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The Northern Ireland Guide to Safety at Sports Grounds and European health and safety legislation

This Research and Information Service (RaISe) briefing has been provided in response to a specific Committee query and is compiled for the benefit of the Committee and their support staff. The briefing should not be relied upon as legal advice (or as a substitute for it) and a suitably qualified professional should be consulted if specific legal advice or information is required.

1 The Northern Ireland Guide to Safety at Sports Grounds

The Northern Ireland Guide to Safety at Sports Grounds¹ (or the 'Red Guide') specifies safety standards for sports grounds and sits alongside the Safety of Sports Grounds (Northern Ireland) Order 2006. The Guide is published by the Department of Culture, Arts and Leisure and is over-seen by Sport Northern Ireland and is designed to provide advice to local councils in their issuing of safety certificates.

The Red Guide is based on the UK Guide to Safety at Sports Grounds² (the 'Green Guide'), first published in 1975 but substantially amended following the Taylor Report³ in 1989 and subsequently. The Green Guide is over-seen by the Sports Grounds Safety Authority (SGSA).

The Red Guide itself has no statutory force in Northern Ireland, but 'many of its recommendations will be given force of law at individual grounds by their inclusion in safety certificates issued under the Safety of Sports Grounds (Northern Ireland) Order 2006'⁴.

2 The Red Guide and domestic health and safety legislation

The Red Guide is compliant with health and safety legislation in Northern Ireland in that it does not supersede or prejudice Building Regulations, or legislation such as the Health and Safety at Work (Northern Ireland) Order 1978, fire safety legislation or legislation relating to people with disabilities. Indeed, the guide refers to the relevant legislation both within the main body of the text, where relevant, and provides a list of relevant legislation in the bibliography. The relevant health and safety legislation and standards to which the Red Guide refers are:

Legislation:

- Fire and Rescue Services (NI) Order 2006
- Health and Safety at Work (NI) Order 1978
- Management of Health and Safety at Work (NI) Regulations 2000
- Workplace (Health, Safety and Welfare) Regulations (NI) 1993
- Building (Amendment) Regulations (Northern Ireland) 2006

Building Regulations (NI):

- Technical Booklet R: Access to buildings
- Technical Booklet E: Fire safety

¹ Department of Culture, Arts and Leisure. 2007. *The Northern Ireland Guide to Safety at Sports Grounds*. Belfast (often referred to as the 'Red Guide').

² Department for Culture, Media and Sport. 2008. *Guide to Safety at Sports Grounds*. London: <http://nia1.me/2mr>

³ Home Office. 1989. *The Hillsborough Stadium Disaster. Inquiry by the Rt Hon Lord Justice Taylor: Final Report*. London: HMSO: pp94–96.

⁴ Department of Culture, Arts and Leisure. 2007. *The Northern Ireland Guide to Safety at Sports Grounds*: pxx.

British Standards documents:

- BS 5588-6 Fire Precautions in the design construction and use of buildings, code of practice for places of assembly
- BS 6399 Part 1: 1996 Loadings for buildings. Part 1: Code of practice for dead and imposed loads
- BS 7974:2001 Application of fire safety engineering principles to the design of buildings. Code of practice.
- BS 7827:1996 Code of practice for designing, specifying, maintaining and operating emergency sound systems at sports venues

Other guidance:

- The Event Safety Guide (Health and Safety Executive)
- CIBSE Guide E Fire engineering

3 Health and safety legislation in Northern Ireland and the European Union

The main items of health and safety legislation to which the Red Guide makes reference are the following:

- Health and Safety at Work (NI) Order 1978
- Management of Health and Safety at Work (NI) Regulations 2000
- Workplace (Health, Safety and Welfare) Regulations (NI) 1993
- Fire and Rescue Services (NI) Order 2006

The main directive to which these aspects of Northern Ireland legislation must adhere is European Framework Directive on Safety and Health at Work (Directive 89/391 EEC)⁵. This is described as a ‘framework directive’ in that it draws together a number of previous directives and other instruments. It contains general principles such as ‘the prevention of occupational risks; the protection of safety and health; the elimination of risk and accident factors’⁶. All businesses across Europe, including sports stadia and teams, must conform to health and safety legislation.

Member states are free to adopt stricter rules for the protection of workers when transposing EU directives into national law. Therefore, legislative requirements in the field of safety and health at work can vary across EU member states.

Directives such as these must be transposed into national legislation in order to be enforced, and enforcement is the responsibility of member states including, where appropriate, devolved administrations. For example, the Management of Health and Safety at Work (NI) Regulations 2003 states in the accompanying Explanatory Note

⁵ European Agency for Safety and Health at Work. ‘European directives on safety and health at work’: <https://osha.europa.eu/en/safety-and-health-legislation/european-directives> Page consulted 24.6.15.

⁶ Barbour. 2009. *European Union Health and Safety Legislation: A Barbour Guide*: <http://nia1.me/2ns>

that it has been written to comply with 'general principles set out in Article 6(2)(a) to (i) of Council Directive 89/391/EEC'⁷.

It is stated in the Explanatory Note for the Fire and Rescue Services (NI) Order 2006 that 'Part III replaces the existing fire precautions legislation based on the requirement to obtain a fire certificate, with a new requirement to comply with fire safety duties such as the duty to carry out risk assessments and to take specified fire safety measures. It makes provision for implementing in part Council Directives 89/391/EEC, 89/654/EEC, 91/383/EEC, 94/33/EC, 98/24/EC and 99/92/EC'⁸.

The Workplace (Health, Safety and Welfare) Regulations (NI) 1993⁹ implemented European Union Directive 89/654/EEC on minimum safety and health requirements for the workplace, repealing and superseding much of the Factories Act 1961 and the Offices, Shops and Railway Premises Act 1963.

While each member state must ensure that it enacts legislation to comply with the Framework Directive on Safety and Health at Work , there may be some variation in the way in which this is done across the European Union as states are free to adopt stricter rules for the protection of workers when transposing EU directives into national law if they wish. In this regard, some may go further than others.

⁷ Management of Health and Safety at Work Regulations (Northern Ireland) 2000. Explanatory Note:

<http://www.legislation.gov.uk/nisr/2000/388/note/made>

⁸ Fire and Rescue Services (NI) Order 2006. Explanatory Note: <http://www.legislation.gov.uk/nisi/2006/1254/note>

⁹ Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993:

<http://www.legislation.gov.uk/nisr/1993/37/contents/made>