

**Health and Safety Executive**

**Consultation on proposed new draft Approved Code of Practice for the  
Workplace Health Safety and Welfare Regulations 1992**



**A response by the Association of Personal Injury Lawyers**

**July 2013**

The Association of Personal Injury Lawyers (APIL) was formed by claimant lawyers with a view to representing the interests of personal injury victims. The association is dedicated to campaigning for improvements in the law to enable injured people to gain full access to justice, and promote their interests in all relevant political issues. Our members comprise principally practitioners who specialise in personal injury litigation and whose interests are predominantly on behalf of injured claimants. APIL currently has over 4,000 members in the UK and abroad who represent hundreds of thousands of injured people a year.

The aims of the Association of Personal Injury Lawyers (APIL) are:

- to promote full and just compensation for all types of personal injury;
- to promote and develop expertise in the practice of personal injury law;
- to promote wider redress for personal injury in the legal system;
- to campaign for improvements in personal injury law;
- to promote safety and alert the public to hazards wherever they arise; and
- to provide a communication network for members.

Any enquiries in respect of this response should be addressed, in the first instance, to:

Alice Warren, Legal Policy Officer

APIL

3 Alder Court, Rennie Hogg Road

Nottingham NG2 1RX

Tel: 0115 958 0585; Fax: 0115 958 0885 E-mail: [mail@apil.org.uk](mailto:mail@apil.org.uk)

## **Introduction**

APIL welcomes the opportunity to respond to the consultation on a new draft Approved Code of Practice (ACOP) for the *Workplace Health Safety and Welfare Regulations 1992*. Whilst the Health and Safety Executive (HSE) has stated that the redrafting of the ACOP was not intended to change the standard of protection set out in the guidance, this is not entirely correct.

The HSE has stated that no duties have changed beyond those mentioned in the introductory note to the ACOP. Page 5 of the introductory note lists the only changes that should have occurred. The changes relate to a number of legislative changes which are necessary in order to bring the ACOP up to date. Changes also involve the inclusion of webpages and links throughout the ACOP. It is also stated that “where appropriate, the content and layout has been revised to simplify and clarify the language”. We suggest that several duties have in fact changed as a result of the redrafting of the ACOP, albeit subliminally. ACOPs have a special status, because although they are not in themselves legally binding, employers often look to them for guidance as to how they can comply with regulations. The impression is given that if employers comply with an ACOP, then they are fully complying with the relevant regulations. Therefore when the ACOP becomes less detailed, and parts of the guidance are completely removed, the employer may not realise that they have additional obligations and the standard of compliance will fall. We have highlighted the changes between the old and redrafted ACOPs in a document which is available on the APIL website, for your reference, and is also attached as an appendix to this document.

## **Comments on specific regulations**

### ***Regulation 4 Requirements under these Regulations***

APIL’s biggest concern is the removal of the reference to risk assessments in the ACOP. The old ACOP for regulation 4 states that “The Management of Health and Safety at Work Regulations 1992-3 require employers and self-employed people to assess risks...” There is no such equivalent in the new ACOP, and this could therefore mean that employers do not realise that they must carry out a risk assessment. Employers may only look to the ACOP, and not to the original regulation, to find out how they should fulfill their obligation. They will believe that if they comply with the ACOP, they are also complying with the regulation, and if a duty to carry out a risk assessment is not mentioned in the ACOP, then they will not realise that one must be carried out. It is important that the guidance surrounding the regulations reinforces the duty to carry out a risk assessment.

### ***Regulation 5 Maintenance of workplace, and of equipment, devices and systems***

We also have concerns about the re-drafted Approved Code of Practice on regulation 5, which we feel arguably no longer accurately reflects the regulation. Firstly, the old ACOP at paragraph 20 states that “If a potentially dangerous defect is discovered, the defect should be rectified immediately, or steps should be taken to protect anyone who might be put at risk, for example by preventing access until the work can be carried out or the equipment replaced...steps should be taken to ensure that repair and maintenance work is carried out properly”. In comparison, the corresponding guidance in the new ACOP reads that “If a potentially dangerous defect is discovered, the defect should be rectified immediately...Equipment that could fail and put workers at *serious* risk should be properly maintained and checked at regular intervals, as appropriate... Action should be taken immediately to isolate and rectify the fault where there is a risk of *serious or imminent* harm (emphasis added)”.

The additional information in the new ACOP appears to narrow the requirement that steps should be taken to ensure that repair and maintenance work is carried out properly. The new ACOP suggests that maintenance work needs to only be carried out where there is a “serious risk” to workers. The actual text of Regulation 5 does not suggest that maintenance should be carried out only where there is a serious risk of harm, and narrowing the employer’s obligations like this will result in a reduction of safety standards in the workplace. There are also issues of clarity. It is unclear what a “serious risk” means in this context. A serious risk could mean that there is a serious risk of minor injury or a small risk of catastrophic injury. We are concerned; therefore, that this ACOP section does not accurately reflect the employers’ obligations as enshrined in the regulations, and is also not sufficiently clear to allow the employer to fulfill their obligations completely.

### ***Regulation 9 Cleanliness and waste materials***

We also have concerns about regulation 9, which refers to cleanliness of the workplace. The original ACOP at paragraph 69 states that “floors and indoor traffic routes should be cleaned at least once a week. In factories and other workplaces of a type where dirt and refuse accumulates, any dirt and refuse which is not in suitable receptacles should be removed at least daily.” This is removed and replaced in the redrafted ACOP simply with “...workplaces should be regularly cleaned to ensure that dirt or refuse is not allowed to accumulate...” Again, there are issues of clarity with the wording of this ACOP, because “regularly cleaned” could mean once a week, or even twice a year in some contexts. Whereas the original ACOP gives clear guidance on how to comply with the regulation, the new ACOP is

subjective in its wording and we feel that this may mean that employers do not comply fully, and that dangerous practices could take place. The fact that “regular cleaning” can have dangerous consequences depending on the context is illustrated in *Bassie v Merseyside*<sup>1</sup>. This was a case where there was a breach of the Workplace regulations, and an employee slipped and broke his knee cap. This happened in a room that was being used for gym activities. The actual gym was cleaned daily, but the appliance room, in which the accident occurred, was only cleaned once a week. Dust settled in the appliance room and it was this that caused the claimant to fall over. This demonstrates the importance of having clear detailed guidance setting out recommended cleaning schedules for different types of rooms. It is helpful to have “weekly cleaning” etc as detailed guidance. “Sufficiently clean” and “regularly cleaned” are subjective and open to broad interpretation – both once a week and once a day could be classed as “regularly cleaned”, and if the employer followed the new ACOP guidance in this case, they would believe that they had satisfied the requirements of the regulations, but it is clear here that they had not done enough. The whole point of guidance is to add “flesh to the bones” of the regulations, to make them easier to understand and apply in real life situations. With subjective language, guidance is not very effective.

### ***Regulation 13 Falls or falling objects***

We note that the ACOP for regulation 13 now only refers to regulation 13(5). We recommend that in this ACOP section, it is highlighted that regulation 13(1)-(4) has been revoked by the Work at Height Regulations 2005. Further, the employer should be directed to the guidance on the Work at Height Regulations 2005. Alternatively, we suggest that regulation 13 should be separated completely from this ACOP and, together with the Work at Height Regulations 2005, be provided with an ACOP of their own. This will enable employers to access all of the relevant regulations and guidance for all safety aspects of working at height in one place.

### ***Regulation 18 Doors and gates***

We have further concerns about regulation 18. The ACOP here heavily references the Building Regulations. For example, paragraph 166 of the new ACOP states that “doors and gates should be maintained in accordance with the Building Regulations...” These regulations only apply to buildings constructed after they came into force, and so it is unclear from the ACOP what steps to take if the building regulations do not apply, if for example the employer has an old door that has become faulty. Our understanding is that the employer would not need to retrofit. A further issue with such a heavy reliance on the Building Regulations for guidance is that the Building Regulations do not have health and safety as

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<sup>1</sup> [2005] EWCA Civ 1474

the sole consideration. The requirements under these regulations could change, therefore, for non-health and safety reasons in future. A continuing duty to maintain, which would apply to doors and windows, is demonstrated in the case of *Clegg v North Ayrshire*<sup>2</sup>. Here a lady slipped on a ramp that was not properly maintained and fractured her wrist. Schiemann LJ in *Palmer v Marks and Spencers*<sup>3</sup> also points out, albeit in reference to regulation 12(1), that one must bear in mind that (the Workplace Health Safety and Welfare Regulations 1992) are intended to guide an employer in the construction, in the first place, of a workplace, and thereafter its maintenance. The approved code of practice does not illustrate this, and gives the impression that if the Building Regulations are complied with, then employers have done all that they can and so will not be liable for accidents that occur.

### ***Regulation 21 Washing facilities***

We also recommend that in regulation 21, which concerns washing facilities, where it is stated in the new ACOP “man-made water systems are a potential source for legionella bacteria growth, and risks from legionella in such systems should be appropriately assessed and managed”, a link should be put in to the legionella ACOP, to give guidance as to how the system should be “appropriately assessed and managed”. Further on in regulation 21, there is a link to more information on legionella, and it would be useful for the employer if these two references were linked up so that whenever legionella is mentioned, the employer is clear as to where they must look for information on how to prevent legionella growth.

### **General comments**

We note that throughout the new ACOP, a number of terms are open to broad, and therefore perhaps wrongful, interpretation by the employer. Wrongful interpretation would mean that the employer would not comply sufficiently with regulations and workplaces could become unsafe. Terms that are open to interpretation are commonly used such as “reasonably practicable” “sufficient and suitable” “adequately ventilated”, and “appropriate to the building’s type”. At the very least, examples should accompany this subjective language, to guide the employer as to what “sufficient and suitable”, or “appropriate to the building’s type” actually entails.

In our previous response to the consultation on the review of ACOPs, we suggested that there should be a greater use of examples in the ACOPs to demonstrate how one should comply with the regulations. We also suggested that previous court decisions should also

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<sup>2</sup> [2002] ScotCS 127 (7th May, 2002)

<sup>3</sup> [2001] EWCA Civ 1528

appear throughout the ACOPs to enable employers to see how the regulations work in practice. It is apparent that this suggestion has not been taken on board, and if anything, there has been a removal of examples in this new redrafted ACOP. This will hinder the effectiveness of the approved code of practice, as its function is to help employers comply with the regulations. The most effective way to do this would be to provide practical real life examples of what classifies as compliance, and which activities will fall foul of the rules.

- Ends -

## **Association of Personal Injury Lawyers**

- ▶ 3 Alder Court, Rennie Hogg Road, Nottingham, NG2 1RX
- T: 0115 958 0585 ● W: [www.apil.org.uk](http://www.apil.org.uk) ● E: [mail@apil.org.uk](mailto:mail@apil.org.uk)

## APPENDIX 1: Table of comparison between the existing and redrafted Approved Codes of Practice

Approved Code of Practice = **Bold type**; Guidance = non-bold/normal type; text in **Yellow** indicate a deletion; text in **Blue** indicate an inclusion.

Regulation	Old guidance	New guidance	Comments
<b>1) Citation and commencement</b>	The Regulations come into effect in four stages. Workplaces which are used for the first time after 31 December 1992, and modifications, extensions and conversions started after that date, should comply as soon as they are in use. In existing workplaces (apart from any modifications) the Regulations take effect on 1 January 1996 and the laws in Schedule 2 will continue to apply until that date. Any workplaces or parts of workplaces located at a quarry or above ground at a mine used for the first time after 26 October 1995, and modifications, extensions and conversions started after that date, should comply as soon as they are in use. In existing workplaces at a quarry or above ground at a mine (apart from any modifications) the Regulations take effect on 26 July 1998.	The Regulations took effect on 26 July 1998. They apply to all workplaces defined in Regulation 2. Some special provisions apply to workplaces in existence before 1 January 1993. These are made clear within the document.	This regulation has been redrafted in the new ACOP
<b>2) Interpretation</b>	3...(a) Work experience on certain training schemes (Health and Safety (Training for Employment) Regulations 1990 <b>No 138 regulation 3</b> )	3...Work experience on certain training schemes (Health and Safety (Training for Employment) Regulations 1990.	"No 138 regulation 3" is removed from new guidance
	3...(b) Training which includes operations involving ionising radiations (Ionising Radiations Regulations 1985 No 1333 <b>regulation 2(1)</b> )	3...training which includes operations involving ionising radiations (Ionising Radiations Regulations 1999);	The specific regulation is missing from the new guidance
	3...(c) Activities involving genetic	3...Any activity involving genetic	The specific regulation is missing from



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	manipulation (Genetic Manipulation Regulations 1989 <b>No 1810 regulation 3</b> )	modification in contained use facilities (Genetically Modified Organisms (Contained Use) Regulations 1989)	the new guidance
	3...(d) Work involving the keeping and handling of a listed pathogen (Health and Safety (Dangerous Pathogens) Regulations 1981, SI 1981 No 1011 <b>regulation 9</b> )	3...Any activity involving the consignment , storage or use of a group 2,3 or 4 biological agent (Control of substances Hazardous to Health regulations 2002)	The relevant regulations have been updated in the new ACOP, but the specific regulations are not mentioned
	4...Several of the Regulations require things to be suitable as defined in regulation 2(3) in a way which makes it clear that traffic routes, facilities and workstations which are used by people with disabilities should be suitable for them to use...	4...Several of the regulations require things to be "suitable" as defined in regulation 2(3). This means that traffic routes, facilities....	"in a way which" in the old guidance has been changed to "this means that" in the new guidance.
	5...There is also a British Standard on access to buildings for people with disabilities	5...The Equality and Human Rights Commission have more information on this 6 The Equality Act 2010 defines a person with disabilities as "someone with a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities"	The new regulations refer to the Equality and Human Rights Commission, and not the British Standard, and the new regulations also refer to the Equality Act 2010
	<b>New Workplaces</b> 6 A "new workplace" is one that is taken into use for the <b>first time</b> " after 31 December 1992, or July 1995 in the case of quarries and workplaces above ground at mines. Therefore if a building was a workplace at any time in the past it is not a new workplace (although it may be a conversion)		No equivalent guidance in the new ACOP

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	<p><b>Modifications, extensions and conversions</b></p> <p>7 Any modification or extension started after 31 December 1992, or 26 July 1995 in the case of quarries or workplaces above ground at mines, should comply with any relevant requirements of these Regulations as soon as it is in use. This applies only to the actual modification or extension. The rest of the workplace should comply as from 1 January 1996, or 26 July 1998 in the case of quarries and workplaces above ground at mines. A “modification” includes any alteration but not a simple replacement.</p>		No equivalent guidance in the new ACOP
	<p>8 The whole of any conversion started after 31 December 1992 should comply as soon as it is in use. “Conversion” is not defined and is therefore any workplace which would ordinarily be considered to be a conversion. Examples of conversions include:</p> <ul style="list-style-type: none"> <li>a) A large building converted into smaller industrial units. Each unit is a “conversion”</li> <li>b) A private house, or part of a house, converted into a workplace;</li> <li>c) Workplaces which undergo a radical change of use involving structural alterations</li> </ul>		No equivalent guidance in the new ACOP

