

**Draft Safety, Health and Welfare at Work (General Application)
Regulations 2006**

**(Part II – Workplace and Part III – Use of Work Equipment
and related Schedules 1 and 2)**

**PART II
WORKPLACE**

Interpretation for Part II

3. In this Part -

“place of work” means a place of work intended to house workstations on the premises of the undertaking and any other place within the area of the undertaking to which an employee has access in the course of his or her employment but does not include -

- (a) means of transport used outside the undertaking or a place of work inside a means of transport,
- (b) temporary or mobile sites, including construction sites,
- (c) extractive industries,
- (d) fishing boats,
- (e) fields, woods and land forming part of an agricultural or forestry undertaking but situated away from the undertaking's buildings.

Duties of Employer

4. (1) It shall be the duty of every employer, in relation to any place of work under his or her control, to ensure that -

- (a) a place of work satisfies the appropriate requirements of Schedule 1, and
- (b) a place of work used for the first time after 31st December 1992, or where it has been modified, extended and or converted after that date, those modifications, extensions and or conversions, are in compliance with the minimum requirements laid down in Schedule 2, for all persons at work, in that place.

(2) The requirements of Schedules 1 and 2 apply whenever required by the features of the place of work, the work activity carried on and the circumstances or the hazards prevailing in relation to any such work activity.

(3) Without prejudice to paragraphs (1) and (2), it shall be the duty of every employer to ensure that -

(a) every place of work is kept in a clean state and accumulations of dirt, refuse, trade refuse and waste are removed by a suitable method as frequently as necessary to maintain an appropriate level of safety and health,

(b) the floor of every workroom shall be cleaned at least once every week by a suitable method,

(c) where any employees have in the course of their employment reasonable opportunities for sitting without detriment to their work or where a substantial proportion of any work done by employees can properly be done sitting, there shall be provided and maintained for their use suitable facilities for sitting, or if this is not practical, being otherwise ergonomically supported.

(d) an adequate supply of wholesome drinking water is provided and maintained at suitable points conveniently accessible to all employees,

(e) suitable and adequate facilities for boiling water and taking meals are provided and maintained for the use of employees, or that employees have reasonable access to other suitable and adequate facilities for the taking of meals, and

(f) the taking of meals by employees at any location in the place of work where there is likely to be a risk to safety, health or welfare is prohibited.

Owner or Occupier of a Premises used as a Place of Work

5. (1) If by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let out as a place of work, the owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him or her to comply with these Regulations, he or she may apply to the Circuit Court for an order under this Regulation, and the Court, after hearing the parties and any witnesses whom they desire to call, may make an order setting aside or modifying the terms of the agreement as the Court considers appropriate in the circumstances of the case.

(2) Where in any premises the whole or any part of which has been let as a place of work, any structural or other alterations are required in order to comply with any provision of these Regulations, and the owner or occupier (as the case may be) alleges that the whole or any part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to the Circuit Court for an order under this Regulation, and the Court after hearing the parties and any witnesses whom they desire to call, may make such an order concerning the expenses or their apportionment as the Court considers appropriate in the circumstances of the case, regard

This proposed new Regulation 5 is based on section 115 and 116 of the Factories Act 1955.

being had to the terms of any contract between the parties, or in the alternative the Court may at the request of the owner or occupier determine the lease on such terms, having regard to the provisions of such lease, as the Court considers appropriate.

PART III USE OF WORK EQUIPMENT

Interpretation for Part III

6. In this Part -

“danger zone” means any zone within or around work equipment in which an employee is subject to a risk to his or her health or safety;

“EC declaration of conformity” in this Part means a declaration of conformity issued pursuant to Directive 98/37/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to machinery;

“exposed employee” means any employee wholly or partially in a danger zone;

“fishing vessel” means a vessel to which the Safety, Health and Welfare at Work (Fishing Vessels) Regulations 1999 (S.I. No. 325 of 1999) apply;

“hoist or lift” means a lifting machine which has its direction of movement restricted by a guide or guides but for the purpose of these Regulations shall not be applied to a fork lift truck, order pickers, self- propelled variable reach trucks or similar type equipment;

“Inspector” means an inspector of the Health & Safety Authority.

“lifting accessories” includes clamps and similar attachments, chain slings, rope slings, rings, hooks, shackles, swivels, spreader beams, spreader frames and any other item placed between lifting equipment and the load or on the load in order to attach it, but excluding features of the load used for its lifting;

“lifting equipment” means work equipment for lifting or lowering loads and includes anything used for anchoring, fixing or supporting such equipment. Mobile and static machines with elevated boom sections used for pumping concrete are deemed to be lifting equipment for the purpose of these regulations.

“load” in this Part includes a person;

“thorough examination” may include testing where the competent person deems it to be necessary for the purpose of the examination or where it is required pursuant to Schedule 3;

“use of work equipment” means any activity involving work equipment, including starting or stopping the equipment, its use, transport, repair, modification, maintenance and servicing and cleaning.

Duties of Employer

7. (1) It shall be the duty of every employer to ensure that -
- (a) the necessary measures are taken so that the work equipment is suitable for the work to be carried out or is properly adapted for that purpose and may be used by employees without risk to their safety and health;
 - (b) in selecting the work equipment, account is taken of the specific working conditions, characteristics and hazards in the place of work having regard to the safety and health of the employees and any additional hazards posed by the use of such work equipment;
 - (c) where it is not possible fully to ensure that work equipment can be used by employees without risk to their safety or health, appropriate measures are taken to minimise any such risk;
 - (d) where the use of work equipment is likely to involve a specific risk to the safety or health of employees -
 - (i) the use of such work equipment is restricted to those employees required to use it, and
 - (ii) in cases of work involving repairs, modifications, maintenance or servicing of such work equipment, the employees concerned are competent to carry out such work;
 - (e) the necessary measures are taken so that employees have at their disposal adequate information and, where appropriate, written instructions on the work equipment,
 - (f) information and instruction referred to in paragraph (e) contains at least adequate safety and health information concerning –
 - (i) the conditions of use of work equipment,
 - (ii) foreseeable abnormal situations, and
 - (iii) the conclusions to be drawn from experience, where appropriate, in using such work equipment;

(g) employees are made aware of safety and health risks relevant to them, work equipment present in the area or site, and any changes affecting them in as much as they affect work equipment situated in their immediate work area or site, even if they do not use the equipment;

(h) where the safety of work equipment depends on the installation conditions-

(i) an initial inspection is carried out after installation is completed and before it is first put into service,

(ii) an inspection is carried out after assembly at any new site or in any new location, and that the work equipment is installed correctly and is operating properly,

(iii) After each assembly of a tower crane on a construction site or after any adjustment to any member which may affect the strength or stability of the crane, and before it is put into use, it shall be subject to a static test with a test coefficient of 1.25 and a dynamic test with a test coefficient of 1.1. Such testing shall take account of any direction from the machine manufacturer.

(iv) where the stability of a crane is secured by means of removable weights, a diagram or notice indicating the amount and position of such weights shall be affixed on the crane so that it can be readily seen and each such removable weight shall be clearly marked with its correct weight.

(i) in the case of work equipment which is exposed to conditions causing deterioration liable to result in a danger to safety or health -

(i) periodic inspections and, where appropriate, testing is carried out,

(ii) special inspections are carried out when exceptional circumstances arise which are liable to make the work equipment unsafe, including modification work, accidents, natural phenomena or prolonged inactivity, and

(iii) safety and health conditions are maintained and deterioration is detected and remedied in good time;

(j) the results of inspections carried out under paragraphs (h) and (i) are recorded and kept available for 5 years from the date of inspection, for inspection by an inspector, and access to these records shall be made available to users of the work equipment upon request;

(k) when work equipment is used in another place of work, it is accompanied by evidence of the last inspection carried out under paragraphs (h) and (i);

(l) inspections carried out under paragraphs (h) and (i) are carried out by a competent person and are appropriate to the nature, location and use of the work equipment;

(m) the working posture and position of employees while using work equipment, and ergonomic requirements, are taken into account having regard to the safety and health of the employees; and

(n) notwithstanding any other provisions, lifting equipment used on a construction site shall be subject to weekly examination by the user of features related to its safe working, the results of which shall be recorded on a suitable form prepared for this purpose. These forms shall be kept available for inspection by an inspector for 3 months from the date of examination

(2) The provisions of this Part are without prejudice to the provisions of any enactment or instrument made under an enactment in force immediately before the commencement of these Regulations relating to mandatory certification, testing, examination, inspection and reporting in respect of work equipment.

