigned thereto by regulation 3(1) of the Diving at Work Regulations 2025⁵;

¹ As required by section 82(4) of the Health and Safety at Work Etc. Act 1974 as it applies in the Island.

² 1974 c.37.

³ SD 2024/0073.

⁴ Tynwald approval is required under section 82(5) of the Health and Safety at Work Etc. Act 1974 as it applies in the Island.

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

“mine” has the meaning assigned thereto by section 15 of the Mines and Quarries Regulation Act 1950⁶;

“specified risk” means a risk of —

- (a) serious injury to any person at work arising from a fire or explosion;
- (b) without prejudice to paragraph (a) —
 - (i) the loss of consciousness of any person at work arising from an increase in body temperature;
 - (ii) the loss of consciousness or asphyxiation of any person at work arising from gas, fume, vapour or the lack of oxygen;
- (c) the drowning of any person at work arising from an increase in the level of a liquid; or
- (d) the asphyxiation of any person at work arising from a free flowing solid or the inability to reach a respirable environment due to entrapment by a free flowing solid;

“system of work” includes the provision of suitable equipment which is in good working order.

4 Disapplication of Regulations

SI 1997/1713/2

These Regulations do not apply to or in relation to —

- (a) the master or crew of a sea-going ship or to the employer of such persons in respect of the normal ship-board activities carried out solely by a ship’s crew under the direction of the master; or
- (b) any place below ground in a mine; or
- (c) any diving project to and in relation to which the Diving at Work Regulations 2025 apply by virtue of regulation 4 of those Regulations.

5 Duties

SI 1997/1713/3

(1) Every employer must —

- (a) ensure compliance with the provisions of these Regulations in respect of any work carried out by the employer’s employees; and

⁵ SD 2025/XXXX.

⁶ AT 10 of 1950

- (b) ensure compliance, so far as is reasonably practicable, with the provisions of these Regulations in respect of any work carried out by persons other than the employer's employees insofar as the provisions relate to matters which are within the employer's control.
- (2) Every self-employed person must —
 - (a) comply with the provisions of these Regulations in respect of his or her own work; and
 - (b) ensure compliance, so far as is reasonably practicable, with the provisions of these Regulations in respect of any work carried out by other persons insofar as the provisions relate to matters which are within his or her control.

6 Work in confined spaces

SI 1997/1713/4

- (1) A person at work must not enter a confined space to carry out work for any purpose unless it is not reasonably practicable to achieve that purpose without such entry.
- (2) Without prejudice to paragraph (1), so far as is reasonably practicable, a person at work must not enter or carry out any work in or (other than as a result of an emergency) leave a confined space otherwise than in accordance with a system of work which, in relation to any relevant specified risks, renders that work safe and without risks to health.

7 Emergency arrangements

SI 1997/1713/5

- (1) Without prejudice to regulation 6, a person at work must not enter or carry out work in a confined space unless there have been prepared in respect of that confined space suitable and sufficient arrangements for the rescue of persons in the event of an emergency, whether or not arising out of a specified risk.
- (2) Without limiting paragraph (1), the arrangements referred to in that paragraph are not to be regarded as suitable and sufficient unless —
 - (a) they reduce, so far as is reasonably practicable, the risks to the health and safety of any person required to put the arrangements for rescue into operation; and
 - (b) they require, where the need for resuscitation of any person is a likely consequence of a relevant specified risk, the provision and maintenance of such equipment as is necessary to enable resuscitation procedures to be carried out.
- (3) Whenever there arises any circumstance to which the arrangements referred to in paragraph (1) relate, those arrangements, or the relevant

part or parts of those arrangements, must immediately be put into operation.

8 Exemption certificate

SI 1997/1713/6

- (1) The Department may, by a certificate in writing, exempt —
 - (a) any person or class of persons; or
 - (b) any type or class of confined space,from the application of any of the requirements or prohibitions imposed by these Regulations, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Department by a further certificate in writing.
- (2) But the Department must not grant any such exemption unless, having regard to the circumstances of the case, and in particular to —
 - (a) the conditions, if any, which it proposes to attach to the exemption; and
 - (b) any other requirements imposed by or under any enactments which apply to the case,it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

9 Defence in proceedings

SI 1997/1713/7

- (1) In any proceedings for an offence for a contravention of regulation 7(3) it is a defence for the person charged to prove —
 - (a) that the contravention was due to the act or default of another person not being one of his employees (“**the other person**”); and
 - (b) that the person charged took all reasonable precautions and exercised all due diligence to avoid the contravention.
- (2) The person charged is not, without leave of the court, entitled to rely on the defence referred to in paragraph (1) above unless, within a period ending 7 clear days before the hearing to determine mode of trial, the person charged has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.
- (3) Where a contravention of the provision referred to in paragraph (1) by any person is due to the act or default of some other person, that other person is guilty of the offence which would, but for any defence under this regulation available to the first-mentioned person, be constituted by the act or default.

10 Application to the territorial sea

SI 1997/1713/8 and drafting

These Regulations, subject to regulation 4, apply to and in relation to the premises and activities in the territorial sea to which sections 1 to 53 and 80 of the Health and Safety at Work etc. Act 1974 (of Parliament) apply by virtue of paragraphs (a), (c), (f) and (g) of article 11(1) of the Health and Safety at Work etc. Act 1974 (Application to the Territorial Sea) Order 2026⁷ as they apply elsewhere within the Island, but do not apply in any case where at the relevant time article 5, 6 7 or 8 of that Order applies.

MADE

CLARE BARBER

Minister for Environment, Food and Agriculture

⁷ SD 2026/xxxx.

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations impose requirements and prohibitions with respect to the health and safety of persons carrying out work in confined spaces (as defined in regulation 3). The main provision dealing with this is regulation 5, which specifies the duties of employers and others in relation to work in such spaces.

The Regulations do not apply to activities on-board ship, below ground at a mine or to any diving operation within the meaning of the Diving Operations at Work Regulations 2025 (regulation 4).

The Regulations —

- (a) prohibit the entry into a confined space for the purpose of carrying out work where it is reasonably practicable to carry out the work by other means (regulation 6(1));
- (b) require work in a confined space to be carried out only in accordance with a safe system of work (regulation 6(2));
- (c) impose requirements with regard to the preparation and implementation of adequate arrangements for the rescue of any person at work in a confined space in the event of an emergency (regulation 7);
- (d) provide that the Department may grant exemptions from any requirement or prohibition of the Regulations in specified circumstances (regulation 8);
- (e) provide a defence in proceedings in respect of the duty to implement emergency arrangements (regulation 9); and
- (f) provide for the application of the Regulations to the Island's territorial sea (regulation 10).