



## **GUIDANCE NOTES ON LOLER REGULATIONS**

**FOR RIVERIA MK1.MK2 & MK3**

**AND BELLAVITA BATH LIFT**

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

**(LOLER 98)**

Prepared by

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## The LOLER Regulations consist of 17 regulations.

1 – 11 are covered in detail in this document.

*Regulations 12 – 17 cover exemptions, amendments, repeals and revocations concerning legislation covering industries such as the Armed Forces, Shipbuilding, Docks, Mines/Quarries and the Factories Act 1961. and as such are not relevant to this document*

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### 1 Citation and Commencement.

Cite the power of the regulation and the commencement date when the regulations became enforceable.

LOLER 98 were made under the Health & Safety at Work Act 1974. (HSW Act) and came into force on the 5<sup>th</sup> December 1998.

LOLER 98 implement the lifting provisions of AUWED. The regulations apply in all premises and work situations subject to the HSW Act and build on the requirements of Provision and Use of Work Equipment Regulations (PUWER) 1998.

LOLER 98 applies to any item of lifting equipment including existing equipment, second-hand equipment, leased/hired and new equipment.

The Regulations are primarily aimed at the type of equipment previously covered by prior lifting regulations. IE: Cranes, Lifts, Hoists, Shackles & Eyebolts.

*However. LOLER now applies in whichever industry this range of equipment is used and including previously exempt industries such as agriculture which were not covered by specific legislation.*

### 2 Interpretation covers the definitions of clauses, statements and words within the document.

Some of the appropriate definitions contained in Regulation 2 are as follows:

*“Lifting Equipment” means work equipment for lifting and lowering loads and includes it’s attachments used for anchoring, fixing or supporting it.*

*“Load” includes within this definition “A Person”.*

*“Accessory for lifting” means work equipment for attaching loads to machinery for lifting.*

*“Employer” includes a person to whom the requirements imposed by these regulations apply.*

*“Examination Scheme” means a suitable scheme drawn up by a competent person for thorough examination of lifting equipment at such intervals as may be appropriate to its use. Reference Regulation 9 (3)*

*“Thorough Examination” means a thorough examination by a competent person, including where it is appropriate, to carry out testing that “tests” are carried out by a competent person.*

**N.B.** Competent Person is not defined in the regulations. However the Approved Code Of Practice (ACOP) Regulation 9 states:

*You should ensure the person carrying out a thorough examination has such appropriate practical and theoretical knowledge and experience as will enable them to detect defects or weaknesses and to assess their importance in relation to the safety and continued use of the lifting equipment.*

In the context of the Assistive Technology marketplace, LOLER applies to a range of lifting equipment which presents risks similar to those associated with traditional equipment. Some of these are listed below

but please note. This is not an exhaustive compilation of equipment and cannot be described as 'definitive'.

CEILING TRACK HOISTS  
STANDING & RAISING AIDS  
MOBILE WHEELED HOISTS  
BATH LIFTS (Including portable and Bath side)  
ACCESSORIES (Slings etc are also defined within the scope of LOLER 98)

The definition of lifting equipment is somewhat vague. ACOP does suggest that in most cases, LOLER will not apply to any equipment which does not have as its principle function, a use for lifting or lowering.

- 3 **Application** covers where the regulations are enforceable, what they cover and to whom they are applicable. This regulation also includes the suitability of lifting equipment 4 (1) –(2) from the PUWER Regulations.

It applies to all workplaces and work situations where the HSW Act applies and extends outside Great Britain to certain offshore activities in British territorial waters and on the UK Continental Shelf.

The regulations apply to employers, self-employed and persons in control to *any* extent of:

- Lifting Equipment
- A person at work who uses or supervises or manages the use of work equipment
- The way in which work equipment is used

The Regulations also apply to any employer who allows employees to provide their own lifting equipment.

LOLER only applies to work activities. It does not apply to **persons/companies who provide equipment for use by the public.**

The ACOP carries a specific example as follows:

*As hoists used to lift patients, eg; from baths and beds, in hospitals and Residential/Nursing Homes are provided for use at work and are lifting equipment to which LOLER applies, the duty holder, eg; the NHS Trust running the hospital or the owner of the residential/nursing Care Home must satisfy their duties under LOLER.*

- 4 **Strength and Stability** covers the requirements ensuring the lifting equipment has the strength and stability to lift the load safely.

