

Health and Safety Legislation Consultation

Health and Safety Inquiries (Procedure) Regulations 2025

Department of Environment, Food and Agriculture

Rheynn Chymmyltaght, Bee as Eirinys,



Isle of Man
Government

& Geltys Ellan Vannin

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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:

- **Health and Safety Inquiries (Procedure) 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

The proposed IOM **Health and Safety Inquiries (Procedure) Regulations 2025** establish a clear and consistent framework for conducting formal inquiries into workplace accidents, incidents, or situations where investigation is necessary to protect health and safety.

Made under section 14 of the **Health and Safety at Work etc. Act 1974 as applied to the IOM**, these Regulations set out procedures for notification, representation, evidence handling, and reporting.

Previously, while the Act allowed inquiries to be directed, there was no detailed procedural regime on the Island, creating a gap in transparency and consistency. The new Regulations align with the approach under UK law, ensuring fairness, accountability, and improved governance in health and safety investigations.

Practical Implications of the Proposed legislation

- Clear Process for Inquiries: Organisations and individuals will have certainty about how inquiries are initiated, notified, and conducted.
- Defined Rights of Representation: Employers, employees, trade unions, and other stakeholders will know who can appear and how they can be represented.
- Transparency and Fairness: Public hearings (except for security or confidentiality reasons) ensure openness and accountability.
- Obligation to Comply with Notices: Parties may be required to attend inquiries or produce documents, with penalties for non-compliance.
- Improved Governance: Findings and recommendations from inquiries will inform future safety improvements and regulatory decisions.
- Alignment with UK Standards: Procedures mirror UK practice, supporting consistency for businesses operating across jurisdictions.

Other legislation mentioned in the Legislation

- **Health and Safety at Work etc. Act 1974 (as applied to the IOM)**
 - Where mentioned: Regulation 3 (Interpretation), Regulation 4 (Application), and throughout the document.
 - Purpose: Provides the enabling power for these Regulations and defines the scope of inquiries under section 14.
- **The IOM Trade Unions Act 1991**
 - Where mentioned: Regulation 4 (Interpretation – definitions of “trade union” and “employers’ association”).
 - Purpose: Clarifies who can appear or be represented at inquiries.
- **The IOM Oaths Act 1922**
 - Where mentioned: Regulation 9(7) (Procedure at inquiry – giving evidence on oath).
 - Purpose: Establishes the legal basis for administering oaths or affirmations during inquiries.

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 Guidance \(HSG245 Workbook\)](#)
 - A step-by-step guide for conducting workplace accident and incident investigations, covering data gathering, analysis, and follow-up actions. Highly relevant to the inquiry process.
- [Major Incident Response and Investigation Policy and Procedures](#)
 - HSE Enforcement Quality Statement / Internal Procedures - Details HSE's approach to responding to major incidents, including initiation of investigations under section 14 of HSWA 1974. Highlights investigation structures, governance, and independence.

Summary

The proposed IOM **Health and Safety Inquiries (Procedure) Regulations 2025** aim to provide a clear, consistent, and transparent process for conducting formal inquiries into workplace accidents and incidents. By setting out procedures for notification, representation, evidence handling, and reporting, these Regulations close a gap in the current framework and strengthen accountability. They align with UK best practice, ensuring fairness and openness while supporting informed decisions that improve

workplace safety. This structured approach will enhance confidence in investigations and contribute to better health and safety outcomes across the Island.

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 **Health and Safety Inquiries (Procedure) 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 **Health and Safety Inquiries (Procedure) 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)