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<p><b>3) Application of these regulations</b></p>	<p><i>(1) These Regulations apply to every workplace but shall not apply to –</i>  <i>(a) a workplace which is or is in or on a ship within the meaning assigned to that word by regulation 2(1) of the Docks Regulations 1988;</i>  <i>(b) a workplace where the only activities being undertaken are building operations or works of engineering construction within, in either case, section 176 of the Factories Act 1961 and activities for the purpose of or in connection with the first-mentioned activities; or</i>  <i>(c) a workplace below ground at a mine.</i></p>	<p><i>(1) These Regulations apply to every workplace but shall not apply to –</i>  <i>(a) a workplace which is or is in or on a ship, save that regulations 8(1) and (3) and 12(1) and (3) apply to such a workplace where the work involves any of the relevant operations in— .</i>  <i>(i) a shipyard, whether or not the shipyard forms part of a harbour or wet dock; or</i>  <i>(ii) dock premises, not being work done—</i>  <i>aa) by the master or crew of a ship; .</i>  <i>bb) on board a ship during a trial run; .</i>    <i>(cc) for the purpose of raising or removing a ship which is sunk or stranded; or .</i>    <i>(dd) on a ship which is not under command, for the purpose of bringing it under command;.</i>    <i>a workplace which is a construction site within the meaning of the Construction (Design and Management) Regulations 2007, and in which the only activity being undertaken is construction work within the meaning of those regulations, save that—(i) regulations 18 and 25A apply to such a workplace; and (ii) regulations 7(1A), 12, 14, 15, 16, 18, 19 and 26(1) apply to such a</i></p>	<p>The new regulations replace the reference to the Dock Regulations, and include reference to the Construction (Design and Management) Regulations 2007.          There is reference in the old guidance to “workplace below ground at a mine”, but in the new regulations this now reads “workplace where the only activities being undertaken are the exploration for or extraction of mineral resources”</p>
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		<i>workplace which is indoors or</i>  <i>(c) workplace where the only activities being undertaken are the exploration for or extraction of mineral resources</i>	
		<i>3) As respects any workplace which is or is in or on an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicle Excise and Registration Act 1994 or a vehicle exempted from duty under that Act</i>	The regulation has been updated in the new ACOP to include the Vehicle Excise and Registration Act 1994
	<b>Means of transport</b> 9. All operational ships, boats, hovercraft, trains...are excluded from these Regulations, except that regulation 13 applies to aircraft, trains and road vehicles when stationary in a workplace (but not when on a public road). Non-operational means of transport used as, for example, restaurants or tourist attractions, are subject to these Regulations.	<b>Means of transport</b> 8. All operational ships...are excluded from these Regulations. Other relevant health and safety legislation may apply. These Regulations will apply to forms of transport that are fixed in position and no longer being used as originally intended e.g those used as restaurants or tourist attractions.	Different wording in the new ACOP
	<b>Extractive industries (mines, quarries etc)</b> 10. These Regulations apply to workplaces or parts of workplaces located at a quarry or above ground at a mine. They do not apply to underground	<b>Extractive industries (mines, quarries etc)</b> 10. These Regulations apply...They do not apply to that part of the workplace where the actual extraction of or exploration for, minerals is being	Different wording in the new ACOP

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	workplaces at mines, quarries or other mineral extraction sites...other legislation applies to this sector	undertaken underground at mines, quarries or other mineral extraction sites, including those offshore. There is separate sector-specific legislation which applies to these activities.	
<b>4) Requirements under these Regulations</b>		<b>13. Section 4A of regulation 4 was inserted by the Health and Safety (Misc Amendments) Regulations 2002</b>	New addition in the new ACOP
	14...Persons in control of non-domestic premises also have a duty under Section 4 of the (HSW) Act towards people who are not their employees but use their premises	14...People in control of non-domestic premises...	"Persons" is changed to "people" in the new ACOP
	15...Tenant employers are responsible for ensuring...that the facilities required by the Regulations are provided, for example that sanitary conveniences are sufficient and suitable...	15...Tenant employers are responsible...for example that toilets are sufficient and suitable...	"sanitary conveniences" is changed to "toilets" in the new ACOP
	16...Tenants should cooperate with each other, and with the landlord, to the extent necessary to ensure that the requirements of the Regulations are fully met	18...Tenants should cooperate sufficiently with each other, and with the landlord, to ensure that the requirements of the regulations are fully met.	"to the extent necessary to ensure" is changed to "to ensure"
	19...it may be necessary to make arrangements for the use of facilities already provided on site or to provide temporary facilities	19...it may be necessary to make arrangements for the use of facilities already provided on site, or to provide temporary ones	"Temporary facilities" is changed to "temporary ones"
	<b>17 In some cases, measures additional to those indicated in the Regulations and the Approved Code of Practice may be necessary in order to fully comply with general duties under the Health and Safety at Work etc Act. The</b>		This section of guidance is missing from the new ACOP

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	Management of Health and Safety at Work Regulations 1992-3 require employers and self-employed people to assess risks; an associated Approved Code of Practice states that it is always best if possible to avoid a risk altogether, and that work should, where possible, be adapted to the individual. A risk assessment may show that the workplace or the work should be reorganised so that the need for people to work, for example, at an unguarded edge or to work in temperatures which may induce stress does not arise in the first place.		
	18 It is often useful to seek the views of workers before and after changes are introduced, for example on the design of workstations, the choice of work chairs, and traffic management systems such as one-way vehicle routes or traffic lights. As well as promoting good relations, consultation can result in better decisions and in some cases help employers avoid making expensive mistakes. The Management of Health and Safety at Work Regulations <sup>2-3</sup> extend the law which requires employers to consult employees' safety representatives on matters affecting health and safety.		This section of guidance is missing from the new ACOP
		<b>Modifications, extensions and</b>	This section is new to the new ACOP

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		<p><b>conversions</b></p> <p>20 Any modification or extension should comply with any relevant requirements of these Regulations as soon as it is in use. A 'modification' includes any alteration but not a simple replacement.</p> <p>21 The whole of any conversion should comply as soon as it is in use. 'Conversion' is not defined and is therefore any workplace which would ordinarily be considered to be a conversion. Examples of conversions include:</p> <ul style="list-style-type: none"> <li>• a large building converted into smaller industrial units. Each unit is a 'conversion';</li> <li>• a private house, or part of a house, converted into a workplace;</li> <li>• workplaces which undergo a radical change of use involving structural alterations.</li> </ul> <p>Certain modifications, extensions and conversions will also be subject to Building Regulations and may need planning consent. Advice can be obtained from the local authority.</p>	
		<p><b>Stability and solidity</b></p> <p>22 Any building being used as a workplace should be capable of</p>	This section is new to the new ACOP

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		<p>supporting all foreseeable loads imposed on it. Loading can arise from a variety of factors including environmental causes (for example wind or snow loads) and those created by the activities associated with the workplace, for example use of floors by people or vehicles.</p> <p>23 The main causes of stability and solidity problems in buildings are related to the age of the structure and a lack of routine maintenance. Other causes are:</p> <ul style="list-style-type: none"> <li>• environmental factors (water getting in, corrosive air, vibration, high winds);</li> <li>• settlement;</li> <li>• impact damage;</li> <li>• overloading (or other damage caused by misuse of the building);</li> <li>• change of use.</li> </ul> <p>24 An inspection and maintenance regime, appropriate to the building's type and use, should be determined to ensure that any defect which may cause an unacceptable safety risk is detected in good time, so appropriate remedial action can be taken. All inspection and maintenance should be</p> <p>25 Inadequate modification, extension or conversion work can undermine the structural integrity of the building. The</p>	
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		safety of such work is subject to the Construction (Design and Management) Regulations 2007(CDM) and the safety of the completed building is subject to the Building Regulation. When taking possession of a building following the completion of such work, obtain information about any design limits, safe loading etc. The inspection and maintenance regime should make reference to such information where it is available.	
5) Maintenance of workplace, and of equipment, devices and systems	20. The workplace, and the equipment and devices mentioned in these Regulations, should be maintained in an efficient state, in efficient working order and in good repair.		There is no equivalent wording in the new ACOP. See new ACOP point 27 below.
	20...Efficient in this context means efficient from the view of health, safety and welfare (not productivity or economy).	26. An efficient state means that the workplace and the equipment, devices and systems mentioned in these Regulations should be free of faults likely to affect the health, safety or welfare of workers and provide an adequate level of hygiene	Differing definitions of “efficient”
	20...If a potentially dangerous defect is discovered, the defect should be rectified immediately or steps should be taken to protect anyone who might be put at risk, for example by preventing access until the work can	26...If a potentially dangerous defect is discovered, the defect should be rectified immediately or steps should be taken to protect anyone who might be put at risk.	No examples are provided in the new ACOP

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	be carried out or the equipment replaced.		
		27 Equipment that could fail and put workers at serious risk should be properly maintained and checked at regular intervals, as appropriate, by inspection, testing, adjustment, lubrication, repair and cleaning.	Following the old ACOP point 20 above, it now appears that only equipment that could put workers at serious risk should be properly maintained. In the old ACOP, there was no mention of a need for "serious risk"
	21. Steps should be taken to ensure that repair and maintenance work is carried out properly	28 Any faults should be properly rectified as soon as possible. Action should be taken immediately to isolate and rectify the fault where there is a risk of serious or imminent harm.	The new ACOP is reworded to include "risk of serious or imminent harm".
	22 Regulation 5(2) requires a system of maintenance where appropriate, for certain equipment and devices and for ventilation systems. A suitable system of maintenance involves ensuring that: (a) regular maintenance (including, as necessary, inspection, testing, adjustment, lubrication and cleaning) is carried out at suitable intervals; (b) any potentially dangerous defects are remedied, and that access to defective equipment is prevented in the meantime; (c) regular maintenance and remedial work is carried out properly; and (d) a suitable record is kept to ensure that the system is properly implemented and to assist in		The new ACOP does not include this section

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	<b>validating maintenance programmes.</b>		
	<b>23 Examples of equipment and devices which require a system of maintenance include emergency lighting, fencing, fixed equipment used for window cleaning, anchorage points for safety harnesses, devices to limit the opening of windows, powered doors, escalators and moving walkways.</b>		This section has been moved from the “ACOP” section in the old version to the “guidance” section in the new version,
	24. The frequency of regular maintenance, and precisely what it involves, will depend on the equipment or device concerned. The likelihood of defects developing, and the foreseeable consequences, are highly relevant. The age and condition of equipment, how it is used and how often it is used should also be taken into account. Sources of advice include published HSE guidance, <b>British and EC standards</b> and other authoritative guidance, manufacturers’ information and instructions, and trade literature.	29 The frequency of regular maintenance, and precisely what it involves and who is competent to complete it, will depend on the equipment or device concerned. Sources of advice include published HSE guidance <sup>16</sup> and other authoritative guidance, particularly manufacturers’ information and instructions, as well as relevant trade literature.	“British and EC standards” have been removed from the new ACOP wording.

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	25 The Management of Health and Safety at Work Regulations 1999 include requirements on the competence of people whom employers appoint to assist them in matters affecting health and safety and on employees' duties to report serious dangers and shortcomings in health and safety precautions <sup>2-3</sup> .		The new ACOP is missing this section
6) Ventilation	29..."Air which is taken from the outside can normally be considered to be "fresh", but air inlets for ventilation systems should not be sited where they may draw in <b>excessively</b> contaminated air	33...Air which is taken from the outside can normally be considered to be "fresh" but air inlets for ventilation systems should not be sited where they may draw in contaminated air	The new ACOP removes the word "excessively"
	33 Mechanical ventilation systems...should be regularly and properly cleaned	37 Mechanical ventilation systems should be regularly and adequately cleaned	"properly" is changed to "adequately" in the new ACOP
	40 Guidance on the measures necessary to avoid legionnaires' disease, caused by bacteria which can grow in water cooling towers and elsewhere, is covered in separate HSE publications <sup>28-29</sup> and in a CIBSE publication <sup>30</sup> .	44 Some ventilation systems are water based. Any water system, with the right environmental conditions, could be a source for legionella bacteria growth. Guidance on the measures necessary to avoid legionnaires' disease, caused by bacteria which can grow in water cooling towers and elsewhere, is available from the HSE website [link] and CIBSE <sup>37</sup> .	The new ACOP is more detailed

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	41 The legislation referred to in regulation 6(3) deals with what are known as 'confined spaces' where breathing apparatus may be necessary.	45 An enclosed workplace is not necessarily a 'confined space'. Confined spaces are workplaces that are wholly or largely enclosed and where there is a specific risk of serious injury from fire, explosion, noxious gases or fumes, lack of oxygen, high temperature or asphyxiation from drowning in water or by a free flowing solid. Work should not be done in such places where it can be avoided. If work must be done, additional risk assessment will be needed to comply with The Confined Spaces	The new ACOP is more detailed
<b>7) Temperature in indoor workplaces</b>	<b>42 The temperature in workrooms should provide reasonable comfort without the need for special clothing...workroom in paragraphs 43 to 49 means a room where people normally work for more than short periods</b>	<b>46 The temperature inside the workplace should provide reasonable comfort without the need for special clothing</b>	"workrooms" is changed to "workplace" in the new ACOP
	<b>43...unless much of the work involves severe physical effort</b>	<b>47...If work involves rigorous physical effort</b>	"severe" has been changed to "rigorous" in the new ACOP
	<b>43...these temperatures may not, however, <b>ensure</b> reasonable comfort...</b>	<b>47...However, these temperatures may not <b>necessarily provide</b> reasonable comfort...</b>	The wording of the ACOP is changed in the new version

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	<b>44...In rooms where food or other products have to be kept at low temperatures this will involve such measures as...</b>	<b>49 In rooms where food or other products/processes have to be kept at low temperatures and it is impractical to comply with paragraph 47, the following measures should be applied as appropriate...</b>	The wording of the new ACOP differs from the old.
		<b>49...Insulated duckboards or other floor coverings where workers have to stand for long periods on cold floors, unless special footwear is provided which prevents discomfort; excluding draughts from workstations; installing self-closing doors where such measures are practical and would reduce discomfort</b>	These measures are added in the new ACOP here. They appear in the original version in paragraph 47 which begins "where a reasonably comfortable temperature cannot be achieved throughout a workroom, local heating or cooling should be provided..."
	<b>45 Paragraphs 43 and 44 do not apply to rooms where lower maximum room temperatures are required in other laws. It should be noted that general Food Hygiene Regulations do not specify maximum room temperatures.</b>		This is not in the new ACOP
	<b>45 Where</b> the temperature in a workroom would otherwise be uncomfortably high...	<b>50 If</b> the temperature in a workroom is uncomfortably high...	"where" is changed to "if" in the new ACOP
	<b>49 In parts of the workplace other than workrooms, such as sanitary facilities or rest facilities, the temperature should be reasonable in all circumstances including the</b>	<b>52 In areas of the workplace other than workrooms, such as toilets and rest facilities, temperatures should be reasonable</b>	"should be reasonable in all circumstances" in the old ACOP is changed to "temperatures should be reasonable" in the new ACOP