Compliance with Schedule 3

8. (1) Without prejudice to the provisions of Regulation 7, it shall be the duty of an employer to ensure that any work equipment provided for use by employees at a place of work complies with-

(a) the provisions of any relevant enactment implementing any relevant directive of the European Communities relating to work equipment, and

(b) the requirements laid down in Schedule 3, where the provisions of no other such directive apply.

(2) It shall be the duty of an employer to take the measures necessary to ensure that throughout its working life work equipment is kept, by means of adequate maintenance, at a level such that it complies with the provisions of paragraph (1).

(3) The requirements of Schedule 3 shall apply having regard to the provisions of this Part and where a corresponding risk exists for the work equipment in question.

Information relating to certain examinations

9(1) A report of the result of every examination as referred to in paragraph 50 (1) of Schedule 3 shall be prepared by the competent person who undertakes it and shall contain the particulars that are set out in Part 7 of this Schedule.

9(2) Where work equipment is examined pursuant to paragraph 50 of Schedule 3 Part 1 and the examination reveals that the equipment can only be used safely if certain repairs are carried out or if the person making the examination foresees a need for such repairs, the person making the examination or their employer shall -

- (a) inform in writing the owner and user of the need for such repairs or the potential need,
 - (b) not later than 28 days after the completion of the examination, send a copy of the report of the examination to the Authority, and
 - (c) in the case of potential need for repairs specify the period within which, in his or her opinion, the repairs shall be carried out.
- 9(3) The competent person may specify a period less than that in column 2 of part 6A or part 6B of Schedule 3 if in their opinion a more frequent examination is required but if this is done the reason for this opinion shall be provided.

Duty of persons who hire lifting equipment to others

10. Where a person hires out lifting equipment for use by others, he or she shall be responsible for compliance with the duties set out in paragraphs 50,51 and 54 of Schedule 3 Part 1.

Duty of the master of a ship not registered in the State in respect of examination of lifting equipment

- 11. In the case of a ship not registered in the State it shall be the duty of the master of the ship to comply with the duties set out in paragraphs 50 and 51 of Schedule 3 Part 1.

Duty of the owner of a fishing vessel in respect of examination of lifting equipment.

12. In the case of a fishing vessel it shall be the duty of the owner to comply with the duties set out in paragraphs 50 and 51 of Schedule 3 Part 1.

SCHEDULE 1

Regulation 4

REQUIREMENTS FOR ALL PLACES OF WORK

1. Stability and solidity

Buildings which house places of work shall have a structure and solidity appropriate to the nature of their use.

2. Ventilation of enclosed places of work

(1) Steps shall be taken to ensure that there is sufficient fresh air in enclosed places of work, having regard to the working methods used and the physical demands placed on the employees.

(2) Where a forced ventilation system is used, it shall be maintained in working order and, where this is necessary for the employees' health, any breakdown shall be indicated by a control system.

(3) If air-conditioning or mechanical installations are used, they shall operate in such a way that employees are not exposed to draughts which cause discomfort.

(4) Any deposit or dirt likely to create an immediate danger to the health of employees by polluting the atmosphere shall be removed without delay.

3. Room temperature

(1) (a) During working hours, the temperature in rooms containing workstations shall be appropriate for human beings, having regard to the working methods being used and the physical demands placed on the employees.

(b) For sedentary office work, a minimum temperature of 17.5° C shall be achieved and maintained in every office after the first hour's work.

(c) For other sedentary work, at every workstation where a substantial proportion of the work is done sitting and does not involve serious physical effort, a minimum temperature of 16° C shall be achieved and maintained after the first hour's work

(d) Means shall be provided to enable persons at work to determine the temperature in any workplace inside a building.

(2) The temperature in rest areas, rooms for duty staff, sanitary facilities, canteens and first-aid rooms shall be appropriate to the particular purpose of such areas.

(3) Windows, skylights and glass partitions shall allow excessive effects of sunlight in places of work to be avoided, having regard to the nature of the work and of the place of work.

4. Natural and artificial room lighting

(1) Places of work shall as far as possible receive sufficient natural light and be equipped with artificial lighting adequate for the protection of employees' safety and health.

(2) Lighting installations in rooms containing workstations and in passageways shall be placed in such a way that there is no risk of accident to employees as a result of the type of lighting fitted.

(3) Places of work in which employees are especially exposed to risks in the event of failure of artificial lighting shall be provided with emergency lighting of adequate intensity.

5. Floors, walls, ceilings and roofs of rooms

(1) The floors of rooms shall have no dangerous bumps, holes or slopes and shall be fixed, stable and, so far as is reasonably practicable, not slippery.

(2) The surfaces of floors, walls and ceilings in rooms shall be such that they can be cleaned or refurbished to an appropriate standard of hygiene.

(3) Access to roofs and suspended ceilings made of materials of insufficient strength shall not be permitted unless equipment is provided to ensure that the work can be carried out in a safe manner, and appropriate warning signs in accordance with Part XIII shall be placed at such access points.

(4) Transparent and translucent walls, in particular all-glass partitions, in rooms or in the vicinity of workstations and traffic routes shall be clearly indicated and made of safety material or be shielded from such places or traffic routes to prevent employees from coming into contact with walls or being injured should the walls shatter.

6. Windows and Skylights

(1) Where it is possible for employees to open, close, adjust or secure windows, skylights and ventilators, it shall be such that it may be done safely, and when open, such windows, skylights and ventilators shall not be positioned so as to constitute a hazard to employees.

(2) Windows and skylights shall be designed in conjunction with equipment or otherwise be fitted with devices or otherwise cleaned, allowing them to be cleaned without risk to the employees carrying out this work or to employees present in and around the building.

7. Doors and gates

- (1) The position, number and dimensions of doors and gates, and the materials used in their construction, shall be determined by the nature and use of the rooms or areas.
- (2) Swing doors and swing gates shall be transparent or have see-through panels.
- (3) Transparent doors shall be appropriately marked at a conspicuous level.
- (4) If transparent or translucent surfaces in doors and gates are not made of safety material and if there is a danger that employees may be injured if a door or gate should shatter, the surfaces shall be protected against breakage.
- (5) Sliding doors and sliding gates shall be fitted with a safety device to prevent them from being derailed or falling over.
- (6) Doors and gates opening upwards shall be fitted with a mechanism to secure them against falling back
- (7) Doors or gates for pedestrians shall be provided in the immediate vicinity of any doors or gates intended essentially for vehicle traffic, unless it is safe for pedestrians to pass through and such pedestrian doors shall be clearly marked and left permanently unobstructed.
- (8) Mechanical doors and gates shall function in such a way that there is no risk of accident to employees, and shall be fitted with easily identifiable and accessible emergency shut-down devices.

8. Movement of pedestrians and vehicles — danger areas

- (1) Outdoor and indoor places of work shall be organised in such a way that pedestrians and vehicles can circulate in a safe manner.
- (2) Traffic routes, including stairs, fixed ladders and loading bays and ramps, shall be located and dimensioned to ensure easy, safe and appropriate access for pedestrians or vehicles in such a way as not to endanger employees employed in the vicinity of such routes.
- (3) Routes used for pedestrian traffic or goods traffic (or both) shall be dimensioned in accordance with the number of potential users and the type of undertaking and, if means of transport are used on traffic routes, a sufficient safety clearance shall be provided for pedestrians.
- (4) Sufficient clearance shall be allowed between vehicle traffic routes and doors, gates, passages for pedestrians, corridors and staircases.

