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STATUTORY INSTRUMENTS

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**1998 No. 2307**

**The Lifting Operations and Lifting Equipment Regulations 1998**

**Thorough examination and inspection**

9.—(1) Every employer shall ensure that before lifting equipment is put into service for the first time by him it is thoroughly examined for any defect unless either—

- (a) the lifting equipment has not been used before; and
- (b) in the case of lifting equipment for which an EC declaration of conformity could or (in the case of a declaration under the Lifts Regulations 1997) should have been drawn up, the employer has received such declaration made not more than 12 months before the lifting equipment is put into service;

or, if obtained from the undertaking of another person, it is accompanied by physical evidence referred to in paragraph (4).

(2) Every employer shall ensure that, where the safety of lifting equipment depends on the installation conditions, it is thoroughly examined—

- (a) after installation and before being put into service for the first time; and
- (b) after assembly and before being put into service at a new site or in a new location,

to ensure that it has been installed correctly and is safe to operate.

(3) Subject to paragraph (6), every employer shall ensure that lifting equipment which is exposed to conditions causing deterioration which is liable to result in dangerous situations is—

- (a) thoroughly examined—
  - (i) in the case of lifting equipment for lifting persons or an accessory for lifting, at least every 6 months;
  - (ii) in the case of other lifting equipment, at least every 12 months; or
  - (iii) in either case, in accordance with an examination scheme; and
  - (iv) each time that exceptional circumstances which are liable to jeopardise the safety of the lifting equipment have occurred; and
- (b) if appropriate for the purpose, is inspected by a competent person at suitable intervals between thorough examinations,

to ensure that health and safety conditions are maintained and that any deterioration can be detected and remedied in good time.

(4) Every employer shall ensure that no lifting equipment—

- (a) leaves his undertaking; or
- (b) if obtained from the undertaking of another person, is used in his undertaking, unless it is accompanied by physical evidence that the last thorough examination required to be carried out under this regulation has been carried out.

(5) This regulation does not apply to winding apparatus to which the Mines (Shafts and Winding) Regulations 1993(1) apply.

(6) Where lifting equipment was before the coming into force of these Regulations required to be thoroughly examined by a provision specified in paragraph (7), the first thorough examination under paragraph (3) shall be made before the date by which a thorough examination would have been required by that provision had it remained in force.

(7) The provisions referred to in paragraph (6) are—

- (a) section 22(2), 25(2), 26(1)(d) and 27(2) of the Factories Act 1961(2);
- (b) regulations 34(2) and 37(1) of the Shipbuilding and Ship-repairing Regulations 1960(3);
- (c) regulations 28(3), 40 and 46(1) of the Construction (Lifting Operations) Regulations 1961(4);
- (d) regulations 3(1) and (2) and 6(1) of the Offices, Shops and Railway Premises (Hoists and Lifts) Regulations 1968(5);
- (e) regulation 6(1)(c) of and Part III of Schedule 1 to the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1976(6);
- (f) Regulation 15 of the Docks Regulations 1988(7).

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(1) S.I. 1993/302.

(2) 1961 c. 34; sections 22(2) and 27(2) were amended by S.I. 1992/195.

(3) 1960/1932; amended by S.I. 1992/195.

(4) 1961/1581; amended by S.I. 1992/195.

(5) 1968/849; amended by S.I. 1992/195.

(6) S.I. 1976/1019.

(7) S.I. 1988/1655; amended by S.I. 1992/195.