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	length of time people are likely to be there...		
	<b>48 ...Where practical there should be systems of work (for example task rotation) to ensure that the length of time for which individual workers are exposed to uncomfortable temperatures is limited.</b>		This is in the guidance and not the ACOP section of the new ACOP
	<b>50 where persons are required to work in normally unoccupied rooms such as storerooms, other than for short periods, temporary heating should be provided if necessary to avoid discomfort</b>	<b>53 Temporary heating/cooling and other control measures given in paragraphs 49-50 should be provided where appropriate for employees required to work in normally unoccupied rooms such as storerooms, other than for short periods and where there is a risk of working in temperatures above or below those stated in paragraph 47</b>	The new ACOP is more detailed in this than the old ACOP.
		<b>Thermal insulation</b> 60 Necessary thermal insulation can be achieved by constructing or refurbishing in accordance with requirements in the Building Regulations <sup>43</sup> for new buildings or where alterations or substantial change of use takes place. These represent standards of good practice design and materials that minimise the risk of a building overheating. Solar radiation	These sections are found in the new ACOP but not the old ACOP

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		<p>61 Protection from the excessive effects of solar radiation in buildings can be achieved by introducing shading and using reflective materials. Some examples of the measures which can achieve this, either in isolation or in combination, are:</p> <ul style="list-style-type: none"> <li>• introducing awnings;</li> <li>• internal or external louvered blinds;</li> <li>• using dense vegetation, eg trees to provide shading;</li> <li>• use of anti-reflective glazing, eg by using films or upgrading glazing;</li> <li>• introducing overhangs or recesses to windows;</li> <li>• reducing unnecessary glazing on the sides of the building receiving the most sunshine;</li> <li>• improving the overall thermal mass of the building by using energy-efficient materials which allow heat to be stored and released at cooler times of the day.</li> </ul> <p>62 Air movement is also an important control measure so do not restrict this by use of the measures set out in paragraph 61. Further information and advice is available from CIBSE.</p> <p>63 When commissioning the design and construction of a new building, consider minimising solar effects by suitable</p>	
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		positioning, type of glazing and the materials used. Further information is available from the Building Regulations	
	<b>Injurious or offensive fumes Care should be taken that portable paraffin and liquefied petroleum gas heaters do not produce fumes which will be harmful or offensive</b>	64...Ensure that portable paraffin and liquefied petroleum gas heaters do not produce fumes which will be harmful or offensive	The wording is different in the new ACOP. This is also in the ACOP in the old ACOP, but the guidance section in the new ACOP
8) Lighting	<b>59 Dazzling lights and annoying glare should be avoided.</b> Lights and light fittings should be of a type, and so positioned, that they do not cause a hazard (such as electrical, fire, radiation or collision hazards)	<b>69 Lights and light fittings must be selected, positioned and maintained so that they avoid annoying glare and do not cause a hazard (e.g. electrical, fire, radiation or collision)</b>	The new ACOP is reworded
	<p><b>Natural lighting</b>  <b>63 Windows and skylights should where possible be cleaned regularly and kept free from unnecessary obstructions to admit maximum daylight. Where this would result in excessive heat or glare at a workstation, however, the workstation should be repositioned or the window or skylight should be shaded.</b></p> <p><b>64 People generally prefer to work in natural rather than artificial light. In both new and existing workplaces workstations should be sited to take advantage of the available natural</b></p>	<p><b>70 Lights and windows should be cleaned, repaired and replaced, as necessary, before the level of lighting becomes insufficient. Avoid obscuring light by placing items in front of lights and windows (e.g. stacked goods)</b></p> <p><b>71 Where possible, position workstations to take advantage of the natural daylight available. Where this would result in excessive heat or glare at a workstation, however, the workstation should be repositioned or the window or skylight should be shaded.</b></p>	The old ACOP is set out more clearly, with natural lighting being given its own heading. The old ACOP also provides more detail

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	light. Natural lighting may not be feasible where windows have to be covered for security reasons or where process requirements necessitate particular lighting conditions.		
	<p><b>Emergency lighting</b></p> <p>65 The normal precautions required by these and other Regulations, for example on the prevention of falls and the fencing of dangerous parts of machinery, mean that workers are not in most cases 'specially exposed' to risk if normal lighting fails. Emergency lighting is not therefore essential in most cases. Emergency lighting should however be provided in workrooms where sudden loss of light would present a serious risk, for example if process plant needs to be shut down under manual control or a potentially hazardous process needs to be made safe, and this cannot be done safely without lighting.</p> <p>66 Emergency lighting should be powered by a source independent from that of normal lighting. It should be immediately effective in the event of failure of the normal lighting, without need for action by anyone. It should provide sufficient light to</p>	<p>72 Emergency lighting should be provided in workrooms where sudden loss of light would present a serious risk, for example if a potentially hazardous process needs to be made safe, and this cannot be done safely without lighting, or if there is no natural lighting.</p> <p>73 Emergency lighting should be powered by a source independent from that of normal lighting. It should be immediately effective in the event of failure of the normal lighting, without need for action by anyone. It should provide sufficient light for workers to take any action necessary to ensure their, and others', health and safety.</p>	<p>This is set out more clearly in the old ACOP, under its own heading. The present a serious risk, for example if a section regarding fire precautions is potentially hazardous process needs to be in the new ACOP</p>

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	<p>enable persons at work to take any action necessary to ensure their, and others', health and safety.</p> <p>67 Fire precautions legislation may require the lighting of escape routes. Advice can be obtained from local fire authorities.</p>		
9) Cleanliness and waste materials	<p>68 The standard of cleanliness required will depend on the use to which the workplace is put. For example, an area in which workers take meals would be expected to be cleaner than a factory floor, and a factory floor would be expected to be cleaner than an animal house. However, regulation 12(3) (avoidance of slipping, tripping and falling hazards) should be complied with in all cases.</p>	<p>76 Sufficiently clean means that workplaces should be regularly cleaned to ensure that dirt or refuse is not allowed to accumulate and spillages and deposits are removed or cleaned up as soon as possible. The frequency of this activity and standard of cleanliness will depend on the nature of the business.</p>	<p>The old ACOP is much more detailed here</p>
	<p>69 Floors and indoor traffic routes should be cleaned at least once a week. In factories and other workplaces of a type where dirt and refuse accumulates, any dirt and refuse which is not in suitable receptacles should be removed at least daily. These tasks should be carried out more frequently where necessary to maintain a reasonable standard of cleanliness or to keep workplaces free of pests and decaying matter. This paragraph</p>		<p>The old ACOP is much more detailed here. There is no equivalent guidance in the new ACOP</p>

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	does not apply to parts of workplaces which are normally visited only for short periods, or to animal houses.		
	<b>70</b> Interior walls, ceilings and work surfaces should be cleaned at suitable intervals. Except in parts which are normally visited only for short periods, or where any soiling is likely to be light, ceilings and interior walls should be painted, tiled or otherwise treated so that they can be kept clean, and the surface treatment should be renewed when it can no longer be cleaned properly. This paragraph does not apply to parts of workplaces which cannot be safely reached using a 5-metre ladder.	<b>77</b> The surfaces of floors, walls and ceilings should be maintained, treated and repaired so that they can be cleaned properly.	The old ACOP is much more detailed
	<b>71</b> Apart from regular cleaning, cleaning should also be carried out when necessary in order to clear up spillages or to remove unexpected soiling of surfaces. Workplaces should be kept free from offensive waste matter or discharges, for example, leaks from drains or sanitary conveniences		There is no equivalent guidance in the new ACOP
	<b>73</b> Care should be taken that methods of cleaning do not expose anyone to substantial amounts of dust, including flammable or explosive concentrations of dusts...	<b>79</b> Ensure that cleaning methods do not expose anyone to substantial...	The new ACOP is reworded

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	73...The COSHH 1988 are relevant	79...the COSHH may need to be considered	<b>“relevant” changes to “may need to be considered” in the new ACOP</b>
	75...In such cases, steps should be taken to eliminate traps for dirt or germs by, for example, sealing joints between surfaces and fitting curved strips or covering along joins between walls and floors and between walls and work surfaces. Further information about food hygiene can be obtained from Environmental Health Departments of local authorities	81...Further information about food hygiene can be obtained from Environmental Health Departments of local authorities	The old ACOP is more detailed
<b>10) Room dimensions and space</b>		87 The number of people who may work in any particular room at any one time will depend not only on the size of the room, but on the space taken up by the furniture, fittings, equipment and the layout of the room. Workrooms, except those where people only work for short periods, should be of sufficient height (from floor to ceiling) over most of the room to enable safe access to workstations	This section appears in the ACOP section of the old ACOP, but the guidance section of the new ACOP.
<b>11) Workstations and seating</b>	<b>81...Work materials and frequently used equipment or controls should be within easy reach</b>	<b>88...Work materials and frequently used equipment or controls should be within convenient reach...</b>	“easy reach” is turned into “convenient reach” in the new ACOP

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	<b>83...spells of work which unavoidably have to be carried out in cramped conditions should be kept as short as possible and there should be sufficient space nearby to relieve discomfort</b>		This section appears in the ACOP section of the old ACOP, but the guidance section of the new ACOP.
	<p>86 More detailed guidance on seating is given in an HSE publication<sup>45</sup>. There are other HSE publications on visual display units and ergonomics.</p> <p>87 Static and awkward posture at the workstation, the use of undesirable force and an uncomfortable hand grip, often coupled with continuous repetitive work without sufficient rest and recovery, may lead to chronic injury. Guidance is contained in an HSE publication</p> <p>88 This Regulation covers all workstations. Workstations where visual display units, process control screens, microfiche readers and similar display units are used are subject to the Health and Safety (Display Screen Equipment) Regulations 1992<sup>39-40</sup>.</p>	94 This regulation covers all workstations. Workstations where display screen equipment, process control screens, and similar display units are used are subject to the Health and Safety (Display Screen Equipment) Regulations 1992. <sup>47</sup> Further information is available from the HSE website	The old ACOP is much more detailed than the new ACOP
<b>12) Condition of floors and traffic routes</b>	<b>91 Holes, bumps or uneven areas resulting from damage or wear and tear, which may cause a person to trip or fall, should be made good. Until they can be made good, adequate precautions should be</b>	<b>97 Damaged surfaces that may cause a person to trip or fall should be made good and conspicuously marked or protected until this can be done. Temporary holes should be adequately guarded. Take account of</b>	The old ACOP is more detailed than the new ACOP. However the scope of the new ACOP is broadened, as “account should be taken of people with impaired or no sight” has been changed to “take account of

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	taken against accidents, for example by barriers or conspicuous marking. Temporary holes, for example an area where floor boards have been removed, should be adequately guarded. Account should be taken of people with impaired or no sight. Surfaces with small holes (for example metal gratings) are acceptable provided they are not likely to be a hazard. Deep holes into which people may fall are subject to regulation 13 and the relevant section of this Code.	people with disabilities. Surfaces with small holes (for example metal gratings) are acceptable provided they are not likely to be a hazard. For deep holes where there is a risk of a fall, you should refer to regulation 13 and associated ACOP text, and the Work at Height Regulations 2005	people with disabilities” in the new ACOP.
	93 Surfaces of floors and traffic routes which are likely to get wet or to be subject to spillages should be of a type which does not become unduly slippery. A slip-resistant coating should be applied where necessary...	99 Surfaces of floors and traffic routes likely to get wet, or to be subject to spillages, should be of a type which does not become unduly slippery...	“a slip-resistant coating should be applied where necessary...” is removed from the new ACOP
	94 Where possible, processes and plant which may discharge or leak liquids should be enclosed.	102 Where reasonably practicable, processes and plant that may discharge or leak liquids...	“where possible” in the old ACOP is changed to “where reasonably practicable” in the new ACOP
	98 Effective drainage should be provided where a floor is liable to get wet to the extent that the wet can be drained off. This is likely to be the case in, for example, laundries, textile manufacture (including dyeing, bleaching and finishing),	101 Where a floor is liable to be made wet through work activity, drains and channels should be positioned to minimise the area of wet floor, and the floor should slope slightly towards the drain. Where necessary to prevent tripping hazards, ensure	The new ACOP is redrafted and less detailed than the old ACOP

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	<p><b>work on hides and skins, potteries and food processing. Drains and channels should be positioned so as to minimise the area of wet floor, and the floor should slope slightly towards the drain. Where necessary to prevent tripping hazards, drains and channels should have covers which should be as near flush as possible with the floor surface.</b></p>	<p><b>drains and channels have covers which should be as near flush as possible with the floor surface.</b></p>	
	<p>101 At workplaces at quarries and above ground at mines, regulation 12 only applies to floors and traffic routes inside buildings.</p> <p>102 Methods of draining and containing toxic, corrosive or highly flammable liquids should not result in the contamination of drains, sewers, watercourses, or groundwater supplies, or put people or the environment at risk. Maximum concentration levels are specified in the Environmental Protection (Prescribed Processes and Substances) Regulations 1991, and the Surface Waters (Dangerous Substances) (Classification) Regulations 1989 and 1992. Consent for discharges may be required under the Environmental Protection Act 1990, the Water Resources Act 1991 and the Water Industry Act 1991.</p>	<p>108 Traffic route means a route for pedestrian traffic, vehicles, or both, and includes any stairs, fixed ladder, doorway, gateway, loading bay or ramp.</p> <p>109 Slips and trips are the most common cause of injury at work. Most slips occur when floors become wet or contaminated and many trips are due to poor housekeeping.</p> <p>110 To prevent slips and trips:</p> <ul style="list-style-type: none"> <li>• Stop floors getting wet or contaminated in the first place.</li> <li>• Have effective arrangements for both routine cleaning and dealing with spills.</li> <li>• Remove spillages promptly.</li> <li>• Leave smooth floors dry after cleaning or exclude pedestrians until the floor is dry.</li> <li>• Use the right cleaning methods for your floor.</li> <li>• Look out for trip hazards (e.g. uneven</li> </ul>	<p>The new ACOP is redrafted here. There is no mention of specific regulations in this section of the new ACOP.</p>



