

# Lifting Equipment and the Law

This document has been produced by the Rossendale Group as an aid to anyone who comes into contact with lifting equipment, either as a user, a supervisor of those who use lifting equipment, an operator, an owner, the manager of a business which uses lifting equipment, a specifier, or an examiner.

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- The Supply of Machinery (Safety) (Amendment) Regulations 1994
- The Health and Safety at Work Act 1974

Our advice is free! If you are concerned about the law relating to lifting equipment, contact you local Rossendale Group branch.

# 1. The Law in a Nutshell

A Quick Guide to Who Has to do What

## Where Does the Law Come From

There are currently five pieces of legislation which affect people whose work brings them into contact with lifting equipment. These Acts and Regulations are -

- The Lifting Operations and Lifting Equipment Regulations 1998
- The Management of Health and Safety at Work Regulations 1999
- The Provision and Use of Work Equipment Regulations 1998
- The Supply of Machinery (Safety) (Amendments) Regulations 1994 and the EC Machinery Directive 98/37/EC.
- The Health and Safety at Work Act 1974

## Who has responsibilities?

More or less everyone who has any contact or dealing with lifting equipment.

Specific responsibilities are given to -

- The employer of a person who uses lifting equipment at work. All responsibilities ascribed to an employer apply to any person who has control over or supervises the use of lifting equipment.
- The self-employed who uses lifting equipment.
- The equipment user.
- The equipment examiner.
- The designer, supplier and manufacturer of lifting equipment.

## What particular responsibilities do these people have?

**The employer must -**

Under LOLER Reg.4	Ensure that lifting equipment used in his workplace is of adequate strength and stability for each load.
Under LOLER Reg.5	Make special provisions for lifting equipment that carries people.
Under LOLER Reg.6	Ensure that lifting equipment is installed in such a way as to minimise the risk of a person being struck by a load, and is otherwise safe.
Under LOLER Reg.7	Ensure that lifting equipment is marked with its Safe Working Load.
Under LOLER Reg.8	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.
Under LOLER Reg.9	Have in his possession before the first use of any equipment - (a) a Report of Thorough Examination of Lifting Equipment; or (b) an EC Declaration of Conformity if the equipment has not been used before.
Under LOLER Reg.9	(a) Examine "below the hook" items every 6 months. (b) Examine "above the hook" items every 12 months. (c) Examine more frequently if circumstances require. (d) Routine inspect between examinations, where safety requires.
Under LOLER Reg.10	Ensure that equipment is not used until a notified defect is rectified.
Under LOLER Reg.11	Keep the following documents - (a) EC Declaration of Conformity as long as he keeps the equipment (b) Report of Thorough Examination for "below the hook" items when examined before first use, for 2 years. (c) Report of Thorough Examination for "above the hook" items when examined before first use, as long as he keeps the equipment. (d) Report of Thorough Examination for all periodic examinations, for 2 years.

# 1. The Law in a Nutshell cont...

A Quick Guide to Who Has to do What

## *What particular responsibilities do these people have? cont...*

Under MHSWR  
Reg.13

Ensure that his employees are provided with adequate training on their being exposed to new or increased risks because of the introduction of new work equipment or a change of work equipment already in use.

Under PUWER Reg.4  
Under PUWER Reg.9

Ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair.  
Ensure that all employees who use, or supervise or manage the use of work equipment, have received adequate training in safety, methods, risks and precautions.

Under HSWA s.2

- (a) Provide a safe place of work.
- (b) Provide safe handling systems.
- (c) Maintain equipment at work.
- (d) Provide adequate training.

The self-employed have the same responsibilities as the employer above.

### **The equipment user must -**

Under HSWA s.7

Take care of himself and others whom his acts or omissions at work might affect.

### **The examiner must -**

Under LOLER Reg.10

- (a) Immediately notify the employer of any defect he finds.
- (b) Give to the employer a written "Report of Thorough Examination of Lifting Equipment".
- (c) Notify the Health & Safety Executive of any imminent risk of serious personal injury.

### **The designer, supplier and manufacturer must -**

Under HSWA s.6

- (a) Ensure that the equipment he designs and makes is safe.
- (b) Ensure it is installed safely.
- (c) Carry out necessary tests and examinations to ensure safety.
- (d) Provide adequate "Safe Use" information.

Under SMR Reg 12

- (a) Issue an EC Declaration of Conformity
- (b) Fix a CE mark to the equipment
- (c) Ensure that his machinery complies with the essential health and safety requirements to offset the particular hazards due to a lifting operation.

