



National Irish Safety Organisation

New Irish legislation and information guides September 2011 - December 2011

Acts of the Oireachtas

Civil Law (Miscellaneous Provisions) Act 2011 (No. 23 of 2011)

Part 3 of the Civil Law (Miscellaneous Provisions) Act 2011 deals with liability for negligence of good samaritans, volunteers and volunteer organisations.

The provisions of the new act dealing with good samaritans are brought in as amendments to the Civil Liability act 1961 and provides that a good samaritan* shall not be personally liable in negligence for any act done in an emergency. The same applies to a volunteer** in the course of carrying out voluntary work except where the volunteer or good samaritan acts in bad faith or with gross negligence. A volunteer may be liable if he or she was aware that the act was outside the scope of the voluntary work authorised or contrary to instructions of the volunteer organisation.

* A 'good samaritan' means a person who, without expectation of payment or other reward, provides assistance, advice or care to another person in an emergency.

** A 'volunteer' means a person who does voluntary work that is authorised by a volunteer organisation and does so without expectation of payment (other than reasonable reimbursement for expenses) or other reward.

The commencement date relating to Part 3 of the Act was 2 August 2011.

Statutory Instruments

European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 (S.I. No. 349 of 2011)

The purpose of this notice is to advise all operators who are responsible for the consignment and carriage of dangerous goods which involves cross border use of vehicles and tanks between Ireland and Northern Ireland, of the ADR provisions which apply to such use. The Regulations were signed by the Minister for Jobs, Enterprise and Innovation on 1 July 2011.

Radiological Protection Act, 1991 (Nuclear Safety) Order 2011. (S.I. No. 390 of 2011)

This Order transposes Ireland's obligations in relation to Directive 2009/71/Euratom. The objectives of this Directive are to establish a Community framework in order to maintain and promote the continuous improvement of nuclear safety and its regulation through the provision of appropriate national arrangements for a high level of nuclear safety to protect workers and the general public against the dangers arising from ionising radiation from nuclear installations. This Regulation was signed by the Minister for the Environment, Community and Local Government on 22 July 2011.

European Communities (Road Infrastructure Safety Management) Regulations 2011 (S.I. No. 472 of 2011)

These Regulations give effect to Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management. These regulations were signed by the Minister for Transport, Tourism and Sport on 21 September 2011.

Road Traffic (Licensing of Drivers) (Amendment) (No. 2) Regulations 2011 (S.I. No. 483 of 2011)

These Regulations amend the driver licensing Regulations in order to comply with the requirements of Directive 2006/126/EC of the European Parliament and Council. These Regulations come into force on 19 January 2013.

European Communities (General Food Law) (Amendment) Regulations 2011. (S.I. No. 500 of 2011)

These Regulations give further effect to Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, insofar as those provisions relate to food.

Road Traffic Act 2010 (Sections 15 and 17) (Prescribed Forms) Regulations 2011. (S.I. No. 540 of 2011)

These Regulations prescribe the form, both in English and Irish, to be completed by a designated doctor or designated nurse under section 15 of the Road Traffic Act, 2010 and the certificate, both in English and Irish, to be issued by the Medical Bureau of Road Safety under section 17 of the Road Traffic Act, 2010. These Regulations came into operation on 28th October, 2011.

Road Traffic Act 2010 (Section 13) (Prescribed Form and Manner of Statements) Regulations 2011 (S.I. No. 541 of 2011)

These Regulations prescribe the form and manner of the statements, both in Irish and English, to be produced by an apparatus for determining the concentration of alcohol in the breath pursuant to section 13 (2) of the Road Traffic Act, 2010 and prescribe the manner in which the statements are to be duly completed by a member of the Garda Síochána. These Regulations came into operation on 28th October, 2011

Road Traffic (No. 2) Act 2011 (Commencement) Order 2011 (S.I. No. 542 of 2011)

The Road Traffic (No. 2) Act 2011 (No. 28 of 2011) came into operation on 28 October 2011.

Road Traffic Act 2010 (Certain Provisions) (Commencement) (No. 2) Order 2011 (S.I. No. 543 of 2011)

(a) Chapters 1 to 6 (other than section 11), 7 (other than section 26(5)), 8 and 9 (other than section 32) of Part 2, and (b) sections 60, 61, 63, 64, 65 and 87, of the Road Traffic Act 2010 (No. 25 of 2010) came into operation on 28 October 2011.

Road Traffic Act 2010 (Section 33) (Commencement) Order 2011 (S.I. No. 544 of 2011)

The dates of 28th and 29th October 2011 in which certain sections of the Act of 2010 came into force.

