
STATUTORY INSTRUMENTS

1998 No. 2307

The Lifting Operations and Lifting Equipment Regulations 1998

Citation and commencement

1. These Regulations may be cited as the Lifting Operations and Lifting Equipment Regulations 1998 and shall come into force on 5th December 1998.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 1992 Regulations” means the Supply of Machinery (Safety) Regulations 1992(1);

“accessory for lifting” means work equipment for attaching loads to machinery for lifting;

“EC declaration of conformity” means a declaration which complies with—

(a) regulation 22 of the 1992 Regulations;

(b) Article 12.1 of Council Directive 89/686/EEC(2) on the approximation of the laws of the Member States relating to personal protective equipment; or

(c) regulation 8(2)(d) of the Lifts Regulations 1997(3);

“employer” except in regulation 3(2) and (3) includes a person to whom the requirements imposed by these Regulations apply by virtue of regulation 3(3)(a) and (b);

“essential requirements” has the same meaning as in the Provision and Use of Work Equipment Regulations 1998(4);

“examination scheme” means a suitable scheme drawn up by a competent person for such thorough examinations of lifting equipment at such intervals as may be appropriate for the purpose described in regulation 9(3);

“the Executive” means the Health and Safety Executive;

“lifting equipment” means work equipment for lifting or lowering loads and includes its attachments used for anchoring, fixing or supporting it;

“lifting operation” has the meaning given in regulation 8(2);

“load” includes a person;

“thorough examination” in relation to a thorough examination under paragraph (1), (2) or (3) of regulation 9—

(a) means a thorough examination by a competent person;

(b) where it is appropriate to carry out testing for the purpose described in the paragraph, includes such testing by a competent person as is appropriate for the purpose,

and “thoroughly examined” shall be construed accordingly;

(1) S.I. 1992/3073 to which there are amendments not relevant to these Regulations.

(2) OJNo. L399. 30.12.89, p.18; printed in the Schedule to S.I. 1992/3139.

(3) S.I. 1997/831.

(4) S.I. 1998/2306.

“work equipment” means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not).

- (2) Unless the context otherwise requires, any reference in these Regulations to—
- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
 - (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which the reference appears.

Application

3.—(1) These Regulations shall apply—

- (a) in Great Britain; and
- (b) outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995(5) (“the 1995 Order”).

(2) The requirements imposed by these Regulations on an employer in respect of lifting equipment shall apply in relation to lifting equipment provided for use or used by an employee of his at work.

(3) The requirements imposed by these Regulations on an employer shall also apply—

- (a) to a self-employed person, in respect of lifting equipment he uses at work;
- (b) subject to paragraph (5), to a person who has control to any extent of—
 - (i) lifting equipment;
 - (ii) a person at work who uses or supervises or manages the use of lifting equipment; or
 - (iii) the way in which lifting equipment is used,and to the extent of his control.

(4) Any reference in paragraph (5)(b) to a person having control is a reference to a person having control in connection with the carrying on by him of a trade, business or other undertaking (whether for profit or not).

(5) The requirements imposed by these Regulations on an employer shall not apply to a person in respect of lifting equipment supplied by him by way of sale, agreement for sale or hire-purchase agreement.

(6) Subject to paragraphs (7) to (10), these Regulations shall not impose any obligation in relation to a ship’s work equipment (whether that equipment is used on or off the ship).

(7) Where merchant shipping requirements are applicable to a ship’s work equipment, paragraph (6) shall relieve the shore employer of his obligations under these Regulations in respect of that equipment only where he has taken all reasonable steps to satisfy himself that the merchant shipping requirements are being complied with in respect of that equipment.

(8) In a case where the merchant shipping requirements are not applicable to the ship’s work equipment by reason only that for the time being there is no master, crew or watchman on the ship, those requirements shall nevertheless be treated for the purpose of paragraph (7) as if they were applicable.

(9) Where the ship’s work equipment is used in a specified operation paragraph (6) shall not apply to regulations 6 and 8 (each as applied by regulation 3).

