

# **Workplace Health, Safety and Welfare**

## **Approved Code of Practice to the Workplace (Health, Safety and Welfare) Regulations 1992 (L24) – A Summary of Changes**

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## This Guide

This revised version of L24 came into effect on 18th November 2013. It contains, as it did previously, the Workplace (Health, Safety and Welfare) Regulations 1992 printed with accompanying Approved Code of Practice (ACoP) and Guidance.

The document has not been reissued since its original publication in 1992. The previous version came into force on 1st January 1993. Therefore this new document includes various updates to regulations to take into account changes to legislation introduced over the intervening years, including the:

- Quarries Miscellaneous Health and Safety Provisions Regulations 1995
- Quarries Regulations 1999
- Work at Height Regulations 2005
- Construction (Design and Management) Regulations 2007
- Health and Safety (Miscellaneous Amendments) Regulations 2002.

The revision is part of a wholesale review and update of ACoPs being undertaken to make HSE advice clearer and avoid gold plating.

The main effect of the review has been to modernise the language used, remove outdated references and remove unnecessary examples and duplication. The new document also includes ACoP and guidance material in support of the amendments and new regulations brought in by the Health and Safety (Miscellaneous Amendments) Regulations 2002.

The following text summarises the content of the new version of L24 focussing on what's changed. Within the document the text is in three categories, with each part colour coded:

Regulations, preamble, schedules and appendices - Black

Approved Code of Practice (ACoP) - purple

Guidance – green.

# Preface

The Preface has been changed, to simplify it, but there is no material effect on the status of the document. The role of the Building Regulations has been clarified:

*“The standards set out in Building Regulations should therefore be complied with in meeting the requirements of the Workplace Regulations unless a higher standard is applicable for adequate protection of the health, safety and welfare of those in the workplace so far as reasonably practicable.”*

# Introduction

The two page introduction which follows the Preface is entirely new and is of benefit particularly to those who are less knowledgeable about health and safety law. It puts the regulations in context with other legislation, explains the requirements for adapting workplaces for the disabled, explores the roles of different parties in multi-occupancy buildings and describes the concept of risk assessment.

## Regulation 1 - Citation and Commencement

This regulation gives the commencement dates for different regulations, all of which are in the past. [The guidance to this regulation is much reduced as it no longer needs to describe the transitional arrangements.](#)

## Regulation 2 - Interpretation

References to other legislation have been updated within Regulation 2 and its accompanying guidance, as needed.

The definition of a workplace remains the same as previous:

*“workplace” means, subject to paragraph (2), any premises or part of premises which are not domestic premises and are made available to any person as a place of work, and includes –*

*(a) any place within the premises to which such person has access while at work; and (b) any room, lobby, corridor, staircase, road or other place used as a means of access to or egress from that place of work or where facilities are provided for use in connection with the place of work other than a public road.”*

As before, there is guidance giving a plain english summary of the definitions provided within Regulation 2. It includes additional information on adaption for disabled workers including details of the Equality and Human Rights Commission and the Equality Act 2010.

Guidance which previously explained the transitional provisions for existing workplaces, new workplaces, modifications, conversions and extensions has been removed from this section though some of it has reappeared as guidance to Regulation 4.

## Regulation 3 - Application of these Regulations

The wording of regulation 3 has changed substantially, as a result of changes to the other regulations cross-referenced in the text. However there's no material change to the application of the regulations.

Regulation 3(5) which referred to mines and quarries was revoked by the Quarries Regulations 1999.

Due to the planned revocation of Docks Regulations 1988 (in April 2014) it has been necessary to add definitions for key terms used in the Workplace regulations such as “ship”, “dock premises” and “vessel”. A new regulation 3(6) was added for this purpose by the Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations 2013 (SI 2013/448).

[Guidance to Regulation 3 is provided in similar terms to the 1992 version with minor changes in wording. It describes the workplaces which are exempted from all or parts of the regulations.](#)

A paragraph has been added in an attempt to explain the duty of host employers and others in control of premises to provide a safe place of work to visiting workers.

