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STATUTORY INSTRUMENTS

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**1998 No. 2306**

**The Provision and Use of Work Equipment Regulations 1998**

**PART IV**

**POWER PRESSES**

**Power presses to which Part IV does not apply**

**31.** Regulations 32 to 35 shall not apply to a power press of a kind which is described in Schedule 2.

**Commencement Information**

**II** [Reg. 31](#) in force at 5.12.1998, see [reg. 1](#)

**Thorough examination of power presses, guards and protection devices**

**32.**—(1) Every employer shall ensure that a power press is not put into service for the first time after installation, or after assembly at a new site or in a new location unless—

- (a) it has been thoroughly examined to ensure that it—
  - (i) has been installed correctly; and
  - (ii) would be safe to operate; and
- (b) any defect has been remedied.

(2) Every employer shall ensure that a guard, other than one to which paragraph (3) relates, or protection device is not put into service for the first time on a power press unless—

- (a) it has been thoroughly examined when in position on that power press to ensure that it is effective for its purpose; and
- (b) any defect has been remedied.

(3) Every employer shall ensure that that part of a closed tool which acts as a fixed guard is not used on a power press unless—

- (a) it has been thoroughly examined when in position on any power press in the premises to ensure that it is effective for its purpose; and
- (b) any defect has been remedied.

(4) For the purpose of ensuring that health and safety conditions are maintained, and that any deterioration can be detected and remedied in good time, every employer shall ensure that—

- (a) every power press is thoroughly examined, and its guards and protection devices are thoroughly examined when in position on that power press—
  - (i) at least every 12 months, where it has fixed guards only; or
  - (ii) at least every 6 months, in other cases; and

(iii) each time that exceptional circumstances have occurred which are liable to jeopardise the safety of the power press or its guards or protection devices; and

(b) any defect is remedied before the power press is used again.

(5) Where a power press, guard or protection device was before the coming into force of these Regulations required to be thoroughly examined by regulation 5(2) of the Power Presses Regulations 1965<sup>(1)</sup> the first thorough examination under paragraph (4) shall be made before the date by which a thorough examination would have been required by regulation 5(2) had it remained in force.

(6) Paragraph (4) shall not apply to that part of a closed tool which acts as a fixed guard.

(7) In this regulation “defect” means a defect notified under regulation 34 other than a defect which has not yet become a danger to persons.

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**Commencement Information**

**I2** [Reg. 32](#) in force at 5.12.1998, see [reg. 1](#)

**Inspection of guards and protection devices**

**33.**—(1) Every employer shall ensure that a power press is not used after the setting, re-setting or adjustment of its tools, save in trying out its tools or save in die proving, unless—

(a) its every guard and protection device has been inspected and tested while in position on the power press by a person appointed in writing by the employer who is—

(i) competent; or

(ii) undergoing training for that purpose and acting under the immediate supervision of a competent person,

and who has signed a certificate which complies with paragraph (3); or

(b) the guards and protection devices have not been altered or disturbed in the course of the adjustment of its tools.

(2) Every employer shall ensure that a power press is not used after the expiration of the fourth hour of a working period unless its every guard and protection device has been inspected and tested while in position on the power press by a person appointed in writing by the employer who is—

(a) competent; or

(b) undergoing training for that purpose and acting under the immediate supervision of a competent person,

and who has signed a certificate which complies with paragraph (3).

(3) A certificate referred to in this regulation shall—

(a) contain sufficient particulars to identify every guard and protection device inspected and tested and the power press on which it was positioned at the time of the inspection and test;

(b) state the date and time of the inspection and test; and

(c) state that every guard and protection device on the power press is in position and effective for its purpose.

(4) In this regulation “working period”, in relation to a power press, means—

(a) the period in which the day’s or night’s work is done; or

(b) in premises where a shift system is in operation, a shift.

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(1) [S.I. 1965/1441](#).

**Commencement Information**

**I3** [Reg. 33](#) in force at 5.12.1998, see [reg. 1](#)

**Reports**

**34.**—(1) A person making a thorough examination for an employer under regulation 32 shall—

- (a) notify the employer forthwith of any defect in a power press or its guard or protection device which in his opinion is or could become a danger to persons;
- (b) as soon as is practicable make a report of the thorough examination to the employer in writing authenticated by him or on his behalf by signature or equally secure means and containing the information specified in Schedule 3; and
- (c) where there is in his opinion a defect in a power press or its guard or protection device which is or could become a danger to persons, send a copy of the report as soon as is practicable to the enforcing authority for the premises in which the power press is situated.

(2) A person making an inspection and test for an employer under regulation 33 shall forthwith notify the employer of any defect in a guard or protection device which in his opinion is or could become a danger to persons and the reason for his opinion.

**Commencement Information**

**I4** [Reg. 34](#) in force at 5.12.1998, see [reg. 1](#)

**Keeping of information**

**35.**—(1) Every employer shall ensure that the information in every report made pursuant to regulation 34(1) is kept available for inspection for 2 years after it is made.

(2) Every employer shall ensure that a certificate under regulation [<sup>F1</sup>33] is kept available for inspection—

- (a) at or near the power press to which it relates until superseded by a later certificate; and
- (b) after that, until 6 months have passed since it was signed.

**Textual Amendments**

**F1** Word in [reg. 35\(2\)](#) substituted (17.9.2002) by [The Health and Safety \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2174\)](#), [regs. 1, 7\(d\)](#)

**Commencement Information**

**I5** [Reg. 35](#) in force at 5.12.1998, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Provision and Use of Work Equipment Regulations 1998, PART IV.