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		<p>floors, trailing cables).</p> <ul style="list-style-type: none"> <li>• Keep walkways and work areas clear of obstructions.</li> <li>• Encourage your workers to keep the workplace tidy.</li> </ul>	
<b>13) Falls or falling objects</b>	<p>106 The consequences of falling from heights or into dangerous substances are so serious that a high standard of protection is required. Secure fencing should normally be provided to prevent people falling from edges, and the fencing should also be adequate to prevent objects falling onto people. Where fencing cannot be provided or has to be removed temporarily, other measures should be taken to prevent falls. Dangerous substances in tanks, pits or other structures should be securely fenced or covered.</p> <p>107 The guarding of temporary holes, such as an area where floorboards have been removed, is dealt with in paragraph 91 of this Code.</p> <p><b>Provision of fencing or covers</b></p> <p>108 Secure fencing should be provided wherever possible at any place where a person might fall 2 metres or more. Secure fencing should also be provided where a person might fall less than 2 metres, where there are factors which increase the likelihood of a fall or the</p>	<p>115 The tanks, pits and structures mentioned in regulation 13(5) are referred to here as ‘vessels’ and include sumps, silos, and vats which people could fall into.</p> <p>116 Every vessel containing a dangerous substance should be adequately fenced or covered to prevent a person from falling into it.</p> <p>117 Barriers should be sufficiently high, and filled in sufficiently, to prevent falls over or through the barrier. It should be of adequate strength and stability to restrain any person or object liable to fall on to or against it. Untensioned chains, ropes and other non-rigid materials should not be used.</p> <p>118 As a minimum, barriers should consist of two guardrails (a top rail and a mid-rail) at suitable heights. The top of the barrier should be at least 1100 mm above the surface from which a person might fall.</p> <p>119 Covers should be capable of</p>	<p>The old ACOP is much longer and more detailed than the new ACOP, for example:</p> <ul style="list-style-type: none"> <li>• “Secure fencing should be provided wherever possible at any place where a person might fall two metres or more” is no longer included in the new ACOP. This is no longer a requirement.</li> <li>• “Fencing should be of adequate strength and stability to restrain any person or object liable to fall on to or against it. Untensioned chains, ropes and other non-rigid materials should not be used.” is no longer included in the new ACOP</li> <li>• “Fencing should be designed to prevent objects falling from the edge including items used for cleaning or maintenance. Where necessary an adequate upstand or toeboard should be provided.” is no longer included in the new ACOP</li> <li>• Sections with detailed guidance on ladders, falls and stacking are</li> </ul>

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	<p>risk of serious injury; for example where a traffic route passes close to an edge, where large numbers of people are present, or where a person might fall onto a sharp or dangerous surface or into the path of a vehicle. Tanks, pits or similar structures may be securely covered instead of being fenced.</p> <p>109 Fencing should be sufficiently high, and filled in sufficiently, to prevent falls (of people or objects) over or through the fencing. As a minimum, fencing should consist of two guard-rails (a top rail and a lower rail) at suitable heights. In the case of fencing installed after 1 January 1993 (but not repairs or partial replacement) the top of the fencing should be at least 1100 mm above the surface from which a person might fall except in cases where lower fencing has been approved by a local authority under Building Regulations.</p> <p>110 Fencing should be of adequate strength and stability to restrain any person or object liable to fall on to or against it. Untensioned chains, ropes and other non-rigid materials should not be used.</p> <p>111 Fencing should be designed to prevent objects falling from the edge</p>	<p>supporting all loads liable to be imposed upon them, and any traffic which is liable to pass over them. They should be of a type which cannot be readily detached and removed, and should not be capable of being easily displaced.</p> <p>120 Covers should be kept securely in place except when they have to be removed for inspection purposes or in order to gain access. Covers should be replaced as soon as possible.</p> <p>121 When barriers or covers cannot be provided, or have to be removed, effective measures should be taken to prevent falls. Access should be limited to specified people and others should be kept out by, for example, barriers; in high risk situations suitable formal written permit to work systems should be adopted. A safe system of work should be operated which may include the provision and use of a personal fall-protection system. Adequate information, instruction, training and supervision should be given.</p> <p>Guidance 122 Sections 1-4 of this regulation were revoked by The Work at Height Regulations 2005.</p>	<p>also no longer included in the new ACOP.</p>
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	<p>including items used for cleaning or maintenance. Where necessary an adequate upstand or toeboard should be provided.</p> <p>112 Covers should be capable of supporting all loads liable to be imposed upon them, and any traffic which is liable to pass over them. They should be of a type which cannot be readily detached and removed, and should not be capable of being easily displaced.</p> <p>113 Paragraphs 108 to 111 do not apply to edges on roofs or to places to which there is no general access. Nevertheless, secure, adequate fencing should be provided wherever possible in such cases. Tanks, pits or similar structures containing dangerous substances should always be provided with secure fencing or a secure cover.</p> <p>114 Additional safeguards may be necessary in places where unauthorised entry is foreseeable. A separate HSE publication gives guidance on safeguards for effluent storage in farms</p> <p>115 Building Regulations also have requirements on fencing. Advice can be obtained from local authorities. There is a British Standard on the construction of</p>	<p>123 This Regulation requires the covering or fencing of tanks, pits and other storage where the risk from a trip or fall into it would not otherwise require protection. Additional safeguards may be necessary in places where unauthorised entry is foreseeable. Other Regulations and standards</p> <p>124 Duties relating to falls from height in general are covered by The Work at Height Regulations 2005. Falls from height remain one of the biggest causes of work-related fatalities and major injuries. Employers must make sure that all work at height is properly planned, supervised and carried out by competent people</p> <p>125 Building Regulations also have requirements on fencing and barriers. Advice can be obtained from local authorities. Further information is available from the HSE website [link]</p> <p>126 Regulation 13 of these Regulations and relevant parts of this ACOP will also apply to such premises (subject to regulation 3(4) which partially excludes open farmland). However it is not intended that regulation 13 or this ACOP should be interpreted as overriding or increasing those specific</p>	
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	<p><b>fencing</b></p> <p><b>Temporary removal of fencing or covers</b></p> <p>116 When an opening or an edge is being used to transfer goods or materials from one level to another, it should be fenced as far as possible. Secure handholds should be provided where workers have to position themselves at an unfenced opening or edge, such as a teagle opening or similar doorway used for the purpose of hoisting or lowering goods. Where the operation necessarily involves the use of an unguarded edge, as little fencing or rail as possible should be removed, and should be replaced as soon as possible.</p> <p>117 One method of fencing an opening or edge where articles are raised or lowered by means of a lift truck is to provide a special type of fence or barrier which the worker can raise without having to approach the edge, for example by operating a lever, to give the lift truck access to the edge.</p> <p>118 Covers should be kept securely in place except when they have to be removed for inspection purposes or in order to gain access. Covers should be</p>	<p>requirements of other Regulations.</p>	
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	<p>replaced as soon as possible.</p> <p><b>Fixed ladders</b></p> <p>119 Fixed ladders should not be provided in circumstances where it would be practical to install a staircase (see paragraph 162 of this Code). Fixed ladders or other suitable means of access or egress should be provided in pits, tanks and similar structures into which workers need to descend. In this Code a 'fixed ladder' includes a steep stairway (a staircase which a person normally descends facing the treads or rungs).</p> <p>120 Fixed ladders should be of sound construction, properly maintained and securely fixed, Rungs of a ladder should be horizontal, give adequate foothold and not depend solely upon nails, screws or similar fixings for their support.</p> <p>121 Unless some other adequate handhold exists, the stiles of the ladder should extend at least 1100 mm above any landing served by the ladder or the highest rung used to step or stand on except that in the case of chimneys the stiles should not project into the gas stream.</p>		
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	<p>122 Fixed ladders installed after 31 December 1992 with a vertical distance of more than 6 m should normally have a landing or other adequate resting place at every 6 m point. Each run should, where possible, be out of line with the last run, to reduce the distance a person might fall. Where it is not possible to provide such landings, for example on a chimney, the ladders should only be used by specially trained and proficient people.</p> <p>123 Where a ladder passes through a floor, the opening should be as small as possible. The opening should be fenced as far as possible, and a gate should be provided where necessary to prevent falls.</p> <p>124 Fixed ladders at an angle of less than 15 degrees to the vertical (a pitch of more than 75 degrees) which are more than 2.5 m high should where possible be fitted with suitable safety hoops or permanently fixed fall arrest systems. Hoops should be at intervals of not more than 900 mm measured along the stiles, and should commence at a height of 2.5 m above the base of the ladder. The top hoop should be in line with the top of the fencing on the platform served by the ladder. Where a</p>		
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	<p>ladder rises less than 2.5 m, but is elevated so that it is possible to fall a distance of more than 2 m, a single hoop should be provided in line with the top of the fencing. Where the top of a ladder passes through a fenced hole in a floor, a hoop need not be provided at that point.</p> <p>125 Stairs are much safer than ladders, especially when loads are to be carried. A sloping ladder is generally easier and safer to use than a vertical ladder (see regulation 17 and paragraph 162 of the Code).</p> <p>126 British Standards deal with ladders for permanent access<sup>54-55</sup>. Roof work</p> <p>127 Slips and trips which may be trivial at ground level may result in fatal accidents when on a roof. It is therefore vital that precautions are taken, even when access is only occasional, for example for maintenance or cleaning.</p> <p>128 As well as falling from the roof edge, there may be a risk of falling through a fragile material. Care should be taken of old materials which may have become fragile because of corrosion. The risks may be increased</p>		
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	<p>by moss, lichen, ice, etc. Surfaces may also be deceptive.</p> <p>129 Where regular access is needed to roofs (including internal roofs, for example a single-storey office within a larger building) suitable permanent access should be provided and there should be fixed physical safeguards to prevent falls from edges and through fragile roofs. Where occasional access is required, other safeguards should be provided, for example crawling boards, temporary access equipment etc.</p> <p>130 A fragile roof or surface is one which would be liable to fracture if a person's weight were to be applied to it, whether by walking, falling on to it or otherwise. All glazing and asbestos cement or similar sheeting should be treated as being fragile unless there is firm evidence to the contrary. Fragile roofs or surfaces should be clearly identified.</p> <p>131 Construction Regulations contain specific requirements on roof work. An HSE publication gives more detailed advice on roof work<sup>56</sup>. There is also a British Standard on imposed roof loads</p> <p><b>Falls into dangerous substances</b></p> <p>132 The tanks, pits and structures</p>		
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	<p>mentioned in regulation 13(5) are referred to here as 'vessels' and include sumps, silos, vats, and kiers which persons could fall into. (Kiers are fixed vessels which are used for boiling textile materials in workplaces where the printing, bleaching or dyeing of textile materials or waste is carried out.)</p> <p>133 Every vessel containing a dangerous substance should be adequately protected to prevent a person from falling into it. Vessels installed after 31 December 1992 should be securely covered, or fenced to a height of at least 1100 mm unless the sides extend to at least 1100 mm above the highest point from which people could fall into them. In the case of existing vessels the height should be at least 915 mm or, in the case of atmospheric or open kiers, 840 mm.</p> <p><b>Changes of level</b></p> <p>134 Changes of level, such as a step between floors, which are not obvious should be marked to make them conspicuous.</p> <p><b>Stacking and racking</b></p> <p>135 Materials and objects should be stored and stacked in such a way that they are not likely to fall and cause</p>		
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	<p>injury. Racking should be of adequate strength and stability having regard to the loads placed on it and its vulnerability to damage, for example by vehicles.</p> <p>136 Appropriate precautions in stacking and storage include:</p> <ul style="list-style-type: none"> <li>(a) safe palletisation;</li> <li>(b) banding or wrapping to prevent individual articles falling out;</li> <li>(c) setting limits for the height of stacks to maintain stability;</li> <li>(d) regular inspection of stacks to detect and remedy any unsafe stacks; and</li> <li>(e) particular instruction and arrangements for irregularly shaped objects.</li> </ul> <p>137 Further guidance on stacking materials is given in HSE publications</p> <p><b>Loading or unloading vehicles</b></p> <p>138 The need for people to climb on top of vehicles or their loads should be avoided as far as possible. Where it is unavoidable, effective measures should be taken to prevent falls.</p> <p>139 Where a tanker is loaded from a fixed gantry and access is required on to the top of the tanker, fencing should be provided where possible. The</p>		
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	<p>fencing may be collapsible fencing on top of the tanker or may form part of the gantry. In the latter case if varying designs of tankers are loaded the fencing should be adjustable, where necessary. Similar fencing should also be provided wherever people regularly go on top of tankers at a particular location, for example for maintenance.</p> <p>140 Where loaded lorries have to be sheeted before leaving a workplace, suitable precautions should be taken against falls. Where sheeting is done frequently it should be carried out in designated parts of the workplace which are equipped for safe sheeting. Where reasonably practicable, gantries should be provided which lorries can drive under or alongside, so that the load is sheeted from the gantry without any need to stand on the cargo. In other situations safety lines and harnesses should be provided for people on top of the vehicle.</p> <p>Measures other than fencing, covers, etc</p> <p>141 When fencing or covers cannot be provided, or have to be removed, effective measures should be taken to prevent falls. Access should be limited to specified people and others should</p>		
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	<p>be kept out by, for example, barriers; in high risk situations suitable formal written permit to work systems should be adopted. A safe system of work should be operated which may include the provision and use of a fall arrest system, or safety lines and harnesses, and secure anchorage points. Safety lines should be short enough to prevent injury should a fall occur and the safety line operate. Adequate information, instruction, training and supervision should be given.</p> <p>142 People should not be allowed into an area where, despite safeguards, they would be in danger, for example from work going on overhead.</p> <p>143 Systems which do not require disconnection and reconnection of safety harnesses from safety lines, when at risk of falling, should be used in preference to those that do. Where there is no need to approach the edge the length of the line and the position of the anchorage should be such as to prevent the edge being approached.</p> <p>144 The provision and use of safety harnesses etc are also subject to the Personal Protective Equipment at Work Regulations 199213-14. There are also relevant British Standards</p>		
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	<p><b>Scaffolding</b> 145 Scaffolding and other equipment used for temporary access may either follow the provisions of this Code or the requirements of Construction Regulations.</p> <p><b>Other Regulations</b> 146 Other Regulations concerning shipyards, docks and agricultural workplaces also contain specific requirements for preventing injury from falls<sup>37-38</sup>, 62-63. Those specific requirements stand. Regulation 13 of these Regulations and relevant parts of this Code will also apply to such premises (subject to regulation 3(4) which partially excludes open farmland). However it is not intended that regulation 13 or this Code should be interpreted as overriding or increasing those specific requirements of other Regulations.</p>		
14) Regulation 14 Windows, and transparent or translucent doors, gates and walls	<p>147 In assessing whether it is necessary, <b>for reasons of health or safety</b> for transparent or translucent surfaces in doors, gates, walls and partitions to be of a safety material or be adequately protected against breakage, particular attention should be paid to the following cases: (a) in doors and gates, and door and gate side panels, where any part of</p>	<p>127 In assessing whether it is necessary for transparent or translucent surfaces in doors, gates, walls and partitions to be of a safety material or be adequately protected against breakage, paying particular attention to the following cases: • in doors and gates, and door and gate side panels, where any part of the transparent or translucent</p>	

