

## Relevant Legislation

*The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)*  
*Management of Health and Safety at Work Regulations 1999*  
*The Provision and Use of Work Equipment Regulations 1998 (PUWER)*  
*Health and Safety at Work Act 1974*

## General

The Lifting Operations and Lifting Equipment Regulations 1998 retain the good practice from previous legislation and unify the inspection and reporting procedures. The regulations, whilst at the same time, applying to all sections of industry and standardise the requirements for lifting operations. The regulations aim to reduce risks to people's health and safety from lifting equipment provided for use at work.

The regulations deal with:

- the strength and stability of lifting equipment (including cranes, fork lift trucks, chains and slings)
- the equipment for lifting people (including mobile elevated work platforms and a bed or bath hoist for lifting a resident in a residential home or a passenger lift)
- the equipment for supporting persons (including fall arrest harnesses and climbing harnesses)
- the positioning and installation of lifting equipment
- the marking of such equipment.

The essence of the regulations lie in regulation 8(1) which specifies that every employer shall make sure that every lifting operation involving lifting equipment is:

- properly planned by a competent person
- appropriately supervised
- carried out in a safe manner.

The regulations detail the requirements for examination and inspection of lifting equipment, the recording and identification of defects found on such equipment and the records and documentation that should be kept for the retrieval of the information.

General requirements for lifting equipment are also contained within the Provision and Use of Work Equipment Regulations 1998. These regulations require that lifting equipment is suitable for the tasks to be carried out and that information, instruction and training is provided to staff who use lifting equipment.

The Management of Health and Safety at Work Regulations 1999 require a risk assessment to be carried out to identify the nature and level of the risks associated with a lifting operation.

This should include:

- the type of load being lifted, its weight, shape and what it consists of
- the risk of a load falling or striking a person or object and the consequences
- the risk of the lifting equipment striking a person or some other object and the consequences
- the risk of the lifting equipment failing or falling over while in use and the consequences.

New lifting equipment must conform to relevant product standards and be provided with a test certificate. The equipment should be suitably marked in line with the established arrangements within each directorate to identify its current test status and be added to each directorate's lifting equipment register. The Building Manager will need to inform the Insurance Section and the Property Services Help Desk of any changes or additions.

## Marking of Lifting Equipment

The safe working load should be clearly marked on all lifting equipment. Where the safe working load depends on the machine's configuration, the operator must have clear visible information to keep both equipment and loads within safe working limits for the particular configuration.

All lifting accessories should be marked with a safe working load which should be identifiable for inspection purposes. A mobile elevated work platform should clearly display the maximum number of people to be carried and its safe working load.

## Examination and Inspection

The County Council will take all reasonably practicable steps to ensure that formal examinations, inspections and tests of lifting equipment are carried out in accordance with the frequencies recommended within the current British Standard.

Furthermore, certificates are required to be issued to confirm that the installation has been inspected and tested in accordance with the aforementioned British Standard.

No equipment is to be used for any lifting operations unless it has been tested and marked with a safe working load by a competent person/organisation, who must also issue the relevant test certificate.

### Thorough Examination by a Competent Person

The “**thorough examination**” of lifting equipment is divided into four “in service” categories and a “pre-service” category. These are:

#### Pre-Service Examinations

Lifting equipment should be subject to a recorded thorough examination by a competent person:

1. Before being put into service for the first time, unless:
  - it has never been used before (in which case it is classed as having had a thorough examination by the manufacturer or supplier and confirmed within the accompanying declaration of conformity)or
  - it has been used by another undertaking (external to NCC) but has been supplied with a valid record of thorough examination by a competent person.
2. And, where the safety of the lifting equipment is dependant on installation conditions it must be thoroughly examined:
  - after installation but before being put into service for the first time; and
  - after assembly and before being put into service at a new site or in a new location

This is to ensure it has been installed correctly and is safe for use.

## In Service Examinations

Once in service lifting equipment should be subject to the following depending on the type, nature and use of the equipment:

- Examination by a competent person every twelve months
- Examination by a competent person every six months
- Examination at periods specified by a competent person or organisation (this may be the manufacturer, supplier or insurer).

And, in all cases, after circumstances which may have affected the safety of its use. These include:

- its involvement in an accident or near miss
- after significant changes in conditions of use, and
- Long periods out of use.

There is a statutory duty to inspect the following lifting equipment at periods not exceeding **twelve months**:

- Cranes
- Excavators
- Forklifts
- JCB Loadalls (telehandlers)
- HIABS/Lorry Loaders
- Vehicle Ramps and Hoists
- Any other mechanical lifting equipment used for lifting loads other than passengers.

