



HEALTH AND SAFETY AT WORK (AMENDMENT) ORDER 2025

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Statutory Document No. 20XX/XXXX



Health and Safety at Work Etc. Act 1977

HEALTH AND SAFETY AT WORK (AMENDMENT) ORDER 2025

Approved by Tynwald:

Coming into operation in accordance with article 2

The Department of Environment, Food and Agriculture, having consulted such organisations as it considers represent interests which will be affected by this Order¹, makes the following Order under section 1(1)(a) of the Health and Safety at Work, Etc., Act 1977.

1 Title

This Order is the Health and Safety at Work (Amendment) Order 2025.

2 Commencement

If approved by Tynwald, this Order comes into operation on the day following its approval².

3 Interpretation

In this Order —

- (a) “**the 1974 Act**” means the Health and Safety at Work Etc. Act 1974 (of Parliament) as that Act applies to the Island (including its territorial sea)³; and
- (b) “**the principal Order**” means the Health and Safety at Work Order 2024⁴.

4 Amendment of the principal Order

- (1) The principal Order is amended as follows.

¹ As required by section 1(4) of the Health and Safety at Work, Etc., Act 1977.

² Tynwald approval is required by section 1(5) of the Health and Safety at Work, Etc., Act 1977.

³ The Health and Safety at Work etc. Act 1974 is applied to the Island with modifications by the Health and Safety at Work Order 2024 (SD 2024/0073).

⁴ SD 2024/0073.

- (2) In article 5 (application of the 1974 Act), after paragraph (j) insert —
- (ja) section 84; **22**.
- (3) In the Schedule (modifications and adaptations subject to which provisions of Parts I and IV of the 1974 Act apply to the Island) —
- (a) in paragraph 7 (section 15 modified) —
- (i) in sub-paragraph (5) omit “and (9)” and
- (ii) at the end insert —
- 22**(6) For subsection (9) substitute —
- “(9) If an order is made under section 84(3) specifying modifications to this Part in its application to the territorial sea of the Isle of Man, the health and safety regulations shall not unless they expressly provide otherwise, apply to, or in relation to —
- (a) aircraft in flight;
- (b) vessels, hovercraft or offshore installations in, on, or over that territorial sea; or
- (c) persons at work in, on or over that territorial sea in connection with submarine cables or submarine pipelines.” **22**;
- (b) in paragraph 32 (section 80 modified) —
- (i) after sub-paragraph (3) insert —
- 22**(3A) For subsection (2A), substitute —
- “(2A) Subsection (1) above shall apply to sections 61 and 115 of the Employment Act 2006 as it applies to provisions contained in an Act of Tynwald passed before 31st July 1980.” **22**;
- (ii) in subparagraph (4), for “subsections (2A) and” substitute **22**subsection **22**;
- (c) after paragraph 33 insert —

22 33A Section 84 modified

- (1) Section 84 (extent, and application of Act) is modified as follows.
- (2) Omit subsections (1) and (2).
- (3) For subsections (3) and (4) substitute —
- “(3) The Department may by order provide that, in their application to the territorial sea of the Isle of Man, Part 1 and this Part shall have effect to such extent, for such purposes and with such modifications as the Order may specify.
- (4) An order under subsection (3) above —
- (a) may make different provision for different cases;

(b) may be revoked by a subsequent order under this section.”.

(4) Omit subsections (5) and (6),

(5) For the heading substitute “**Application to the territorial sea of the Isle of Man**”; and

(d) in the Table in paragraph 35 (existing enactments which are relevant statutory provisions) at the appropriate points insert —

33

33 of 1974	Mineral Workings (Offshore Installations) (Isle of Man) Act 1974
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32; and

33

47 of 1986	Section 6 of the Petroleum Act 1986 but only insofar as it applies provision made under the Health and Safety at Work Etc. Act 1974
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32.

(4) In the Annex —

(a) in the entry relating to section 15 for the text of subsection (9) substitute —

33(9) If an order is made under section 84(3) specifying modifications to this Part in its application to the territorial sea of the Isle of Man, the health and safety regulations shall not unless they expressly provide otherwise, apply to, or in relation to —

(a) aircraft in flight;

(b) vessels, hovercraft or offshore installations in, on, or over that territorial sea; or

(c) persons at work in, on or over that territorial sea in connection with submarine cables or submarine pipelines. 32;

(b) in the entry for section 80 for the text of subsection (2A) substitute —

33(2A) Subsection (1) above shall apply to sections 61 and 115 of the Employment Act 2006 as it applies to provisions contained in an Act of Tynwald passed before 31st July 1980.