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	<p>the transparent or translucent surface is at shoulder level or below;</p> <p>(b) in windows, walls and partitions, where any part of the transparent or translucent surface is at waist level or below, except in glasshouses where people there will be likely to be aware of the presence of glazing and avoid contact. This paragraph does not apply to narrow panes up to 250 mm wide measured between glazing beads.</p> <p>148 ‘Safety materials’ are:</p> <p>(a) materials which are inherently robust, such as polycarbonates or glass blocks; or</p> <p>(b) glass which, if it breaks, breaks safely; or</p> <p>(c) ordinary annealed glass which meets the thickness criteria in the following table:</p> <table><tr><th>Normal Thickness</th><th>Maximum Size</th></tr><tr><td>8 mm</td><td>1.10m x 1.10m</td></tr><tr><td>10 mm</td><td>2.25m x 2.25m</td></tr><tr><td>12 mm</td><td>3.00m x 4.50m</td></tr><tr><td>15 mm</td><td>Any size</td></tr></table> <p>149 As an alternative to the use of safety materials, transparent or</p>	Normal Thickness	Maximum Size	8 mm	1.10m x 1.10m	10 mm	2.25m x 2.25m	12 mm	3.00m x 4.50m	15 mm	Any size	<p>surface is at shoulder level or below;</p> <ul style="list-style-type: none"><li>• in windows, walls and partitions, where any part of the transparent or translucent surface is at waist level or below, except in glasshouses where people are likely to be aware of the presence of glazing and avoid contact.</li></ul> <p>This paragraph does not apply to narrow panes up to 250 mm wide measured between glazing beads.</p> <p>128 ‘Safety materials’ are:</p> <ul style="list-style-type: none"><li>• materials which are inherently robust, such as polycarbonates or glass blocks;</li><li>• glass which, if it breaks, breaks safely;</li><li>• ordinary annealed glass which meets the thickness criteria in the following table:</li></ul> <table><tr><th>Normal Thickness</th><th>Maximum Size</th></tr><tr><td>8 mm</td><td>1.10m x 1.10m</td></tr><tr><td>10 mm</td><td>2.25m x 2.25m</td></tr><tr><td>12 mm</td><td>3.00m x 4.50m</td></tr><tr><td>15 mm</td><td>Any size</td></tr></table> <p>129 As an alternative to using safety materials, transparent or translucent surfaces can be adequately protected from breakage by a screen or barrier</p>	Normal Thickness	Maximum Size	8 mm	1.10m x 1.10m	10 mm	2.25m x 2.25m	12 mm	3.00m x 4.50m	15 mm	Any size	
Normal Thickness	Maximum Size																						
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	<p>translucent surfaces may be adequately protected against breakage. <b>This may be achieved by means of</b> a screen or barrier which will prevent a person from coming into contact with the glass if he or she falls against it. <b>If a person going through the glass would fall from a height,</b> the screen or barrier should also be designed to <b>be difficult to climb.</b></p> <p>150 A transparent or translucent surface should be marked where necessary to make it apparent. The risk of collision is greatest in large uninterrupted surfaces where the floor is at a similar level on each side, so that people might reasonably think they can walk straight through. If features such as mullions, transoms, rails, door frames, large pull or push handles, or heavy tinting make the surface apparent, marking is not essential. <b>Where it is needed, marking may take any form (for example coloured lines or patterns), provided it is conspicuous and at a conspicuous height.</b></p> <p>151 The term 'safety glass' is used in a British Standard which is concerned with the breakage of flat glass or flat</p>	<p>which will prevent people from contacting the glass if they fall against it. The screen or barrier should also be designed to <b>prevent anyone climbing it, in case they fall through the glass from a height.</b></p> <p>130 A transparent or translucent surface should be marked where necessary to make it apparent. The risk of collision is greatest in large, uninterrupted surfaces where the floor is at a similar level on each side, so people might reasonably think they can walk straight through. If features such as mullions, transoms, rails, door frames, large pull or push handles, or heavy tinting make the surface apparent, marking is not essential. <b>Where marking is needed, it should be conspicuous and at an appropriate height (for example with coloured lines or patterns).</b></p> <p>131 The term 'safety glass' is used in a British Standard which is concerned with the breakage of flat glass or flat plastic sheet. Materials meeting that Standard, for example laminated or toughened glass, will break in a way that does not result in large sharp pieces and will fulfil <b>paragraph 128</b></p>	
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	<p>plastic sheet. Materials meeting that Standard, for example laminated or toughened glass, will break in a way that does not result in large sharp pieces and will fulfil <b>paragraph 148(b)</b> above. 'Safety materials' as used in these Regulations includes safety glass, but also other materials as described in <b>paragraphs 148(a) and (c)</b> above. <b>There is also a British Standard which contains a code of practice for the glazing for buildings.</b></p> <p>152 Building Regulations also have similar requirements. Advice may be obtained from local authorities.</p>	<p>second bullet point above. <b>The term</b> 'safety materials' as used in these Regulations includes safety glass, but also other materials as described in <b>the first and third bullet point of 128</b> above.</p> <p>132 Building Regulations also have similar requirements. Advice may be obtained from local authorities. <b>Further guidance is available from the HSE website</b></p>	
<b>Regulation 15 Windows, skylights and ventilators</b>	<p><b>153 It should be possible to reach and operate the control of</b> openable windows, skylights and ventilators in a safe manner. Where necessary, window poles or similar equipment <b>should be kept</b> available, or a stable platform or other safe means of access <b>should be provided</b>. Controls should be so placed that people are not likely to fall through or out of <b>the</b> window. Where there is a danger of falling from a height, devices should be provided to prevent the window opening too far.</p> <p><b>154 Open windows, skylights or ventilators should not project into an</b></p>	<p><b>133 It should be possible to reach or</b> operate openable windows, skylights and ventilators in a safe manner. Where necessary, <b>keep</b> window poles or similar equipment available, or <b>provide</b> a stable platform or other safe means of access. Controls should be placed so that people are not likely to fall through or out of windows. Where there is a danger of falling from a height, devices should be provided to prevent the window opening too far.</p> <p><b>134 Open windows, skylights or ventilators should not project into an area where persons are likely to</b></p>	



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	<p>area where persons are likely to collide with them. The bottom edge of opening windows should normally be at least 800 mm above floor level, unless there is a barrier to prevent falls.</p> <p>155 There is a British Standard on windows and skylights</p>	<p>collide with them. The bottom edge of opening windows should normally be at least 800 mm above floor level, unless there is a barrier to prevent falls.</p> <p>135 Further information is available from the HSE website</p>	
Regulation 16 Ability to clean windows etc safely	<p>156 Suitable provision <b>should be made so that</b> windows and skylights <b>can</b> be cleaned safely if they cannot be cleaned from the ground or other suitable surface.</p> <p>157 Suitable provision includes:            (a) <b>fitting</b> windows which can be cleaned safely from the inside, for example windows which pivot so that the outer surface is turned inwards;            (b) <b>fitting</b> access equipment such as suspended cradles, <b>or</b> travelling ladders <b>with an attachment for a safety harness</b>;            (c) providing suitable conditions for the future use of mobile access equipment, <b>including ladders up to 9 metres long</b>. Suitable conditions are adequate access for the equipment, <b>and</b> a firm level surface in a safe place on which to stand it. <b>Where a ladder over 6</b></p>	<p>136 <b>Make</b> 'suitable provision' for windows and skylights <b>to</b> be cleaned safely, <b>particularly</b> if they cannot be cleaned from the ground or other suitable surface.</p> <p>137 Suitable provision includes:            • fitting windows which can be cleaned safely from the inside, for example windows which pivot so that the outer surface is turned inwards;            • <b>providing</b> access equipment such as suspended cradles, <b>travelling gantries</b> or travelling ladders;            • providing suitable conditions for the future <b>access and</b> use of mobile/<b>portable</b> access equipment, <b>for example mobile-elevating work platforms, ladders etc</b>. Suitable conditions include adequate access for the equipment, a firm level surface in a safe place on which to stand it <b>and suitable points for tying or fixing a ladder</b>;</p>	

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	<p>metres long will be needed, (d) suitable points for tying or fixing the ladder should be provided; suitable and suitably placed anchorage points for safety harnesses.</p> <p>158 Further guidance on safe window cleaning and access equipment is given in other HSE publications. There is also a relevant British Standards.</p>	<p>• suitable and suitably placed anchor points or lines for use in conjunction with personal fall-protection equipment (e.g. harnesses, lanyards etc).</p> <p>138 The Work at Height Regulations 2005 set out requirements for safe access. Further guidance on safe window cleaning and access equipment is available from the HSE website</p>	
Regulation 17 Organisation etc of traffic routes	<p>159 This section of the Code applies to both new and existing workplaces. In paragraphs 160, 165 and 171 special provision is made for traffic routes in existence before 1 January 1993. This is because it might, in a few cases, otherwise be difficult for existing routes to comply fully with the Code. These special provisions reflect regulation 17(5) which has the effect of requiring existing traffic routes to comply with regulation 17(2) and 17(3) only to the extent that it is reasonably practicable. 'Traffic route' is defined in regulation 2 as 'a route for pedestrian traffic, vehicles or both and includes any stairs, staircase, fixed ladder, doorway, gateway, loading bay or ramp'.</p> <p>160 There should be sufficient traffic routes, of sufficient width and</p>	<p><b>Definition</b></p> <p>139 Paragraphs 141, 145 and 149 set out special provision for traffic routes in existence before 1st January 1993. This is because it might be difficult, in a few cases, for existing routes to comply fully with the ACOP. These special provisions reflect Regulation 17(5) which requires existing traffic routes to comply with regulation 17(2) and 17(3) only, if it is reasonably practicable to do so.</p> <p>140 'Traffic route' is defined in regulation 2 as a 'route for pedestrian traffic, vehicles or both and includes any stairs, staircase, fixed ladder, doorway, gateway, loading bay or ramp'.</p> <p><b>General</b></p>	<p>All guidance for regulation 17 in the new draft ACOP has been moved to <u>after</u> the ACOP. See paragraph 168 (old guidance) and 158 (new guidance).</p>