(5) Where the use and equipment of rooms so require for the protection of employees, pedestrian routes and traffic routes shall be clearly identified.

(6) If the places of work contain danger areas in which, owing to the nature of the work, there is a risk of an employee or objects falling, such places of work shall be equipped, as far as possible, with devices preventing unauthorised employees from entering those areas.

(7) Appropriate measures shall be taken to protect employees authorised to enter danger areas.

(8) Danger areas shall be clearly indicated.

9. Specific measures for escalators and travelators

Escalators and travelators shall function safely, shall be equipped with any necessary safety devices and shall be fitted with easily identifiable and accessible emergency shutdown devices.

10. Loading bays and ramps

(1) Loading bays and ramps shall be suitable for the dimensions of the loads to be transported.

(2) Loading ramps shall as far as possible be safe enough to prevent employees from falling off.

(3) Loading bays shall have at least one exit point

11. Room dimensions and air space in rooms — freedom of movement at the workstation

(1) Workrooms shall have sufficient surface area, height and air space to allow employees to perform their work without risk to their safety, health or well-being.

(2) The dimensions of the free unoccupied area at a workstation shall be calculated to allow employees sufficient freedom of movement to perform their work, and where this is not possible for reasons specific to the workstation, the employee shall be provided with sufficient freedom of movement near his or her workstation.

12. Rest rooms and Rest Areas.

(1) Where, in particular because of the type of activity carried out or the presence of more than a certain number of employees, the safety or health of employees so requires,

employees shall be provided with an easily accessible rest room or appropriate rest area, but this requirement shall not apply if the employees are employed in offices or similar workrooms providing relaxation during breaks.

(2) Rest rooms shall be large enough and equipped with tables (with easily cleaned surfaces) and seats with backs adequate for the number of employees.

(3) If working hours are regularly and frequently interrupted and there is no rest room, other rooms shall be provided in which employees can stay during such interruptions, wherever this is required for the safety or health of employees.

13. Outdoor places of work (special provisions)

(1) Workstations, traffic routes and other areas or installations outdoors which are used or occupied by the employees in the course of their activities shall be organised in such a way that pedestrians and vehicles can circulate safely.

(2) Outdoor places of work shall be adequately lit by artificial lighting when daylight is not adequate.

(3) When employees are employed at outdoor workstations, such workstations shall as far as possible be arranged so that employees—

(a) are protected against inclement weather conditions and falling objects,

(b) are not exposed to harmful noise levels or to harmful influences such as gases, vapours or dust,

(c) can leave their workstations speedily in the event of danger or can be rapidly assisted to do so, and

(d) cannot slip or fall.

14. Pregnant women and nursing mothers

Pregnant women and nursing mothers shall be able to lie down to rest in appropriate conditions.

15. Sanitary Facilities

Lavatories and washbasins

(1) There shall be provided and maintained suitable and sufficient sanitary and washing facilities available for the use of employees.

(2) Separate facilities with an adequate number of lavatories and washbasins shall be provided in the vicinity of workstations, rest rooms, changing rooms and rooms housing showers.

(3) Provision shall be made for separate lavatories or separate use of lavatories for men and women.

Changing rooms and lockers

(4) Appropriate changing rooms shall be provided for employees who have to wear special work clothes and where, for reasons of health or propriety, they cannot be expected to change in another room.

(5) Changing rooms shall be easily accessible, be of sufficient capacity and be provided with seating.

(6) Changing rooms shall be sufficiently large and have facilities to enable each employee to lock away his or her clothes during working hours.

(7) If circumstances so require (e.g. where employees work may involve contact with dangerous substances, humidity or dirt) lockers for work clothes shall be separate from those for ordinary clothes.

(8) Provision shall be made for separate changing rooms or separate use of changing rooms for men and women and suitable and adequate provision shall be made for drying wet or damp work clothes.

(9) If changing rooms are not required under paragraph (4), each employee shall be provided with a place to store his or her clothes.

Showers and washbasins

(10) Adequate and suitable showers shall be provided for employees if required by the nature of the work or for health reasons related thereto, and in such case, provision shall be made for separate shower rooms or separate use of shower rooms for men and women.

(11) Shower rooms shall be sufficiently large to permit each employee to wash without hindrance in satisfactory conditions of hygiene.

(12) Showers shall be equipped with hot and cold running water.

(13) Where showers are not required under paragraph (10), adequate and suitable washbasins with running water (including hot water) shall be provided in the vicinity of the workstations and the changing rooms, and such washbasins shall be separate for, or used separately by, men and women when so required for reasons of propriety.

(14) Where the rooms housing showers or washbasins are separate from the changing rooms, there shall be easy communication between the two.

16. Employees with disabilities

Places of work shall be arranged to take account of employees with disabilities.

This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories, and workstations used or occupied directly by the disabled.

17. Emergency routes and exits

- (1) Emergency routes to emergency exits and the exits themselves shall be kept clear at all times, and lead as directly as possible to the open air or to a safe area.
- (2) In the event of danger, it shall be possible for employees to evacuate all workstations quickly, and as safely as possible.
- (3) An employer shall ensure that the number, distribution and dimensions of the emergency routes and exits are adequate, for the use, equipment, and dimensions of the place of work and the maximum number of persons that may be present.
- (4) Emergency exit doors shall open outwards.
- (5) Sliding or revolving doors are not permitted if they are specifically intended as emergency exits.
- (6) Emergency doors shall not be so locked or fastened that they cannot be easily and immediately opened by any person who may need to use them in an emergency.
- (7) Specific emergency routes and exits shall be indicated by signs in accordance with Part XIII and such signs shall be placed at appropriate points and be adequately durable
- (8) Emergency routes and exits, and the traffic routes and doors giving access to them, shall be free from obstruction so that they can be used at any time without hindrance.
- (9) Emergency routes and exits requiring illumination shall be provided with emergency lighting of adequate intensity in case the lighting fails.

18. Fire detection and fire fighting

- (1) Depending on the dimensions and use of the buildings, the equipment they contain, the physical and chemical characteristics of the substances present and the maximum potential number of people present, a place of work shall be

equipped with appropriate fire-fighting equipment, and, as necessary, fire detectors and an alarm system.

(2) Non-automatic fire-fighting equipment shall -

(a) be easily accessible and simple to use, and

(b) be indicated by signs in accordance with Part XIII and such signs shall be placed at appropriate points and be adequately durable.

19. Domestic accommodation areas at a place of work

An employer shall ensure that any fixed domestic accommodation areas at a place of work shall be safe and without risk to health and shall, unless used only in exceptional cases –

(a) have sufficient sanitary equipment,

(b) be equipped with beds, cupboards, tables and seats with backs, taking account of the number of persons at work, and

(c) be allocated taking account, where appropriate, of the presence of persons of both sexes.

SCHEDULE 2

Regulation 4

REQUIREMENTS FOR ALL PLACES OF WORK USED FOR THE FIRST TIME AFTER THE 31st DECEMBER, 1992 AND FOR ANY MODIFICATIONS, EXTENSIONS OR CONVERSIONS AFTER THAT DATE.

1. Mechanical doors and gates

Mechanical doors and gates shall function in such a way, that unless they open automatically in the event of a power failure, where they operate as an emergency exit, it shall also be possible to open them manually.

2. Thermal Insulation

Places of work containing workstations shall be adequately thermally insulated, bearing in mind the type of undertaking involved and the physical activity of the employees.

