



Maritime and Coastguard Agency

MARINE GUIDANCE NOTE

MGN 410 (M+F)

The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010

Notice to all Ship Owners, Ship Operators, Charterers, Managers and other Employers of Seafarers, and Masters, Chief Engineers, Officers, Ratings and other workers on Merchant Ships, Fishing Vessels and Yachts and other vessels with paid crew

This notice should be read in conjunction with the following Marine Guidance Notes:-

- *MGN 20 (M+F), which provides guidance on general requirements relating to health and safety at work;*
- *MGN 331(M+F) which provides guidance on requirements relating to the provision and use of work equipment contained in the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 ; and*
- *MGN 332(M+F), which provides guidance on requirements relating to lifting operations and lifting equipment, contained in the Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006.*

PLEASE NOTE:-

Where this document provides guidance on the law it should not be regarded as definitive. The way the law applies to any particular case can vary according to circumstances - for example, from vessel to vessel and you should consider seeking independent legal advice if you are unsure of your own legal position.

Summary

This MGN provides guidance on the requirements of the Merchant Shipping and Fishing Vessels (Work at Height) Regulations 2010. Falls whilst working at height can potentially result in serious or even fatal injuries and the Regulations require employers to take account of the risks associated with working at height when carrying out health and safety risk assessments.

1. INTRODUCTION

- 1.1 The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Work at Height) Regulations 2010 (SI 2010/332) (the "Work at Height Regulations 2010"), which come into force on 6 April 2010, implement Directive 2001/45/EC on the protection of workers from the risks associated with working at height ("the Work at Height Directive"). The Health and Safety Executive (HSE) and the Health and Safety Executive for Northern Ireland HSE(NI) have already implemented the Directive for land-based workers through the Work at Height Regulations 2005 and the Work at Height (Northern

Ireland) Regulations 2005 respectively and the Work at Height Regulations 2010 complete UK implementation by extending the requirements of the Work at Height Directive to all UK registered ships, including fishing vessels, yachts and small vessels of all types with workers on board, wherever they may be, including on inland waters. Certain provisions also apply to non-United Kingdom ships and fishing vessels which are in United Kingdom waters.

- 1.2 The Work at Height Directive amends Directive 89/655/EEC (the "Work Equipment Directive"), which is a "Daughter Directive" of Directive 89/391/EEC (the "Framework Directive"), which introduced general measures to encourage improvements in the safety and health of workers at work. The Framework Directive was implemented for the maritime sector in the UK by the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997 (SI 1997/2962) (as amended) (the "General Duties Regulations") and the Work Equipment Directive was implemented by the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006 (SI 2006/2183) ("PUWER 2006") and the Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006 (SI 2006/2184) ("LOLER 2006"). Rather than amending the PUWER 2006 and LOLER 2006 Regulations, implementation of the Work at Height Directive follows a similar route to that adopted for land-based workers by HSE by setting out the requirements in a completely separate set of Regulations.
- 1.3 The Work at Height Regulations 2010 build on the requirements of the General Duties Regulations by requiring that the risk assessment which employers are required to carry out under regulation 7 of the General Duties Regulations includes more detailed consideration of whether any risks to workers exist, or could potentially arise, as a result of carrying out work at height. If such risks are identified, appropriate measures must be taken to remove or mitigate the risk and to protect workers.
- 1.4 The provisions of the Work at Height Regulations 2010 apply to all work carried out "at height" where a person could fall a distance liable to result in an injury to them. For this reason the "**2 metre rule**", previously utilised for land based workers, and informally applied to maritime workers, no longer applies. These Regulations apply irrespective of whether work is being carried out at 2 metres or above or below 2 metres.
- 1.5 The Code of Safe Working Practices for Merchant Seamen will be amended in due course to take account of the provisions of the Work at Height Regulations 2010 and the guidance contained in this Marine Guidance Note. Pending such amendment, where any conflict occurs between the provisions of the Work at Height Regulations 2010 (supported by this MGN) and the Code of Safe Working Practices for Merchant Seamen, the provisions of the Work at Height Regulations 2010 and this MGN take precedence.

