

New Legislation Review – Republic of Ireland

Safety, Health and Welfare at Work (General Application) Regulations 2007

Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007

Inspection and Thorough Examination of Hired Plant

Technical Bulletin

Allianz Engineering Inspection Services Ltd



On the 1st November 2007 a great deal of the existing sectoral legislation relating to the safeguarding of work and lifting equipment was revoked and replaced. The following guidance bulletin advises on the introduction and provides a summary interpretation of the new regulations, namely the Safety, Health and Welfare at Work (General Application) Regulations 2007, as amended.

These regulations constitute the most significant review and amalgamation of legislation affecting all sectors of industry and commerce, and all work equipment!

The new regulations are a means of implementing European legislation in the form of the Amending Directive (95/63/EC) to the Use of Work Equipment Directive (89/655/EEC) which sets out the minimum legal requirements for the safety of those using plant and equipment in a work environment.

Definitions

'Work Equipment' means any machinery, appliance, apparatus, tool or installation for use at work.

'Lifting Equipment' means work equipment for lifting, lowering loads or pile driving, and includes anything used for anchoring, fixing or supporting such equipment.

It can be seen that this relates to all equipment used for the purposes of work. Consideration should then be given to the hazardous nature of the equipment being used and appropriate safeguards put in place to ensure that risks are either eradicated or reduced to as low a level as is reasonably practicable.

Application

The regulations apply to all duty holders (i.e. owners, hirers, users, etc) as well as work environments. Such work environments will include:

- Industrial locations (Factories, Docks, Shipbuilding yards, etc).
- Commercial locations (Offices, Shops, etc).
- Hospitals and Nursing Homes.
- Power Generation locations.
- Quarries.
- Construction sites.
- Agricultural locations.
- Forestry locations.

Certain sector specific regulations will remain which will deal with duty holders legal responsibilities for the care of workers within such environments. However, when it comes to ensuring that the use of work and lifting equipment is suitably and sufficiently safeguarded then the new regulations should be seen as the primary legislation with which a duty holder should comply.

Work and lifting equipment should be maintained in good order such that the risks to any end user are minimised.

Mobile work equipment for lifting loads should be examined prior to being put into service and thereafter periodically, in order to gauge degradation through in-service life. As well as fulfilling legal requirements to assess the integrity of the equipment, such scrutiny can also be used as an audit of the equipment. Where defects are repeatedly found then this can be an indicator of the breakdown of a support process. Review of the thorough examination findings can be used as a diagnostic tool for the development and/or improvement of work and lifting equipment use and support processes.

Notification

Previously, it was only within certain industry sectors that defects were required to be notified to the enforcing authority by the person carrying out thorough examination, for defects which were or could become a danger.

It is a requirement of the Safety, Health and Welfare at Work (General Application) Regulations 2007, as amended, that where defects are found during a thorough examination which will require an immediate cessation of work then such defective equipment must be reported to the enforcing authority.

Suitable and satisfactory maintenance, training and inspection regimes will support the use of work and lifting equipment such that serious defects will be an exception rather than the rule. By developing and implementing robust equipment support processes the likelihood of notification will be minimised ensuring safety to the end user and availability of equipment for use and/or hire.

Allianz Engineering has the engineering expertise and knowledge to assist clients in the practical application of the regulations. Liaison with the relevant enforcing authorities ensures that the guidance that we provide is both current and legally correct.

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