

THE HEALTH AND SAFETY AT WORK ETC. ACT 1977

**THE HEALTH AND SAFETY AT WORK ETC. ACT (APPLICATION)  
(AMENDMENT) ORDER 1995**

*Approved by Tynwald*      *22nd* February 1995

*Coming into operation*                      *1st March 1995*

In exercise of the powers conferred on the Department of Local Government and the Environment by section 1 of the Health and Safety at Work Etc. Act 1977(a), and of all other enabling powers, and after the consultations required by subsection (4) of that section, the following Order is hereby made:-

**Citation, commencement and application**

1. (1) This Order may be cited as the Health and Safety at Work etc. Act (Application) (Amendment) Order 1995 and, subject to section 1(5) of the Health and Safety at Work Etc. Act 1977, shall come into operation on the 1st March 1995.

(2) This Order applies to all places within the Island and the territorial waters of the Island.

**Amendment of GC 58/80**

2. (1) Schedule 3 (modifications of the 1974 Act) to the Health and Safety at Work etc. Act and Enforcing Authority (Application) Order 1980(c) is amended in accordance with the Schedule to this Order.

(2) The following provisions of the said Order (which apply to the Island the Health and Safety (Enforcing Authority) Regulations 1977(d)) are revoked, namely -

Part II of Schedule 1, and  
Schedule 4.

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(a) 1977 c.1 (b) 1974 c.37 (c) GC 58/80 (d) SI 1977/746

Article 2.

SCHEDULE

AMENDMENT OF SCHEDULE 3 TO THE 1980 ORDER

1. In column 3 of the entries relating to sections 10 (tribunal), 44 (appeals), 53(1) (interpretation) and 82A (provisions relating to tribunal) of the 1974 Act, for "Industrial Tribunal" (wherever occurring) substitute "Health and Safety Tribunal".

2. In column 3 of the entry relating to section 82 (orders etc.) of the 1984 Act, for the inserted subsection (5) substitute -

"(5) Any such order or regulations shall not have effect unless it has or they have been approved by Tynwald."

3. In column 3 of the entry relating to Schedule 1 to the 1974 Act (existing statutory provisions), in the substituted Schedule 1, at the end insert -

"1982 c.3 Isle of Man Passenger Transport Schedules 6 and 7.  
Act 1982."

3. In column 3 of the entry relating to Schedule 9 to the 1974 Act (amendments), in the substituted Schedule 9, at the end insert -

*"The Isle of Man Passenger Transport Act 1982 (c.3)*

11. (1) In Schedule 6 -

(a) for "Council of Ministers" (in each place) substitute "enforcing authority";

(b) at the end insert -

"7. In this Schedule -

"the enforcing authority" means the authority responsible for enforcing this Schedule and Schedule 7 under the Health and Safety at Work etc. Act 1974 (an Act of Parliament), as it has effect in the Island;

"the Inspector of Railways" means an inspector appointed for the purposes of that Act."

(2) In Schedule 7 -

(a) for "Council of Ministers" and "Government Secretary" (in each place) substitute "enforcing authority";

(b) at the end insert -

"7. In this Schedule, "the enforcing authority" and "the Inspector of Railways" have the same meanings as in Schedule 6."

4. In column 3 of the entry relating to Schedule 10 to the 1974 Act (repeals), in the substituted Schedule 10, at the appropriate place insert -

"1982 c.3 The Isle of Man Passenger Transport Act 1982."

In Schedule 6, paragraph 1."

MADE 23 January

1995



Minister for Local Government and the Environment

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#### EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order amends the Health and Safety at Work etc. Act and Enforcing Authority (Application) Order 1980 (GC 58/80), which applies the Health and Safety at Work etc. Act 1974 of Parliament to the Isle of Man. That Act provides for the progressive replacement by health and safety regulations of certain existing legislation dealing with health and safety at work (the "existing statutory provisions").

The effect of the Order is -

- (a) to transfer responsibility for the railway safety provisions of the Isle of Man Passenger Transport Act 1982 from the Council of Ministers to the Department of Local Government and the Environment;
- (b) to rename the Industrial Tribunal constituted by the 1974 Act "the Health and Safety Tribunal";
- (c) to require that health and safety regulations and other subordinate legislation under the 1974 Act be approved by Tynwald;
- (d) to revoke the Health and Safety (Enforcing Authority) Regulations 1977, under which authorities other than the Department may be made responsible for enforcing certain health and safety provisions, but which have never been used.