

Definition of Protected and Public Places



Taken from the Health and Safety at Work (Hazardous Substances) Regulations 2017

Protected place—

- (a) includes—
 - (i) a dwelling, residential building, place of worship, public building, school or college, hospital, child care facility, or theatre, or any building or open area in which persons are accustomed to assemble in large numbers, whether within or outside the property boundary of a place where a hazardous substance location is situated:
 - (ii) any factory, workshop, office, store, warehouse, shop, or building where persons are regularly employed, whether within or outside the property boundary of a place where a hazardous substance location is situated:
 - (iii) a ship lying at permanent berthing facilities:
 - (iv) a public railway; but
- (b) does not include a small office or other small building associated with a place where storage, handling, use, manufacture, or disposal of a class 2, 3, 4, 5, 6, or 8 substance is a major function

Public place—

- (a) means a place (other than private property or a protected place) that is open to, and frequented by, the public; and
- (b) includes a public road

Attention needs to be paid to **Regulation 9** which states:

“A separation distance required by these regulations must not, unless the context otherwise requires, be calculated beyond the boundary of the property at which the relevant hazardous substance is present unless the owner, lessee, sub-lessee, occupier, or person in possession of any property beyond that boundary (the **adjacent property**) agrees in writing that the separation distance may be calculated to include the adjacent property.”