3. Loading bays and ramps

- (1) Where technically feasible, loading bays longer than the width of 5 vehicles, shall have an exit point at each end, or alternatively a refuge shall be provided which may be used to avoid being struck or crushed by a vehicle.

SCHEDULE 3

Regulation 8

REQUIREMENTS FOR WORK EQUIPMENT

Part 1: GENERAL MINIMUM REQUIREMENTS APPLICABLE TO WORK EQUIPMENT

1. (1) Work equipment control devices which affect safety shall be clearly visible and identifiable and appropriately marked where necessary.

(2) Except where necessary, control devices shall be located outside danger zones and in such a way that their operation cannot cause additional hazard, and cannot give rise to any hazard as a result of any unintentional operation.

(3)(a) If necessary, from the main control position, an employee shall be able to ensure that no person is present in danger zones.

(b) Where this is impracticable, a safe system such as an audible or visible warning signal (or such a signal that is both audible and visible) shall be given automatically whenever the machinery is about to start.

(c) An exposed employee shall have the time or the means (or both) quickly to avoid hazards caused by the starting or stopping (or both) of the work equipment.

(d) Control systems shall be safe, and shall be chosen making appropriate allowances for the failures, faults and constraints to be expected in the planned circumstances of use.

2. (1) It shall be possible to start work equipment only by deliberate action on a control provided for the purpose.

(2) A control shall be included in work equipment -

— to restart it after a stoppage for whatever reason,

— to control a significant change in the operating conditions,

unless such a restart or change does not subject exposed employees to any hazard.

(3) This paragraph does not apply to restarting or a change in operating conditions as a result of a normal operating cycle of an automatic device.

3. (1) All work equipment shall be fitted with a control to stop it completely and safely.

(2) Each workstation shall be fitted with a control to stop some or all of the work equipment, depending on the type of hazard, so that the equipment is in a safe state.

(3) The equipment's stop control shall have priority over the start controls and, when the work equipment or the dangerous parts of it have stopped, the energy supply of the actuators concerned shall be switched off.

4. Where appropriate, and depending on the hazards the equipment presents and its normal stopping time, work equipment shall be fitted with an emergency stop device.

5. (1) Work equipment presenting risk due to falling objects or projections shall be fitted with appropriate safety devices corresponding to the risk.

(2) Work equipment presenting hazards due to emissions of gas, vapour, liquid or dust shall be fitted with appropriate containment or extraction devices (or both) near the sources of the hazard.

6. Work equipment and parts of such equipment shall, where necessary for the safety and health of employees, be stabilised by clamping or some other means.

7. Where there is a risk of rupture or disintegration of parts of work equipment, likely to pose significant danger to the safety and health of employees, appropriate protection measures shall be taken.

8. (1) Where there is a risk of physical contact with moving parts of work equipment which could lead to accidents, those parts shall be provided with guards or devices to prevent access to danger zones or to halt movement of dangerous parts before the danger zones are reached.

(2) Such guards and protection devices shall -

(a) be of robust construction,

(b) not give rise to any additional hazard,

(c) not be easily removed or rendered inoperative,

(d) be situated at sufficient distance from the danger zone,

(e) not restrict more than necessary the view of the operating cycle of the equipment, and

(f) allow operations necessary to fit or replace parts and for maintenance work, restricting access only to the area where the work is to be carried out and, if possible, without removal of the guard or protection device.

(3) Any part of a stock-bar which projects beyond the headstock of a lathe shall be securely fenced unless it is in such a position as to be safe to employees as it would be if securely fenced.

9. Areas and points for working on, or maintenance of, work equipment shall be suitably lit having regard to the operation to be carried out.

10. Work equipment parts at high or very low temperature shall, where appropriate, be protected to avoid the risk of employees coming into contact or coming too close.

11. Warning devices on work equipment shall be unambiguous and easily perceived and understood.

12. Work equipment shall be used only for operations and under conditions for which it is appropriate.

13. (1) Where possible, maintenance operations shall be carried out when equipment is shut down.

(2) Where this is not possible, it shall be necessary to take appropriate protection measures for the carrying out of such operations or for such operations to be carried out outside the area of danger.

(3) If any machine has a maintenance log, it shall be kept up to date.

14. (1) All work equipment shall be fitted with clearly identifiable means to isolate it from all its energy sources.

(2) The reconnecting of the work equipment to its energy sources shall be such as to pose no risk to the employees concerned.

15. Work equipment shall bear warnings and markings essential to ensure the safety and health of employees.

16. Employees shall have safe means of access to, and be able to remain safely in, all the areas necessary for production, adjustment and maintenance operations.

17. All work equipment shall be appropriate for protecting employees against the risk of the work equipment catching fire or overheating, or of discharges of gas, dust, liquid, vapour or other substances produced, used or stored in the work equipment.

18. All work equipment shall be appropriate for preventing the risk of explosion of the work equipment or of substances produced, used or stored in the work equipment.

19. (1) Work equipment shall be:

- (a) designed,
- (b) installed,
- (c) located,
- (d) maintained, and
- (e) used,

in such a way as to reduce risks to users of the work equipment and for other employees.

(2) Without prejudice to the generality of subparagraph (1) -

(a) sufficient space to reduce such risks shall be provided between moving parts of work equipment and fixed or moving parts in its environment, and

(b) all forms of energy and substances used or produced shall be supplied or removed, or both, in a safe manner.

20. Work equipment shall be erected or dismantled under safe conditions in particular observing any instructions which may have been provided by the manufacturer.

21. Work equipment which may be struck by lightning while being used shall be protected by devices or appropriate means against the effects of lightning.

Additional Minimum Requirements applicable to Specific Types of Work Equipment

Minimum Requirements for Mobile Work Equipment, whether or not self-propelled

22. Work equipment with ride-on employees shall be fitted out in such a way as to reduce the risks for employees during the journey and such risks shall include the risks of contact with or trapping by wheels or tracks.

23. Where an inadvertent seizure of the drive unit between an item of mobile work equipment and its accessories or anything towed, or both, might create a specific risk, the work equipment shall be equipped or adapted to prevent blockages of the drive units and where such seizure cannot be avoided, every possible measure shall be taken to avoid any adverse effects on employees.

24. Where drive shafts for the transmission of energy between mobile items of work equipment can become soiled or damaged by trailing on the ground, facilities shall be available for fixing them.

25. (1) Mobile work equipment with ride-on employees shall be designed to restrict under actual conditions of use, the risks arising from work equipment roll over either by

(a) a protection structure to ensure that the equipment does not tilt by more than a quarter turn,

(b) a structure giving sufficient clearance around the ride-on employees if the tilting movement can continue beyond a quarter turn, or

(c) by some other device of equivalent effect.

(2) The protection structures may be an integral part of the work equipment but are not required when the work equipment is stabilised during operation or where the design makes roll over impossible.

26. Where there is a risk of a ride-on employee being crushed between parts of the work equipment and the ground, should the equipment roll over, a restraining system for the ride-on employees shall be installed.

27. A fork-lift truck carrying one or more employees shall be adapted or equipped to limit the risk of it overturning -

(a) by the installation of an enclosure for the driver,

(b) by a structure preventing the fork-lift truck from overturning,

(c) by a structure ensuring that, if the fork-lift truck overturns, sufficient clearance remains between the ground and certain parts of the fork-lift truck for the employees carried, or

(d) by a structure restraining the employees on the driving seat so as to prevent them from being crushed by parts of the fork-lift truck which overturns.