# 2. Rossendale Group Services

## Your Route To Compliance With The Law

Section 1. of this document details the requirements that the law puts on employers and those responsible for lifting equipment and lifting operations. It is the job of the Rossendale Group to provide its customers with solutions to these legal requirements.

In very basic terms the lifting equipment user has a responsibility to -

### 1. Obtain appropriate documentation with new equipment, before first use.

The Rossendale Group assists by -

- (a) Providing an EC Declaration of Conformity with all new equipment supplied for which the Rossendale Group is the responsible person (i.e. the manufacturer or company putting the equipment on the market).
- (b) Providing confirmation that the Rossendale Group has possession of an EC Declaration of Conformity with all new equipment which the Rossendale Group factors.
- (c) Providing a LOLER Report of Thorough Examination of Lifting Equipment with all new lifting equipment supplied when examined by the Rossendale Group.

**The Rossendale Group Guarantee -**

- (a) **Our documentation will be 100% legally compliant.**
- (b) **We will always provide the documentation required by law.**
- (c) **Original issue of such documentation will be free of charge.**

### 2. Have newly installed equipment examined (including tested where required) by a competent person, before first use.

The Rossendale Group assists by -

- (a) Providing an on-site examination and testing service. This service is fully detailed in our leaflets RD294 "Statutory Examination" and RD299 "Proof Load Testing". Examination and test engineers are qualified; test equipment is calibrated; the work is carried out under ISO9001 procedures.
- (b) Providing free advisory services.
- (c) Issuing appropriate documentation (LOLER Report of Thorough Examination of Lifting Equipment) and immediate on-site Defect Reports following the examination and test.

**The Rossendale Group Guarantee -**

- (a) **Our pre-first use examinations and tests will be conducted in a professional, safe manner in accordance with all legislation, with our own safety and quality procedures and with site safety requirements.**
- (b) **In the event of a defect being found which results in an examination or test "failure", a written defect report will be issued to the customer immediately, before the engineers leave site.**
- (c) **Documentation will comply as detailed above.**

### 3. Have all lifting equipment and lifting operations periodically examined by a competent person.

The Rossendale Group assists by -

- (a) Providing an on-site examination service. This service is fully detailed in our leaflet RD294 "Statutory Examination". Examination engineers are qualified; the work is carried out under ISO9001 procedures.
- (b) Providing free advisory services.
- (c) Issuing appropriate documentation (LOLER Report of Thorough Examination of Lifting Equipment) and immediate on-site Defect Reports following the examination.
- (d) Contacting the customer in advance of the next examination due, to arrange an appropriate visit time.
- (e) Providing a free of charge documentation folder, containing all examination reports and detailed Instructions for the Safe Use of Lifting equipment.

## 2. Rossendale Group Services cont...

Your Route to Compliance with the law

### The Rossendale Group Guarantee -

- (a) Our periodic examinations will be conducted in a professional, safe manner in accordance with all legislation, with our own safety and quality procedures and with site safety requirements.
- (b) In the event of a defect being found which results in an examination “failure”, a written defect report will be issued to the customer immediately, before the engineer leaves site.
- (c) Documentation will comply as detailed above.

### 4. Provide training to operators of lifting equipment.

The Rossendale Group assists by -

- (a) Providing “Safe Use of Lifting Equipment” training courses. This service is fully detailed in our leaflet RD295 “Training for Safer Lifting”. These courses can be held at our regional training centres or at the customer’s site.
- (b) Issuing certificates of training and a Guide to Safe Lifting to all course attendees.

The Rossendale Group Guarantee -

- (a) Our “Safe Use of Lifting Equipment” training courses will provide the employer with the training required to satisfy PUWER and MHSWR in relation to lifting equipment.
- (b) Our course will give attendees a clear insight into the responsibilities involved in the use of lifting equipment. Your workplace will be safer.

# 3. Rossendale Group Policy

Practice and Documentation Made Clear

There are only two documents referred to by the legislation in respect to lifting equipment. These are the '**Report of Thorough Examination of Lifting Equipment**' and the '**EC Declaration of Conformity**'.

These are the only legal documents that the Rossendale Group will issue in relation to lifting equipment conformity.