2. FALLS FROM HEIGHT AND RELEVANCE TO SHIPPING

- 2.1 Falls from height are a significant cause of death and injury amongst many sectors of industry and even falls from a relatively low level can be serious or even fatal. Research carried out by HSE shows that falls from height usually occur as a result of poor management control rather than because of equipment failure. Common factors include:
 - Failure to recognise a problem.
 - Failure to provide safe systems of work.
 - Failure to ensure that safe systems of work are followed.
 - Inadequate information, instruction, training or supervision provided.
 - Failure to use appropriate safety equipment, including PPE e.g. safety harnesses.

- Failure to provide safe plant/equipment.
- 2.2 The Work at Height Regulations 2010 do not automatically apply to work on every vessel, only to those where it is possible and/or proposed that work, of any kind, will be carried out at height. In this context it should be noted that **“work at height”** does not only encompass working from a ladder or on scaffolding but may also include:-
- working alongside an open hatch or other opening in a ship's structure;
 - working in close proximity to, or supported from, a ship's side;
 - working in or entering or exiting deep tanks, such as ballast tanks;
 - working on or from a permanent stairway, gangway, accommodation ladder or companionway in or on a ship **except** where the worker is only using that permanent stairway, gangway, accommodation ladder or companionway to obtain access to or egress from any place on a ship; or
 - obtaining access to or egress from any place on a ship while at work **except** where the worker is obtaining access to or egress from a ship by use of a permanent stairway, gangway, accommodation ladder or companionway for the purpose it was designed for;

where, if the measures required by the Work at Height Regulations 2010 were not taken, a person could fall a distance liable to cause personal injury.

- 2.3 In the exceptions described in the final two bullet points above, the provisions of the Merchant Shipping (Means of Access) Regulations 1988 (as amended) and the Merchant Shipping (Safe Movement on Board Ship) Regulations 1988 (as amended) will apply where access to or egress from the ship is being obtained. The Work at Height Regulations 2010 will apply where a worker is undertaking work at height from such gangways, ladders etc or other means of access.

3. MEANING OF “WORKER” (Regulation 3)

- 3.1 The Work at Height Regulations 2010, like the General Duties Regulations and other Health and Safety Regulations currently in force, apply to all persons employed on board any vessel, including employed trainees or apprentices, whether the vessel goes to sea or only operates on inland waters. As with those previous Regulations, the provisions of the Work at Height Regulations 2010 do not apply to persons who are training on a vessel which is being used to provide instruction in the principles of responsibility, resourcefulness, loyalty and team endeavour and to advance education in the art of seamanship or the provision of instruction in navigation and seamanship for yachtsmen e.g. trainees on sail training vessels. The rationale for this exemption is that such persons are not workers for the purposes of the Directive as they are not employed and do not receive a wage for the time spent on the vessel. Notwithstanding this exception, regulation 5(1) of the General Duties Regulations places a general obligation on employers to ensure the health and safety of all persons on board, so far as is reasonably practicable, irrespective of whether or not they are workers.

4. APPLICATION (Regulation 4)

- 4.1 As with the General Duties Regulations and previous health and safety regulations, the Work at Height Regulations 2010 apply to all activities of workers on UK registered vessels and Government ships (other than Royal Navy vessels) wherever they are in the world. Certain provisions also apply to non-UK ships whilst in UK waters. The Work at Height Regulations 2010 apply to all types of commercially operated vessels, including yachts, fishing vessels and vessels operating only on inland waters, on which workers are employed.