(10) Paragraph (6) does not apply to a ship's work equipment provided for use or used in an activity (whether carried on in or outside Great Britain) specified in the 1995 Order save that it does apply to—

- (a) the loading, unloading, fuelling or provisioning of the ship; or
- (b) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of the ship.

(11) In this regulation—

“master” has the meaning assigned to it by section 313(1) of the Merchant Shipping Act 1995⁽⁶⁾;

“merchant shipping requirements” means the requirements of regulations 3 and 4 of the Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1988⁽⁷⁾ and regulations 5 to 10 of the Merchant Shipping (Hatches and Lifting Plant) Regulations 1988⁽⁸⁾;

“ship” has the meaning assigned to it by section 313(1) of the Merchant Shipping Act 1995 save that it does not include an offshore installation;

“shore employer” means an employer of persons (other than the master and crew of any ship) who are engaged in a specified operation;

“specified operation” means an operation in which the ship's work equipment is used—

- (a) by persons other than the master and crew; or
- (b) where persons other than the master and crew are liable to be exposed to a risk to their health or safety from its use.

Strength and stability

4. Every employer shall ensure that—

- (a) lifting equipment is of adequate strength and stability for each load, having regard in particular to the stress induced at its mounting or fixing point;
- (b) every part of a load and anything attached to it and used in lifting it is of adequate strength.

Lifting equipment for lifting persons

5.—(1) Every employer shall ensure that lifting equipment for lifting persons—

- (a) subject to sub-paragraph (b), is such as to prevent a person using it being crushed, trapped or struck or falling from the carrier;
- (b) is such as to prevent so far as is reasonably practicable a person using it, while carrying out activities from the carrier, being crushed, trapped or struck or falling from the carrier;
- (c) subject to paragraph (2), has suitable devices to prevent the risk of a carrier falling;
- (d) is such that a person trapped in any carrier is not thereby exposed to danger and can be freed.

(2) Every employer shall ensure that if the risk described in paragraph (1)(c) cannot be prevented for reasons inherent in the site and height differences—

- (a) the carrier has an enhanced safety coefficient suspension rope or chain; and
- (b) the rope or chain is inspected by a competent person every working day.

⁽⁶⁾ 1995 c. 21.

⁽⁷⁾ S.I. 1988/1636, amended by S.I. 1988/2274.

⁽⁸⁾ S.I. 1988/1639, amended by S.I. 1988/2274.

Positioning and installation

6.—(1) Every employer shall ensure that lifting equipment is positioned or installed in such a way as to reduce to as low as is reasonably practicable the risk—

- (a) of the lifting equipment or a load striking a person; or
- (b) from a load—
 - (i) drifting;
 - (ii) falling freely; or
 - (iii) being released unintentionally;

and it is otherwise safe.

(2) Every employer shall ensure that there are suitable devices to prevent a person from falling down a shaft or hoistway.

Marking of lifting equipment

7. Every employer shall ensure that—

- (a) subject to sub-paragraph (b), machinery and accessories for lifting loads are clearly marked to indicate their safe working loads;
- (b) where the safe working load of machinery for lifting loads depends on its configuration—
 - (i) the machinery is clearly marked to indicate its safe working load for each configuration; or
 - (ii) information which clearly indicates its safe working load for each configuration is kept with the machinery;
- (c) accessories for lifting are also marked in such a way that it is possible to identify the characteristics necessary for their safe use;
- (d) lifting equipment which is designed for lifting persons is appropriately and clearly marked to this effect; and
- (e) lifting equipment which is not designed for lifting persons but which might be so used in error is appropriately and clearly marked to the effect that it is not designed for lifting persons.

Organisation of lifting operations

8.—(1) Every employer shall ensure that every lifting operation involving lifting equipment is—

- (a) properly planned by a competent person;
- (b) appropriately supervised; and
- (c) carried out in a safe manner.

(2) In this regulation “lifting operation” means an operation concerned with the lifting or lowering of a load.