If any employer expects their employees to use lifting equipment, then they have a duty of care to ensure the equipment is:

*Sufficiently strong, stable and suitable for proposed use. This includes any Attachments or fixtures taking the load.*

*Positioned or installed so as to prevent risk of injury.*

- 5 **Lifting Equipment used for Lifting persons.** This regulation goes further than Regulation 4 by considering the hazards associated with lifting persons; Making sure they are not crushed, struck, trapped, or fall during when they are being lifted in the carrier, or when they are using the carrier.

This Regulation is predominantly concerned with lifts and crane attachments for the lifting of persons and covers the provision of safety features such as doors, cages and alarm mechanisms for summoning assistance.

*The term "Carrier" is a generic term used to describe the device that supports people while being lifted or lowered.*

There is a reference in the ACOP to the need for daily inspections, by a competent person, of certain equipment such as a cradle lifted by a crane. Although this is not specific to the AT marketplace, advice is generally offered that Carers and users of equipment have a duty of care and that they should visibly check equipment prior to use to ensure it is in a safe condition to use.

- 6 **Positioning and Installation** covers the requirements for positioning and installation of the lifting equipment to reduce the risk of the lifting equipment or load striking a person, or of a load drifting, falling or of a load drifting, falling or being released unintentionally.

The Regulation specifies that it is the employers responsibility to ensure equipment is installed or positioned correctly to reduce/eliminate risk.

Installation of the equipment relates specifically to equipment which is assembled at the place of use. Whilst positioning refers to Mobile Equipment.

- 7 **Marking of lifting equipment** covers what markings are required on the lifting equipment.

Compliance with the Regulation is the responsibility of the employer, he is required to ensure all lifting equipment is clearly marked to indicate its safe working load (SWL)

Where the safe working load is affected by the configuration of the equipment, then the equipment must be marked to indicate its safe working load in each configuration.

Accessories for lifting, such as slings/harnesses must also be marked with their SWL.

The method of marking is not specified although in relation to bathing, the markings must be waterproof and durable.

- 8 **Organisation of lifting operations** covers the requirement for lifting operations to be properly planned by a competent person, appropriately supervised and carried out safely.

The Regulation states that every employer shall ensure that every lifting operation involving lifting equipment is properly planned and executed by a competent person, appropriately trained, supervised and carried out in a safe manner.

The person planning the operation should have sufficient practical and theoretical knowledge and experience of planning lifting operations. The plan is normally, dependent upon the operation and equipment and made up of two parts:

- *Initial planning considering the load to be lifted, its weight, shape, centre of gravity, the environment, where the load is moving to and from and who will be carrying out the operation and their knowledge and experience.*
- *Planning of the individual lifting operations which would normally assess weight, select correct accessories, check route, take off and landing points, fit the sling to the load and perform the operation.*

The use of Patient hoisting is considered a 'routine' lifting operation. This means that an initial lifting plan may only be required once, although it should be reviewed regularly to ensure nothing has changed and the 'plan' remains valid.

The employer should ensure that any lifting accessories used for securing loads are compatible with the load, the environmental conditions and the configuration for use.

- 9 **Thorough examination and inspection** covers what is to be examined, tested, the examination scheme, the frequency *and* by whom.

Every employer is required to ensure that before a piece of lifting equipment is put into service for the first time, it is thoroughly inspected for any defects, unless:

- The equipment has not been used before and the employer has received an EC declaration of conformity made not more than 12 months before the equipment is put into service; or

- If the equipment has been received from another person, it is accompanied by physical evidence of its last thorough examination.

If the installation conditions affect safety, the employer is required to ensure that the equipment is thoroughly inspected after installation and before use for the first time.

Ongoing thorough examinations are required to ensure that lifting equipment for the lifting of persons remains safe to use and fit for purpose. In the case of lifting equipment for the lifting of persons or an accessory, a thorough examination is required **at least every six months** or in accordance with a planned examination scheme at pre-determined intervals.

Additional thorough examinations are required each time exceptional circumstances which are liable or may jeopardise the safety of the lifting equipment have occurred.

In addition, employers are required to ensure no lifting equipment leaves his undertaking or is received from another person's undertaking unless it is accompanied by physical evidence of its last thorough examination.

All thorough examinations should be carried out by a competent person who is sufficiently independent and impartial to allow objective decisions to be made.

