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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

1. These Regulations impose health and safety requirements with respect to lifting equipment, which is defined in regulation 2(1).

2. Save as regards the matters mentioned in paragraphs 4 and 5(b), the Regulations give effect as respects Northern Ireland to Article 4a in respect of lifting equipment, to point 3.2 of Annex I, and to the final paragraph of point 3.2.5 of Annex II, to Council Directive [89/655/EEC](#) (O.J. No. L393, 30.12.89, p. 13) on the minimum health and safety requirements for the use of work equipment by workers at work (“the Directive”) as amended by Council Directive [95/63/EC](#) (O.J. No. L335, 30.12.95, p. 28).

3. Save in the case of regulation 10(1) and (2), the Regulations place duties on employers. In addition (not required by the Directive) regulation 3 (application) places those duties on self-employed persons, and certain persons having control of lifting equipment, of persons at work who use or supervise or manage its use, or of the way it is used, to the extent of their control (regulation 3(3) to (5)).

4. The Regulations have limited application to ships (regulation 3(6) to (11)).

5. The Regulations make provision with respect to—

- (a) the strength and stability of lifting equipment (*regulation 4*);
- (b) the safety of lifting equipment for lifting persons (*regulation 5*);
- (c) the way lifting equipment is positioned and installed (*regulation 6*);
- (d) the marking of machinery and accessories for lifting, and lifting equipment which is designed for lifting persons or which might so be used in error (*regulation 7*);
- (e) the organisation of lifting operations (*regulation 8*);
- (f) the thorough examination (*defined in regulation 2*) and inspection of lifting equipment in specified circumstances (*regulation 9(1) to (3)*);
- (g) the evidence of examination to accompany it outside the undertaking (*regulation 9(4)*);
- (h) the exception for winding apparatus at mines from regulation 9 (*regulation 9(5)*);
- (i) transitional arrangements relating to regulation 9 (*regulation 9(6) and (7)*);
- (j) the making of reports of thorough examinations and records of inspections (*regulation 10 and Schedule 2*); and
- (k) the keeping of information in the reports and records (*regulation 11*).

6. The Secretary of State for Defence may grant exemptions from the Regulations in the interests of national security (*regulation 12*).

7. Statutory provisions replaced by these Regulations are repealed or revoked; consequential amendments are made (*regulations 13 to 18 and Schedule 3*).

8. In Great Britain the corresponding Regulations are the Lifting Operations and Lifting Equipment Regulations 1998 ([S.I. 1998/2307](#)). The Health and Safety Executive has prepared a cost benefit assessment in relation to those Regulations and copies of that assessment, together with a Northern Ireland Supplement prepared by the Department of Economic Development, are held at

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the offices of the Health and Safety Executive for Northern Ireland at 83 Ladas Drive, Belfast BT6 9FR, from where copies may be obtained.

**9.** A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.