- 4.2 Regulation 4(2) does provides for a limited derogation from the requirements of the Work at Height Regulations 2010 in respect of vessels undertaking public service or civil protection activities where, because of characteristics peculiar to the activity being undertaken, full compliance with the requirement of the Work at Height Regulations 2010 is not possible. This derogation applies to activities such as search and rescue or law enforcement and only applies to the specific provision of the Work at Height Regulations 2010 with which compliance is not possible and for the length of time compliance is not possible. All remaining provisions of the Work at Height Regulations 2010 will continue to apply in full and as soon as the activity concerned is no longer being undertaken full compliance with all the requirements of the Work at Height Regulations 2010 will be required. In this context “activity” is considered to refer to specific occasions on which an activity is undertaken and not to an ongoing period during which such activities might periodically occur. Notwithstanding the derogation, the health and safety of any person on board who is affected as a result of the application of the derogation must be safeguarded as far as is reasonably practicable.
- 4.3 For the purposes of the derogation referred to in paragraph 4.2, the term, “public service activities” covers the activities of the armed forces, HM Coastguard, HM Revenue and Customs, immigration officers, police, prison officers and the security and intelligence services. This derogation will also apply to any vessel engaged in matters relating to national security whether or not it is directly operated by or under the control of the security services. **NOTE - Ferries, whether operated by a public body or not, are not covered by the “Public service activities” derogation** because there is no reason why activities carried out by such vessels should inevitably conflict with the Work at Height Regulations 2010. “Civil protection services” includes the fire and rescue services; ambulance; and search and rescue services such as those provided by the RNLI, independent lifeboats etc. This derogation also applies to any vessel engaged in search and rescue activities when answering a distress call, or when requested to do so by HM Coastguard or the appropriate authority of another state, when there is an unavoidable need to undertake work at height.
- 4.4 The provisions of the Work at Height Regulations 2010 do not apply to land-based workers (including contractors, stevedores and other port workers) to whom the HSE's Work at Height Regulations 2005 or the HSE(NI) Work at Height (Northern Ireland) Regulations 2005 apply. Please note that the HSE/HSE(NI) Regulations only apply within UK waters or to UK offshore installations. Where a land-based worker is on a vessel that goes outside of UK waters, the HSE Regulations will cease to apply and the maritime Work at Height Regulations 2010, the General Duties Regulations, PUWER 2006 Regulations or LOLER 2006 Regulations will apply to that worker as appropriate.
- 4.5 However, in so far as ships, fishing vessels and other marine craft are concerned, it should be noted that the HSE Work at Height Regulations 2005 and the HSE (NI) Work at Height (Northern Ireland) Regulations 2003 are only disapplied to the master or crew of a ship or to the employer of such persons in respect of the normal shipboard activities of a ship’s crew which:-
- (a) are carried out solely under the direction of the master; and
 - (b) are not liable to expose persons other than the master and crew to a risk to their health and safety.

In the light of this there is potential for ships and their crew to fall under the HSE or HSE(NI) Regulations in certain circumstances when in UK ports.

5. APPLICATION OF RELATED LEGISLATION (Regulation 5)

5.1 The provisions of the General Duties Regulations, PUWER 2006 and LOLER 2006 remain fully in force and apply to all work to be carried out at height, and to equipment used for carrying out such work. However, where the Work at Height Regulations 2010 have introduced more stringent requirements, those more stringent requirements will apply. Guidance on the requirements of the General Duties Regulations, PUWER 2006 and LOLER 2006 can be found in Marine Guidance Notes MGN 20 (M+F), MGN 331 (M+F) and MGN 332 (M+F) respectively.

