

2.3 Summary of law and guidance

HSE and industry guidance

HSE's and industry guidance give practical advice

HSE and industry guidance

- Issued by the HSE and industry organisations, trade associations.
- Not legally enforceable but give practical advice on how regulations can be complied with.
- Following the advice in HSE guidance ensures enough is being done to comply with the law.

Health and safety acts

2.3.2 The table below shows a summary of the **Acts** applicable to the procedural control of temporary works:

[The Health and Safety at Work etc, Act 1974](#)

- Under **section 2**, employers have the duty to provide:
 - a safe environment
 - a safe system of work
 - Relevant training
 - Safe equipment
 - an assessment of risks in the workplace
- Under **section 7**, employees have corresponding duties
- **Section 6** relates to designers, manufacturers and suppliers
- **Section 20** provides powers to HSE inspectors

[Corporate Manslaughter and Corporate Homicide Act 2007](#)

- Companies can be found guilty of corporate manslaughter due to a gross breach of a duty of care.
- Clarifies the criminal liabilities of companies including large organisations where serious failures result in a fatality.
- Corporate bodies will be prosecuted, not individuals.
- Individuals, members, can also be prosecuted under health and safety law
- On 15 February 2011, a jury at Winchester Crown Court found [first company guilty of corporate manslaughter](#).

Health and safety regulations

2.3.3 Temporary works designers and co-ordinators are provided with copies of the above legislation and Approved Codes of Practice and guidance publications. Employers and the self-employed should ensure that they take appropriate steps keep employees, including temporary works designers and co-ordinators, updated of any changes to relevant legislation and revised guidance material.

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2.3.4 The table below shows a summary of the **regulations** applicable to the construction industry relating to the management, design and build of temporary works and those reflected in the **fifth edition BS 5975-1:2024 Part 1**. These are described fully by referring to the **third edition BS 5975:2008+A1:2011 clause 5 pages 11-20**.

Regulation name	Regulation number	ACOP, HSG, or BS EN
The Management of Health and Safety at Work Regulations 1999	Regulation 3 for risk assessment	HSG65 Managing for health and safety HSG48 Reducing error and influencing behaviour
	Regulation 5 for health and safety arrangements	
	Regulation 7 for health and safety assistance	
	Regulation 7 for capabilities and training	
Provision and Use of Work Equipment Regulations (PUWER)	Regulation 5 for suitability of work equipment	L22 Safe use of work equipment
	Regulation 5 for maintenance	
	Regulation 6 for inspection*	
Construction (Design and Management) Regulations (CDM)	Regulation 19 for stability of structures	L153 Managing health and safety in construction
	Regulation 22 for excavations	
	Regulation 23 for cofferdams and caissons	
Work at Height Regulations (WAH)	Regulation 12 for inspection of work equipment	HSG33 Safety in roof work BS 8539
	Regulation 13 for inspection of places of work at height	
	Schedule 1, 2, 3, 4, 5 and 6	
Lifting Operations and Lifting Equipment Regulations (LOLER)	Regulation 4 for strength and stability	BS 7121 Safe use of cranes
	Regulation 5 for lifting of persons	
	Regulation 9 for thorough examination and inspection	
Personal Protective Equipment at Work Regulations (PPER) 1992 as amended by the PPER 2022	Regulation 6 for assessment of personal protective equipment	L25 Personal protective equipment at work
	Regulation 10 for use of personal protective equipment	
Manual Handling Operations Regulations 1992	Regulation 4 for duties of employers	L23 Manual handling

*does not apply to work equipment inspection covered under CDM, WAH or LOLER