

Statutory Document No. 20XX/XXXX



Health and Safety at Work etc. Act 1974

HEALTH AND SAFETY (GENERAL DUTIES OF SELF-EMPLOYED PERSONS) (PRESCRIBED UNDERTAKINGS) REGULATIONS 2025

Approved by Tynwald:

Coming into operation in accordance with regulation 2

The Department of Environment, Food and Agriculture makes the following Regulations, after consulting such organisations it considers represent the interests affected by the Regulations¹, under section 3(2) and 3(2A), 53(1) and 82(3)(a) of the Health and Safety at Work etc. Act 1974 (of Parliament²) as those provisions apply in the Island.

1 Title

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

2 Commencement

If approved by Tynwald³, these Regulations come into operation 6 months after they are approved.

3 Prescribed descriptions of undertakings

SI 2015/1583/2

An undertaking is of a prescribed description for the purposes of section 3(2) of the Health and Safety at Work etc. Act 1974 (of Parliament, as it applies to the Island) if it involves the carrying out of any activity which —

- (a) is listed in the Schedule; or

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: currently applied by virtue of SD 2024/0073.

³ Tynwald approval is required under section 82(5) of the Health and Safety at Work Etc. Act 1974 as it applies in the Island.

- (b) where not listed in the Schedule, may pose a risk to the health and safety of another person (other than the self-employed person carrying it out or their employees).

MADE

CLARE BARBER

Minister for Environment, Food and Agriculture

Consultation

SCHEDULE

ACTIVITIES

[Regulation 3]

SI 2015/1583/Sch [and drafting]

1 Agriculture (including forestry)

- (1) Any work that is an agricultural activity.
- (2) In this paragraph, “**agricultural activity**” —
 - (a) includes horticulture, fruit growing, seed growing, dairy farming, livestock breed and keeping, including the management of livestock up to the point of slaughter or export from the Island, forestry, the use of land as grazing land, market gardens and nursery grounds and the preparation of land for agricultural use;
 - (b) does not include such activities at a garden centre or other shop, and for this purpose “**livestock breeding and keeping**” does not include activities where the main purpose of which is entertainment.

2 Asbestos

- (1) Any work with asbestos.
- (2) Any work which —
 - (a) involves a sampling activity; but
 - (b) is not work with asbestos.
- (3) Any activity carried out by a dutyholder under regulation 4 (duty to manage asbestos in non-domestic premises) of the Control of Asbestos Regulations 2012⁴ (the “**2012 Regulations**”).
- (4) In this paragraph —
 - (a) “**asbestos**” has the meaning given in regulation 2 of the 2012 Regulations;
 - (b) “**dutyholder**” has the meaning given in regulation 4(1) of the 2012 Regulations;
 - (c) “**sampling activity**” means —
 - (i) air monitoring;
 - (ii) the collection of air samples; or
 - (iii) the analysis of air samples,

⁴ As applied to the Island by the Control of Asbestos (Application) Order 2022 [SD 2022/0034].

to ascertain whether asbestos fibres are present in the air, or to measure the concentration of such fibres; and

- (d) **“work with asbestos”** is to be read in accordance with regulation 2(2) of the 2012 Regulations.

3 Construction

- (1) Any work which is carried out on a construction site.
- (2) Any work in relation to a project carried out by a designer, a client, a contractor, a principal contractor or a principal designer which gives rise to a duty under the Construction (Design and Management) Regulations 2025⁵ (**“the 2025 Regulations”**).
- (3) In this paragraph —
- (a) **“client”, “contractor”, “designer”, “principal contractor”, “principal designer”** and **“project”** have the meanings given in regulation 2(1) of the 2025 Regulations; and
- (b) **“construction site”** is to be read in accordance with that regulation.
- (4) Any work in relation to a project carried out by a planning supervisor which gives rise to a duty under the Construction (Design and Management) Regulations 2003⁶ (**“the 2003 Regulations”**).
- (5) In paragraph (4), **“planning supervisor”** has the meaning given in regulation 2(1) of the 2003 Regulations.

4 Gas

Any activity to which the Gas Safety (Installation and Use) Regulations 1998⁷ apply.

5 Railways

- (1) The operation of a railway.
- (2) In this paragraph —
- (a) **“railway”** means a system of transport employing parallel rails which —
- (i) provide support and guidance for vehicles carried on flanged wheels; and

⁵ SD 2025/xxxx [tbc]

⁶ SD 878/03.

⁷ As applied to the Island by the Gas Safety (Installation, Use and Management) (Application) Order 2023 [SD 2023/0189].

- (ii) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level)
- but does not include a tramway; and —
- (b) **“tramway”** means a system of transport used wholly or mainly for the carriage of passengers —
 - (i) which employs parallel rails which —
 - (A) provide support and guidance for vehicles carried on flanged wheels; and
 - (B) are laid wholly or partly along a road or in any other place to which the public has access (including a place to which the public has access only on making a payment); and
 - (ii) on any part of which the permitted maximum speed is such as to enable the driver to stop a vehicle in the distance he can see to be clear ahead.

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

These Regulations specify the circumstances in which self-employed persons will be required to comply with their duty under section 3(2) of the Health and Safety at Work etc. Act 1974 (as it applies to the Island) (“the 1974 Act”) to conduct their undertakings in such a way as to ensure, so far as reasonably practicable, that they themselves and other persons (not being their employees) who may be affected by their work activities are not exposed to risks to their health and safety. Every self-employed person continues to hold a duty in respect of their employees under section 2 of the 1974 Act.

Regulation 3 identifies which undertakings are of a prescribed description for the purposes of section 3(2) of the 1974 Act. Regulation 3(a) introduces the Schedule, which prescribes an undertaking if it involves the carrying out of one or more of the activities specified. If an undertaking is not prescribed in the Schedule, regulation 3(b) also prescribes those undertakings which involve any activity that poses risks to the health and safety of another person, other than the person conducting it or their employees.