5.2 In addition, the following Regulations continue to apply in the circumstances referred to:-

- (a) the Merchant Shipping (Safety of Navigation) Regulations 2002 (as amended), in so far as they give effect to the provisions of SOLAS Chapter V covering pilot transfer arrangements and equipment such as pilot ladders/hoists, accommodation ladders etc when used for embarking/disembarking pilots;
- (b) the Merchant Shipping (Means of Access) Regulations 1988 (as amended) in so far as they apply to the use of means of access, such as a gangway, accommodation ladder etc, for the purpose of embarking on or disembarking from a ship;
- (c) the Merchant Shipping (Life Saving Appliances For Passenger Ships Of Classes III To VI(A)) Regulations 1999 (as amended) and the Merchant Shipping (Life Saving Appliances For Ships Other Than Ships Of Classes III To VI(A)) Regulations 1999 (as amended) in so far as they apply to such appliances when used for the purpose of saving life; and
- (d) the Merchant Shipping (Safe Movement on Board Ship) Regulations 1988 (as amended) in so far as they require a safe means of access to be maintained to any place on the ship where a person may be expected to be.

However, where any equipment covered by the Regulations referred to in (a) to (d) is actually used for the purpose of carrying out of work at height and a more stringent or specific provision is contained in the Work at Height Regulations 2010, that more stringent or specific provision will apply.

6. COMPETENCE (Regulation 6)

6.1 Employers are required to ensure that only workers who are competent to do so undertake any activity involving the carrying out of work at height or use work equipment for carrying out such work. Where a worker is being trained to undertake such work, employers must ensure that the worker is supervised by another worker who is competent to supervise and undertake that activity. An activity involving the carrying out of work at height includes the organisation, planning and supervision of any such activity.

7. ORGANISATION OF WORK AT HEIGHT (Regulation 7)

7.1 Work should only be carried out at height if there is no reasonably practicable alternative to doing so. Where a reasonably practicable alternative does exist, it should be adopted. Where work must be carried out at height, the employer must ensure that such work is properly planned, appropriately supervised and carried out in as safe a manner as is reasonably practicable. In this context, planning should include the carrying out of a risk assessment in accordance with regulation 7 of the General Duties Regulations which might include considering potential risks from falling objects or fragile surfaces. In addition, work equipment should be selected and used in accordance with the provisions

of the PUWER 2006 and LOLER 2006 Regulations and the related Marine Guidance Notes referred to in paragraph 5.1.

7.2 Planning should also take into account the possibility of emergencies occurring which result in workers requiring rescue from where they are working at height. Given that emergencies and rescue situations are likely to vary from incident to incident it is not possible to provide definitive guidance. However, in conjunction with the employer's risk assessment, consideration may need to be given to the following questions:-

- (a) what type of emergency could occur requiring the rescue of a worker e.g. is it likely to be a fall from height to the deck or into an open hold or a fall which leaves a worker suspended from a safety harness or from the equipment on which they were working or might it even involve a full or partial collapse of that equipment?
- (b) is access likely to be readily available to the worker or workers concerned should a rescue situation occur?
- (c) how difficult will it be to recover a fallen or suspended worker from a hold to deck level or to lower a fallen or suspended worker to deck level?
- (d) what level of competence will be required of those involved in the rescue?
- (e) will any specialist equipment be required?
- (f) are there any hazards that could potentially be encountered during the rescue e.g. is the worker requiring rescue in an area where oxygen deficiency or other hazardous atmosphere could be a problem for rescuers?
- (g) is protective equipment readily available to rescuers in situations referred to in (f) above?
- (h) are rescuers, or others on board, appropriately trained in the provision of appropriate medical care to a worker who has fallen or become suspended whilst working at height?

Whilst there may be an inclination to wait for the emergency services to arrive should an emergency arise when in port, it is essential that appropriate procedures and measures are in place to deal with emergencies and rescues, whether at sea or in port.