**Please note -**

- (a) The Factories Act 1961 has been repealed in so far as it refers to lifting equipment. The old documentation required by the Factories Act and associated Regulations, including the Docks Regs, the Shipbuilding Regs and the Construction Regs is no longer required and is not valid for new equipment or current examinations and tests.
- (b) There is no longer a legal document referred to as a "test certificate". There is a "Report" and a "Declaration". Each of these documents may, but do not have to, refer to a test.
- (c) The Report and Declaration can be contained on a single document and in fact are so with many Rossendale Group forms.
- (d) A Defect Report may also be issued following a periodic thorough examination under LOLER. The Defect Report is not a stand alone legal document, but an annex to the Report of Thorough Examination.
- (e) If, during a periodic examination under LOLER, a Rossendale Group examiner finds a defect which in his opinion involves an existing or imminent risk of serious personal injury, the examiner (and the Rossendale Group) has a legal responsibility (under LOLER Reg 10) to produce a written defect report and to submit a copy of that defect report to the employer (the customer) and to the Health & Safety Executive. This requirement holds even if the defect in question is rectified immediately. The Rossendale Group will produce a Defect Report (RD170) and make appropriate submissions in such circumstances.

**The Rossendale Group will issue documentation which fully complies with current legislation.** Most of the relevant scenarios and the specific documentation issued are detailed below -

**Scenario "A"**

Rossendale Group supplies an item of lifting equipment made or supplied by another, without substantial change to the equipment. This is the "re-supply" scenario.

**Document issued -**

Report of Thorough Examination of Lifting Equipment, including a declaration that the Rossendale Group holds an EC Declaration of Conformity from the "responsible person or manufacturer". This latter declaration gives the customer compliance with PUWER Reg. 10; the former gives compliance with LOLER. Rossendale Group document RD202 is the specific document issued.

**Procedural Note**

The Rossendale Group does not have a legal requirement to examine equipment before dispatch under this scenario. We could simply rely upon the EC Declaration of Conformity issued by the supplier and pass the same on to the customer. The Rossendale Group does not regard this as acceptable practice and guarantees an item-by-item examination of equipment with subsequent issue of a Report of Thorough Examination of Lifting Equipment before dispatch. Customers do not get a second-hand declaration or report from the Rossendale Group.

**Scenario "B"**

Rossendale Group manufactures, or places on the market in the EC, a complete piece of lifting equipment or an accessory for lifting (this can be a lifting machine or piece of lifting tackle) that is complete and capable of being used in the supplied state. Rossendale Group then supplies (or hires) the equipment to a customer.

**Document issued**

EC Declaration of Conformity. Rossendale Group document RD203 is the specific document issued. For certain equipment, RD208 or RD209 are used.

**Scenario "C"**

Rossendale Group carries out an examination and/or a test on a piece of equipment that was supplied to the user by someone else. This is the "before first use" examination and/or test (not a periodic examination).

**Document issued**

Report of Thorough Examination of Lifting Equipment. Rossendale Group document RD204 is the specific document issued.

**Scenario "D"**

Rossendale Group carries out a periodic examination of a customer's existing lifting equipment.

**Document issued**

Report of Thorough Examination of Lifting Equipment. Rossendale Group document RD205 is the specific document issued.

# 4. The Details of the Legislation

The Acts and Regulations in Detail

## The Lifting Operations and Lifting Equipment Regulations 1998

Referred to below as "LOLER".

Came into force 5th December 1998.

A Regulation under the Health and Safety at Work etc. Act 1974.

*Wording lifted direct from LOLER in Italics.*

### Definitions (LOLER Regulation 2)

- *"accessory for lifting" means work equipment for attaching loads to machinery for lifting. It can be assumed that an "accessory for lifting" is what used to be described as "lifting tackle" and includes slings, shackles, eyebolts, lifting beams and all "below the hook" items of lifting equipment.*
- *"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 LOLER.*

The definition of a "competent person" is conspicuous by its absence.

- *"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. This definition of lifting equipment goes beyond the pre-LOLER definition in that supporting stools, guys and other such supports are included.*
- *"lifting operation" means an operation concerned with the lifting or lowering of a load.*
- *"load" includes a person.*
- *"thorough examination"*
  - (a) *means a thorough examination by a competent person;*
  - (b) *where it is appropriate to carry out testing for the purpose described in [LOLER], includes such testing by a competent person as is appropriate for the purpose.*
- *"work equipment" means any machinery, appliance, apparatus, tool or installation for use at work.*

### Application (LOLER Regulation 3)

(1) LOLER shall apply -

(a) *in Great Britain...*

(2) LOLER shall apply to an employer in respect of lifting equipment.....provided for use or used by an employee of his at work.

(3) LOLER shall also apply -

- (a) *to a self-employed person in respect of lifting equipment he uses at work.*
- (b) *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.*

LOLER specifically excludes some, but not all, shipping operations.