28. Self-propelled work equipment which may, in motion, engender risks for persons shall comply with the following conditions -

(a) the equipment shall have facilities for preventing unauthorised start-up,

(b) the equipment shall have appropriate facilities for minimising the consequences of a collision where there is more than one item of track-mounted work equipment in motion at the same time,

(c) there shall be a device for braking and stopping equipment, and where safety constraints so require, emergency facilities operated by readily accessible controls or automatic systems shall be available for braking and stopping equipment in the event of failure of the main facility,

(d) where the driver's direct field of vision is inadequate to ensure safety, adequate auxiliary devices shall be installed to improve visibility,

(e) work equipment designed for use at night or in dark places shall be equipped with lighting appropriate to the work to be carried out and shall ensure sufficient safety for employees,

(f) work equipment which constitutes a fire hazard, either on its own or in respect of whatever it is towing or carrying, or both, and which is liable to endanger employees shall be equipped with appropriate fire-fighting appliances where such appliances are not available sufficiently nearby at the place of use,

(g) remote-controlled work equipment shall stop automatically once it leaves the control range,

(h) remote-controlled work equipment which may in normal conditions engender a crushing or impact hazard shall have facilities to guard against this risk, unless other appropriate devices are present to control the impact risk.

29. Self-propelled work equipment shall be operated only by competent persons who have been appropriately trained.

30. If work equipment is moving around in a work area, appropriate traffic rules shall be drawn up and followed.

31. Organisational measures shall be taken to prevent employees on foot coming within the area of operation of self-propelled work equipment and if work can be done properly only if employees on foot are present, appropriate measures shall be taken to prevent them from being injured by the equipment.

32. The transport of employees on mechanically driven mobile work equipment shall only be permitted where safe facilities are provided to this effect and if work shall be carried out during the journey, speeds shall be adjusted as necessary.

33. Mobile work equipment with a combustion engine shall not be used in working areas unless sufficient quantities of air presenting no safety or health risk to employees is provided.

Work Equipment for lifting loads

34. When work equipment for lifting loads is installed permanently, its strength and stability during use shall be assured, having regard, in particular, to the loads to be lifted and the stress induced at the mounting or fixing point of the structures.

34(1) Lifting equipment designed for low frequency use must not be installed where its anticipated use will render the equipment unsuitable.

35. (1)(a) Machinery for lifting loads shall be clearly marked to indicate its safe working load, and where appropriate a load plate giving the safe working load for each configuration of the machinery.

(b) Every crane of variable operating radius shall, before it is taken into use -

(i) have plainly marked upon it or within the cab the safe working load at various radii of the jib, trolley or crab, and in the case of a crane with a derricking jib, the maximum radius at which the jib may be worked, and

(ii) be fitted with a suitable accurate automatic safe load indicator or rated capacity indicator, clearly visible to the driver showing at any time the radius of the jib, trolley or crab and the safe working load corresponding to that radius unless it is a guy derrick crane (being a crane of which the mast is held upright solely by means of ropes with the necessary fittings and tightening screws), a hand crane which is being solely used for erecting or dismantling another crane or has been assigned by a competent person a safe working load of 1,000 kg or less.

(c) The automatic safe load indicator or rated capacity indicator shall be -

(i) properly maintained,

(ii) correctly used, and

(iii) tested by a competent person after erection, installation or alteration of the crane for the purpose of any work before the crane is taken into use or returned to use as the case may be,

(d) Lifting equipment shall not be used beyond its safe working load except when being tested under the direction of a competent person.

(e) The use of an excavator, telehandler, loader or combined excavator/loader as a crane shall be subject to the provisions of Part 2 of this Schedule.

(f) The use of a scotch or a guy derrick crane shall be subject to the provisions of Part 3 of this Schedule.

(2) (1) Accessories for lifting shall be marked in such a way that it is possible to identify the characteristics essential for safe use, and shall also be subject to the provisions of Part 4 of this Schedule.

(3) Work equipment which is not designed for lifting persons but which might be so used in error shall be appropriately and clearly marked to this effect.

(4) In the case of a crane which is on occasion dismantled or partially dismantled any jib or boom which is separated from the crane in dismantling shall be clearly marked so as to indicate the crane of which it is a part.

(5)(a) Every drum or pulley round which the chain or wire rope of any lifting equipment is carried shall be of suitable diameter and construction for the chain or rope used.

(b) Every chain or rope which terminates at the winding drum of any lifting equipment shall be properly secured thereto and at least two turns of such chains or rope shall remain on such drum in every operating position of the equipment.

(6) Every platform or support whether fixed or mobile, upon or from which lifting equipment is mounted or supported shall be suitable for the purpose.

(7) Cranes with derricking jibs shall be provided with –

(a) such means as will minimise the risk of the accidental raising or lowering of the jib, and

(b) a jib that does not exceed the maximum radius specified by the manufacturer, or by a competent person in a report pursuant to paragraph 50(4).

36. Permanently installed work equipment shall be installed in such a way as to reduce the risk of the load -

(a) striking employees,

(b) drifting dangerously or falling freely,

(c) being released unintentionally.

37. (1) Work equipment for lifting or moving persons or lifting goods shall be, where applicable, such as to –

(a) prevent the risk of the carrier falling, where one exists, by the use of suitable devices,

(b) prevent the risk of the user falling from the carrier, where one exists,

(c) prevent the risk of persons being crushed, trapped or struck, in particular through inadvertent contact with objects,

(d) ensure that persons trapped in the carrier in the event of an incident are not exposed to danger and can be freed, and

(e) “carrier” means the device by which persons or goods, or both, are supported in order to be lifted, lowered or moved.

(2) Where in respect of winding gear for mines for reasons inherent in the site and height differences, the risks referred to in subparagraph (1a) cannot be avoided by any safety measures, an enhanced safety coefficient suspension rope shall be installed and checked every working day.

(3) The following provisions of this paragraph shall apply to a hoist or hoistway unless exempted by the provisions of Part 5 of this Schedule.

(a) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates so as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

(b) Any such gate as is referred to in subparagraph (a) shall be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the carrier is at the landing and that the carrier cannot be moved away from the landing until the gate is closed.

(c) Every hoist or lift and every such enclosure as is referred to in subparagraph (a) shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.

(d) In connection with every hoist or lift there shall where practicable be provided and maintained efficient devices which will support the carrier together with its safe working load in the event of failure of the hoisting system.

(e) In connection with every hoist or lift there shall be provided and maintained efficient automatic devices which will ensure that the carrier does not overrun the highest point set for its intended travel.

(f) Every hoist or lift shall be installed so that it can be operated at any one time only from one position and shall not be operated from the carrier unless the requirements of subparagraph (g) are satisfied.

(g) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise –

(i) efficient automatic devices shall be provided and maintained to prevent the carrier overrunning,

(ii) every carrier shall on each side from which access is afforded to a landing, be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the carrier, the carrier cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened,

(iii) in the case of a hoist or lift where the carrier is suspended by rope or chain, there shall be at least two ropes or chains separately connected to the carrier, each rope or chain and its attachments being capable of carrying the whole weight of the carrier and its maximum working load, and efficient devices shall be provided and maintained which will support the carrier with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

(iv) there shall be provided suitable efficient automatic devices which will ensure that the carrier comes to rest at a point above the lowest point to which the cage or platform can travel.

(h) (i) Where a hoist or lift is operated by means of a winch, the winch shall be so constructed that the brake is applied when the control device is not held in the operating position

(ii) A winch which is fitted with a pawl and ratchet gear on which the pawl has to be disengaged before the carrier can be lowered shall not be used to operate a hoist.

(iii) Hoists or lifts or hoistways or liftways of a class or description specified in Part 5 of this Schedule shall be subject to the conditions set out therein.

38. (1) Work equipment which is mobile or can be dismantled and which is designed for lifting loads shall be used in such a way as to ensure the stability of the work equipment during use under all foreseeable conditions, taking into account the nature of the ground.

(2) Where mobile work equipment consists of a travelling crane on rails, it shall be provided with deflector plates to remove from the rails any loose material likely to cause danger.

39. (1) Persons may be lifted only by means of work equipment and accessories provided for this purpose.

