

Health and Safety Legislation Consultation

Dangerous Substances and Explosive Atmospheres Regulations 2025

Department of Environment, Food and Agriculture

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Isle of Man
Government

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Closes 31 Mar 2026

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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:

- **Dangerous Substances and Explosive Atmospheres 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.

The end date for this consultation has been extended to 31st March 2026.

What these Regulations do

The proposed IOM **Dangerous Substances and Explosive Atmospheres Regulations 2025** aim to make workplaces safer by reducing the risk of fires and explosions caused by hazardous substances. They require employers to assess risks, take steps to eliminate or control them, and ensure safe handling and storage of dangerous materials. Areas where explosive atmospheres could occur must be identified and managed, and workers must receive clear information, training, and emergency procedures. These rules bring the Isle of Man in line with modern UK safety standards and strengthen protections for employees and the public.

At present, the IOM relies on general duties under the **Health and Safety at Work etc. Act 1974 (as applied to the Island)** and risk assessment requirements in the IOM **Management of Health and Safety at Work Regulations 2003**. These do not specifically address explosive atmospheres or detailed control measures for dangerous substances. In contrast, the UK has had dedicated regulations since 2002 (DSEAR), which implement European safety directives and set clear standards for risk assessment, zoning, equipment, and emergency planning. The new Manx regulations will close this gap and align local practice with proven UK approaches.

Practical Implications of the Proposed legislation

Introducing the **IOM Dangerous Substances and Explosive Atmospheres Regulations 2025** will have several practical effects for employers and businesses.

- Employers will need to carry out detailed risk assessments wherever dangerous substances are present and implement measures to eliminate or control risks, such as reducing quantities, preventing ignition sources, and ensuring safe storage and handling.
- Workplaces must identify and classify areas where explosive atmospheres could occur, install appropriate signage, and use equipment that meets safety standards for hazardous zones. Emergency procedures, drills, and communication systems will become mandatory, and employees must receive clear training and information on hazards and precautions.
- For businesses, this means investing time and resources in compliance activities, including equipment upgrades, signage, and staff training. Employers with five or more employees will need to maintain written records of risk assessments and safety measures.
- Where multiple employers share a workplace, coordination duties will apply. Overall, these regulations align the IOM with UK standards, improving workplace safety and reducing the likelihood of serious incidents involving fire or explosion.

Other legislation mentioned in the Legislation

1. The **Health and Safety at Work etc. Act 1974 (as applied to the Island)**
 - Where in Draft: Regulation 1 (Title and enabling powers) and Regulation 3 (Interpretation).
 - Why Mentioned: Provides the enabling powers for these regulations and defines the general health and safety framework.

2. The EU Classification, Labelling and Packaging (CLP) Regulation (EC No 1272/2008)

- Where in Draft: Regulation 3 (Interpretation).
- Why Mentioned: Defines classification, labelling, and packaging of hazardous substances, forming the basis for identifying “dangerous substances.”

3. The EU REACH Regulation (EC No 1907/2006)

- Where in Draft: Regulation 3 (Interpretation).
- Why Mentioned: Provides requirements for safety data sheets and chemical registration, relevant for risk assessment.

4. The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995

- Jurisdiction: UK legislation applied to IOM by Submarine Pipelines and Installations (Application and Amendment) Order 1995 (SD 1995/0277).
- Where in Draft: Regulation 3 (Interpretation – definition of “offshore installation”).
- Why Mentioned: Clarifies scope for offshore installations under these regulations.

5. The IOM Highways Act 1986

- Where in Draft: Regulation 3 (Interpretation – definition of “public road”).
- Why Mentioned: Defines what constitutes a public road for application exclusions.

6. The Gas Safety (Installation and Use) Regulations 1998

- Jurisdiction: UK regulations applied to Isle of Man by Gas Safety (Installation, Use and Management) (Application) Order 2023 (SD 2023/0189).
- Where in Draft: Regulation 4 (Application – exclusions for domestic gas fittings).
- Why Mentioned: Excludes domestic gas appliances regulated under separate gas safety law.

7. The IOM Quarries (Health and Safety) Regulations 2025

- Where in Draft: Regulation 4 (Application – exclusions for quarry activities).
- Why Mentioned: Avoids duplication where quarry safety is already regulated.

8. The IOM Borehole Sites and Operations Regulations 1995

- Jurisdiction: UK regulations applied to Isle of Man.
- Where in Draft: Regulation 4 (Application – exclusions for borehole sites).
- Why Mentioned: Excludes activities covered by borehole safety regulations.

9. The UK Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016

- Where in Draft: Schedule 3 (Criteria for selection of equipment).
- Why Mentioned: Sets standards for equipment used in hazardous zones.

10. The IOM Safety Signs and Signals Regulations 2026 (draft)

- Where in Draft: Regulation 11 (Identification of hazardous contents).
- Why Mentioned: Ensures consistent signage for hazardous areas.

11. The IOM Road Vehicles Carrying Dangerous Goods Regulations (2000 & 2008)

- Where in Draft: Regulation 11 (Identification of hazardous contents).
- Why Mentioned: Provides marking requirements for dangerous goods in transport.

12. The EU Council Directives 98/24/EC and 99/92/EC

- Jurisdiction: EU Directives (basis for UK and IOM regulations).
- Where in Draft: Regulation 14 (Exemption certificates).
- Why Mentioned: Ensures compatibility with minimum EU safety standards.

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

- **Approved Code of Practice (ACOP)**
 - [Dangerous Substances and Explosive Atmospheres Regulations 2002: Approved Code of Practice and guidance \(L138, 2nd Edition, 2013\)](#)
 - Contains consolidated guidance, replacing earlier ACOPs (L134–L137 and L133 on petrol unloading) and covers classification, labelling, zoning, control measures, training, and equipment.
- **Guidance Leaflet**
 - [Controlling fire and explosion risks in the workplace \(INDG370, 2013\)](#)
 - Explains DSEAR scope, risk assessments, elimination or control measures, emergency preparedness, and covers changes since 2015 (including corrosive substances and pressurised gases).

- **Supplementary Online Guidance**

- [DSEAR Overview:](#)
 - Regularly updated HSE web page summarising DSEAR duties, zoning, and examples.
- [DSEAR "in detail" UK HSE Web Resource:](#)
 - Detail on scope, definitions, employer duties, and implementation advice.

Summary

The proposed IOM **Dangerous Substances and Explosive Atmospheres Regulations 2025** set clear standards to prevent fires and explosions caused by hazardous substances at work. They require employers to assess risks, control ignition sources, and ensure safe handling and storage, while also providing training and emergency plans for staff.

Introducing these regulations will significantly improve workplace safety, reduce the likelihood of serious incidents, and protect both employees and the public. By aligning with proven UK standards, they create a consistent framework that supports businesses in managing risks effectively and demonstrates a strong commitment to health and safety.

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.

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 or post it to:

The Offshore Team
Department of Environment Food and Agriculture,
Regulation Directorate,
The Isle of Man, 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.

(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

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)

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 **Dangerous Substances and Explosive Atmospheres 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).
5. Do you have any other comments on the draft IOM **Dangerous Substances and Explosive Atmospheres Regulations 2025** legislation at this stage of the overall consultation process?
(Comment Box)
6. Is there anything else you'd like to tell us about the proposed changes or the consultation process?
(Comment Box)