# 4. The Details of the Legislation cont...

The Acts and Regulations in Detail

## *The Lifting Operations and Lifting Equipment Regulations 1998 cont...*

### **Strength and stability (LOLER Regulation 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 (LOLER Regulation 5)**

(1) *Every employer shall ensure that lifting equipment for lifting persons -*

- (a) *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 as 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) *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) [above] 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.*

### **Positioning and installing (LOLER Regulation 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 load striking a person; or*
  - (b) *from a load -*
    - (i) *drifting;*
    - (ii) *falling freely; or*
    - (iii) *being released unintentionally; and is otherwise safe.*
- “and is otherwise safe” is a significant catch-all. Lifting installations must be 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 (LOLER Regulation 7)**

*Every employer shall ensure that*

- (a) *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 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.*



# 4. The Details of the Legislation cont...

The Acts and Regulations in Detail

## *The Lifting Operations and Lifting Equipment Regulations 1998 cont...*

### **Organisation of lifting operations (LOLER Regulation 8)**

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

- (d) properly planned by a competent person;
- (e) appropriately supervised; and
- (f) carried out in a safe manner.

This is a new concept to lifting equipment legislation. It is the "operation" not just the equipment that must be safe.

### **Thorough examination and inspection (LOLER Regulation 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) the employer has an EC declaration of conformity made not more than 12 months before the equipment is put into service.

(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 a new location, to ensure that it has been installed correctly and is safe to operate.

(3) 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.

### **Reports and defects (LOLER Regulation 10)**

(1) A person making a thorough examination for an employer under regulation 9 [of LOLER] 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 signed by him or on his behalf.....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 [of LOLER] shall -

- (a) notify the employer forthwith of any defect in the lifting equipment which in his opinion is or

# 4. The Details of the Legislation cont...

The Acts and Regulations in Detail

## *The Lifting Operations and Lifting Equipment Regulations 1998 cont...*

*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 [of a defect] shall ensure that lifting equipment is not used -*

(a) *before the defect is rectified; or*

(b) *after a time specified [in the defect report] and before the defect is rectified.*

### **Keeping information (LOLER Regulation 11)**

(1) *an EC declaration of conformity [shall be kept by an employer] so long as he operates the lifting equipment.*

(2) *The employer shall ensure that the information contained in -*

(a) *every report of thorough examination is kept available for inspection -*

(i) *...for a "prior to first use thorough examination of equipment" (i.e. under Regulation 9 (1)) lifting equipment other than an accessory for lifting (i.e. for "above the hook" equipment) until he ceases to use the lifting equipment;*

(ii) *...for a "prior to first use thorough examination of equipment" (i.e. under Regulation 9 (1)) an accessory for lifting, (i.e. for "below the hook" equipment) for two years after the report is made.*

(iii) *...for a "prior to first use thorough examination of installation" (i.e. under Regulation 9 (2)) until he ceases to use the lifting equipment it was installed or assembled.*

(iv) *...for a "periodic examination of equipment" (i.e. under Regulation 9 (3)) until the next report is made.....or the expiration of two years whichever is later.*

(b) *every [inspection record] is kept available until the next such record is made.*

### **Repeal of provisions of the Factories Act 1961 (LOLER Regulation 15)**

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

### **Information to be contained in a report of a thorough examination (Schedule 1)**

1 *The name and address of the employer 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 *The date of the last thorough examination.*

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 last configuration in which it was thoroughly examined.*

6 *In relation to the first thorough examination of lifting equipment after installation or after assembly at a new site or in a new location -*

(a) *that it is such a thorough examination;*

(b) *(if such be the case) that it has been installed correctly and would be safe to operate.*

7 *In relation to a thorough examination of lifting equipment other than a thorough examination to which paragraph 6 relates -*

(a) *whether it is a thorough examination -*

(i) *within an interval of 6 months under regulation 9(3)(a)(i);*

(ii) *within an interval of 12 months under regulation 9(3)(a)(ii);*

(iii) *in accordance with an examination scheme under regulation 9(3)(a)(iii); or*

(iv) *after the occurrence of exceptional circumstances under regulation 9(3)(a)(iv);*

(v) *(if such be the case) that the lifting equipment would be safe to operate.*

8 *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 or any repair, renewal or alteration required to remedy a defect found to be a danger to persons;*

## 4. The Details of the Legislation cont...

The Acts and Regulations in Detail

### *The Lifting Operations and Lifting Equipment Regulations 1998 cont...*

- (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 a danger;*
    - (ii) *particulars of any repair, renewal or alteration required to remedy 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) *the date of thorough examination.*
9. *The name, address and qualifications of the person making the report; that he is self-employed or, if employed, the name and address of his employer.*
- 10 *The name and address of a person signing or authenticating the report on behalf of its author.*
11. *The date of the report.*

## The Management of Health and Safety at Work Reg's 1999

Referred to below as "MHSWR".