(2) While employees are on work equipment designed for lifting loads, the control position shall be manned at all times. Persons being lifted shall have reliable means of communication. In the event of danger, there shall be reliable means of evacuating them.

(3) Exceptionally work equipment not specifically designed for the purpose of lifting persons may be used to this effect provided that appropriate action including adequate supervision has been taken to ensure safety. The following conditions shall apply to this exceptional use, namely –

- (a) the ground underneath the equipment is even and reasonably flat,
- (b) the equipment is stable under all circumstances,
- (c) persons in a cage or basket cannot reach the controls or other dangerous parts of the lifting machine,
- (d) the cage/basket shall be properly secured to the lifting machine,
- (e) the total load shall be less than half the rated capacity of the lifting equipment.
- (f) the lifting equipment shall have a capacity not less than 1,000 kg unless its manufacturer states that the machine is suitable for such use, and
- (g) Hydraulically-operated machines shall be fitted with check valves on the hydraulic lifting cylinders, or some other suitable device, to prevent a gravity fall of the load in the event of a hydraulic failure.
- (h) Lifting equipment with provision for free fall shall not be used to lift persons.

40. (1) Unless required for the effective operation of the work, measures shall be taken to ensure that employees are not present under suspended loads.

(2) Loads shall not be moved above unprotected workplaces usually occupied by employees. Where work cannot be carried out properly any other way, appropriate procedures shall be laid down and applied.

41. Lifting accessories shall be selected as a function of the loads to be handled, gripping points, attachment tackle and the atmospheric conditions; having regard to the mode and configuration of slinging, and lifting, accessory tackle shall be clearly marked so that users are aware of its characteristics where such tackle is not dismantled after use.

42. Lifting accessories shall be stored in a way that ensures that they will not be damaged or degraded.

Work Equipment for lifting non-guided loads – additional provisions

43. When two or more items of work equipment used for lifting non-guided loads are installed or erected on a site in such a way that their working radii overlap, appropriate measures shall be taken to avoid collision between loads or the work equipment parts themselves, or both.

44. When using mobile work equipment for lifting non-guided loads, measures shall be taken to prevent the equipment from tilting, overturning or, if necessary, moving or slipping, and checks shall be made to ensure that the measures are executed properly.

45. If the operator of work equipment designed for lifting non-guided loads cannot observe the full path of the load either directly or by means of auxiliary equipment providing the necessary information, a competent person shall be in communication with the operator to guide him or her and organisational measures shall be taken to prevent collisions of the load which could endanger employees.

46. Work shall be organised in such a way that, when an employee is attaching or detaching a load by hand, it can be done safely, in particular through the employee retaining direct or indirect control of the work equipment.

47. (1) All lifting operations shall be properly planned, appropriately supervised and carried out to protect the safety of employees and, if a load has to be lifted by two or more pieces of work equipment for lifting non-guided loads simultaneously, a procedure shall be established and applied to ensure good co-ordination on the part of the operators.

(2) Lifting equipment shall be operated by a competent person or by a person who is under the direct supervision of a competent person for the purpose of training.

(3) No person under 18 years of age shall be employed to give signals to the operator of lifting equipment driven by mechanical power or to operate any such equipment.

(4) Every signal given for directing the movement of lifting equipment shall be distinctive in character and such that the person to whom it is given is able to hear or see it easily.

(5) Signalling devices shall be properly maintained and the means of communication shall be adequately protected from accidental interference.

48. (1) If work equipment designed for lifting non-guided loads cannot maintain its hold on the load in the event of a complete or partial power failure, appropriate measures shall be taken to avoid exposing employees to any resultant risks.

(2) Suspended loads shall not be left without surveillance unless access to the danger zone is prevented and the load has been safely suspended and is safely held.

49. (1) Open air use of work equipment designed for lifting non-guided loads shall be halted when meteorological conditions deteriorate to the point of jeopardising the safe use of the equipment and exposing employees to risks.

(2) Adequate protection measures, in particular to avoid work equipment turning over, shall be taken to avoid any risks to employees.

Periodic Examination and Testing of Lifting Equipment

50. (1) Where work equipment is comprised of lifting equipment or a lifting accessory, or both, Regulations 7(h)(i), 7(h)(ii), 7(1)(i) shall be interpreted as requiring that such equipment shall be subject to a programme of periodic examination and testing in accordance with Part 6 of this Schedule.

(2) Work equipment of a type or class listed in column 1 of Part 6A or Part 6B of this Schedule shall not be used unless it has been examined by a competent person at least once in the period specified in column 2 of Parts 6A or 6B of this Schedule or as required under the other circumstances described in Part 6B

(3) Where such equipment has already been thoroughly examined in accordance with the relevant statutory provisions in force prior to the introduction of these Regulations, the beginning of the period referred to in subparagraph (2) shall be deemed to be the date of the last such examination.

(4)(a) The report, or a copy of it, shall be kept at the place of work when the lifting equipment is permanently located there.

(b) In the case of lifting equipment on a construction site, the report, or a copy of it, shall be kept at the site office or at the business address of the contractor for whom the report was made.

(c) In the case of mobile equipment, the report, or a copy of it, shall be kept on the equipment in addition to being available for inspection at the address of the equipment owner.

(5) Where a report of an examination pursuant to paragraph 50(2) specifies conditions for the safe working of the equipment, the equipment shall only be used in accordance with those conditions.

51. (1) (a) A register of lifting equipment and lifting accessories shall be maintained and kept available for inspection by an inspector.

(b) The register referred to in subparagraph (a) shall contain details of the equipment, distinguishing number, date of first use and date of last thorough examination and testing.

(2) If the equipment does not have a distinguishing number or mark, one of long lasting duration shall be provided.

52. (1) Fixed work equipment for lifting loads shall not be taken into use for the first time unless –

- (a) it has been tested and thoroughly examined by a competent person, and
- (b) a certificate of test and examination specifying the safe working load and, if appropriate the maximum numbers of persons permitted, has been obtained.

(2) The provisions of paragraph (1) also apply to rail mounted work equipment for lifting loads.

53. Mobile work equipment for lifting loads shall not be taken into use in any place of work for the first time unless –

- (1) it has been examined and certified in accordance with paragraph 50, or
- (2)(a) it is a new machine which is CE marked,
 - (b) accompanied by an EC declaration of conformity and
 - (c) a certificate of test and examination for that machine signed by the person making the test, specifying the safe working load and
 - (d) has not been reassembled since dispatch from the manufacturer.

54. (1) Where any alteration or repair is carried out to lifting equipment or a lifting accessory and such alterations or repairs are relevant to the safe operation of the equipment the equipment shall be examined by a competent person before its return to service.

(2) Details of the examination carried out pursuant to subparagraph (1) shall be recorded and kept available for inspection.

Part 2: MINIMUM REQUIREMENTS FOR AN EXCAVATOR, TELEHANDLER, LOADER OR COMBINED EXCAVATOR/LOADER WHEN USED AS A CRANE

1.(a) Before an excavator, telehandler, loader or combined excavator/loader is first used as a crane, a competent person shall specify the safe working load to be raised and lowered by the said machine when used as a crane, or if it may be used with jibs or booms which it is intended to use.

1. (b) When a machine is fitted with outriggers, the competent person shall specify safe working loads for both the following positions -

(a) free-on-wheels or tracks, and

(b) with outriggers fully extended and blocked,

for each length or construction of jib or boom which it is intended to use.

1. (c) Unless fitted with an automatic safe load indicator or rated capacity indicator the safe working load shall be the same for all radii at which the jib or boom is operated and shall not be greater than the load which the machine in its least stable configuration is designed to lift with that jib or boom.

1. (d) In the case of a telehandler the safe working load shall not be greater than 1000kg unless fitted with an automatic safe load indicator or rated capacity indicator.

2. Before the machine is first used as a crane a certificate signed by the competent person specifying the safe working load and any necessary safety provisions shall be obtained and kept available for inspection with the machine.

