

2010 No. 333

HEALTH AND SAFETY

**The Notification of Conventional Tower Cranes Regulations
2010**

<i>Made</i> - - - -	<i>15th February 2010</i>
<i>Laid before Parliament</i>	<i>22nd February 2010</i>
<i>Coming into force</i> - -	<i>6th April 2010</i>

The Secretary of State makes these Regulations—

(a) in exercise of the powers conferred by sections 15(1), (2), (5) and (8), and 82(3)(a) of, and paragraph 15(1) of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a); and

(b) for the purpose of giving effect without modifications to proposals submitted by the Health and Safety Executive under section 11(3) of that Act after carrying out consultations in accordance with section 50(3) of that Act.

Citation and commencement

1. These Regulations may be cited as the Notification of Conventional Tower Cranes Regulations 2010 and come into force on 6th April 2010.

Interpretation

2. In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“1998 Regulations” means the Lifting Operations and Lifting Equipment Regulations 1998(b);

“construction site” has the same meaning as in regulation 2(1) of the Construction (Design and Management) Regulations 2007(c);

“conventional tower crane” means a slewing jib type crane with jib located at the top of a vertical tower and which is assembled on a construction site from components;

“the Executive” means the Health and Safety Executive; and

“thorough examination” has the same meaning as in regulation 2(1) of the 1998 Regulations.

(a) 1974 c 37, section 11 amended by the Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960); sections 15 and 50 amended by the Employment Protection Act 1975 (c.71) Schedule 15, paragraphs 6 and 16 respectively.
(b) S.I. 1998/2307, amended by S.I. 2002/2174, 2005/831, 2007/320 and 2008/1597.
(c) S.I. 2007/320.

Application

3.—(1) The requirements imposed by these Regulations on an employer in respect of a conventional tower crane apply in relation to a conventional tower crane provided for use or used by their employee at work.

(2) The requirements imposed by these Regulations on an employer also apply—

- (a) to a self-employed person, in respect of a conventional tower crane that person uses at work;
- (b) subject to paragraph (4), to a person who has control to any extent of—
 - (i) a conventional tower crane;
 - (ii) a person at work who uses or supervises or manages the use of a conventional tower crane; or
 - (iii) the way in which a conventional tower crane is used,and to the extent of their control.

(3) Any reference in paragraph (2)(b) to a person having control is a reference to a person having control in connection with the carrying on of a trade, business or other undertaking (whether for profit or not).

(4) The requirements imposed by these Regulations on an employer do not apply to a person in respect of a conventional tower crane supplied by way of sale, agreement for sale or hire-purchase agreement.

(5) These Regulations do not impose any obligation in relation to a ship's work equipment (whether that equipment is used on or off the ship) and in this regulation "ship" has the meaning given to it by section 313(1) of the Merchant Shipping Act 1995(a).

Notification of conventional tower cranes on construction sites

4.—(1) Subject to regulation 5, an employer must ensure that, for any conventional tower crane installed by the employer on a construction site, the Executive is notified in writing of—

- (a) the information mentioned in the Schedule within 14 days from and including the date of any thorough examination of that conventional tower crane as required by regulation 9(2) (examination before being put into service) of the 1998 Regulations; or
- (b) if no such thorough examination has been carried out within 14 days of its installation—
 - (i) the information mentioned in paragraphs 1 to 3 of the Schedule as soon as reasonably practicable; and
 - (ii) the information mentioned in paragraphs 4 to 6 of the Schedule within 14 days from and including the date of the thorough examination.

(2) Subject to regulation 5, an employer must ensure that for any conventional tower crane installed by the employer on a construction site, the Executive is notified in writing of the information mentioned in the Schedule within 14 days from and including the date of any thorough examination as required by regulation 9(3) (periodic examinations) of the 1998 Regulations.

Exemptions

5.—(1) The Secretary of State for Defence may, in the interests of national security, by a certificate in writing exempt any of the home forces, any visiting force or any headquarters from any of the requirements of these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by the said Secretary of State by a certificate in writing at any time.

(a) 1995 c. 21

(2) In this regulation—

“headquarters” means a headquarters for the time being specified in Schedule 2 to the Visiting Forces and International Headquarters (Application of Law) Order 1999(a);

“the home forces” has the same meaning as in section 12(1) of the Visiting Forces Act 1952(b); and

“visiting force” has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952.

Conventional tower cranes installed prior to the commencement of these Regulations

6. If before the commencement of these Regulations an employer has installed a conventional tower crane on a construction site for which a thorough examination has been completed and the conventional tower crane continues to be installed on the commencement date, the employer must ensure that within 28 days from and including the commencement date the Executive is notified in writing of the information mentioned in the Schedule.

Signed by authority of the Secretary of State for Work and Pensions.

William D. McKenzie
Parliamentary Under Secretary of State,
Department for Work and Pensions

15th February 2010

SCHEDULE

Regulations 4 and 6

Information which is required to be notified to the Executive

1. Name and address of the owner or the lessor of the conventional tower crane installed at the construction site.
2. Address of the construction site at which the conventional tower crane was installed.
3. Particulars sufficient to identify the conventional tower crane including where known its date of manufacture.
4. Date of the thorough examination.
5. Name and address of the employer for whom the thorough examination was made.
6. Whether the thorough examination revealed any defects involving an existing or imminent risk of serious personal injury.

(a) S.I. 1999/1736.

(b) 1952 c. 67, section 12(1) amended by the Criminal Justice Act 1988, s 170(1), Sch 15, para 14.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. The Regulations require an employer who provides for use, or whose employee uses, a conventional tower crane at work on a construction site, to notify the Health and Safety Executive (“the Executive”) of information relating to the conventional tower crane mentioned in the Schedule to these Regulations.

2. The duties under the Regulations apply also to—

- (a) a self-employed person, in respect of a conventional tower crane he uses at work; and
- (b) a person who has control to any extent of the management, supervision and use of a conventional tower crane, subject to the extent of that control.

3. Regulation 4(1)(a) requires an employer to notify the Executive of the information relating to the conventional tower crane as mentioned in the Schedule to these Regulations, within 14 days of the completion of the thorough examination of the conventional tower crane, (required by the Lifting Operations and Lifting Equipment Regulations 1998).

4. Regulation 4(1)(b) requires that where no thorough examination has been carried out (as is referred to in regulation 4(1)(a)) in respect of that conventional tower crane within 14 days of its installation by the employer, they must notify the Executive of the information mentioned in paragraphs 1 to 3 of the Schedule, as soon as reasonably practicable. In addition, an employer must also notify the Executive of the information in paragraphs 4 to 6 of the Schedule, which relates to any subsequent thorough examination, within 14 days of that information becoming available.

5. Regulation 4(2) requires an employer to notify the Executive of the information mentioned in the Schedule within 14 days of any thorough examination carried out following a periodic examination of the conventional tower crane (required by the Lifting Operations and Lifting Equipment Regulations 1998).

6. The Regulations also contain provision for conventional tower cranes which were installed and thoroughly examined prior to the commencement of these Regulations (regulation 6) and provision for exemption certified by the Secretary of State for Defence, in the interests of national security (regulation 5).

7. A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Health and Safety Executive, Economic Advisers Unit, Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS.

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