~~(2A) Subsection (1) above shall apply to provisions in the Employment Rights Act 1996 or the Trade Union and Labour Relations (Consolidation) Act 1992 which derive from provisions of the Employment Protection~~

~~(Consolidation) Act 1978 which re-enacted provisions previously contained in the Redundancy Payments Act 1965, the Contracts of Employment Act 1972 or the Trade Union and Labour Relations Act 1974 as it applies to provisions contained in Acts passed before or in the same Session as this Act. 22;~~

(c) for the entry relating to section 84 substitute —

84 Extent, and application of Act Application to the territorial sea of the Isle of Man.

(1) ~~This Act, except—~~

~~(a) Part I and this Part so far as may be necessary to enable regulations under section 15 [or 30 to be made and operate for the purpose mentioned in paragraph 2 of Schedule 3; and~~

~~(b) paragraphs 3 of Schedule 9, does not extend to Northern Ireland.~~

~~(2) Part III, except section 75 and Schedule 7, does not extend to Scotland.~~

(3) The Department may by order provide that, in their application to the territorial sea of the Isle of Man, Part 1 and this Part shall have effect to such extent, for such purposes and with such modifications as the order may specify.

~~(3) Her Majesty may by Order in Council provide that the provisions of Parts I and II and this Part shall, to such extent and for such purposes as may be specified in the Order, apply (with or without modification) to or in relation to persons, premises, work, articles, substances and other matters (of whatever kind) outside Great Britain as those provisions apply within Great Britain or within a part of Great Britain so specified.~~

~~For the purposes of this subsection “premises”, “work” and “substance” have the same meanings as they have for the purposes of Part I.~~

(4) An order under subsection (3) above —

(a) may make different provision for different cases;

(b) may be revoked by a subsequent order under this section.

~~(4) An Order in Council under subsection (3) above—~~

~~(a) may make different provision for different circumstances or cases;~~

~~(b) may (notwithstanding that this may affect individuals or bodies corporate outside the United Kingdom) provide for~~

~~any of the provisions mentioned in that subsection, as applied by such an Order, to apply to individuals whether or not they are British subjects and to bodies corporate whether or not they are incorporated under the law of any part of the United Kingdom;~~

- ~~(c) may make provision for conferring jurisdiction on any court or class of courts specified in the Order with respect to offences under Part I committed outside Great Britain or with respect to causes of action arising by virtue of section 47(2) in respect of acts or omissions taking place outside Great Britain, and for the determination, in accordance with the law in force in such part of Great Britain as may be specified in the Order, of questions arising out of such acts or omissions;~~
- ~~(d) may exclude from the operation of section 3 of the Territorial Waters Jurisdiction Act 1878 (consents required for prosecutions) proceedings for offences under any provision of Part I committed outside Great Britain;~~
- ~~(e) may be varied or revoked by a subsequent Order in Council under this section;~~

~~and any such Order shall be subject to annulment in pursuance of a resolution of either House of Parliament.~~

- ~~(5) In relation to proceedings for an offence under Part I committed outside Great Britain by virtue of an Order in Council under subsection (3) above, section 38 shall have effect as if the words “by an inspector, or” were omitted.~~
- ~~(6) Any jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court. ²²;~~
- (d) in the table in Schedule 1 (existing statutory provisions) at the appropriate points insert the following entries —

²²

33 of 1974	Mineral Workings (Offshore Installations) (Isle of Man) Act 1974
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²²; and

²²

47 of 1986	Section 6 of the Petroleum Act 1986 but only insofar as it applies provision made under the 1974 Act
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²².

MADE

CLARE BARBER

Minister for Environment, Food and Agriculture

Consultation draft

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

This Order amends the Health and Safety at Work Order 2024 (“the principal Order”).

Articles 1 and 2 provide respectively for the title and commencement of this Order.

Article 3 assigns meanings to “the 1974 Act” and “the principal Order” for the purposes of this Order.

Article 5 amends the principal Order in the following ways—

- (a) extending the application of section 15 to include provision reflecting subsection (9), which provides that any health and safety regulations, even if extended to the Island’s territorial sea, will not apply to ships, aircraft or offshore installations there except to the extent that the regulations so provide;
- (b) extending section 80 to include certain provisions of the Employment Act 2006 as provisions which may be modified or repealed;
- (c) adding section 84 (commencement and extent) to the list of provisions applied to the Island in order to enable the making of bespoke provision for the Island’s territorial sea;
- (d) adding to the list of “existing statutory provisions” relating to health and safety, the Mineral Workings (Offshore Installations) (Isle of Man) Act 1974 and section 6 of the Petroleum Act 1986 so far as it enables the application of UK health and safety regulations.