## Regulation 4 - Requirements under the Regulations

Regulation 4 (1) to (5), as previously, sets out the duty on employers to ensure that workplaces comply, and on others in control of workplaces to ensure compliance to the extent of their control.

The Health and Safety (Miscellaneous Amendments) Regulations 2002 introduced a new Regulation, 4A, which states, *“Where a workplace is in a building, the building shall have a stability and solidity appropriate to the nature of the use of the workplace.”*

As before, the guidance which follows the regulations, explains how the duties are split between tenants and managing agents/ landlords within shared buildings. The contents is very similar.

A further page of guidance has been added under two headings as follows:

## Modifications, extensions and conversions (paragraphs 34 and 35)

This section explains that the point at which the regulations apply to a modification, extension or conversion, is when the premises is in use. It also covers the role of the Building Regulations. Much of the text here has been relocated from the guidance to Regulation 2.

### Stability and solidity (paragraphs 36 to 40)

Regulation 4A is supported by new guidance describing how buildings should be capable of withstanding loads placed on them, including those arising from environmental causes, e.g. snow loads.

The causes of instability are highlighted, including: a lack of routine maintenance; environmental factors (water ingress, fumes, high winds); settlement; impact damage; overloading; misuse/change of use; and inadequate modification, extension or conversion work.

Methods of preventing instability are described including the inspection and maintenance regime which should be instigated and the proper management of any modifications to the building. In tune with the goal of preventing over-compliance, it's stated that, *"An inspection and maintenance regime does not necessarily need to be documented."*

There's new guidance for clients of construction works who are advised, *"When taking possession of a building following the completion of such work, to obtain information about any design limits, safe loading etc. The inspection and maintenance regime set out in the health and safety file for the premises should make reference to such information where it is available."*

### Regulation 5 - Maintenance of Workplace, and of, Equipment, Devices and Systems

Regulation 5 (1) and (2) are unchanged from the previous printed version of L24. These are the regulations which require workplaces and associated systems, equipment and devices to be kept *"in an efficient state, in efficient working order and in good repair"*.

5(3) describes the devices, equipment and systems to which the regulation applies, i.e. mechanical ventilation and equipment which if it failed would result in a non-compliance with other parts of the Workplace Regulations.

A new regulation 5(3)(c) was added by the Health and Safety (Miscellaneous Amendments) Regulations 2002, requiring that equipment must be maintained if it is intended to prevent or reduce hazards.

It is notable that the previous ACoP went beyond the legal requirements by requiring in detail, what should be undertaken in the maintenance of ventilation systems.

It had also included a statement that records should be maintained but this is no longer included.

The guidance to this regulation is less detailed than previous with less actual advice and more references to other resources, including the HSE's website. One paragraph in the guidance originates from the ACoP of the 1992 version of the document and lists the types of equipment and devices which require a system of maintenance, e.g. emergency lighting; fencing; fixed equipment used for window cleaning etc.

### Regulation 6 - Ventilation

Regulation 6(1) and (2) are unchanged from the previous version. They require that enclosed workplaces are *"ventilated by a sufficient quantity of fresh or purified air"*, and that where needed for health or safety reasons, there is a device to give warning of failure.

Regulation 6(3) which exempted certain workplaces (confined spaces within ships, docks, factories, construction site), was revoked by the Health and Safety (Miscellaneous Amendments) Regulations 2002.

Barring a few minor alterations to the wording, the ACoP supporting regulation 6 is unchanged.

The guidance is the same as previous, except that advice relating to legionella bacteria and confined spaces has been redrafted in a more basic style.

### Regulation 7 - Temperature in Indoor Workplaces

Regulation 7 requires that the temperature of indoor workplaces must be reasonable and a sufficient number of thermometers must also be provided. Regulation 1A was introduced by the Health and Safety (Miscellaneous Amendments) Regulations 2002. It requires that the workplace must be thermally insulated as necessary and the excessive effects of sunlight should be avoided.

Although there are some minor changes to the text, the ACoP content is very similar to the original document. The minimum temperature of 16 degrees remains the target for an indoor workplace, unless severe physical effort is needed in which case 13 degrees Celsius is the minimum.

