



GUIDANCE IN-SERVICE INSPECTION PROCEDURES

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Situation:

Lifting persons with Lifting Equipment that has been subject to a Thorough Examination (TE) for lifting goods only.

GUIDANCE:

Introduction

Lifting equipment owners must comply with Regulation 9(3) (a) (i) and (ii) of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) which requires employers to ensure lifting equipment that can deteriorate to a dangerous situation is thoroughly examined, in the case of lifting equipment for lifting persons, within a period of 6 months, and in the case of other lifting equipment, within a period of 12 months'.

This paper aims to outline the view of SAFed in relation to the lifting of persons within the first 6 months of a Thorough Examination Report issued by a competent person for an item of lifting equipment which is to be used primarily for the lifting of goods. This paper also takes in to account SAFed's understanding of the opinions of the Health and Safety Executive (HSE).

SAFed's view

SAFed considers that the lifting of persons with lifting equipment for the first 6 months of a Thorough Examination Report issued for the purposes of lifting goods is insecure, in so far as:

- Such an approach does not fulfil the lifting equipment owner's duty to ensure a suitable Thorough Examination is carried out by virtue of Regulation 9 of the Lifting Operations and Lifting Equipment Regulation 1998 (LOLER).
- Such an approach, whereby the competent person is directed to undertake an examination for goods rather than for lifting persons, will result in the competent person making a Report of Examination that does not reflect the actual use for which the equipment is used.
- Such an approach for the lifting of persons and goods for the first 6 months with a subsequent limitation to lifting goods only for the next 6 months would require the lifting equipment owner/duty holder to rigidly control the actual use, or misuse, of lifting equipment in real terms. The use of mobile lifting equipment often involves the interaction of many differing parties, making the process of control questionable. This could then result in an employer failing to fulfil their duties under both the Lifting Operations and Lifting Equipment Regulations 1998 and the Management of Health and Safety Regulations 1999 to effectively assess and control the risks to health and safety.



Duties of the Lifting Equipment Owner

Clearly, the lifting equipment owner has a duty to ensure a Thorough Examination is undertaken and that it is a true reflection of the equipment, for its intended use. Therefore, the competent person who undertakes the examination must have sufficient background information to allow them to undertake the thorough examination in such a manner as will allow them to both appropriately identify and categorise any defect or deterioration that is or could become a danger to persons, thereby satisfying the examination aspects of the Lifting Equipment owner's duty under Regulation 9(3).

Typical examples of the importance of informing the competent persons on matters such as whether an item of lifting equipment, normally designed for lifting or lowering goods, is to be used for lifting persons include: Lift Trucks or Telescopic Handlers: When the competent person will need to consider specific risks associated with lifting persons with this type of equipment. Some issues relating to such matters are highlighted in the HSE guidance Document PM28, Working Platforms (Non- integrated) on Fork Lift Trucks. Mobile cranes: When used for lifting persons, cranes must comply with certain specific design requirements; the capacity to accommodate an increased and adequate factor of safety, the presence of overload detection devices, motion limiters, free-fall locking devices and other safety systems to reduce the risk of uncontrolled movement. Guidance on specific provisions on such matters is provided by BS 7121 Safe use of Cranes. Although many modern cranes comply with such requirements by design, many others currently in use in the UK do not.

If the competent person is not made aware that the lifting equipment is to be used for lifting persons, they will unwittingly undertake an examination that does not reflect the actual use, and, as a consequence fail to provide the lifting equipment owner a valid Report of Thorough Examination.

Duties of the Competent Person

It is considered by SAFed that the competent person who undertakes the Thorough Examination, and indeed the Inspection Body who employ's him, are legally bound to report in line with LOLER. Specific reference is made to 'Schedule 1; Information to be contained in a report of thorough examination' which requires the competent person to clearly state, on the report of thorough examination, the nature of the examination undertaken. That is to say, to state on the report of Examination whether the lifting equipment is used for lifting persons in accordance with LOLER 9(3)(a)(i), or in the case of other lifting equipment for lifting goods in accordance with LOLER 9(3)(a)(ii) or in accordance with an Examination Scheme.[LOLER 9(3)(a)(iii)].

To state an examination has been undertaken according to LOLER 9(3)(a)(ii) for lifting goods, and then state lifting persons is endorsed for the first 6 months would not be in compliance with LOLER 9(3) or LOLER Schedule 1. LOLER requires the competent person to clearly state the examination he has undertaken.

Conclusion

The view that the thorough examination for lifting goods is no different to that for lifting persons for any given item of lifting equipment does not take into account the legal requirements within which such thorough examinations are carried out. It assumes that the examinations are the same, whereas the emphasis is very different, due to the differing levels of risk involved.

SAFed are of the view that when lifting equipment, normally designed for lifting goods only, is used for lifting persons the competent person undertaking the examination may need to re-define limits of acceptability to reflect the new risk.

Thereafter the competent person has a legal obligation to draw up a report that is a clear reflection of the examination undertaken and the intended use of the lifting equipment in question.



The lifting equipment owner and duty holder can use their equipment as they see fit, within the technical and legal scope of the lifting equipment in question. However, it is the competent person's duty to thoroughly examine and report on the basis of the intended use of the lifting equipment requirements within the scope of the legal requirement defined by the Lifting Operations and Lifting Equipment Regulations 1998.