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	<p>headroom, to allow people on foot or in vehicles to circulate safely and without difficulty. Features which obstruct routes should be avoided. On traffic routes in existence before 1 January 1993, obstructions such as limited headroom are acceptable provided they are indicated by, for example, the use of conspicuous tape. Consideration should be given to the safety of people with impaired or no sight.</p> <p>161 <b>In some situations</b> people in wheelchairs may be at greater risk than people on foot, and special consideration should be given to their safety. Traffic routes used by people in wheelchairs should be wide enough to allow unimpeded access, and ramps should be provided where necessary. Regulation 12(4) and paragraph <b>92</b> of this Code also deal with ramps.</p> <p>162 Access between floors should not normally be by way of ladders or steep stairs. Fixed ladders or steep stairs may be used where a conventional staircase cannot be accommodated, provided they are only used by people who are capable of using them safely <b>and any loads to</b></p>	<p>141 There should be <b>enough</b> traffic routes, of sufficient width and headroom, to allow people on foot or in vehicles to circulate safely and without difficulty. Features which obstruct routes should be avoided. On traffic routes in existence before 1st January 1993, obstructions such as limited headroom are acceptable provided they are indicated by, for example, the use of conspicuous tape. <b>Specific</b> consideration should be given to the safety of people with impaired or no sight.</p> <p>142 People in wheelchairs may be at greater risk than people on foot, and special consideration should be given to their safety. Traffic routes used by people in wheelchairs should be wide enough to allow unimpeded access, and ramps should be provided where necessary. Regulation 12(4) and paragraph <b>98</b> of this Code also deal with ramps.</p> <p>143 Access between floors should not normally be by way of ladders or steep stairs. Fixed ladders or steep stairs may be used where a conventional staircase cannot be accommodated, provided they are only used by people who are capable</p>	
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	<p><b>be carried can be safely carried.</b></p> <p><b>163 Routes should not be used by vehicles for which they are inadequate or unsuitable.</b> Any necessary restrictions should be clearly indicated. Uneven or soft ground should be made smooth and firm if vehicles <b>might otherwise</b> overturn or shed their loads. Sharp or blind bends on vehicle routes should be avoided as far as possible; <b>where they are</b> unavoidable, measures such as one-way systems or the use of mirrors to improve vision should be considered. <b>On vehicle routes,</b> prominent warning should be given <b>of any</b> limited headroom, both in advance and at the obstruction itself. Any potentially dangerous obstructions such as overhead electric cables or pipes containing, for example, flammable or hazardous chemicals should be shielded. Screens should be provided where necessary to protect people who have to work at a place where they would be at risk from exhaust fumes, or to protect people from materials which are likely to fall from vehicles.</p> <p><b>164 Sensible speed limits should be</b></p>	<p>of using them safely.</p> <p><b>144 Inadequate or unsuitable routes should not be used by vehicles.</b> Any restrictions should be clearly indicated. Uneven or soft ground should be made smooth and firm if vehicles <b>could</b> overturn or shed their loads. Sharp or blind bends on vehicle routes should be avoided as far as possible. <b>If they are</b> unavoidable, measures such as one-way systems or the use of mirrors to improve vision should be considered. Prominent warning should be given <b>to</b> limited headroom, both in advance and at the obstruction itself. Any potentially dangerous obstructions such as overhead electric cables or pipes containing, for example, flammable or hazardous chemicals should be shielded. Screens should be provided where necessary to protect people at risk from exhaust fumes at work, or to protect people from materials which are likely to fall from vehicles.</p> <p><b>145 Sensible speed limits should be set and clearly displayed on vehicle routes except those used only by slow vehicles. Where necessary, suitable speed retarders should be</b></p>	
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	<p>set and clearly displayed on vehicle routes except those used only by slow vehicles. Where necessary, suitable speed retarders such as road humps should be provided. These should always be preceded by a warning sign or a mark on the road. <b>Arrangements should be made where necessary to avoid</b> fork lift trucks <b>having to</b> pass over road humps unless the truck is of a type which can negotiate them safely.</p> <p>165 Traffic routes used by vehicles should be wide enough to allow vehicles to <b>pass oncoming or parked vehicles without leaving the route.</b> One-way systems or restrictions on parking should be introduced as necessary. <b>On traffic routes in existence before 1 January 1993, where it is not practical to make the route wide enough, passing places or traffic management systems should be provided as necessary.</b></p> <p>166 Traffic routes used by vehicles should not pass close to any edge, or to anything that is likely to collapse or be left in a dangerous state if hit (such as hollow cast-iron columns and storage racking), unless the edge or thing is fenced or adequately</p>	<p>provided. These should always be preceded by a warning sign or a mark on the road. Fork lift trucks <b>should avoid having to</b> pass over road humps unless the truck is of a type which can negotiate them safely. Traffic routes used by vehicles should be wide enough to allow vehicles to <b>circulate freely.</b> One-way systems or restrictions on parking should be introduced as necessary. <b>Traffic management systems should be provided where it is not reasonably practical to make the route wide enough for traffic routes in existence before 1 January 1993</b></p> <p>146 Traffic routes used by vehicles should not pass close to any edge, or to anything that is likely to collapse or be left in a dangerous state if hit (such as hollow cast-iron columns and storage racking), unless the edge or thing is fenced or adequately protected.</p> <p>147 <b>Vehicles with poor rear visibility should be able to reverse safely e.g. using one-way systems. There is further guidance on reversing below, see paragraph 158.</b></p>	
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	<p>protected.</p> <p><b>167 The need for vehicles with poor rear visibility to reverse should be eliminated as far as possible, for example by the use of one-way systems.</b></p> <p>168 Where large vehicles have to reverse, measures for reducing risks to pedestrians and any people in wheelchairs should be considered, such as:</p> <ul style="list-style-type: none"> <li>(a) restricting reversing to places where it can be carried out safely;</li> <li>(b) keeping people on foot or in wheelchairs away;</li> <li>(c) providing suitable high visibility clothing for people who are permitted in the area;</li> <li>(d) fitting reversing alarms to alert, or with a detection device to warn the driver of an obstruction or apply the brakes automatically; and</li> <li>(e) employing banksmen to supervise the safe movement of vehicles.</li> </ul> <p>Whatever measures are adopted, a safe system of work should operate at all times. Account should be taken of people with impaired sight or hearing.</p> <p>169 If crowds of people are likely to</p>	<p><b>148 Where a load has to be tipped into a hopper, waste pit, or similar place, and the vehicle is liable to fall into it, substantial barriers or portable wheel stops should be provided at the end of the traffic route to prevent this.</b></p> <p><b>Separation of people and vehicles</b></p> <p><b>149 Any traffic route which is used by both pedestrians and vehicles should be wide enough to enable pedestrians to pass safely.</b> On traffic routes in existence before 1 January 1993, where it is not <b>reasonably</b> practical to make the route wide enough, traffic management systems should be provided as necessary. In buildings, lines should be drawn on the floor to indicate routes followed by vehicles such as fork lift trucks.</p> <p><b>150 On routes used by automatic, driverless vehicles which are also used by pedestrians, steps should be taken to ensure that pedestrians do not become trapped by vehicles. The vehicles should be fitted with safeguards to minimise the risk of injury and sufficient clearance should be provided between vehicles and pedestrians. Care should be taken to ensure that fixtures along</b></p>	
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	<p>overflow on to roadways, for example at the end of a shift, consideration should be given to stopping vehicles from using the routes at such times.</p> <p><b>170 Where a load has to be tipped into a hopper, waste pit, or similar place, and the vehicle is liable to fall into it, substantial barriers or portable wheel stops should be provided at the end of the traffic route to prevent this type of occurrence.</b></p> <p>Separation of people and vehicles</p> <p><b>171 Any traffic route which is used by both pedestrians and vehicles should be wide enough to enable any vehicle likely to use the route to pass pedestrians safely.</b> On traffic routes in existence before 1 January 1993, where it is not practical to make the route wide enough, <b>passing places</b> or traffic management systems should be provided as necessary. In buildings, lines should be drawn on the floor to indicate routes followed by vehicles such as fork lift trucks.</p> <p><b>172 On routes used by automatic, driverless vehicles which are also used by pedestrians, steps should be taken to ensure that pedestrians do</b></p>	<p><b>the route do not create trapping hazards.</b></p> <p><b>151 In doorways, gateways, tunnels, bridges, or other enclosed routes, vehicles should be separated from pedestrians by a kerb or barrier. For safety purposes, separate routes should be provided for pedestrians and they should be guided to use the correct route by clear marking. Such routes should be kept unobstructed. Similar measures should be taken where the speed or volume of vehicles would put pedestrians at risk.</b></p> <p><b>152 Workstations should be adequately separated or shielded from vehicles.</b></p> <p>Crossings</p> <p><b>153 Appropriate crossing points should be provided and used where pedestrian and vehicle routes meet.</b> Where necessary, barriers or rails should be provided to prevent pedestrians crossing at particularly dangerous points and to help guide them to designated crossing places. At crossing points where volumes of traffic are particularly heavy, the provision of suitable bridges or</p>	
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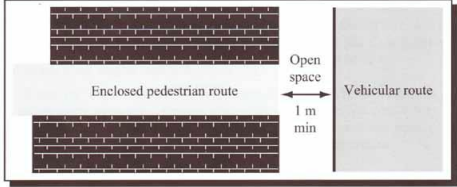
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	<p>not become trapped by vehicles. The vehicles should be fitted with safeguards to minimise the risk of injury, sufficient clearance should be provided between the vehicles and pedestrians, <b>and</b> care should be taken that fixtures along the route do not create trapping hazards.</p> <p>173 In doorways, gateways, tunnels, bridges, or other enclosed routes, vehicles should be separated from pedestrians by a kerb or barrier. <b>Where necessary, for safety,</b> separate routes <b>through</b> should be provided <b>and</b> pedestrians should be guided to use the correct route by clear marking. Such routes should be kept unobstructed. Similar measures should be taken where the speed or volume of vehicles would put pedestrians at risk.</p> <p>174 Workstations should be adequately separated or shielded from vehicles.</p> <p>Crossings 175 <b>Where pedestrian and vehicle routes cross,</b> appropriate crossing points should be provided and used. Where necessary, barriers or rails should be provided to prevent</p>	<p>subways should be considered.</p> <p>154 <b>Where pedestrian and vehicle routes meet, there should be adequate visibility and open space.</b> For example, where an enclosed pedestrian route, or a doorway or staircase joins a vehicle route, there should be an open space of at least 1m from which pedestrians can see along the vehicle route in both directions. <b>In the case of a one-way route, the pedestrian should be able to see in the direction of oncoming traffic.</b> Where such a space cannot be provided, barriers or rails should be provided to prevent pedestrians walking directly onto the vehicular route.</p> <p>Loading bays 155 Loading bays should be provided with at least one exit point from the lower level. Wide loading bays should be provided with at least two exit points, one being at each end. Alternatively, a refuge should be provided which can be used to avoid being struck or crushed by a vehicle.</p> <p>Signs 156 Potential hazards on traffic routes used by vehicles and people</p>	
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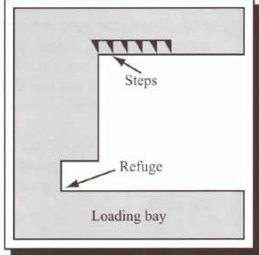
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	<p>pedestrians crossing at particularly dangerous points and to guide them to designated crossing places. At crossing places where volumes of traffic are particularly heavy, the provision of suitable bridges or subways should be considered.</p> <p><b>176</b> At crossing points there should be adequate visibility and open space for the pedestrian where the pedestrian route joins the vehicle route. For example, where an enclosed pedestrian route, or a doorway or staircase, joins a vehicle route there should be an open space of at least one metre from which pedestrians can see along the vehicle route in both directions <b>(or in the case of a one-way route, in the direction of oncoming traffic)</b>. Where such a space cannot be provided, barriers or rails should be provided to prevent pedestrians walking directly onto the vehicular route.</p> 	<p>should be indicated by suitable warning signs. Such hazards may include: sharp bends, junctions, crossings, blind corners, steep gradients or roadworks.</p> <p><b>157</b> Signs should comply with the Health and Safety (Safety Signs and Signals) Regulations 1996, although any signs used in connection with traffic should comply with the Traffic Signs Regulations and General Directions 2002 (as amended) (SI 2002 No 3113) and the Highway Code for use on the public highway.</p> <p>158 Where large vehicles have to reverse, measures for reducing risks to pedestrians and any people in wheelchairs should be considered, such as:</p> <ul style="list-style-type: none"> <li>• restricting reversing to places where it can be carried out safely;</li> <li>• keeping people on foot or in wheelchairs away;</li> <li>• providing suitable high visibility clothing for people who are permitted in the area;</li> <li>• fitting reversing alarms <b>or</b> a detection device to warn the driver of an obstruction or apply the brakes automatically; and</li> <li>• employing banksmen to supervise the</li> </ul>	
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	<p><b>Loading bays</b>  <b>177 Loading bays should be provided with at least one exit point from the lower level. Wide loading bays should be provided with at least two exit points, one being at each end. Alternatively, a refuge should be provided which can be used to avoid being struck or crushed by a vehicle.</b></p>  <p><b>Signs</b>  <b>178 Potential hazards on traffic routes used by vehicles should be indicated by suitable warning signs. Such hazards may include: sharp bends, junctions, crossings, blind corners, steep gradients or roadworks.</b></p> <p><b>179 Suitable road markings and signs should also be used to alert drivers to any restrictions which apply to the use of a traffic route. Adequate directions should also be</b></p>	<p>safe movement of vehicles.</p> <p>Whatever measures are adopted, a safe system of work should operate at all times. Account should be taken of people with impaired sight or hearing.</p> <p>159 If crowds of people are likely to overflow on to roadways, for example at the end of a shift, consideration should be given to stopping vehicles from using the routes at such times.</p> <p>160 Further guidance is available from HSE website <a href="#">[link]</a> and Building Regulations.</p>	
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	<p>provided to relevant parts of a workplace. Buildings, departments, entrances, etc should be clearly marked, where necessary, so that unplanned manoeuvres are avoided.</p> <p><b>180 Any signs in connection with traffic should comply with the Traffic Signs Regulations and General Directions 1981 (SI 1981 No 859) and the Highway Code for use on the public highway.</b></p> <p>181 Further guidance on workplace transport is given in separate HSE publications</p> <p>182 There are also separate Regulations on dock work which have requirements on traffic routes</p>		
<b>Regulation 18 Doors and gates</b>	<p><b>183 Doors and gates which swing in both directions should have a transparent panel except if they are low enough to see over. Conventionally hinged doors on main traffic routes should also be fitted with such panels. Panels should be positioned to enable a person in a wheelchair to be seen from the other side.</b></p> <p><b>184 Sliding doors should have a stop or other effective means to prevent</b></p>	<p><b>161 Doors and gates should be constructed and maintained in accordance with the Building Regulations, and maintained as required by regulation 5.</b></p> <p><b>162 Power-operated doors and gates should have safety features to prevent people being injured as a result of being struck or trapped. Safety features include:</b></p> <ul style="list-style-type: none"> <li>• a sensitive edge, or other suitable detector, and associated trip device</li> </ul>	<p>The first 3 paragraphs of the old ACOP have been removed and replaced by a single new paragraph indicating that the doors and gates should be maintained in accordance with Building Regulations.</p> <p>The Guidance notes have been significantly expanded within the new draft ACOP.</p>

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	<p>the door coming off the end of the track. They should also have a retaining rail to prevent the door falling should the suspension system fail or the rollers leave the track.</p> <p>185 Upward opening doors should be fitted with an effective device such as a counterbalance or ratchet mechanism to prevent them falling back in a manner likely to cause injury (see paragraph 190).</p> <p>186 Power operated doors and gates should have safety features to prevent people being injured as a result of being struck or trapped. Safety features include:</p> <p>(a) a sensitive edge, or other suitable detector, and associated trip device to stop, or reverse, the motion of the door or gate when obstructed;</p> <p>(b) a device to limit the closing force so that it is <b>insufficient</b> to cause injury;</p> <p>(c) an operating control which must be held in position during the whole of the closing motion. This will only be suitable where the risk of injury is low and the speed of closure is slow. Such a control, when released, should cause</p>	<p>to stop, or reverse, the motion of the door or gate when obstructed;</p> <ul style="list-style-type: none"> <li>• a device to limit the closing force so that it is <b>not enough</b> to cause injury;</li> <li>• an operating control which must be held in position during the whole of the closing motion. This will only be suitable where the risk of injury is low and the speed of closure is slow. Such a control, when released, should cause the door to stop or re-open immediately and should be positioned so that the operator has a clear view of the door throughout its movement.</li> </ul> <p>163 Where necessary, power-operated doors and gates should have a readily identifiable and accessible control switch or device so that they can be stopped quickly in an emergency. Normal on/off controls may be sufficient.</p> <p>164 It should be possible to open a power-operated door or gate if the power supply fails, unless it opens automatically in such circumstances or there is an alternative way through. This does not apply to lift doors and other doors and gates which are there to prevent falls or access to areas of potential danger.</p>	
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	<p>the door to stop or reopen immediately and should be positioned so that the operator has a clear view of the door throughout its movement.</p> <p><b>187 Where necessary, power operated doors and gates should have a readily identifiable and accessible control switch or device so that they can be stopped quickly in an emergency. Normal on/off controls may be sufficient.</b></p> <p><b>188 It should be possible to open a power operated door or gate if the power supply fails, unless it opens automatically in such circumstances, or there is an alternative way through. This does not apply to lift doors and other doors and gates which are there to prevent falls or access to areas of potential danger.</b></p> <p><b>189 Where tools are necessary for manual opening they should be readily available at all times. If the power supply is restored while the door is being opened manually, the person opening it should not be put at risk.</b></p> <p><b>190 Where the device referred to in</b></p>	<p><b>165 Where tools are necessary for manual opening they should be readily available at all times. If the power supply is restored while the door is being opened manually, the person opening it should not be put at risk.</b></p> <p><b>166 Doors and gates should be constructed and maintained in accordance with the Building Regulations and maintained as required in regulation 5. There is more information available from the HSE website [link]87 .The appropriate use of a product which complies with a European Technical Assessment as defined in the (EU) Construction Products Regulation No 305/2011 should meet the relevant requirements.</b></p> <p><b>167 When new powered doors or gates are installed, including situations where existing manually operated doors/gates are fitted with powered actuators (whether controlled automatically or by an operator), before first use they must meet the requirements of the Supply of Machinery (Safety)</b></p>	
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	paragraph 185 already forms part of the door mechanism, additional devices are not required. The fire resistance of doors is dealt with in Building Regulations and in fire precautions legislation. Advice can be obtained from local authorities and fire authorities.		
<b>Regulation 19 Escalators and moving walkways</b>	191 There are HSE publications on the safe use and periodic thorough examination of escalators. There is also a relevant British Standard.	168 Further information is available from the HSE website on the safe use and periodic thorough examination of escalators.	
<b>Regulation 20 Sanitary conveniences</b>			
<b>Regulation 21 Washing facilities</b>	<p>192 In paragraphs 193 - 211 'facilities' means sanitary and washing facilities, 'sanitary accommodation' means a room containing one or more sanitary conveniences and 'washing station' means a wash-basin or a section of a trough or fountain sufficient for one person.</p> <p>193 Sufficient facilities should be provided to <b>enable</b> everyone at work to use them without <b>undue</b> delay. <b>Minimum numbers of facilities are given in paragraphs 201-205 but more may be necessary if, for example, breaks are taken at set</b></p>	<p>169 Sufficient <b>toilet and washing facilities should be provided to allow everyone at work to use them without unreasonable</b> delay.</p> <p><b>170 Provision must be made for any workers with a disability to enable them access to facilities which are adjusted for their use if necessary.</b></p> <p><b>171 Facilities should be located so they are convenient. They do not have to be within the workplace, but they should, if possible, be within the building. If the facilities are being provided by someone else, for</b></p>	<p>The opening paragraph of the old ACOP has been removed.</p> <p>The old paragraph 194 has been amended in paragraph 170.</p> <p>An additional paragraph has been added to the new ACOP relating to legionella bacteria growth.</p> <p>There is a change in terminology - the old ACOP uses the terms 'water closets', 'sanitary accommodation' and 'washing stations', while the new ACOP uses the terms 'toilets' and 'wash basin'.</p>

