

Health and Safety Legislation Consultation

Health and Safety (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2025

Department of Environment, Food and Agriculture

Rheynn Chymmyltaght, Bee as Eiriny's,



Closes 12 Dec 2025

Opened 17 Oct 2025

Contact

The Offshore Team
Department of Environment, Food and
Agriculture
Thie Slieau Whallian, Foxdale Road, St Johns,
Isle of Man
IM4 3AS
Email: DEFAOffshore@gov.im

Table of Contents

Overview	2
What these Regulations do	3
How do they relate to the previous applicable IOM Regulations?	4
How do these Regulations compare with the current UK Legislation?	4
Practical Implications of the new legislation	4
What other Legislation is referred to within the Draft Regulation?	5
Consultation Objectives	5
IOM Health & Safety at Work Inspectorate	6
Differences between UK HSE ACOPs and UK HSE Guidance	6
Using UK HSE Guidance Documents with IOM legislation	6
Relevant UK ACOP or Guidance	6
Summary	7
Why your views matter	7
Reasonable adjustments and alternative formats	7
Responding to this consultation and questions	7
About You	8
Consultation Questions	9

Overview

The Department of Environment, Food and Agriculture (DEFA) is reviewing and updating specific legislation to align with UK best practice. This consultation continues the process of updating IOM Health and Safety legislation and refers directly to the following draft legislation:

- **Health and Safety (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2025.**

Following this public consultation and incorporation of any necessary amendments, the Department aims to submit the proposed legislation to Tynwald in early 2026, with the intention of introducing this legislation as soon as possible after Tynwald has passed the legislation.

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

The UK Government amended section 3 of the UK **Health and Safety at Work etc. Act 1974** with the aim of exempting self-employed persons from health and safety law where their work does not pose a risk to people other than their employees. The rationale was that many self-employed individuals were subject to health and safety duties that were not proportionate to the risks they presented. This reduced regulatory burdens, especially on low-risk businesses and individuals.

The amended section 3(2) says –

*(2) It shall be the duty of every self-employed person who **conducts an undertaking of a prescribed description** to conduct the undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health or safety.*

The amended section 3 therefore exempts self-employed persons from this duty unless their work is of a prescribed description.

The UK then introduced the UK **Health and Safety (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2015** that defined prescribed undertakings that would bring with it a duty under section 3.

The UK **Health and Safety at Work etc. Act 1974** was applied to the Island in 2024 and includes the amended section 3. The draft IOM **Health and Safety (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2025** (referred to below as the “**draft Regulations**”) aim to align with the UK legislation and can be summarised as follows:

- Self-employed individuals who carry out prescribed types of undertakings must also ensure, so far as is reasonably practicable, that they themselves, and other persons (excluding their own employees) are not exposed to health or safety risks due to their work.
- This duty applies **only to** prescribed undertakings, defined in **the draft Regulations** within the Schedule of activities, which include high-risk activities such as asbestos handling and agriculture activities (as defined within “the draft regulations”). Also included are activities relating to railways, tramways, and Gas (with reference to relevant current Manx legislation). In addition, undertakings that are not listed in the Schedule are also prescribed if they may pose a risk to the health and safety of another person (other than the self-employed person carrying them out or their employees).

- It should be noted that construction activities are included as a prescribed undertaking and reference is made to the IOM **Construction (Design and Management) Regulations 2025**. These new IOM CDM regulations will be subject to consultation in the near future (prior to the end of 2025), and will aim to align with the current UK legislation which is the UK **Construction (Design and Management) Regulations 2015** (CDM 2015). Guidance relating to the UK CDM 2015 is available on the [UK HSE website](#).

How do they relate to the previous applicable IOM Regulations?

There is currently no detailed specific legislation aligning with UK legislation. The **draft Regulations** build upon the framework established by the IOM **Health and Safety at Work etc. Act 1974** (as it applies to the Island).

How do these Regulations compare with the current UK Legislation?

The proposed “**draft Regulations**” aim to closely mirror UK legislation but are tailored to the IOM’s legal framework. They maintain consistency with UK standards while ensuring applicability within the Island's jurisdiction.

Practical Implications of the new legislation

Self-employed persons must assess whether their activities fall under the prescribed undertakings. If so, they are required to ensure, so far as reasonably practicable, that their work does not expose themselves or others to health and safety risks. This specifically includes activities in agriculture, asbestos management, construction projects, gas installations, and railway operations, but also includes any undertakings if they may pose a risk to the health and safety of others.

If a self-employed person:

- Does not employ anyone, and does not carry out work that poses a risk to others then health and safety law does not apply to them under these Regulations.
- However, if their work involves hazardous materials, equipment, or environments, they must comply with health and safety duties just like any employer.

What other Legislation is referred to within the Draft IOM Regulation

- The IOM **Health and Safety at Work etc. Act 1974** (as it applies to the Island)
 - Regulation 3 and the Schedule
- The IOM **Control of Asbestos Regulations 2012** and the IOM **Control of Asbestos (Application) Order 2022**.
 - The Schedule.
- The IOM **Construction (Design and Management) Regulations 2003** (currently in operation) and the IOM **Construction (Design and Management) Regulations 2025** (drafted and to be consulted on in 2025).
 - The Schedule.
- The UK **Gas Safety (Installation and Use) Regulations 1998** and the IOM **Gas Safety (Installation, Use and Management) (Application) Order 2023** (noting that the specific suite of IOM legislation is referred to with links on the [IOM HSWI website](#))
 - The Schedule.

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

There is no dedicated UK HSE ACOP specifically for the UK **Health and Safety at Work etc. Act 1974 (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2015**. However, the UK Health and Safety Executive (HSE) provides guidance

on how self-employed persons can comply with their duties under this regulation. [Self-employed workers - Overview - HSE](#)

Summary

The **Health and Safety (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2025** clarify the responsibilities of self-employed individuals under the **Health and Safety at Work etc. Act 1974** (as it applies to the Island), by identifying specific undertakings and activities. These “**draft Regulations**” ensure that health and safety duties are clearly defined and enforced for self-employed persons, contributing to safer working environments across the IOM, reducing unnecessary regulatory burdens where appropriate.

Why your views matter

This consultation gives stakeholders, industry, and the public the chance to provide feedback on the proposed “draft Regulations”. Your views will help ensure that the legislation is clear, practical, and effective in protecting workers’ health.

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,
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 **Health and Safety (General Duties of Self-Employed Persons) (Prescribed Undertakings) 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 **Health and Safety (General Duties of Self-Employed Persons) (Prescribed Undertakings) Regulations 2025** legislation attached to 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)