



STATUTORY INSTRUMENTS.

**S.I. No. 461 of 2012**



SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION)  
(AMENDMENT) REGULATIONS 2012

SAFETY, HEALTH AND WELFARE AT WORK (CONSTRUCTION)  
(AMENDMENT) REGULATIONS 2012

I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) (as adapted by the Enterprise, Trade and Innovation (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 245 of 2011)), after consultation with the Health and Safety Authority, and for the purpose of giving further effect to Council Directive 92/57/EEC of 24 June 1992<sup>1</sup>, hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2012.

(2) These Regulations come into operation on 1 June 2013.

2. The Safety, Health and Welfare at Work (Construction) Regulations 2006 to 2010 and these Regulations may be cited together as the Safety, Health and Welfare at Work (Construction) Regulations 2006 to 2012.

3. The Safety, Health and Welfare at Work (Construction) Regulations 2006 are amended—

(a) in paragraph (1) of Regulation 2 in the definition of “client” by deleting “, in the course or furtherance of a trade, business or undertaking, or who undertakes a project directly in the course or furtherance of such trade, business or undertaking”;

(b) in Regulation 6—

(i) in paragraph (1) by substituting “in paragraph (5)” for “in paragraphs (5) and (6)”,

(ii) by deleting paragraph (6), and

(iii) by inserting the following after paragraph (7):

“(8) An appointment under paragraph (1) does not operate to affect any duty imposed on the client before the making of these Regulations by or under any enactment.”;

(c) in Regulation 11 by inserting the following after paragraph (2):

<sup>1</sup>O.J. No. L 245, 26.8.1992, p. 6.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 27th November, 2012.*

“(3) An appointment under paragraph (2) does not operate to affect any duty imposed on the client or the project supervisor before the making of these Regulations by or under any enactment.”;

(d) in Regulation 17 by inserting the following after paragraph (2):

“(2A) An appointment under paragraph (2) does not operate to affect any duty imposed on the client or the project supervisor before the making of these Regulations by or under any enactment.”.



GIVEN under my Official Seal,  
23 November 2012.

RICHARD BRUTON,  
Minister for Jobs, Enterprise and Innovation.

## EXPLANATORY NOTE

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

The purpose of these Regulations is to amend the Safety, Health and Welfare at Work (Construction) Regulations 2006 (S.I. No. 504 of 2006), as previously amended by the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2008 (S.I. No. 130 of 2008), the Safety, Health and Welfare at Work (Construction) (Amendment) (No. 2) Regulations 2008 (S.I. No. 423 of 2008) and the Safety, Health and Welfare at Work (Construction) (Amendment) Regulations 2010 (S.I. No. 523 of 2010), by amending the definition of “client” to include construction work commissioned by a person or persons on their own domestic dwelling. This aligns the definition of client to that expressed in Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites. Following from this amendment, these Regulations also remove the previous derogation from Section 17 of the Safety Health and Welfare at Work Act 2005 (No. 10 of 2005) so as to now bring construction work commissioned by a person or persons on their own domestic dwelling within the scope of the “Construction Regulations”. Finally, the Regulations include a new provision on clients and or project supervisors whereby any appointment by a client or project supervisor does not relieve them of any duty imposed by these Regulations or any enactment.

These Regulations shall come into operation from 1st June 2013.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
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AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
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