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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 Great Britain 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](#) (OJNo. 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](#) (OJ 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(1)*) 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 1*); 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. Enactments and instruments replaced by these Regulations are repealed or revoked; consequential amendments are made (*regulations 13 to 17 and Schedule 2*).

8. A copy of the cost benefit assessment prepared in respect of these Regulations may be obtained from the Economic Adviser’s Unit, the Health and Safety Executive, Rose Court, 2 Southwark Bridge, London SE1 9HS.