7.3 In planning for emergency/rescue situations consideration should also be given to medical complications (e.g. "suspension trauma") that might result if a worker requiring rescue is left suspended at height for a significant period of time. The longer the person is unable to move, the greater the chances of complications developing. Where safe and practicable to do so, a worker, particularly if injured, should be rescued as quickly as possible and wherever possible within 10 minutes of the incident occurring subject to the taking of appropriate safety measures by the rescuers. Workers involved in an emergency are advised to stimulate their circulation by gently moving their legs where this can be achieved without endangering their position. Further guidance on rescue during work at height, including dealing with "suspension trauma", can be found in Technical Guidance Note 5 produced by The Work at Height Safety Association. This together with other related Technical Guidance Notes, relating to work at height, produced by the Association can be found at the address listed in Annex D.

8. ASSESSMENT AND SELECTION OF WORK EQUIPMENT FOR WORK AT HEIGHT (Regulation 8)

8.1 Where, following a risk assessment, an employer identifies a potential risk arising from working at height, the employer must take appropriate measures to remove or, where that is not possible, reduce that risk as far as is reasonably practicable. In addition, any work equipment to be used for carrying out work at height and which is provided for use

by workers on a ship must be the most suitable for that purpose to ensure and maintain safe working conditions. In this context, work equipment must be selected which:-

- takes account of the provisions of more general health and safety regulations including the General Duties, PUWER and LOLER Regulations;
- gives collective protection measures priority over personal protection measures;
- is appropriate to the nature of the work to be performed and to foreseeable loads and stresses placed on the equipment being used.

8.2 Where any work equipment is to be used as a means of access to perform work at height, it must—

- be the most suitable equipment taking into account the frequency of passage, the height to be negotiated and the duration of use;
- permit evacuation in the event of imminent danger; and
- not give rise to any additional risk of falling arising from passage in either direction between the work equipment selected and a working platform.

9. DUTY TO MINIMISE RISKS (Regulation 9)

9.1 Employers are required to take appropriate measures to minimise any risk, resulting from the use of the work equipment selected by them to carry out work at height in accordance with the requirements set out in paragraphs 8.1 and 8.2 that have been identified by the risk assessment. Such measures should include the installation of safeguards of a suitable configuration and strength to prevent, or where that is not possible arrest, falls from a height, and as far as possible, prevent injury to workers. The form such safeguards should take is primarily for the employer to decide and may vary depending on the equipment being used. However, safeguards could include safety harnesses for workers, guards to prevent falls from scaffolding or towers, or fall arrest equipment. The primary aim of such safeguards should be to prevent falls occurring thus precluding injury to workers and accordingly fall arrest equipment should only be seen as a precautionary measure in case of failure of the primary measures.

9.2 Employers must also have regard to the provisions of the PUWER 2006 Regulations relating to the protection of workers against specific hazards. In the case of work at height this might include protecting workers against injury resulting from being hit by tools or other items dropped by persons working at height. The measures to be taken to prevent such injuries are primarily for the employer to decide but might include excluding workers from any area where there was a risk of being hit by falling objects.

10. WEATHER CONDITIONS (Regulation 10)

10.1 Employers are required to ensure that work is only carried out at height when weather conditions do not jeopardise the health and safety of workers. The weather may not only affect workers working at height on an open deck, but may also adversely affect workers working at height inside a vessel where it is moving as a result of wind or wave action. Except for cases of emergency, work at height should only be undertaken when weather conditions are such that the health and safety of workers is not put at risk.

11. COLLECTIVE SAFEGUARDS (Regulation 12)

11.1 Where safeguards, such as guardrails or netting, have been put in place in accordance with the Work at Height Regulations 2010, such safeguards may only be interrupted at points of ladder, companionway or stairway access. Should it prove necessary to remove

any such safeguard, work in the vicinity must not be allowed to commence or continue until such time as effective compensatory safety measures have been put in place. The original safeguard must then be reinstalled as soon as possible once the task has been completed either on a temporary or permanent basis.

12. LADDERS (Regulation 13)

12.1 Work can only be carried out at height from ladders if the employer's risk assessment shows that the use of safer work equipment is not justified either because of the low risk and the short duration of the work to be undertaken, or because there are existing features of the ship that the employer cannot alter, which preclude the use of other equipment. In circumstances where a ladder is to be used, the employer must ensure that the provisions of Schedule 1 to the Work at Height Regulations 2010 (reproduced in Annex A to this MGN) are fully complied with.

