

# New Legislation Review – Republic of Ireland

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

### Inspection of Work and Lifting Equipment

#### 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2007 a great deal of the existing sectoral legislation relating to the safeguarding of work and lifting equipment was revoked and replaced.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.

Apart from the general requirement that all work equipment be periodically inspected, the new regulations identify a number of category groups for consideration, as follows:

- 1 Work equipment requiring inspection, examples of which are:
  - Escalators
  - Conveyors
  - Platform Lifts (below 1.2m)
  - Bottle Jacks
  - Pallet Trucks.
- 2 Work equipment for work at height requiring inspection, examples of which are:
  - Support Structures
  - Work Platforms
  - Work Positioning Systems
  - Work Restraint Systems
  - Safety Harnesses and Lanyards.
- 3 Lifting equipment requiring thorough examination, examples of which are:
  - Hoists and Lifts
  - Suspended Access Equipment
  - Mast Climbing Work Platforms
  - Lifting Accessories
  - Mobile Elevating Work Platforms
  - Cranes (All Types)
  - Fork Lift Trucks
  - Telescopic Handlers
  - Vehicle Lifting Tables
  - Patient Hoists.

## 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, etc)
- Commercial locations (Offices, Shops, etc)
- Power Generation locations
- Quarries
- Construction sites
- Hospitals and Nursing homes
- Marine vessels.

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 suitable 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.

Periodically, work and lifting equipment should be inspected or thoroughly examined depending on the level of risk in order to support a duty holders overall duty of care. In the first instance, this should be considered prior to the equipment being put into service. Thereafter, at suitable intervals, as defined by legislation, to determine condition. 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 inspection or 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 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 legal competency, 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.

### Contact:

Martin Fitch  
Allianz plc  
Allianz House  
Elmpark  
Merrion Road  
Dublin 4

Republic of Ireland

Direct Tel: 01 6134034  
Mobile Tel: 087 9408004