There has been some rearrangement of previously existing text but essentially this is the same content as was there in the first version – covering advice on dealing with hot and cold environments. The only amendment appears to be on the subject of thermometers where, in addition to the usual advice to provide these at a convenient distance from work areas, there's a recommendation that they should not be located directly in front of windows or radiant heat sources.

**Note.** There was Union pressure for the revised ACoP to include a maximum workplace temperature but this has not occurred.

The guidance contains somewhat expanded information in comparison with the former L24.

### Insulation

There's a new section, which states, "Necessary thermal insulation can be achieved by constructing or refurbishing in accordance with requirements in Building Regulations for new buildings or where alterations or substantial change of use takes place. These represent standards of good practice design and materials that minimise the risk of a building overheating."

### Solar radiation

Another new section covers the potential for excessive effects from solar radiation in buildings. Various measures are suggested to introduce shading (awnings, blinds, vegetation, recessed windows) and using reflective materials (films, anti-reflective glazing). Other options are: reducing unnecessary glazing on the sides of the building receiving the most sun; improving the thermal mass of the building so that heat is stored and released at cooler times of the day; and encouraging air movement.

The guidance to this regulation rounds off with a section headed, "Harmful or offensive fumes." This includes advice previously included in the ACoP on the safety of fixed heating systems and portable paraffin and LPG heaters.

### Regulation 8 - Lighting

This regulation is in three parts and has remained the same since 1992. It requires that every workplace should have suitable and sufficient lighting (by natural light so far as reasonably practicable), and that emergency lighting is provided where needed for safety.

The content of the associated ACoP material is the same except for minor re-wording.

One sentence has been moved from the guidance to the ACoP, "Where possible, position workstations to take advantage of the natural daylight available". It's emphasised that in achieving this there should not be excess heat or glare to the user of the workstation.

The significantly reduced guidance now points readers towards other websites and regulations. References to fire legislation have been removed along with examples of situations where natural lighting may not be feasible.

### Regulation 9 - Cleanliness and Waste Materials

Regulation 9 has not changed over the years and requires that the workplace, furniture, fittings etc. are kept sufficiently clean, that surface finishes are cleanable and that waste is not allowed to accumulate.

The ACoP material supporting regulation 9 was previously three times the quantity of the new version. It now states in paragraphs 90 to 92:

*"Sufficiently clean means that workplaces should be regularly cleaned to ensure that dirt or refuse is not allowed to accumulate and spillages and deposits are removed or cleaned up as soon as possible. The frequency of this activity and the standard of cleanliness will depend on the nature of the business.*

*"The surfaces of floors, walls and ceilings should be maintained, treated and repaired so they can be cleaned properly"*

*"Cleaning should be carried out by an effective and suitable method and without creating, or exposing anyone to, a health or safety risk."*

Much of the lost content comprised of examples and illustrations as to what might be considered "sufficiently clean". Noteworthy deletions are the requirement to:

- remove dirt and refuse daily from the floors of factories and other similarly dirty workplaces, or even more frequently if necessary
- cleaning walls, ceilings and work surfaces at suitable intervals
- paint, tile or otherwise treat internal surfaces so that they can be cleaned (except parts not reachable from a 5 metre ladder)
- clean up of spillages "when necessary" and remove unexpected soiling of surfaces; and
- keep workplaces free from offensive waste matter and discharges.

This reduces the burden on employers who can now comply with the spirit of the law rather than very specific details such as the need to clean up spillages, apparently within a very short time frame.

**The guidance is similar to the previous version.**

## Regulation 10 - Room Dimensions and Space

Regulation 10 requires that every room used for work has sufficient floor area, height and unoccupied space. The words are unchanged since the 1992 version of the regulations.

The ACoP is shorter but covers the same material. The figure of 11 cubic metres of space per person remains, though the wording allows more lee-way. The old L24 said, *"The total volume of the room, when empty, divided by the number of people normally working in it should be at least 11 cubic metres."* The new one states, *"In most workplaces 11 cubic metres of space per person should be taken as a minimum."* The same considerations apply of discounting any ceiling space above three metres and that 11 cubic metres may be insufficient if much of the room is taken up by furniture.

The guidance has no material changes.