Came into force 29th December 1999.

A Regulation under the Health and Safety at Work etc. Act 1974.

*Wording lifted direct from MHSWR in Italics*

### **Capabilities and training (MHSWR Regulation 13)**

- (2) *Every employer shall ensure that his employees are provided with adequate health and safety training -*
- (b) *on their being exposed to new or increased risks because of -*
    - (iii) *the introduction of new work equipment or a change respecting work equipment already in use within the employer's undertaking.*

## The Provision and Use of Work Equipment Regulations 1998

Referred to below as "PUWER".

Came into force 5th December 1998.

A Regulation under the Health and Safety at Work etc. Act 1974.

*Wording lifted direct from PUWER in Italics*

### **Interpretation (PUWER Regulation 2)**

- (1) *... "work equipment" means machinery, appliance, apparatus, tool or installation for use at work...*

### **Application (PUWER Regulation 3)**

- (1) *PUWER shall apply in Great Britain.*

### **Suitability of work equipment (PUWER Regulation 4)**

- (1) *Every employer shall ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair.*

# 4. The Details of the Legislation cont...

The Acts and Regulations in Detail

## The Lifting Operations and Lifting Equipment Regulations 1998

### Training (PUWER Regulation 9)

- (1) *Every employer shall ensure that all persons who use work equipment have received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken.*
- (2) *Every employer shall ensure that any of his employees who supervises or manages the use of work equipment has received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken.*

## The Supply of Machinery (Safety) (Amendment) Regulations 1994

Referred to below as "SMR".

Came into force 1st January 1993.

### Requirements for Supply of Relevant Machinery (Regulation 12)

The manufacturer (or original importer into the EC) of a lifting machine (the definition of machine includes all useable equipment, e.g. shackles, chain slings) must

- (a) Satisfy the relevant health and safety requirements detailed in the SMR (see below).
- (b) Carry out an appropriate test and assessment procedures.
- (c) Issue an EC Declaration of Conformity.
- (d) Fix a CE mark.
- (e) Ensure the machinery is in fact safe.

### Essential Health and Safety Requirements to Offset the Particular Hazards Due to a Lifting Operation (Schedule 4)

The SMR places requirements on the designer and manufacturer of machinery. These requirements cover -

- (a) Stability.
- (b) Guide rails and rail tracks.
- (c) Mechanical strength.
- (d) Pulleys, drums, chains or ropes.
- (e) Separate lifting accessories.
- (f) Control of movements.
- (g) Handling of loads.
- (h) Control devices.
- (i) Loading control.
- (j) Risks to exposed persons.
- (k) Fitness for purpose.
- (l) Marking.
- (m) Instruction handbook.

The requirements are detailed, but it is the responsibility of the Rossendale Group to ensure that they are complied with when it manufactures and supplies or installs lifting equipment.

When the Rossendale Group supplies equipment manufactured by others, it is the responsibility of the manufacturer (or supplier) to ensure compliance with the essential health and safety requirements.

Under SMR a 'machine' is much more broadly defined than our traditional understanding. If it is a piece of lifting equipment capable of being used on its own, it is a 'machine' under SMR. This would include a shackle or a sling.

# 4. The Details of the Legislation cont...

The Acts and Regulations in Detail

## The Health and Safety at Work Act 1974

Referred to below as "HSWA".

*Wording lifted direct from HSWA in Italics*

### General Duties of Employers to their Employees (HSWA Section 2)

(1) *It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.*

(2) *...the matters to which that duty extends in particular -*

- (a) *the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;*
- (b) *arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;*
- (c) *the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees.*
- (d) *so far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health...*
- (e) *The provision and maintenance of a work environment for his employees that is, so far as is reasonably practicable, safe...*

### General Duties of Manufacturers (HSWA Section 6)

(1) *It shall be the duty of any person who designs, manufactures, imports or supplies [lifting equipment] -*

- (a) *to ensure, so far as is reasonably practicable, that the [equipment] is designed and constructed as to be safe and to be without risks to health when properly used;*

(2) *"When properly used" is a significant caveat.*

- (b) *to carry out.....such testing and examination as may be necessary [to ensure that it is safe];*
- (c) *to make available adequate information about the use for which [the equipment] is designed.....and about any conditions necessary to ensure that, when put to that use, it will be safe and without risks to health.*

(3) *It shall be the duty of any person who erects or installs any article for use at work, so far as is reasonably practicable, that nothing about the way in which it is erected or installed makes it unsafe.....when properly used.*

### General Duties of Employees at Work (HSWA Section 7)

*It shall be the duty of every employee, while at work -*

- (a) *to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work.*