



STATUTORY INSTRUMENTS.

S.I. No. 129 of 2019



SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION)
(AMENDMENT) REGULATIONS 2019

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I, PAT BREEN, Minister of State at the Department of Business, Enterprise and Innovation, in exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) (as adapted by the Jobs, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 364 of 2017)) and the Business, Enterprise and Innovation (Delegation of Ministerial Functions) Order 2017 (S.I. No. 569 of 2017), and after consultation with the Health and Safety Authority, hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2019.

(2) The Principal Regulations and these Regulations may be cited together as the Safety, Health and Welfare at Work (Construction) Regulations 2013 and 2019.

2. In these Regulations “Principal Regulations” means the Safety, Health and Welfare at Work (Construction) Regulations 2013 (S.I. No. 291 of 2013).

3. Regulation 2 of the Principal Regulations is amended—

(a) in paragraph (1)—

- (i) by deleting the definitions of “FÁS” and “FETAC award”,
- (ii) by inserting after the definition of “man-lock” the following definition:

“‘Member State’ has the meaning assigned to it in the Professional Qualifications Regulations;”,

- (iii) by inserting after the definition of “plant or equipment” the following definition:

“‘Professional Qualifications Regulations’ means the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I. No. 8 of 2017);”,
and

- (iv) by inserting after the definition of “shotfiring operations” the following definition:

“‘SOLAS’ means An tSeirbhís Oideachais Leanúnaigh agus Scileanna”, and

(b) by substituting for paragraph (4) the following:

“(4) Taking account of the Professional Qualifications Regulations 2017, SOLAS is responsible for the issue of valid construction skills registration cards, with photographic identification, under Schedule 5 and for the maintenance of a register of the cards issued.”.

4. The Principal Regulations are amended by substituting for Schedule 4 the following:

“Schedule 4

Regulations 4, 19, 25 and 29

Safety Awareness Scheme

1. A valid safety awareness registration card is one of the following:
 - (a) the SOLAS Safe Pass registration card issued following completion of the SOLAS Safe Pass training programme;
 - (b) a registration card, with photographic identification, issued by such body in the State as may be prescribed by the Minister under the Act, for the purpose of the issuing of safety awareness cards;
 - (c) a registration card issued in association with a scheme—
 - (i) in a Member State other than the State, where SOLAS has approved the scheme as being equivalent to the Safe Pass scheme, or
 - (ii) in a state which is not a Member State, where SOLAS has approved the scheme as being equivalent to the Safe Pass scheme.

2. A safety awareness registration card shall only be valid for the purpose of these Regulations for a period of 4 years from the date of completion of the programme or scheme in respect of which it was issued.”.

5. Schedule 5 to the Principal Regulations is amended by substituting for paragraph 2 the following:

“2. SOLAS shall issue a construction skills registration card to a person who applies to it and has been awarded—

- (a) an award from QQI for the purpose of this Schedule in a task listed in paragraph 1(1),
- (b) an award from another body in the State which is recognised by SOLAS as equivalent to the award referred to in clause (a),
- (c) an award approved by a body in another Member State and recognised by SOLAS under the Professional Qualifications Regulations as equivalent to the award referred to in clause (a), or
- (d) an award approved by a body in a state other than a Member State and recognised by SOLAS as equivalent to the award referred to in clause (a).”.

GIVEN under my hand,
2 April 2019.

PAT BREEN,
Minister of State at the Department of Business,
Enterprise, and Innovation

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to amend the Safety, Health and Welfare at Work (Construction) Regulations 2013 (S.I. No. 291 of 2013) to facilitate the recognition by SOLAS of equivalent registration cards to Safe Pass and construction skills certification schemes from states other than Member States as compliant with the provisions of these Regulations.

The Regulations also change any references to FÁS to SOLAS and similarly change references to FETAC to QQI following the establishment of the Quality and Qualifications Ireland and make specific provision in respect of the period of validity of a Safe Pass card for the purpose of these Regulations.

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(Teil: 01 - 6476834 nó 1890 213434)

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434)

€3.00