**NB** Load Testing of equipment during a thorough examination is not a specific requirement of the Regulation. The ACOP states that the competent person **should decide if such a test is necessary**. Drive Medical Limited recommend a load test because inner workings of sealed units are not accessible for visual inspection. BS EN10535, the standard for Hoists for the transfer of disabled persons recommends a load test at **12 monthly intervals**.

*An examination scheme may be drawn up by:*

- *The User*
- *The Owner*
- *Manufacturer*
- *Or Independent Third Party providing they have the necessary competence*

The examination scheme need not be stored in the form of a written document.

It does however have to be capable of being reproduced as a written document when required. It should be secured from loss or unauthorized modification and must be authenticated by the competent person preparing the scheme.

- 10. Reports and defects** cover the requirements of the employer and the examiner to ensure defects are recorded, reported and acted upon and to whom they are notified.

A person making a thorough examination should notify the employer immediately of any defects found, which in his opinion is, or could become a danger to persons.

A written examination report is required to be supplied to the employer and any person who is responsible for hiring or leasing equipment.

Where a defect is detected which poses an immediate or imminent risk of serious personal injury, a report is required to be made to the relevant enforcing authority.

An employer notified of a defect likely to cause a danger to persons is required to ensure the lifting equipment is not used until the defect is rectified.

ACOP suggest that it is reasonable to provide the written report of examination within a period of 28 days.

Defects should be notified and documented on the examination report, **even if the equipment is not going to be used again**. IE; If the equipment is going to be immediately scrapped. The duty to report defects also applies even where repairs are going to be carried out immediately. Effectively, the report is the condition of the equipment prior to repair.

- 11. Keeping of information** covers what documentation is required to be kept, by whom and for how long.

Where an EC Declaration of conformity is received by the employer, he is required to keep it for the life of the equipment.

Examination reports are to be kept for the following periods of time.

- Before first use examination reports of the lifting equipment should be kept by the employer until he ceases to use the equipment. This applies to both installed and free standing equipment.
- Before first use examination reports of lifting accessories should be kept by the employer for a minimum of 2 years after the report was made.
- Ongoing examination reports should be kept by the employer until the examination report is received for a period of 2 years, whichever is later.

Reports and EC declaration of conformity should be readily available for inspectors from the enforcing authority should they wish to see them. This information may be kept in hard copy form, stored electronically or on computer disc. If on a Computer system, it must be secure against unauthorized alteration and must be able to be reproduced as a written copy on request.

#### **Please Note**

**This is an interpretation of the legislation and as such, if guidance notes are followed and in conjunction with the Drive Medical Limited guidelines on servicing etc, will be seen as sufficient to comply with the legislation as laid down by law.**

**For further advice and information: Please contact Mike Heath. Community Supply Manager/Bath Lift Technical Advisor on [heathmi@drivemedical.co.uk](mailto:heathmi@drivemedical.co.uk) or 07803 499 932**

**Alternatively, guidance can be obtained via Head Office by contacting Paul Kendall R&D Department on [kendallpa@drivemedical.co.uk](mailto:kendallpa@drivemedical.co.uk) or 01422 314843.**

## LOLER 98 Summary of Employer responsibilities

- Ensure Equipment used is sufficiently strong, stable and fit for purpose.
- Ensure Equipment is installed or positioned to prevent risk of injury.
- Ensure all lifting equipment is marked with safe working load.
- Ensure all lifting operations are properly planned by a competent person.
- All employees have had appropriate training and are competent to ensure equipment is safe to use.
- That all lifting equipment is thoroughly examined before first-time use.
- *Ensure that thorough examinations take place every 6 months OR in accordance with a scheme of examination.*
- That a thorough examination takes place following an 'exceptional' circumstance.
- Ensure that person carrying out examination after 'exceptional circumstances' is 'competent' 'impartial' and 'independent'.
- Ensure that if equipment is sold or passed on, it is accompanied by a record of its last thorough examination.
- *If a scheme of examination is in place, that: The scheme has been produced by a competent person. The scheme is recorded, annotated and accessible. That changes to the equipment or its use are advised to the competent person so that the scheme may be amended if necessary.*
- Ensure that in the event of a report or defect being received, that the equipment is removed from service until the defect is rectified.
- Ensure that the Declaration of Conformity and/or examination reports are kept for the appropriate periods of time as per the legislation.