There is a statutory duty to inspect the following at periods not exceeding **six months**:

### *Lifting Equipment:*

- Passenger Lifts or Hoists

- Man riders
- Mobile Elevated Work Platforms (MEWP)
- Any other lifting equipment designed to transport passengers.

### *Lifting Equipment Accessories:*

- Chains
- Slings
- Eyebolts, Shackles
- Ropes
- Hooks
- Fork and Grab attachments for HIABS
- Hawsers.

### *Other accessories which are used to arrest falls or support a person:*

- All Fall Arrest and Climbing Harnesses
- Lanyards
- Karibiners
- Tripods
- Ropes
- Any other similar equipment.

## **Inspection**

In addition to the required “thorough examination” lifting equipment, such as excavators, cranes and forklifts, must be inspected by the operator or other person competent to do so at least once every seven days. This inspection should cover such areas as:

- Correct operation of limiters and indicators

- Tyre pressures (mobile equipment)
- Missing components
- Correct operation of controls
- Oil leaks (hydraulic systems).

**Note: This is not a definitive list - checks will vary depending on equipment type; this is routinely specified by the manufacturer.**

The results of the weekly inspection should be entered in an inspection log book.

Lifting tackle must **not** be used:

- if a statutory six month examination has not been undertaken
- if it is damaged or defective.

## Reports and Defects

The County Council's insurers, Zurich Municipal, carry out most of the required statutory examinations and provide defect reports on lifting equipment. Some divisions have alternative arrangements for completion of statutory examinations. Any lifting equipment found to be defective must be taken out of use immediately and either repaired or destroyed. However, before this occurs the Corporate Health and Safety Team should be consulted as the defect may give rise to an incident which could be reportable as a dangerous occurrence. If this is the case the item must be kept until a full investigation can take place.

Where there is a risk of this equipment causing an imminent serious personal injury the competent person carrying out the statutory examination has a duty to report the defect to the HSE.

## Information

Reports of thorough examinations, declarations of conformity and the current record of inspection should be readily available to the HSE in the event they request to see them.

## Arrangements within Each Directorate

### The safe installation and use of lifting equipment

In accordance with current legislation and Northumberland County Council's Corporate Health and Safety Policy Statement all Directorates within NCC must devise and implement procedures to ensure the following objectives are achieved:

- All lifting equipment is subject to the required statutory examination, inspection and testing
- All lifting operations are properly planned by a competent person
- All lifting operations are supervised by a competent person
- All lifting operations are carried out in a safe manner using only competent personnel.

In order to achieve the above objectives each Director is responsible for ensuring suitable and sufficient arrangements are made to fulfil the requirements detailed below:

#### 1. Assign Responsibilities (examination and testing)

Identify Managers who will be responsible for the arrangements to ensure that all lifting equipment used within their areas of control is subject to the correct examination, inspection and testing procedures (as above).

This includes notifying, in a timely fashion, those contracted to perform the examinations of any required "pre-service" examinations and examinations required as a result of the equipment being subject to:

- a change of location or use that may affect the safety of the equipment
- a long period of inactivity
- an accident or dangerous occurrence.

**Note: Should an accident or dangerous occurrence involving lifting equipment happen, the Manager responsible for controlling the works must contact the Corporate Health and Safety Team immediately for advice regarding reporting the matter to the HSE under the requirements of the Reporting of Incidents, Diseases and Dangerous Occurrences Regulations (RIDDOR).**

## 2. Inspection

### *Lifting Equipment*

Where required, as specified by a competent person or organisation, arrangements must be made for the operator of the equipment (or another competent person) to inspect the equipment at periods not exceeding seven days. Records of such inspections must be kept, for example, a colour coding system.

### *Lifting Accessories*

Accessories must receive a visual inspection before use.

## 3. Markings

A procedure must be available to identify at the point of use that lifting equipment and tackle is fit for use, that is to say, “in date” with regard to examination and inspection.

## 4. Defective Equipment

A procedure must be available to ensure that any equipment found (or suspected) to be defective or overdue (out of date) with regard to examination and/or inspection is quarantined to prevent further use until it is either:

- examined and/or inspected successfully to bring it back “in date”.
- repaired and subsequently declared safe for use following examination by a competent person, or
- destroyed.

## 5. Competence

Arrangements must be made to ensure that only competent NCC personnel are responsible for planning, supervising and/or undertaking any lifting operation. Where an operation is being undertaken on NCC’s behalf by a contractor the NCC employee controlling the works must ensure that the contractor has produced a suitable and sufficient lifting plan.