3. The machine, when used as a crane, shall not be loaded beyond the relevant safe working load specified in the certificate required by paragraph 2.

4. Means of identification shall be plainly marked on the machine.

5. (a) The specified safe working load or loads and the outrigger position and the length of jib or boom to which the safe working loads relate shall either be plainly marked on the machine or a copy of the table relating safe working loads to the distance worked shall be affixed in a clearly visible position in the driver's cab.

(b) if after the issue of the certificate required by paragraph 2, the machine undergoes any substantial alteration or repair likely to affect the specified safe working loads, the said certificate shall be cancelled and a new certificate giving the particulars specified in the approved form shall be required.

6. Hydraulically-operated machines shall be fitted with check valves on the cylinders used for lifting, or some other suitable device, to prevent a gravity fall of the load in the event of a hydraulic failure. This provision is not mandatory for machines with a maximum rated lift capacity of a 1000 kg or less.

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Part 3: SCOTCH AND GUY DERRICK CRANES

1. The jib of a scotch derrick crane shall not be erected between the back stays of the crane.
2. No load which lies in the angle between the back stays of a scotch derrick crane shall be moved by that crane.
3. Appropriate measures shall be taken to prevent the foot of the king post of any scotch derrick crane from being lifted out of its socket or support whilst in use.
4. Where the guys of a guy derrick crane cannot be fixed at approximately equal inclinations to the mast so that the angles between adjacent pairs of guys are approximately equal, such other measures shall be taken as will ensure the stability of the crane.

Part 4: LIFTING ACCESSORIES

A Construction, testing, examination and safe working load

1. Subject to paragraph 2, no chain, rope or other lifting accessory shall be used in raising or lowering or as a means of suspension unless –

- (a) it is of good construction, sound material, adequate strength, suitable quality and free from patent defect,
- (b) it is properly installed and used,
- (c) it is properly maintained,
- (d) it is used only for the purpose for which it was intended,
- (e) except in the case of a fibre rope or fibre rope sling, it has been tested and examined by a competent person and there has been obtained a certificate of such test and examination specifying the safe working load and signed by the person making or responsible for the carrying out of the test and examination, and
- (f) it is marked in plain legible figures and letters with the safe working load and a means of identification.

2. A rope or rope sling need not be marked with the safe working load if its safe working load is contained in the report made pursuant to paragraph 50 of Part 1 of this Schedule and the rope or sling is so marked as to enable its safe working load as specified in the said report to be ascertained from the said report or if, in the case of a rope or a rope sling to which paragraph 1(e) does not apply, its safe working load can be ascertained from a table of safe working loads posted in a prominent position at the workplace; and in the case of a rope or rope sling which is not required to have been tested and which is not marked with the safe working load, the safe working load required to be entered in the said report or required to be shown by the table, as the case may be, shall be deemed, to be the safe working load of the rope or rope sling.

3. No wire rope shall be used in raising or lowering or as a means of suspension if in any length of ten diameters the total number of visible broken wires exceeds five per cent of the total number of wires in the rope.

4. A chain, rope or lifting gear shall not be loaded beyond its safe working load except for testing purposes as specified by and under the direction of a competent person appointed to carry out the tests.

5. The original safe working load of a wire rope shall be determined by a competent person by testing to destruction a sample of the rope to ascertain the breaking load and, to ascertain the original safe working load –

(a) in cases where the wire rope is used as a wire rope sling, one eighth of the breaking load shall be taken as the original safe working load, and

(b) in any other case, one sixth of the breaking load shall be so taken.

B Testing of Chains, Rings, etc. Altered or Repaired by Welding

A chain, ring, link, hook, plate clamp, shackle, swivel, eye-bolt or other similar lifting gear which has been lengthened, altered or repaired by welding shall not be used in raising or lowering or as a means of suspension unless since such lengthening, alteration or repair it has been tested and thoroughly examined by a competent person and there has been obtained in the approved form a certificate of such test and examination and specifying the safe working load and the certificate shall be signed by the person carrying out the test and examination or, in case that person is not responsible for the carrying out of the test and examination, by the person so responsible.

C Hooks

Every hook used for raising or lowering or as a means of suspension shall either -

(a) be provided with an efficient device to prevent the displacement of the sling or load from the hook, or

(b) be of such shape as to reduce as far as possible the risk of such displacement.

D Slings

1. Every sling used for raising or lowering on a lifting appliance shall be securely attached to the appliance and the method of attachment shall not be a method likely to result in damage to any part of the sling or to any lifting gear supporting it.

2. No double or multiple sling shall be used for raising or lowering if -

(a) the upper ends of the sling legs are not connected by means of a shackle, ring or link of adequate strength, or

(b) the safe working load of any sling leg is exceeded because of the angle between the sling legs.

E Edges of Load not to come into Contact with Sling, etc.

Where a load is being lifted or otherwise moved, adequate steps shall be taken by the use of suitable packing or otherwise to prevent the edges of the load from coming into contact with a sling, rope or chain, where this would cause danger.

F Knotted Chains, etc.

1. A load shall not be raised, lowered or suspended on a chain or wire rope, which has a knot, tied in any part of the chain or rope under direct tension.
2. A chain, which is shortened or joined to another chain by means of, bolts and nuts inserted through the links, shall not be used for raising, lowering or suspending any load.

G Annealing of Chains and Lifting Gear

1. Where a chain or lifting gear is made of such material that would require annealing or a form of heat treatment to ensure its safety, such chain or lifting gear shall be effectively annealed or subjected to an appropriate form of heat treatment under the supervision of a competent person and at intervals as specified by a competent person.
2. A chain or lifting gear of the type specified in paragraph 1 shall not be used in raising or lowering or as a means of suspension unless a report has been made in writing of every annealing or appropriate heat treatment signed by the competent person under whose supervision the annealing or heat treatment was carried out.

H Delivery of Loads with Lifting Accessories Attached

Where -

- (a) any article, material or other load intended for use in construction work is delivered at, or adjacent to a construction site with a chain, rope or other lifting accessory attached thereto and designed for use as a means of raising and lowering that class of load when removing the same from the point of delivery to a position on the site, and
- (b) the chain, rope or gear is free from patent defect whether of construction or quality and is not owned or hired by any contractor who is undertaking construction work aforesaid on the site,

the requirements of Part III of these Regulations shall not apply in respect of the use of such chain, rope or lifting gear for raising or lowering the load so long as the chain, rope or gear remains attached to the article, material or load.

Part 5: EXEMPTION OF HOISTS OR HOISTWAYS FROM THE PROVISIONS OF PARAGRAPH 37(3) OF PART 1 OF THIS SCHEDULE

Class or description of hoist or hoistway	Requirements of paragraph 37(3) of Part 1 of this Schedule which shall not apply	Condition
1. Pavement hoist for goods. Hoistways of pavement hoists, that is to say, hoists in the case of which the provision of a permanent enclosure at the top landing would obstruct a street or public place, or yard or other open space where persons are required or liable to pass.	Subparagraph (3.1) in so far as it requires the hoistway to be protected by an enclosure and gate at or above the top landing. Subparagraph (3.2) in the case of the top landing.	The hoistway shall be securely covered and fastened at the top landing except when access is required for goods or materials. Measures shall be taken to minimise the risk of persons falling down the hoistway whilst the top landing is open.
4. Hoists used solely for lifting material directly into a machine.	Subparagraphs (3.1) and (3.2).	Measures shall be taken to prevent hazards from falling objects or contact with moving parts.
7. Hoists used for raising or lowering or tipping-standard gauge or broader gauge railway rolling stock.	Subparagraphs (3.1), (3.2) and (3.7) (b).	So far as is reasonably practicable, means shall be provided at such entrances to the enclosure to prevent any person from falling down the hoistway or being struck by any moving part of the hoist.
8. Drop-pit hoists used for raising or lowering wheels or bogies detached from standard-gauge or broader gauge railway rolling stock.	Subparagraphs (3.1), (3.2), (3.7) (b) and (c).	
Hoistways of hoists into or from which goods or materials are loaded or unloaded automatically and to the carrier to which there is no access for persons	Subparagraph 3.1 in so far as it requires the fitting of gates	So far as is reasonably practicable, means shall be provided at such openings to the hoistway to prevent any person from falling down the hoistway or being struck

		by any moving part of the hoist.
13. Any hoist or lift used to raise a motor vehicle.	Subparagraphs (3.1), (3.2) and (3.3).	
14. Hoists and lifts, used as working platforms, not of a movable type, which do not pass through any floor and which are used in the butchering of animals.	Subparagraphs (3.1), (3.2) and (3.7) (c).	

