

**SIMPLE GUIDE TO THE
LIFTING OPERATIONS AND
LIFTING EQUIPMENT
REGULATIONS 1998**



Introduction

This guide provides information about the legal requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) which came into force on 5 December 1998.

It gives a general indication of some of the main requirements of the Regulations. However, it is important that you refer to the Regulations and accompanying Approved Code of Practice to familiarise yourself fully with your duties (see Further information at the back of the leaflet).

What is LOLER?

In the main, LOLER replaced existing legal requirements relating to the use of lifting equipment, for example the Construction (Lifting Operations) Regulations 1961, the Docks Regulations 1988 and the Lifting Plant and Equipment (Records of Test and Examination etc) Regulations 1992. Many aspects of LOLER should therefore be familiar to you.

The Regulations aim to reduce risks to people's health and safety from lifting equipment provided for use at work. In addition to the requirements of LOLER, lifting equipment is also subject to the requirements of the Provision and Use of Work Equipment Regulations 1998 (PUWER), see Further information.

What does LOLER do?

Generally, the Regulations require that lifting equipment provided for use at work is:

- strong and stable enough for the particular use and marked to indicate safe working loads;
- positioned and installed to minimise any risks;
- used safely, ie the work is planned, organised and performed by competent people; and
- subject to ongoing thorough examination and, where appropriate, inspection by competent people.

What equipment is covered by the Regulations?

Lifting equipment includes **any equipment used at work for lifting or lowering loads**, including attachments used for anchoring, fixing or supporting it. The Regulations cover a wide range of equipment including, cranes, fork-lift trucks, lifts, hoists, mobile elevating work platforms, and vehicle inspection platform hoists. The definition also includes lifting accessories such as chains, slings, eyebolts etc. LOLER **does not** apply to escalators, these are covered by more specific legislation, ie the Workplace (Health, Safety and Welfare) Regulations 1992.

If you allow employees to provide their own lifting equipment, then this too is covered by the Regulations.

Do the Regulations apply to me?

If you are an employer or self-employed person providing lifting equipment for use at work, or you have control of the use of lifting equipment, then the Regulations will apply to you. They **do not** apply if you provide equipment to be used primarily by members of the public, for example lifts in a shopping centre. However, such circumstances are covered by the Health and Safety at Work etc Act 1974 (HSW Act).

While your employees **do not** have duties under LOLER, they do have general duties under the HSW Act and the Management of Health and Safety at Work Regulations 1999 (MHSWR), for example to take reasonable care of themselves and others who may be affected by their actions and to co-operate with others.

The Regulations cover places where the HSW Act applies - these include factories, offshore installations, agricultural premises, offices, shops, hospitals, hotels, places of entertainment etc.

What do the Regulations require me to do?

You need to **ensure** that in using any lifting equipment the requirements of LOLER are met.

For example, you should ensure that all lifting equipment is:

- sufficiently **strong, stable and suitable** for the proposed use. Similarly, the load and anything attached (eg timber pallets, lifting points) must be suitable;
- **positioned or installed to prevent the risk of injury**, eg from the equipment or the load falling or striking people;
- visibly **marked** with any appropriate information to be taken into account for its safe use, eg safe working loads. Accessories, eg slings, clamps etc, should be similarly marked.

Additionally, you must **ensure** that:

- lifting operations are **planned, supervised** and carried out in a safe manner by people who are competent;
- where equipment is used for lifting people it is marked accordingly, and it should be **safe** for such a purpose, eg all necessary precautions have been taken to eliminate or reduce any risk;
- where appropriate, before lifting equipment (including accessories) is used for the first time, it is **thoroughly examined**. Lifting equipment may need to be thoroughly examined in use at periods specified in the Regulations (ie at least six-monthly for accessories and equipment used for lifting people and, at a minimum, annually for all other equipment) **or** at intervals laid down in **an examination scheme drawn up by a competent person**. All examination work should be performed by a competent person; and
- following a thorough examination or inspection of any lifting equipment, a **report** is submitted by the competent person to the employer to take the appropriate action.

How do the Regulations relate to other health and safety legislation?

The requirements of the Regulations need to be considered alongside other health and safety law. For example, section 2 of the HSW Act requires all employers to ensure, so far as is reasonably practicable, the health, safety and welfare of all their employees. Similarly, the MHSWR contain important duties which relate to the carrying out of a risk assessment to identify measures that you can take to eliminate, or reduce, the risks presented by the particular hazards in your workplace. Guidance on how to do this is set out in *5 steps to risk assessment* (see Further information).

Other more specific legislation, for example the Personal Protective Equipment at Work Regulations 1992, may also apply. Under these particular Regulations there may be a need to provide a safety harness for rope access work during activities such as window cleaning.

How are the Regulations enforced?

Health and safety inspectors enforce the Regulations. If you have duties under LOLER you will be given time to assimilate the new requirements. However, where there are serious risks, or the requirements are not new, inspectors will be prepared to take firm enforcement action.

Further reading

The following publications are available from HSE Books:

Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998. Approved Code of Practice and guidance L113 HSE Books 1998 ISBN 0 7176 1628 2

Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance L22 (Second edition) HSE Books 1998 ISBN 0 7176 1626 6

Simple guide to the Provision and Use of Work Equipment Regulations 1998 Leaflet INDG291 HSE Books 1999 (single copy free or priced packs of 15 ISBN 0 7176 2429 3)

Five steps to risk assessment Leaflet INDG163(rev1) HSE Books 1998 (single copy free or priced packs of 10 ISBN 0 7176 1565 0)

Managing health and safety: Five steps to success Leaflet INDG275 HSE Books 1998 (single copy free or priced packs of 10 ISBN 0 7176 2170 7)

Buying new machinery: A short guide to the law and some information on what to do for anyone buying new machinery for use at work Leaflet INDG271 HSE Books 1998 (single copy free or priced packs of 15 ISBN 0 7176 1559 6)

Workplace transport safety: Guidance for employers HSG136 HSE Books 1995 ISBN 0 7176 0935 9

Managing vehicle safety at the workplace: A short guide for employers Leaflet INDG199 HSE Books 1995 (single copy free or priced packs of 10 ISBN 0 7176 0982 0)

Hiring and leasing out of plant: Application of PUWER 98, regulations 26 and 27 Information Sheet MISC156 HSE Books 1998

While every effort has been made to ensure the accuracy of the references listed in this publication, their future availability cannot be guaranteed.

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Printed and published by the Health and Safety Executive

INDG290 Reprinted 5/03 C325