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	<p>times or workers finish work together and need to wash before leaving.</p> <p>194 Special provision should be made if necessary for any worker with a disability to have access to facilities which are suitable for his or her use.</p> <p>195 The facilities do not have to be within the workplace, but they should if possible be within the building. Where arrangements are made for the use of facilities provided by someone else, for example the owner of the building, the facilities should still meet the provisions of this Code and they should be available at all material times. The use of public facilities is only acceptable as a last resort, where no other arrangement is possible.</p> <p>196 Facilities should provide adequate protection from the weather.</p> <p>197 Water closets should be connected to a suitable drainage system and be provided with an effective means for flushing with water. Toilet paper in a holder or dispenser and a coat hook should be</p>	<p>example the owner of the building, they should still meet the provisions of this Code and be available at all times when workers might be expected to be in the workplace. The use of public facilities is only acceptable as a last resort, where no other arrangement is possible.</p> <p>172 Facilities should provide adequate protection from the weather.</p> <p>173 Toilets should be connected to a suitable drainage system and have an effective means for flushing with water. Toilet paper should be provided in a holder or dispenser. A coat hook should also be provided. In toilets used by women, suitable means for the disposal of sanitary dressings should also be provided.</p> <p>174 Washbasins should have hot and cold, or warm, running water, and be large enough to allow a worker to wash their face, hands and forearms. Showers or baths should also be provided where the work is:</p> <ul style="list-style-type: none"> <li>• particularly strenuous;</li> <li>• dirty; or</li> <li>• results in contamination of the skin by hazardous or offensive materials.</li> </ul>	
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	<p>provided. In the case of water closets used by women, suitable means should be provided for the disposal of sanitary dressings.</p> <p>198 <b>Washing stations</b> should have running hot and cold, or warm water, and be large enough to enable effective washing of face, hands and forearms. Showers or baths should also be provided where the work is:</p> <ul style="list-style-type: none"> <li>(a) particularly strenuous;</li> <li>(b) dirty; or</li> <li>(c) results in contamination of the skin by <b>harmful</b> or offensive materials.</li> </ul> <p>This includes, for example, work with molten metal in foundries and the manufacture of oil cake.</p> <p>199 Showers which are fed by both hot and cold water should be fitted with a device such as a thermostatic mixer valve to prevent users being scalded.</p> <p>200 <b>The</b> facilities should be arranged to ensure adequate privacy for the user. In particular:</p> <ul style="list-style-type: none"> <li>(a) each <b>water closet</b> should be situated in a separate room or cubicle, with a door which can be secured from the inside;</li> </ul>	<p><b>175 Man-made water systems are a potential source for legionella bacteria growth, and risks from legionella in such systems should be appropriately assessed and managed.</b></p> <p>176 Showers which are fed by both hot and cold water should be fitted with a device such as a thermostatic mixer valve to prevent users being scalded.</p> <p>177 Facilities should be arranged to ensure adequate privacy for the user. In particular:</p> <ul style="list-style-type: none"> <li>• each <b>toilet</b> should be in a separate room or cubicle, with a door that can be secured from the inside;</li> <li>• it should not be possible to see urinals, or into communal shower or bathing areas, from outside the facilities when any entrance or exit door opens;</li> <li>• windows to <b>toilets</b>, showers or bathrooms should be <b>of opaque material or have</b> blinds or curtains unless it is not possible to see into them from outside;</li> <li>• the facilities should be fitted with doors at entrances and exits unless other measures are taken to ensure</li> </ul>	
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	<p>(b) it should not be possible to see urinals, or into communal shower or bathing areas, from outside the facilities when any entrance or exit door opens;</p> <p>(c) windows to <b>sanitary accommodation</b>, shower or bathrooms should be <b>obscured by means of frosted glass</b>, blinds or curtains unless it is not possible to see into them from outside; and</p> <p>(d) the facilities should be fitted with doors at entrances and exits unless other measures are taken to ensure an equivalent degree of privacy.</p> <p>Minimum numbers of facilities</p> <p>201 Table 1 shows the minimum number of <b>sanitary conveniences and washing stations</b> which should be provided. <b>The number of people at work shown in</b> column 1 refers to the maximum number likely to be in the workplace at any one time. <b>Where</b> separate <b>sanitary accommodation is</b> provided for a group of workers, for example men, women, office workers or manual workers, a separate calculation should be made for each group.</p> <p>Table 1</p> <table><tr><th>(1) Number</th><th>(2) Number</th><th>(3) Number</th></tr></table>	(1) Number	(2) Number	(3) Number	<p>an equivalent degree of privacy.</p> <p>Minimum numbers of facilities</p> <p>178 Table 1 shows the minimum number of <b>toilets and washbasins</b> that should be provided where both men and women are working. Column 1 refers to the maximum number <b>of workers</b> likely to be in the workplace at any one time. <b>If</b> separate <b>toilets are</b> provided for a group of workers (e.g. men, women, office workers or manual workers), a separate calculation should be made for each group. <b>More facilities may be necessary if, for example, breaks are taken at set times or workers finish work together and need to wash before leaving.</b></p> <p>Table 1 Number of facilities needed per number of people at work.</p> <table><tr><th>(1) Number of people at work</th><th>(2) Number of cubicles</th><th>(3) Number of wash basins</th></tr><tr><td>1 to 5</td><td>1</td><td>1</td></tr><tr><td>6 to 25</td><td>2</td><td>2</td></tr><tr><td>26 to 50</td><td>3</td><td>3</td></tr><tr><td>51 to 75</td><td>4</td><td>4</td></tr><tr><td>76 to 100</td><td>5</td><td>5</td></tr></table>	(1) Number of people at work	(2) Number of cubicles	(3) Number of wash basins	1 to 5	1	1	6 to 25	2	2	26 to 50	3	3	51 to 75	4	4	76 to 100	5	5	
(1) Number	(2) Number	(3) Number																						
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	<table><tr><th>of people at work</th><th>of water closets</th><th>of wash stations</th></tr><tr><td>1 to 5</td><td>1</td><td>1</td></tr><tr><td>6 to 25</td><td>2</td><td>2</td></tr><tr><td>26 to 50</td><td>3</td><td>3</td></tr><tr><td>51 to 75</td><td>4</td><td>4</td></tr><tr><td>76 to 100</td><td>5</td><td>5</td></tr></table>	of people at work	of water closets	of wash stations	1 to 5	1	1	6 to 25	2	2	26 to 50	3	3	51 to 75	4	4	76 to 100	5	5	<p>alternative to column 2 of Table 1 if toilets are only used by men. A urinal may either be an individual urinal or a section of urinal space which is at least 600 mm long.</p>																														
of people at work	of water closets	of wash stations																																																
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	<p>202 In the case of sanitary accommodation used only by men, Table 2 may be followed if desired, as an alternative to column 2 of Table 1. A urinal may either be an individual urinal or a section of urinal space which is at least 600 mm long.</p> <p>Table 2</p> <table><tr><th>(1) Number of men at work</th><th>(2) Number of water closets</th><th>(3) Number of urinals</th></tr><tr><td>1 to 15</td><td>1</td><td>1</td></tr><tr><td>16 to 30</td><td>2</td><td>1</td></tr><tr><td>31 to 45</td><td>2</td><td>2</td></tr><tr><td>46 to 60</td><td>3</td><td>2</td></tr><tr><td>61 to 75</td><td>3</td><td>3</td></tr><tr><td>76 to 90</td><td>4</td><td>3</td></tr><tr><td>91 to 100</td><td>4</td><td>4</td></tr></table>	(1) Number of men at work	(2) Number of water closets	(3) Number of urinals	1 to 15	1	1	16 to 30	2	1	31 to 45	2	2	46 to 60	3	2	61 to 75	3	3	76 to 90	4	3	91 to 100	4	4	<p>Table 2 Number of facilities needed per number of men at work.</p> <table><tr><th>(1) Number of men at work</th><th>(2) Number of cubicles</th><th>(3) Number of urinals</th></tr><tr><td>1 to 15</td><td>1</td><td>1</td></tr><tr><td>16 to 30</td><td>2</td><td>1</td></tr><tr><td>31 to 45</td><td>2</td><td>2</td></tr><tr><td>46 to 60</td><td>3</td><td>2</td></tr><tr><td>61 to 75</td><td>3</td><td>3</td></tr><tr><td>76 to 90</td><td>4</td><td>3</td></tr><tr><td>91 to 100</td><td>4</td><td>4</td></tr></table>	(1) Number of men at work	(2) Number of cubicles	(3) Number of urinals	1 to 15	1	1	16 to 30	2	1	31 to 45	2	2	46 to 60	3	2	61 to 75	3	3	76 to 90	4	3	91 to 100	4	4
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91 to 100	4	4																																																
(1) Number of men at work	(2) Number of cubicles	(3) Number of urinals																																																
1 to 15	1	1																																																
16 to 30	2	1																																																
31 to 45	2	2																																																
46 to 60	3	2																																																
61 to 75	3	3																																																
76 to 90	4	3																																																
91 to 100	4	4																																																
	<p>203 An additional water closet, and one additional washing station, should be provided for every 25</p>	<p>180 An additional toilet and washbasin should be provided for every 25 people above a total of 100 (or fraction of 25). For toilets only used by men, an additional cubicle for every 50 men (or fraction of 50) above 100 is sufficient, provided at least an equal number of additional urinals are provided.</p> <p>181 For dirty work which results in the heavy soiling of the face, hands and forearms, the number of</p>																																																

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	<p>people above 100 (or fraction of 25). <b>In the case of water closets used only by men,</b> an additional <b>water closet</b> for every 50 men (or fraction of 50) above 100 is sufficient provided at least an equal number of additional urinals are provided.</p> <p>204 <b>Where work activities result in</b> heavy soiling of face, hands and forearms, the number of <b>washing stations</b> should be increased to one for every 10 people at work (or fraction of 10) up to 50 people; and one extra for every additional 20 people (or fraction of 20).</p> <p>205 <b>Where</b> facilities provided for workers are also used by members of the public the number of <b>conveniences and washing stations</b> specified above should be increased as necessary to ensure that workers can use the facilities without <b>undue</b> delay.</p> <p>Remote workplaces and temporary work sites</p> <p>206 <b>In the case of</b> remote workplaces without running water or a nearby sewer, <b>sufficient</b> water in containers for washing, or other means of maintaining personal hygiene, and</p>	<p><b>washbasins</b> should be increased to one for every 10 people at work (or fraction of 10) up to 50 people, and one extra for every additional 20 people (or fraction of 20).</p> <p>182 <b>If the</b> facilities provided for workers are also used by members of the public, the number of <b>toilets and washbasins</b> specified above should be increased as necessary to ensure that workers can use the facilities without <b>unreasonable</b> delay.</p> <p>Remote workplaces and temporary work sites</p> <p>183 <b>For</b> remote workplaces without running water or a nearby sewer, <b>provide enough</b> water in containers for washing, or other means of maintaining personal hygiene, and <b>enough chemical toilets</b>. As far as possible, avoid chemical toilets that have to be emptied manually. If chemical toilets must be used, a suitable deodorising agent should be provided and they should be emptied and recharged at suitable intervals.</p> <p>184 For temporary work sites, regulation 3(2) requires <b>dutyholders</b> to provide suitable and sufficient <b>toilets and washing facilities</b>, so far</p>	
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	<p><b>sufficient chemical closets</b> should be provided. Chemical closets which have to be emptied manually should be avoided as far as possible. If they have to be used a suitable deodorising agent should be provided and they should be emptied and recharged at suitable intervals.</p> <p>207 In the case of temporary work sites, <b>which are referred to in paragraph 12 of this document,</b> regulation 3(2) requires that suitable and sufficient sanitary <b>conveniences and washing facilities</b> should be provided so far as is reasonably practicable. <b>As far as possible, water closets and washing stations which satisfy this Code should be provided. In other cases, mobile facilities should be provided wherever possible. These should if possible include flushing sanitary conveniences and running water for washing and meet the other requirements of this Code.</b></p> <p>Ventilation, cleanliness and lighting 208 Any room containing a <b>sanitary convenience</b> should be well ventilated, so that offensive odours do not linger. Measures should also be taken to prevent odours entering</p>	<p>as is reasonably practicable. <b>In other cases, mobile facilities should be provided wherever possible. These should, if possible, include flushing toilets and running water for washing and meet the other requirements of this Code.</b></p> <p>Ventilation, cleanliness and lighting 185 Any room containing a <b>toilet</b> should be well ventilated, so that offensive odours do not linger. Measures should also be taken to prevent odours entering other rooms. It should not be possible for air from a room containing a toilet to enter a room where food is processed, prepared or eaten.</p> <p>186 Arrangements should be made to ensure that rooms containing <b>toilets or washing facilities</b> are <b>well lit</b> and kept clean. The frequency and thoroughness of cleaning should be adequate for this purpose. Responsibility for cleaning should be clearly established, particularly where facilities are shared by more than one workplace.</p> <p>Other Regulations and publications 187 Any water system, with the right environmental conditions, could be a</p>	
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	<p>other rooms. This may be achieved by, for example, providing a ventilated area between the room containing the convenience and the other room. Alternatively it may be possible to achieve it by mechanical ventilation or, if the room containing the convenience is well sealed from the workroom and has a door with an automatic closer, by good natural ventilation. However, no room containing a sanitary convenience should communicate directly with a room where food is processed, prepared or eaten.</p> <p>209 Arrangements should be made to ensure that rooms containing sanitary conveniences or washing facilities are kept clean. The frequency and thoroughness of cleaning should be adequate for this purpose. The surfaces of the internal walls and floors of the facilities should normally have a surface which permits wet cleaning, for example ceramic tiling or a plastic coated surface. The rooms should be well lit; this will also facilitate cleaning to the necessary standard and give workers confidence in the cleanliness of the facilities.</p> <p>Responsibility for cleaning should be</p>	<p>source for legionella bacteria growth. Further information is available from the HSE website <a href="http://www.hse.gov.uk/healthservices/legionella.htm">http://www.hse.gov.uk/healthservices/legionella.htm</a></p> <p>188 Other Regulations and Approved Codes of Practice on the control of substances hazardous to health also deal with washing facilities. You can get information about the requirements of food hygiene legislation from the Environmental Health Department of local authorities. Building Regulations also set specifications and standards for toilet and washing facilities.</p> <p>189 Further information is available on the HSE website [link].</p>	
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	<p><b>clearly established, particularly where facilities are shared by more than one workplace.</b></p> <p>Other Regulations and publications</p> <p>210 Legionnaires' disease is caused by bacteria which may be found where water stands for long periods at lukewarm or warm temperatures in, for example, tanks or little-used pipes. Separate HSE publications are available.</p> <p>211 Other Regulations and Approved Codes of Practice on the control of substances hazardous to health also deal with washing facilities. Information about the requirements of food hygiene legislation can be obtained from the Environmental Health Department of local authorities. The requirement in the last sentence of paragraph 208 is not intended to apply to rest rooms in which workers may eat food they have brought into the workplace.</p>		
<b>Regulation 22 Drinking water</b>	<p><b>212 Drinking water should normally be obtained from a public or private water supply by means of a tap on a pipe connected directly to the water main. Alternatively, drinking water may be derived from a tap on a pipe connected directly to a storage cistern which complies with the</b></p>	<p><b>190 Drinking water should normally be obtained directly from a suitable public or private mains supply. If a cistern, tank or vessel is used as a supply, it should be well covered, kept clean and tested and disinfected as necessary. If refillable containers need to be used, they should be</b></p>	<p>The new ACOP has removed the requirement that water provided in refillable containers should only be provided where "it cannot be obtained directly from a mains supply".</p>