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Part 6A: PERIOD OF THOROUGH EXAMINATION OF LIFTING EQUIPMENT OR LIFTING ACCESSORY OR OTHER MISCELLANEOUS EQUIPMENT

Column 1	Column 2
Description of lifting equipment or lifting accessory or other miscellaneous equipment	Period within which a thorough examination must occur
Hoist or Lift	6 months
Tailboard goods hoist/lift	14 months
Suspended access equipment	6 months
Mast climbing work platform	6 months
Lifting tackle including chains, ropes, rings, hooks, shackles, clamps, swivels, spreader beams and spreader frames, vacuum lifting devices	6 months
Items provided for support of lifting equipment	14 months
Mobile elevating work platform	6 months
Crane	14 months
Tower crane climbing rig	6 months
Crane used in dock work, shipbuilding, ship-repairing	14 months
Fork lift truck including interchangeable accessories	14 months [6 if used to lift persons]
Telehandler including interchangeable accessories	14 months [6 if used to lift persons]
Vehicle lifting table	14 months
Hoisting equipment on fishing vessels	24 months
Winches used for lifting loads	14 months
Other lifting machines (materials only) unless specified in Part 2C	14 months
Other lifting machines (personnel) unless specified in Part 2C	6 months
Suspended personnel platforms	6 months
Concrete pump boom machines	14 months
Lifting appliances and lifting gear subject to the Safety, Health and Welfare(Offshore Installations)(Operations) Regulations1991 (S.I. No. 16 of 1991)	6 months
Equipment located in premises used primarily for generating, transforming switching or otherwise regulating electrical energy.	In compliance with a scheme of inspection and testing drawn up by a competent person.

Part 6B: CIRCUMSTANCES REQUIRING TESTING OF LIFTING EQUIPMENT AS PART OF A THOROUGH EXAMINATION

Column 1	Column 2
Description of Equipment	Period within which or conditions under which testing is required.
All lifting equipment	After any substantial alteration or repair affecting its strength or stability.
Fixed lifting equipment	Before first use
Tower crane	After each assembly and every 4 Years;
Mobile crane	Every 4 years
Winch	Every 4 years
Self erecting crane	After erection and before first use on site and after any change in configuration or support conditions
Pulley block, gin wheel, sheer legs used with loads weighing 1,000 kg or more	Before first use in a new position.

Part 6C: EQUIPMENT WHICH IS NOT SUBJECT TO A PROGRAMME OF PERIODIC EXAMINATION

The equipment listed hereunder is not subject to a programme of statutory periodic examination pursuant to paragraph 50 of Part 2 of this Schedule but must be maintained so as to be safe for use.

- (a) Bottle jack
- (b) Pallet truck
- (c) Tractor hitch
- (d) Height adjusting components of machine tools
- (e) Fixed machinery for raising /lowering pallets
- (f) Patient hoist
- (g) Vehicle wheelchair hoist
- (h) Lifting equipment for wheelie bins of volume less than 360 litres
- (i) Escalators and conveyors

Part 7: INFORMATION TO BE CONTAINED IN A REPORT OF A THOROUGH EXAMINATION

1. The name and address of the employer or owner for whom the thorough examination was made.
- 2 The address of the premises at which the thorough examination was made.

3. Particulars sufficient to identify the lifting equipment including, where known, its date of manufacture.
4. Date of this examination and date of the last thorough examination if known.
5. The safe working load of the lifting equipment or, where its safe working load depends on the configuration of the lifting equipment, its safe working load for the different configurations that have been determined.
6. In relation to a thorough examination of lifting equipment, confirmation that it is an examination after installation or after assembly at a new site or in a new location pursuant to paragraphs 50 or 54 of Part 1 of this Schedule.
7. In relation to every thorough examination of lifting equipment –
 - (a) identification of any part found to have a defect which is or could become a danger to persons, and a description of the defect;
 - (b) particulars of any repair, renewal or alteration required to remedy a defect found to be a danger to person;
 - (c) in the case of a defect which is not yet but could become a danger to persons –
 - (i) the time by which it could become such danger;
 - (ii) particulars of any repair, renewal or alteration required to modify it;
 - (d) the latest date by which the next thorough examination must be carried out;
 - (e) where the thorough examination included testing, particulars of any test;
 - (f) identification of parts not accessible for examination.
8. The name, address and qualifications of the person making the report; that he or she is self-employed or, if employed, the name and address of his employer.
9. The name and address of a person signing or authenticating the report on behalf of its author.

**Repeals and Revocations arising from the proposed revision of Part III and
Schedule 3 (Use of Work Equipment) July 2006**

(To be incorporated appropriately with the other Repeals and Revocations provisions in the final text of the draft Safety, Health and Welfare at Work (General Application) Regulations 2006)

(1) No. and Year	(2) Title	(3) Extent of repeal or revocation
No. 10 of 1955	Factories Act 1955	Sections 33, 34, 35, 115 and 116
No. 9 of 1980	Safety in Industry Act 1980	Sections 28 and 29
S.I. No. 182 of 1956	Factories (Report of Examination of Hoists and Lifts) Regulations 1956	The whole Regulations
S.I. No. 80 of 1957	Factories Act 1955 (Hoists and Lifts)(Exemption) Order 1957	The whole Order
S.I. No. 279 of 1960	Docks (Safety, Health and Welfare) Regulations 1960	Part IV (Regulations 22 to 35), Regulations 36 to 38 and the Schedule
S.I. No. 146 of 1974	Quarries (General) Regulations 1974	In Regulation 3, the definitions of “lifting appliance”, “safe working load”, Regulations 40 and 41, in the First Schedule “FORM No. 3” and “FORM No. 5” and the Second Schedule
S.I. No. 322 of 1975	Shipbuilding and Ship-repairing (Safety, Health and Welfare) Regulations 1975	In Regulation 3(1), the definition of “lifting equipment” and “lifting gear” and Part IV (Regulations 32 to 48)
S.I. No. 331 of 1975	Mines (General) Regulations 1975	In Regulation 3, the definition of “lifting appliance”; Regulations 81 and 82
S.I. No. 13 of 1977	Factories Act 1955 (Hoists)(Exemption) Order 1977	The whole Order
S.I. No. 100 of 1985	Safety in Industry Acts 1955 and 1980 (Hoists and Hoistways)(Exemption) Order 1985	The whole Order
S.I. No. 16 of 1991	Safety, Health and Welfare (Offshore Installations)(Operations) Regulations 1991	Regulations 8, 22 and Schedules 2 and 5
S.I. No. 188 of 2001	Safety, Health and Welfare at Work (General Application)(Amendment) Regulations 2001	The whole Regulations
S.I. No. 481 of 2001	Safety, Health and Welfare at Work (Construction) Regulations 2001	In Regulation 2, the definitions of “hoist”, “lifting appliance”, “lifting gear”, “mobile crane”, “raising or lowering or a means of suspension”, “safe working load”. Parts 14, 15, 16 and 17 (Regulations 80 to 123)