## Regulation 11 - Workstations and Seating

Part (1) of this regulation requires that workstations are suitable for the persons working at them and for the type of work likely to be done. Parts (2) to (4) require protection for those using outdoor workstations and suitable seating where work can or must be done sitting. The requirements are unchanged since the regulations were first published in 1992.

The ACoP supporting this regulation has some very minor changes in wording.

The previous brief guidance on the subjects of ergonomics and upper limb disorders, has been replaced. It now simply cross-references the Health and Safety (Display Screen Equipment) Regulations 1992 and signposts the HSE website on the subject.

## Regulation 12 - Condition of Floors and Traffic Routes

Regulation 12 has five parts and is unchanged since original publication. It requires that floors of traffic routes (i.e. those used by pedestrians and vehicles) must have a surface which is suitable for its purpose. In particular it should be free from hazardous holes, slopes, unevenness or slipperiness, must have effective drainage and be free from obstruction. Staircases must generally have hand rails.

The ACoP supporting this regulation is more succinct than its predecessor but essentially has the same content. There are new references within the ACoP and the associated guidance, to the Work at Height Regulations 2005. These should be referenced for standards on protection from falls and the use of fixed ladders.

The guidance supporting the above regulation and ACoP has been rewritten with mainly new content. It now starts,

in paragraph 121 with a definition, "A traffic route means a route for pedestrian traffic, vehicles or both and includes any stairs, staircase, fixed ladder, doorway, gateway, loading bay or ramp." This is followed by tips on preventing slips and trips with slip-resistant footwear being issued as a last resort.

Information has been removed relating to quarries, above ground mines and environmental protection (containment of pesticides and hazardous/ flammable substances).

## Regulation 13 - Falls or Falling Objects

This section of L24 has changed considerably within this version of L24. This is due to the fact that the Work at Height Regulations 2005 repealed Regulation 13 (1) to (4).

The parts of Regulation 13 (5 to 7) which remain in force, relate to potential falls into tanks and pits containing "dangerous substances", i.e. those which may scald or burn; poisons; corrosives; hazardous fumes, gases or vapours; and granular or free flowing substances/ viscous substances.

In the intervening period it has been unclear which parts of the ACoP and guidance were still applicable Regulation 13 (5) to (7), therefore this is possibly one of the most useful parts of the new document.

The updated and much shortened ACoP requires: sufficient strength and stability of fencing (non-rigid materials not to be used), covers capable of supporting loads and not readily displaced and covers to be replaced as soon as possible if removed. Special measures should be instigated where barriers or covers cannot be provided or have to be removed, e.g. access restriction, permits to work, fall arrest systems.

The provision has been deleted, which allowed lower barriers around vessels built before 1993. Now the standard for all such barriers is 1100mm high, with a mid-rail and fencing of sufficient height and fill to prevent falls of people or objects over or through.

The previous guidance has all been deleted and replaced with some comments explaining the reasons for the revocation of regulation 13 (1) to (4) and directing readers to sources of advice on work at height.

## Regulation 14 - Windows and Transparent or Translucent Doors, Gates and Walls

Regulation 14 and its associated ACoP and guidance is almost identical to the original version of the text. The regulation concerns itself with the fitting of safety materials (or other protection) where large pieces of glazing are installed in walls, partitions, doors etc. It also requires the marking of panes to make them conspicuous. Both requirements apply only "where needed for reasons of health or safety".

The ACoP supporting this regulation is very similar to the previous version, advising on types of safety material and where they should be located.

The guidance is in similar terms to the previous version.

### **Regulation 15 - Windows, Skylights and Ventilators**

This section of the document has changed very little. The requirements of Regulation 15 are unchanged since original publication and require that windows, skylights and ventilators should be safe to open and close and should not create a risk when open.

The ACoP has some minor wording changes.

There is one sentence of guidance, which has altered since the last version and now mentions the role of the Building Regulations and BS8213.

### **Regulation 16 - Ability to Clean Windows**

Regulation 16 is also unchanged since the regulations were published in 1992. They require that windows and skylights are constructed so they can be cleaned safely.