Thorough examination and inspection

9.—(1) Every employer shall ensure that before lifting equipment is put into service for the first time by him it is thoroughly examined for any defect unless either—

- (a) the lifting equipment has not been used before; and
- (b) in the case of lifting equipment for which an EC declaration of conformity could or (in the case of a declaration under the Lifts Regulations 1997) should have been drawn up, the

employer has received such declaration made not more than 12 months before the lifting equipment is put into service;

or, if obtained from the undertaking of another person, it is accompanied by physical evidence referred to in paragraph (4).

(2) Every employer shall ensure that, where the safety of lifting equipment depends on the installation conditions, it is thoroughly examined—

- (a) after installation and before being put into service for the first time; and
- (b) after assembly and before being put into service at a new site or in a new location,

to ensure that it has been installed correctly and is safe to operate.

(3) Subject to paragraph (6), every employer shall ensure that lifting equipment which is exposed to conditions causing deterioration which is liable to result in dangerous situations is—

- (a) thoroughly examined—
 - (i) in the case of lifting equipment for lifting persons or an accessory for lifting, at least every 6 months;
 - (ii) in the case of other lifting equipment, at least every 12 months; or
 - (iii) in either case, in accordance with an examination scheme; and
 - (iv) each time that exceptional circumstances which are liable to jeopardise the safety of the lifting equipment have occurred; and
- (b) if appropriate for the purpose, is inspected by a competent person at suitable intervals between thorough examinations,

to ensure that health and safety conditions are maintained and that any deterioration can be detected and remedied in good time.

(4) Every employer shall ensure that no lifting equipment—

- (a) leaves his undertaking; or
- (b) if obtained from the undertaking of another person, is used in his undertaking, unless it is accompanied by physical evidence that the last thorough examination required to be carried out under this regulation has been carried out.

(5) This regulation does not apply to winding apparatus to which the Mines (Shafts and Winding) Regulations 1993⁽⁹⁾ apply.

(6) Where lifting equipment was before the coming into force of these Regulations required to be thoroughly examined by a provision specified in paragraph (7), the first thorough examination under paragraph (3) shall be made before the date by which a thorough examination would have been required by that provision had it remained in force.

(7) The provisions referred to in paragraph (6) are—

- (a) section 22(2), 25(2), 26(1)(d) and 27(2) of the Factories Act 1961⁽¹⁰⁾;
- (b) regulations 34(2) and 37(1) of the Shipbuilding and Ship-repairing Regulations 1960⁽¹¹⁾;
- (c) regulations 28(3), 40 and 46(1) of the Construction (Lifting Operations) Regulations 1961⁽¹²⁾;
- (d) regulations 3(1) and (2) and 6(1) of the Offices, Shops and Railway Premises (Hoists and Lifts) Regulations 1968⁽¹³⁾;

⁽⁹⁾ S.I. 1993/302.

⁽¹⁰⁾ 1961 c. 34; sections 22(2) and 27(2) were amended by S.I. 1992/195.

⁽¹¹⁾ 1960/1932; amended by S.I. 1992/195.

⁽¹²⁾ 1961/1581; amended by S.I. 1992/195.

⁽¹³⁾ 1968/849; amended by S.I. 1992/195.

- (e) regulation 6(1)(c) of and Part III of Schedule 1 to the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976⁽¹⁴⁾;
- (f) Regulation 15 of the Docks Regulations 1988⁽¹⁵⁾.

Reports and defects

- 10.**—(1) A person making a thorough examination for an employer under regulation 9 shall—
- (a) notify the employer forthwith of any defect in the lifting equipment which in his opinion is or could become a danger to persons;
 - (b) as soon as is practicable make a report of the thorough examination in writing authenticated by him or on his behalf by signature or equally secure means and containing the information specified in Schedule 1 to—
 - (i) the employer; and
 - (ii) any person from whom the lifting equipment has been hired or leased;
 - (c) where there is in his opinion a defect in the lifting equipment involving an existing or imminent risk of serious personal injury send a copy of the report as soon as is practicable to the relevant enforcing authority.
- (2) A person making an inspection for an employer under regulation 9 shall—
- (a) notify the employer forthwith of any defect in the lifting equipment which in his opinion is or could become a danger to persons;
 - (b) as soon as is practicable make a record of the inspection in writing.
- (3) Every employer who has been notified under paragraph (1) shall ensure that the lifting equipment is not used—
- (a) before the defect is rectified; or
 - (b) in a case to which sub-paragraph (c) of paragraph 8 of Schedule 1 applies, after a time specified under that sub-paragraph and before the defect is rectified.
- (4) In this regulation “relevant enforcing authority” means—
- (a) where the defective lifting equipment has been hired or leased by the employer, the Executive; and
 - (b) otherwise, the enforcing authority for the premises in which the defective lifting equipment was thoroughly examined.