13. SCAFFOLDING (Regulation 14)

13.1 Employers must ensure that scaffolding is not used for work to be carried out at height unless the provisions of Schedule 2 to the Work at Height Regulations 2010 (reproduced in Annex B to this MGN) have been complied with. In addition, it should be noted that regulation 8 of the PUWER 2006 Regulations requires any equipment, where the safety of that equipment is dependent upon its correct installation, to be inspected by a competent person after installation, or after assembly in a new location, before it is put into use. This will apply to scaffolding.

14. ROPE ACCESS AND POSITIONING TECHNIQUES (Regulation 15)

14.1 Rope access and positioning techniques must not be used for the carrying out of work at height unless the employer's risk assessment has demonstrated that the work can be performed safely, the use of safer work equipment is not justified, and the provisions of Schedule 3 to the Work at Height Regulations 2010 (reproduced at Annex C to this MGN) have been complied with. In addition the employer must provide the worker with a seat with appropriate accessories if it is appropriate to do so, taking into account the risk assessment and, in particular, the duration of the task and the ergonomic constraints under which the worker will be working.

15. DUTIES OF OTHER PERSONS (Regulation 16)

15.1 The Work at Height Regulations 2010 make provision to extend any duty placed on an employer to any other person who has control of the matter to which the provision in question relates in any circumstances where the employer concerned does not have responsibility for the operation of the vessel. This is in line with other health and safety Regulations and recognises the situation on many ships where more than one employer can be responsible for the workers on board. Whilst every employer is responsible for their own workers, an overall duty in respect of all workers on board, irrespective of who employs them, will be placed on the person(s) (usually the "company" in ISM terms) responsible for the actual operation of the vessel.

15.2 In addition to the duty referred to in paragraph 15.1, all workers are required to make full and proper use of all work equipment provided for their use when working at height, and to comply with any relevant instruction or training with which they have been provided.

16. ENFORCEMENT AND PENALTIES (Regulations 17 to 19)

16.1 Regulations 17 to 19 are the enforcement provisions and specify the regulations of which contravention is a criminal offence. There is also provision for offences by incorporated bodies and partnerships. Where any proceedings are instigated under the Work at Height Regulations 2010 for failing to comply with a duty or requirement to do something, so far

as is reasonably practicable, the burden of proof is reversed and it will be for the defendant to prove that compliance with that duty or requirement was not reasonably practicable.

17. INSPECTION AND DETENTION (Regulations 20 to 24)

17.1 The Work at Height Regulations 2010 contain the standard provisions relating to the inspection and detention of both United Kingdom and non-United Kingdom ships as well as those relating to arbitration and compensation for unreasonable delay of a ship.

18. PROHIBITION ON CHARGING OF WORKERS (Regulation 25)

18.1 When complying with any requirement of the Work at Height Regulations 2010, an employer may not charge any worker for any costs incurred as a result of that compliance.

More Information

Further sources of information on working at height are listed in Annex D to this MGN and additional information may also be obtained from the following:-

Seafarer Safety and Health Branch
Maritime and Coastguard Agency
Bay 1/29
Spring Place
105 Commercial Road
Southampton
SO15 1EG

Tel : +44 (0) 23 8032 9246
Fax : +44 (0) 23 8032 9251
e-mail: seafarers&h@mcga.gov.uk

General Inquiries: infoline@mcga.gov.uk

MCA Website Address: www.mcga.gov.uk

File Ref: MS 122/6/069

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REQUIREMENTS FOR LADDERS

1. A ladder shall be positioned so as to ensure its stability during use.
- 2.— (1) A suspended ladder shall be attached in a manner that —
 - (a) is secure;
 - (b) ensures it cannot be displaced; and
 - (c) prevents it swinging.