In the slightly revised ACoP references to particular lengths of ladders have been removed. (It used to imply that a ladder of up to 9 metres long was an acceptable form of access and that there must be tying points for ladders over 6 metres in length.)

The single paragraph of guidance, has been updated with new reference sources from which further information can be obtained.

### **Regulation 17 - Organisation etc of Traffic Routes**

The Regulation is unchanged, being in 5 parts and covering:

- the organisation of routes so that pedestrian and vehicles can circulate safely
- routes to be of a suitable size, location and number
- separation of vehicles and pedestrians
- protection of others working near the route
- markings and signage.

The suitability of routes is an “absolute” requirement except that for workplaces existing before January 1993, it is to be achieved “so far as is reasonably practicable”.

The ACoP has the exact same content other than some improvements to phrasing.

The guidance is similar to the previous version. Guidance on potential control measures for reversing operations now recognises the use of rear facing CCTV.

### **Regulation 18 - Doors and Gates**

Regulation 18 is unchanged. It requires that doors and gates should be suitably constructed including being fitted with any necessary safety devices. Types of devices are also specified e.g. for upward opening doors there should be a device to prevent it falling back.

The ACoP has the same contents as the previous version with one addition – there’s a new paragraph 179 *“Doors and gates should be constructed and maintained in accordance with the Building Regulations and maintained as required by Regulation 5.”*

The guidance to this regulation was formerly a single paragraph which has been deleted. It clarified that where an upward opening door had an integral counterbalance or ratchet mechanism there was no requirement to fit an additional device. It also included some commentary on the fire resistance of doors.

In its place there are two new paragraphs of guidance (184 and 185). These add detail on the legal requirements of powered doors and gates – perhaps having been added in the wake of the recent fatal accidents to children involving powered gates.

The new guidance explains that new powered doors or gates (including those converted by the fitting of a powered actuator), must meet the requirements of the Supply of Machinery (Safety) Regulations 2008 and that this can be achieved by the use of a product complying with the EU Construction Products Regulations 305/2011. It goes on to describe the consequent design and delivery requirements: constructed for safety; suitable safety devices are fitted; CE marking; accompanied by comprehensive instructions for use/ maintenance and a Declaration of Conformity.

### **Regulation 19 - Escalators and Moving Walkways**

This regulation is unchanged and requires that escalators and moving walkways function safely and are fitted with safety devices including emergency stop controls.

As in the previous version, there is no ACoP content.

The guidance is brief and as before signposts information on the HSE’s website on the subject of escalator use and thorough examinations. A previous mention of the related British Standard has been removed.



## Regulation 20 - Sanitary Conveniences and Regulation 21- Washing Facilities

Both of these regulations remain as they were when originally published. As in the previous version of L24, the two regulations have been detailed together followed by a combined ACoP. They require that there are suitable and sufficient sanitary and washing facilities. The regulations go in to some detail describing precisely what is meant by "suitable".

The content of the ACoP is very similar to the previous version. The language has been simplified with the words "sanitary convenience" and "water closet" replaced with "toilet", "washing station" replaced with "wash-hand basin". Facilities should be provided to enable use without "unreasonable" delay. Whereas previously the word used was "undue" delay.

Another change of possible interest to some is in paragraph 205, on the subject of ventilation. The previous version stated that *"no room containing a sanitary convenience should communicate directly with a room where food is processed, prepared or eaten"*. The new version simply states that the air from a room containing a toilet must not enter a room where food is processed, prepared or eaten. A line of the previous guidance has also been deleted which implied that a communicating door would be acceptable in the case of a rest room where workers eat food they have brought with them.

There's a new paragraph, 194, within the ACoP pointing out the need to address legionnaire's disease risks.

As before, the guidance signposts some additional resources, and these references have been updated.

## Regulation 22 - Drinking Water

This regulation is un-amended and requires that drinking water is supplied to all persons at work in the workplace. It must be conspicuously marked where necessary for reasons of health or safety, readily accessible and cups or other drinking vessels must be supplied unless it's a jet.

There are a few changes to the words but the meaning of the ACoP remains the same. A paragraph has been deleted which clarified when marking of supplies was needed.