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	<p><b>requirements of the UK Water Byelaws. In particular, any</b> cistern, tank or vessel used as a supply should be well covered, kept clean and tested and disinfected as necessary. <b>Water should only be provided in refillable containers where it cannot be obtained directly from a mains supply. Such containers should be</b> suitably enclosed to prevent contamination and should be refilled at least daily.</p> <p>213 Drinking water taps should not be installed in places where contamination is likely, for example in a workshop where lead is handled or processed. As far as is reasonably practicable they should also not be installed in <b>sanitary accommodation.</b></p> <p>214 Drinking cups or beakers should be provided unless the supply is <b>by means</b> of a drinking fountain. In the case of non-disposable cups a facility for washing them should be provided nearby.</p> <p><b>215 Drinking water supplies should be marked as such if people may otherwise drink from supplies which are not meant for drinking. Marking is not necessary if non-drinkable cold</b></p>	<p>suitably enclosed to prevent contamination and refilled at least once a day.</p> <p>191 Drinking water taps should not be installed in places where contamination is likely, for example in a workshop where lead is handled or processed. As far as is reasonably practicable, they should also not be installed in <b>toilets.</b></p> <p>192 Drinking cups or beakers should be provided unless the supply is <b>through</b> a drinking fountain. In the case of non-disposable cups, a facility for washing them should be provided nearby.</p> <p>193 Bottled water/water dispensing systems may be provided as a <b>supplementary</b> source of drinking water. <b>Further information on drinking water is available from DEFRA</b></p>	
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	<p><b>water supplies are clearly marked as such.</b></p> <p>216 Water supplies likely to be grossly contaminated, such as in supplies meant for process use only, should be clearly marked by a suitable sign.</p> <p>Bottled water/water dispensing systems may still be provided as a <b>secondary</b> source of drinking water.</p>		
<p><b>Regulation 23 Accommodation for clothing</b></p>	<p>217 Special work clothing includes all clothing which is only worn at work such as overalls, uniforms, thermal clothing and hats worn for food hygiene purposes.</p> <p><b>218 Accommodation for work clothing and workers' own personal clothing should enable it to hang in a clean, warm, dry, well-ventilated place where it can dry out during the course of a working day if necessary. If the workroom is unsuitable for this purpose then accommodation should be provided in another convenient place. The accommodation should consist of, as a minimum, a separate hook or peg for each worker.</b></p> <p><b>219 Where facilities to change clothing are required by regulation 24, effective measures should be taken to ensure the security of</b></p>	<p><b>194 Provide accommodation for work clothing and workers' own personal clothing so it can be hung in a clean, warm, dry, well-ventilated place, where it can dry out during the course of a working day if necessary. If the workroom is unsuitable for this purpose, then provide accommodation in another convenient place.</b></p> <p><b>195 Where facilities to change clothes are required by regulation 24, take effective measures to ensure the security of clothing. This may be achieved, for example, by providing a lockable locker for each worker.</b></p> <p><b>196 Where work clothing (including personal protective equipment) becomes dirty, damp or contaminated due to the work, it should be accommodated separately</b></p>	<p>The opening guidance note from the old ACOP has been moved to end of the Regulation ACOP.</p>



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	<p>clothing. This may be achieved, for example, by providing a lockable locker for each worker.</p> <p><b>220 Where work clothing (including personal protective equipment) which is not taken home becomes dirty, damp or contaminated due to the work it should be accommodated separately from the worker's own clothing. Where work clothing becomes wet, the facilities should enable it to be dried by the beginning of the following work period unless other dry clothing is provided.</b></p> <p>221 Separate Regulations deal with personal protective equipment at work in greater detail.</p> <p>222 Other Regulations and Approved Codes of Practice on the control of substances hazardous to health also deal with accommodation for clothing. Information about the requirements for food hygiene legislation can be obtained from the Environmental Health Department of local authorities.</p>	<p>from the worker's own clothing. <b>If it becomes wet, the facilities should enable it to be dried by the beginning of the following work period, unless other dry clothing is provided.</b></p> <p>197 Special work clothing includes all clothing that is only worn at work, such as overalls, uniforms, thermal clothing and hats worn for food hygiene purposes.</p> <p>198 Separate Regulations deal with personal protective equipment at work in greater detail.</p> <p>199 Other Regulations and Approved Codes of Practice on the control of substances hazardous to health also deal with accommodation for clothing.</p> <p>200 Information about the requirements for food hygiene legislation can be obtained from the Environmental Health Department of local authorities.</p>	
<b>Regulation 24 Facilities for changing clothing</b>	<b>223 A changing room or rooms should be provided for workers who change into special work clothing (see paragraph 217) and where they remove more than outer clothing.</b>	<b>201 A changing room or rooms should be provided for workers who change into special work clothing (see paragraph 196) and where they remove more than outer clothing.</b>	The word 'harmful' from the old ACOP has been changed to 'hazardous'.

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	<p>Changing rooms should also be provided where necessary to prevent workers' own clothing being contaminated by a <b>harmful</b> substance.</p> <p>224 Changing facilities should be <b>readily</b> accessible from workrooms and eating facilities, if provided. They should be provided with adequate seating and should contain, or <b>communicate</b> directly with, clothing accommodation and showers or baths if provided. They should be constructed and arranged to ensure the privacy of the user.</p> <p>225 The facilities should be large enough to enable the maximum number of persons at work expected to use them at any one time, to do so without overcrowding or unreasonable delay. <b>Account should be taken of starting and finishing times of work and the time available to use the facilities.</b></p> <p>226 Other Regulations and Approved Codes of Practice on the control of substances hazardous to health also deal with changing facilities</p>	<p>Changing rooms should also be provided where necessary to prevent workers' own clothing being contaminated by a <b>hazardous</b> substance.</p> <p>202 <b>The</b> changing facilities should be fitted with adequate seating and contain, or <b>connect</b> directly with, clothing accommodation and showering/bathing facilities. They should be accessible from workrooms and eating facilities, and ensure the occupier's privacy.</p> <p>203 The facilities should be large enough to allow the maximum number of workers expected to use them at any one time to do so without overcrowding or unreasonable delay.</p> <p>204 Further information is available from the HSE website</p>	
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<p><b>Regulation 25</b> <b>Facilities for rest and to eat meals</b></p>	<p><b>227 For workers who have to stand to carry out their work, suitable seats should be provided for their use if the type of work gives them an opportunity to sit from time to time.</b></p> <p><b>228 Suitable seats should be provided for workers to use during breaks. These should be in a suitable place where personal protective equipment (for example respirators or hearing protection) need not be worn. In offices and other reasonably clean workplaces, work seats or other seats in the work area will be sufficient, provided workers are not subject to excessive disturbance during breaks, for example, by contact with the public. In other cases one or more separate rest areas should be provided (which in the case of new workplaces, extensions and conversions should include a separate rest room).</b></p> <p><b>229 Rest areas or rooms provided in accordance with regulation 25(2) should be large enough, and have sufficient seats <b>with backrests</b> and tables, for the number of workers likely to use them at any one time.</b></p> <p><b>230 If workers frequently have to</b></p>	<p><b>205 Suitable seats should be provided for workers who have to stand to carry out their work, if the type of work gives them an opportunity to sit from time to time.</b></p> <p><b>206 <b>Provide</b> suitable seats for workers to use during breaks, within areas in which personal protective equipment need not be worn. In offices and other reasonably clean workplaces, seats in the work area will be sufficient, provided workers are not subject to excessive disturbance during breaks, for example by contact with the public. In other cases, one or more separate rest areas should be provided (which for new workplaces, extensions and conversions should include a separate rest room).</b></p> <p><b>207 Rest areas or rooms provided in accordance with regulation 25(2) should be large enough, and have sufficient seats and tables, for the number of workers likely to use them at one time.</b></p> <p><b>208 If there is any requirement for workers to frequently leave their work area then provide a suitable rest area where they can wait.</b></p>	<p>The new ACOP removes the need for seats in rest areas to have 'backrests'.</p> <p>The examples used in the old ACOP about places where food may get contaminated have been removed.</p> <p>The new ACOP includes a revised section about 'Preventing discomfort caused by tobacco smoke' which reflects the recent change in the law (re: smoking in-doors).</p> <p>There is also a new Guidance note about 'People with disabilities' in the new ACOP.</p>
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	<p>leave their work area, and to wait until they can return, there should be a suitable rest area where they can wait.</p> <p><b>231</b> Where workers regularly eat meals at work suitable and sufficient facilities should be provided for the purpose. Such facilities should also be provided where food would otherwise be likely to be contaminated, including by dust or water, <b>for example:</b></p> <p><b>(a) cement works, clay works, foundries, potteries, tanneries, and laundries;</b></p> <p><b>(b) the manufacture of glass bottles and pressed glass articles, sugar, oil cake, jute, and tin or terne plates; and</b></p> <p><b>(c) glass bevelling, fruit preserving, gut scraping, tripe dressing, herring curing, and the cleaning and repairing of sacks.</b></p> <p><b>232</b> Seats in work areas can be counted as eating facilities provided they are in a sufficiently clean place and there is a suitable surface on which to place food. Eating facilities should include a facility for preparing or obtaining a hot drink, such as an electric kettle, a vending machine or</p>	<p><b>209</b> Where workers regularly eat meals at work, <b>provide</b> suitable and sufficient facilities. Such facilities should also be provided where food would otherwise be likely to be contaminated, including by dust or water.</p> <p><b>210</b> Seats in work areas can be counted as eating facilities provided they are in a sufficiently clean place and there is a suitable surface on which to place food. Eating facilities should include a facility for preparing or obtaining a hot drink, such as an electric kettle, a vending machine or a canteen. Workers who work during hours or at places where hot food cannot be obtained in, or reasonably near, the workplace should be provided with the means for heating their own food.</p> <p><b>211</b> Eating facilities should be kept clean to a suitable hygiene standard. Clear responsibility for cleaning should be allocated.</p> <p><b>212</b> Where necessary, ensure the facilities do not become contaminated by substances brought in on footwear or clothing. Adequate</p>	
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	<p>a canteen. Workers who work during hours or at places where hot food cannot be obtained in, or reasonably near to, the workplace should be provided with the means for heating their own food.</p> <p><b>233 Eating facilities should be kept clean to a suitable hygiene standard. Responsibility for cleaning should be clearly allocated. Steps should be taken where necessary to ensure that the facilities do not become contaminated by substances brought in on footwear or clothing. If necessary, adequate washing and changing facilities should be provided in a conveniently accessible place.</b></p> <p><b>234 Canteens or restaurants may be used as rest facilities, provided that there is no obligation to purchase food in order to use them.</b></p> <p><b>235 Good hygiene standards should be maintained in those parts of rest facilities used for eating or preparing food and drinks.</b></p> <p><b>236 The subject of eating in the workplace is also dealt with in other Regulations concerning asbestos, lead,</b></p>	<p>washing and changing facilities should be provided in a conveniently accessible place.</p> <p><b>213 Canteens or restaurants may be used as rest facilities, providing there is no obligation to buy food in order to use them.</b></p> <p><b>214 Good hygiene standards should be maintained in those parts of rest facilities used for eating or preparing food and drinks.</b></p> <p><b>Facilities for pregnant women and nursing mothers</b></p> <p><b>215 Facilities for pregnant women and nursing mothers to rest should be conveniently situated in relation to toilets and, where necessary, include the facility to lie down. Separate guidance is available on working safely with ionising radiation for expectant or breastfeeding mothers.</b></p> <p><b>Preventing discomfort caused by tobacco smoke.</b></p> <p><b>216 Where smoking in any area of the workplace or any rest area is not prohibited by law (for example some care homes or prisons), non smokers should be protected from</b></p>	
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	<p>and ionising radiations, and in Approved Codes of Practice on the control of substances hazardous to health and on work in Potteries.</p> <p><b>Facilities for pregnant women and nursing mothers</b></p> <p><b>237 Facilities for pregnant women and nursing mothers to rest should be conveniently situated in relation to sanitary facilities and, where necessary, include the facility to lie down.</b></p> <p>238 There is an HSE leaflet on health aspects of pregnancy.</p> <p><b>Prevention of discomfort caused by tobacco smoke</b></p> <p><b>239 Rest areas and rest rooms should be arranged to enable employees to use them without experiencing discomfort from tobacco smoke. Methods of achieving this include:</b></p> <p><b>(a) the provision of separate areas or rooms for smokers and non-smokers, or</b></p> <p><b>(b) the prohibition of smoking in rest areas and rest rooms.</b></p> <p>240 Passive smoking in the workplace is dealt with in a separate HSE</p>	<p><b>experiencing discomfort from tobacco smoke. Staff who provide care or other services in residential rooms where the users are permitted to smoke must be provided with a separate, smoke free rest room or rest area.</b></p> <p>217 Sections 3(b) (i) and (ii) and 25A were introduced by the Health and Safety (Miscellaneous Amendments) Regulations 2002.</p> <p>218 The Smoking, Health and Social Care (Scotland) Act 2005 (for Scotland) and the Health Act 2006 (for England and Wales) prohibit smoking in workplaces, including rest rooms and many rest areas. Any area where smoking is permitted should be sited, where possible, far enough from work areas and non-smoking rest areas to prevent tobacco smoke getting into them – taking into account doors and windows that may open.</p> <p>219 The subject of eating in the workplace is also dealt with in other Regulations concerning asbestos, lead, and ionising radiations, and in Approved Codes of Practice on the control of substances hazardous to health and on work in potteries.</p>	
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	publication	<p>People with disabilities</p> <p>220 Regardless of their disability, people should be able to gain access to buildings and be able to use the facilities. This could mean that an employer may need to make some changes to a building or premises to take account of the needs of the disabled person.</p> <p>221 This could include:</p> <ul style="list-style-type: none"> <li>• taking into account the structure of a building, for example steps, changes of level, emergency exits or narrow doorways;</li> <li>• some disabled people who can walk find it easier to negotiate a flight of stairs rather than a ramp, and for those people handrails for support is essential;</li> <li>• looking at the way the building has been fitted out, for example avoiding heavy doors, inaccessible toilets or inappropriate lighting;</li> <li>• there should be suitable toilets designed for wheelchair users and disabled people who can walk;</li> <li>• for disabled people, suitable toilet accommodation may take the form of specially designed cubicles in separate-sex toilet washrooms or a self-contained unisex toilet;</li> <li>• for disabled people who can walk,</li> </ul>	
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		<p>doors to compartments should be outward opening;</p> <ul style="list-style-type: none"> <li>workers using wheelchairs may need to have workstation access widened and the height of their workstation modified.</li> </ul> <p>222 Further information is available from the Equality and Human Rights Commission (<a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a>) and in the Building Regulations.</p>	
<b>Regulation 26 Exemption certificate</b>			
<b>Regulation 27 Repeals, saving and revocations</b>			

Alice Warren

Legal Policy Officer

Miles Burger

Head of Research

***Last Updated:*** Tuesday 18<sup>th</sup> June 2013



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