European Communities (Road Transport) (Working Conditions and Road Safety) (Amendment) Regulations 2011. (S.I. No. 578 of 2011)

These Regulations alter the fees payable by persons applying for digital tachographs cards. A reduction will apply to on-line applications for digital tachograph driver and company cards made using the Road Safety Authority website. The Regulations also provide that the Road Safety Authority will be entitled to refuse an application for a digital tachograph card if the applicant fails to provide sufficient documentation and/or information to the Road Safety Authority within 90 days of the application being made and the Regulations provide that in such circumstances the relevant application fee may be forfeited. These regulations came into effect on 1 December 2011.

Road Traffic Act 2010 (Fixed Penalty Notice - Drink Driving) Regulations 2011 (S.I. No. 595 of 2011)

The purpose of this notice is to advise all operators who are responsible for the consignment and carriage of dangerous goods which involves cross border use of vehicles and tanks between Ireland and Northern Ireland, of the ADR provisions which apply to such use. These Regulations came into operation on 17 November 2011.

The above legislation can be downloaded from the NISO website: www.niso.ie

Code of Practice

Code of Practice for Chemical Agent Regulations 2011

This Code of Practice provides practical guidance as to the observance of Regulations 4(1)(e), 4(5)(d), 6(1)(c), (d) and (e) and 9 (1) (b) of the Safety, Health and Welfare at Work (Chemicals Agents) Regulations 2001, in relation to occupational exposure limit values (OELVs) for a number of chemical agents as listed in Schedule 1 to the Code, having regard to the provisions of the Safety, Health and Welfare at Work Act 2005. This Code of Practice came into operation on 5 December 2011 replacing the “2010 Code of Practice for the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001)” which was issued in accordance with the Safety, Health and Welfare at Work Act 2005.

The code of practice is available from the Health and Safety Authority website: www.hsa.ie.

Guides and Information

Protecting Healthcare Workers from Exposure to Tuberculosis

The Health and Safety Authority has produced an information sheet giving guidance on preventing employee exposure to tuberculosis (TB) disease in healthcare settings. The information is aimed at healthcare managers but will also be of interest to employees.

Controlling Legionnaires Disease in Healthcare Settings

The Health and Safety Authority has produced an information sheet highlighting the main controls for Legionnaires’ disease in health care settings such as hospitals, care homes and dental facilities. The information sheet is aimed at existing operations and does not deal with new builds. The information provided supplements the general Legionnaires’ disease information sheet.

Intoxicants at Work Information Sheet

This information sheet devised by the Health and Safety Authority provides answers to the most frequently asked questions for the purpose of providing guidance on intoxicants in relation to health and safety at work.

Guidance on the Management of Manual Handling in Healthcare

This guide published by the Health and Safety Authority provides practical information on managing the risk of injury from manual handling activities in the healthcare sector. The objective of providing such information is to ensure that manual handling work activities are reviewed, that hazards are identified, risks assessed and protective measures put in place to eliminate or reduce the risk of injury.

Taking Care of Business Three Year Plan 2011 - 2013

This plan sets out the objectives and priority actions for the Health and Safety Authority (HSA) in implementing its service initiative, the three year Taking Care of Business (TCB) programme (2011– 2013).

The above guides are available from the Health and Safety Authority website: www.hsa.ie.

Latest Statistics

The latest workplace fatality statistics as of 30 November 2011 (latest figures available from HSA website as of 20 December 2011) show there were 52 fatalities so far this year compared with 48 for the whole of last year.

Employment Sector	2011	2010	2009	2008
A-Agriculture,forestry and fishing	25	29	13	22
B-Mining and quarrying	1	0	2	1
C-Manufacturing	2	2	1	6
D-Electricity; gas, steam and air conditioning supply	0	0	0	0
E-Water supply, sewerage, waste management and remediation activities	3	2	0	2
F-Construction	5	6	10	15
G-Wholesale and retail trade; repair of motor vehicles and personal goods	2	4	2	3
H-Transportation and storage	8	3	6	3
I-Accommodation and food service activities	1	0	1	0
J-Information and communication	0	0	0	0
K-Financial and insurance activities	0	0	0	0
L-Real estate activities	0	0	0	0
M-Professional, scientific and technical activities	2	0	1	1
N-Administrative and support service activities	0	0	1	0
O-Public administration and defence; compulsory social security	1	0	2	1
P-Education	0	0	2	0
Q-Human health and social work activities	1	1	1	0
R-Arts, entertainment and recreation	1	1	0	1
S-Other service activities	0	0	1	2
Total fatalities	52	48	43	57