(2) Paragraphs (b) and (c) of sub-paragraph (1) do not apply to a rope ladder.
- 3.— (1) Portable ladders shall rest on footing that is stable, firm, of sufficient strength and of suitable size and composition safely to support the ladder so that its rungs or steps remain horizontal.

(2) Where, owing to the movement of the ship, it is not reasonably practicable to ensure that the rungs or steps of the portable ladder remain horizontal, all appropriate measures to ensure the stability of the portable ladder shall be taken.
4. The feet of a portable ladder shall be prevented from slipping during use by—
 - (a) securing the stiles at or near their upper or lower ends; or
 - (b) any anti-slip device; or
 - (c) any other arrangement of equivalent effectiveness.
5. A ladder used for access shall be long enough to protrude sufficiently above the place of landing to which it provides access, unless other measures have been taken to ensure a firm handhold.
6. No interlocking or extension ladder shall be used unless its sections are prevented from moving relative to each other while in use.
7. A mobile ladder shall be prevented from moving before it is stepped on.
8. A ladder shall be used in such a way that—
 - (a) a secure handhold and secure support are always available to the user; and
 - (b) the user can maintain a safe handhold when carrying a load by hand.

REQUIREMENTS FOR SCAFFOLDING

1. Strength and stability calculations for scaffolding shall be carried out unless—
 - (a) a note of the calculations, covering the structural arrangements contemplated, is available, or;
 - (b) the scaffolding is assembled in conformity with a generally recognised standard configuration.

2. Depending on the complexity of the scaffolding chosen, an assembly, use and dismantling plan shall be drawn up by a competent person. This may be in the form of a standard plan, supplemented by items relating to specific details of the scaffolding in question.

3. A copy of the plan, including any instructions it may contain, shall be made available for the use of the person supervising and the workers concerned in the assembly, use, dismantling or alteration of the scaffolding.

4. The bearing components of the scaffolding shall be prevented from slipping by—
 - (a) attachment to the bearing surface;
 - (b) provision of an anti-slip device; or
 - (c) any other arrangement of equivalent effectiveness.

5. The load-bearing surface of the scaffolding shall be of sufficient capacity.

6. The scaffolding shall be positioned to ensure its stability.

7. Wheeled scaffolding shall be prevented by appropriate devices from moving accidentally during work at height.

8. The dimensions, form and layout of scaffolding decks shall—
 - (a) be appropriate to the nature of the work to be performed;
 - (b) be suitable for the loads to be carried; and
 - (c) permit work and passage in safety.

9. Scaffolding decks shall be assembled in such a way that their components are prevented from moving inadvertently during work at height.

10. There shall be no dangerous gaps between the scaffolding deck components and the vertical collective safeguards to prevent falls.

11. When any part of a scaffold is not available for use, including during the assembly, dismantling or alteration of scaffolding, it shall be—

- (a) marked with general warning signs in accordance with the Merchant Shipping and Fishing Vessels (Safety Signs and Signals) Regulations 2001; and
- (b) suitably delineated by physical means preventing access to the danger zone.

12. Scaffolding shall be assembled, dismantled or significantly altered only under the supervision of a competent person and by workers who have received appropriate and specific training in the operations envisaged in accordance with regulation 12 of the General Duties Regulations and regulation 11 of the Work Equipment Regulations which shall include—

- (a) understanding the plan for the assembly, dismantling or alteration of the scaffolding;
- (b) safety during the assembly, dismantling or alteration of the scaffolding;
- (c) measures to prevent the risk of persons or objects falling;
- (d) safety measures in the event of changing weather conditions which could adversely affect the safety of the scaffolding;
- (e) permissible loads;
- (f) any other risks which the assembly, dismantling or alteration of the scaffolding may entail.