One line from the former guidance section has been deleted. This stated that water supplies likely to be grossly contaminated should be clearly marked. Plus, there's additional signposting to DEFRA to obtain further advice on drinking water.

## Regulation 23 - Accommodation for Clothing

The contents of Regulation 23 are unchanged. It requires that suitable and sufficient accommodation is provided, in a suitable location, for personal clothing not worn at work, and special clothing which is not taken home. The accommodation for personal clothing must be suitably secure and there must be separate facilities for work clothing if needed to avoid risk to health or damage to other clothing. So far as is reasonably practicable there should be facilities for drying clothing.

The ACoP has similar contents to the previous version with some minor changes in wording.

There is no longer a requirement to provide *"as a minimum, a separate hook or peg for each worker"*. However, it will be hard to meet other requirements without this – personal clothing should still be able to *"hang in a clean, warm, dry, well-ventilated place where it can dry out during the course of a working day if necessary"*.

The guidance also has similar content to the previous version.

## Regulation 24 - Facilities for Changing Clothing

This regulation requires that suitable and sufficient facilities are provided for changing clothing where special clothing must be worn and for reasons of health or propriety persons cannot be expected to change in another room. Where necessary separate facilities must be provided for men and women.

Regulation 24 includes an amendment introduced by the Health and Safety (Miscellaneous Amendments) Regulations 2002 requiring that changing facilities are *"easily accessible, of sufficient capacity and provided with seating."*


The ACoP has similar contents to the previous version with some minor changes in wording.

The guidance remains minimal, simply referring readers to further information on COSHH with regard to changing facilities.

## Regulation 25 - Facilities to Rest and Eat Meals

Regulation 25 requires that *"suitable and sufficient rest facilities are provided at readily accessible places."* *These should include facilities to eat food* "where food would otherwise be likely to become contaminated". There are also provisions for: protection from tobacco smoke; facilities for pregnant and nursing mothers; and facilities to eat meals.





Some more recent additions were introduced by the Health and Safety (Miscellaneous Amendments) Regulations 2002. These are that:

- rest rooms/ areas must have an adequate number of tables and seating with backs for the numbers likely to use them at one time
- Seating must be included for disabled persons at the workplace
- Those parts of the workplace used or occupied by disabled persons at work must be organised to take account of such persons.

The ACoP includes similar content to the previous version with some new additions to take into account the Smokefree legislation. It states that where smoking is not prohibited by law, non-smokers should be protected from tobacco smoke. A separate smoke free rest room must be provided for workers who work in residential rooms where residents are permitted to smoke.

As before, the guidance carries a few signposts to other legislation and guidance - lead, asbestos, ionising radiations and COSHH.

There is also new additional guidance supporting the topics of tobacco smoke and disability. The guidance on smoking cross references with the applicable regional legislation and comments on the appropriate siting of rest rooms. The guidance on the subject of disability gives examples of the types of adaptations which an employer may need to make in order to comply with the legal requirements, e.g. ramps, hand rails, changes to toilets, modifications to workstation height. It is suggested that further information may be obtained from the Building Regulations and from the website of the Equality and Human Rights Commission.

#### **Regulation 26 - Exemption Certificates**

This regulation allows the Secretary of State for Defence to exempt certain workplaces in the interests of national security. It is unchanged since first publication other than to update a cross reference to another set of regulations.

#### **Regulation 27 - Repeals, Saving and Revocations**

This regulation states that the legislation listed in Schedule 2 is repealed/ revoked as listed.

#### **Schedules and Appendices**

Schedule 1 "Provisions applicable to factories which are not new workplaces, extensions or conversions" has the same contents as before and provides some concessions for workplaces existing prior to January 1993 in relation to space and the number of toilets.

Schedule 2 "Repeals and revocations" is also unchanged as it dates back to those repeals and revocations made by the original regulations which came into force in January 1993.

The references which previously occupied the Appendix 1, are now moved to the end of the document with a new section "further reading".

Appendix 1 now details the "Notice of Approval" for the revised Approved Code of Practice.

Appendix 2 contains, as in the previous version "Extracts from relevant health and safety legislation".

There are therefore no material changes to the schedules or appendices.

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