Keeping of information

- 11.**—(1) Where, after the coming into force of these Regulations, an employer obtaining lifting equipment to which these Regulations apply receives an EC declaration of conformity relating to it, he shall keep the declaration for so long as he operates the lifting equipment.
- (2) The employer shall ensure that the information contained in—
- (a) every report made to him under regulation 10(1)(b) is kept available for inspection—
 - (i) in the case of a thorough examination under paragraph (1) of regulation 9 of lifting equipment other than an accessory for lifting, until he ceases to use the lifting equipment;
 - (ii) in the case of a thorough examination under paragraph (1) of regulation 9 of an accessory for lifting, for two years after the report is made;

⁽¹⁴⁾ S.I. 1976/1019.

⁽¹⁵⁾ S.I. 1988/1655; amended by S.I. 1992/195.

- (iii) in the case of a thorough examination under paragraph (2) of regulation 9, until he ceases to use the lifting equipment at the place it was installed or assembled;
 - (iv) in the case of a thorough examination under paragraph (3) of regulation 9, until the next report is made under that paragraph or the expiration of two years, whichever is later;
- (b) every record made under regulation 10(2) is kept available until the next such record is made.

Exemption for the armed forces

12.—(1) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt any of the home forces, any visiting force or any headquarters from any of the requirements of these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by the said Secretary of State by a certificate in writing at any time.

(2) In this regulation—

- (a) “the home forces” has the same meaning as in section 12(1) of the Visiting Forces Act 1952⁽¹⁶⁾;
- (b) “headquarters” has the same meaning as in article 3(2) of the Visiting Forces and International Headquarters (Application of Law) Order 1965⁽¹⁷⁾;
- (c) “visiting force” has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952.

Amendment of the Shipbuilding and Ship-repairing Regulations 1960

13. Regulation 2 (application) of the Shipbuilding and Ship-repairing Regulations 1960 is amended—

- (a) in paragraph (2) by substituting for the word “31” wherever occurring the word “48”; and
- (b) in paragraph (4) by omitting the word “32”.

Amendment of the Docks Regulations 1988

14. The Docks Regulations 1988⁽¹⁸⁾ are amended—

- (a) in regulation 13(4) by substituting the words “thorough examination under regulation 9 of the Lifting Operations and Lifting Equipment Regulations 1998” for the words “test under regulation 14”;
- (b) by revoking regulations 14 and 15;
- (c) by revoking paragraphs (3), (4), (5), (7) and (8) of regulation 16; and
- (d) by revoking regulation 17.

Repeal of provisions of the Factories Act 1961

15. Sections 22, 23 and 25 to 27 of the Factories Act 1961⁽¹⁹⁾ are repealed.

⁽¹⁶⁾ 1952 c. 67.

⁽¹⁷⁾ S.I. 1965/1536, to which there are amendments not relevant to these Regulations.

⁽¹⁸⁾ S.I. 1988/1655, amended by S.I. 1992/195, 1992/3073.

⁽¹⁹⁾ 1961 c. 34.

Repeal of section 85 of the Mines and Quarries Act 1954

16. Section 85 of the Mines and Quarries Act 1954(20) is repealed.

Revocation of instruments

17. The instruments specified in column 1 of Schedule 2 are hereby revoked to the extent specified in column 3 of that Schedule.

Signed by authority of the Secretary of State

Alan Meale
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

15th September 1998