13. For the purposes of this Schedule, “competent person” means the person possessing the knowledge or experience necessary for the performance of the duties imposed on that person by this Schedule.

REQUIREMENTS FOR ROPE ACCESS AND POSITIONING TECHNIQUES

1. A rope access or positioning technique shall only be used if—

- (a) subject to paragraph 2, it involves a system comprising at least two separately anchored ropes, of which one (“the working rope”) is used as a means of access, egress and support and the other is the safety rope;
- (b) the worker is provided with and uses a suitable harness and is connected by it to the working rope and the safety rope;
- (c) the working rope is equipped with safe means of ascent and descent and has a self-locking system to prevent the worker falling should he lose control of his movements;
- (d) the safety rope is equipped with a mobile fall prevention system which is connected to and travels with the worker;
- (e) the tools and other accessories to be used by the worker are secured to the worker’s harness or seat or by some other suitable means; and
- (f) appropriate training in accordance with regulation 9,10 or 11 of the Work Equipment Regulations, including training in rescue procedures, has been provided to the worker or workers concerned.

2. A rope access or positioning technique may involve a system comprising a single rope where—

- (a) the risk assessment has demonstrated that the use of a second line would entail higher risk to persons; and
- (b) appropriate measures have been taken to ensure safety.

ADDITIONAL GUIDANCE

MCA Publications

MCA Marine Guidance Note - MGN 20 - Implementation of EC Directive 89/391 : Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997

a copy of this Marine Guidance Note (MGN 20) can be found on the MCA Website at <http://www.mcga.gov.uk/c4mca/mgn0020.pdf> or can be obtained from MCA's distribution agents – EC Group at the following address:-

M - Notices Subscriptions,
PO Box 362,
Europa Park,
Grays,
Essex
RM17 9AY

Tel: 01375 484 548;
Fax: 01375 484 556;
Email: mnotices@ecgroup.co.uk

Code of Safe Working Practices for Merchant Seamen (*copies of this document are required to be carried on board all UK registered merchant ships but not fishing vessels*) A "read only" copy of the Code can be found on the MCA Website at <http://www.mcga.gov.uk/c4mca/coswp2009.pdf> Copies can also be purchased from The Stationery Office at the following address:-

The Stationery Office
PO Box 29
Norwich
NR 3 1GN
Tel: 0870 600 5522
Fax: 0870 600 5533
E-mail: customer.services@tso.co.uk
Web: www.tso.co.uk

HSE Publications

The Health and Safety Executive have produced guidance on their related Work at Height Regulations, which may be of assistance to employers of seafarers on ships. Details of such publications can be found on the HSE website at <http://www.hse.gov.uk/> and may in some cases be downloaded from that site or alternatively can be obtained from:-

HSE Books
PO Box 1999
Sudbury
Suffolk
CO10 2WA
Tel: 01787 881165
Fax: 01787 313995
or through good booksellers

Further information on HSE priced and free publications can be found on HSE Books website at www.hsebooks.co.uk . Free leaflets can be downloaded from HSE's main website at www.hse.gov.uk .

Work at Height Safety Association Publications

The Work at Height Safety Association (WAHSA) have produced the following Technical Guidance Notes (TGNs) which, whilst relating primarily to work at height on land, do contain much information that is also relevant to work at height in the maritime environment:-

TGN01 – Considerations for the use of personal fall protection equipment

TGN02 - Guidance on the selection, use, maintenance and inspection of retractable type fall arresters

TGN03 - Guidance on inspecting personal fall protection equipment

TGN04 - Guidance on the use of single and twin energy absorbing lanyards

TGN05 - Guidance on rescue during work at height

TGN06 - Guidance on inspecting eyebolts used for personal fall protection purposes

TGN07 - Reference information for work at height

TGN08 - CE marking of anchor devices

Copies of these Technical Guidance Notes can be downloaded from the WAHSA website at: - <http://www.wahsa.co.uk/content/view/5/6/>