

SCHEDULE 2

Regulation 5

MODIFICATIONS

1. The Shipbuilding and Ship-repairing Regulations 1960(1) shall be modified as follows—
 - (a) in regulation 34(1), for the second sentence, substitute—

“A record of such test and thorough examination and of the results thereof containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992 shall have been obtained and the particulars in that record shall be available for inspection.”;
 - (b) for regulation 34(2), substitute the following paragraph—

“(2) Subject as aforesaid, every lifting appliance shall be thoroughly examined by a competent person at least once in every period of twelve months and a record of every such examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be kept and the particulars in that record shall be available for inspection. In the case of lifting appliances in a shipyard, the person by whom the record is authenticated shall within twenty-eight days of the completion of the examination send a copy of the particulars in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision in every case where the examination shows that the lifting appliance can not continue to be used with safety unless certain repairs are carried out immediately or within a specified time.”;
 - (c) in regulation 36(1), for the words from “A certificate of test” to “shall be available for inspection”, substitute—

“A record of such test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall have been obtained and the particulars in that record shall be available for inspection.”;
 - (d) in regulation 36(2), for the words from “a certificate of such test” to the end, substitute—

“a record of such test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained and the particulars in that record are available for inspection.”;

and
 - (e) in regulation 37(1) and (2), for the words “reports of the results” to the end, substitute in each case—

“records of such thorough examinations and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be kept and the particulars in the records shall be available for inspection.”.
2. The Construction (Lifting Operations) Regulations 1961(2) shall be modified as follows—
 - (a) in regulation 19(4), for the final sentence, substitute—

“A record of every such test and the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made forthwith.”;

(1) S.I. 1960/1932.

(2) S.I. 1961/1581.

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- (b) in regulation 23(2), for “certificate of test and examination”, substitute—
“record of the results of any test and thorough examination.”;
- (c) for regulation 28(5), substitute the following paragraph—
“(5) No crane, crab winch, pulley block or gin wheel shall be used unless there has been obtained a record of any test and thorough examination required by paragraphs (1) and (2) of this regulation and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992.”;
- (d) for regulation 28(6), substitute the following paragraph—
“(6) A record of every test or thorough examination required by paragraphs (1) to (3) of this regulation, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made within twenty-eight days:

Provided that this paragraph shall not apply to a test and thorough examination of which a record has been obtained in accordance with paragraph (5) of this regulation.”;
- (e) for regulation 28(7), substitute the following paragraph—
“(7) The person authenticating the record of any test or examination required by paragraphs (1) or (3) of this regulation shall within twenty-eight days of the completion of the test or examination send a copy of the particulars in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision in every case where the test or examination shows that the plant or equipment cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.”;
- (f) for regulation 34(1)(b), substitute the following sub-paragraph—
“(b) (except in the case of a wire rope used before the commencement of these Regulations or a fibre rope or fibre rope sling) it has been tested and examined by a competent person and a record of such test and examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained; and”;
- (g) in regulation 34(2), for “report”, substitute “record”;
- (h) in regulation 35—
 - (i) for the words “in the prescribed form” to “specifying the safe working load.”, substitute the following—
“a record of such test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992.”,

and
 - (ii) for “certification”, substitute “obtaining a record”;
 - (i) in regulation 40, for the final sentence, substitute the following—
“A record of every such thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made forthwith.”;
- (j) in regulation 46(1)(a), for the words from “and there has been obtained” to the end, substitute the following—

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- “and a record of such test and thorough examination, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained;”;
- (k) in regulation 46(1)(b), for the words from “and a report of the results” to the end, substitute the following—
- “and a record of the results of such test and thorough examination, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been made; and”;
- (l) for regulation 46(2), substitute the following paragraph—
- “(2) A record of every thorough examination required by sub-paragraph (c) of the foregoing paragraph and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made within twenty-eight days.”;
- (m) for regulation 46(3), substitute the following paragraph—
- “The person authenticating the record of any test or examination required by paragraph (1) of this Regulation shall within twenty-eight days of the completion of the test or examination send a copy of the particulars contained in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision in every case where the test or examination shows that the hoist cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.”;
- (n) in regulation 50(1)—
- (i) after “reports” where it first occurs, add “or records”;
- (ii) after “kept” on the first occasion that it occurs, add “or the particulars in them shall be capable of inspection (which must include the ability to make an accurate and legible written copy)”, and
- (iii) after “kept” on the second occasion that it occurs, add “or the particulars contained in them shall be capable of inspection as aforesaid”;
- (o) in regulation 50(2)—
- (i) for “document”, substitute “record” on both occasions where it occurs, and
- (ii) for “certificate” where it last occurs, substitute “certificate or record”; and
- (p) in regulation 50(3), for “documents”, substitute “records”, and for “document”, substitute “record”.
- 3. The Factories Act 1961(3) shall be modified as follows—**
- (a) for section 22(2), substitute the following sub-section—
- “(2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six months and a record of every such thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made within twenty-eight days, and any such record shall be kept and the particulars in it shall be available for inspection as if it formed part of the general register.”;
- (b) for section 22(3), substitute the following sub-section—
- “(3) Where the thorough examination shows that the hoist or lift cannot continue to be used with safety unless certain repairs are carried out immediately or within a

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specified time, the person who authenticates the record shall within twenty-eight days of the completion of the thorough examination send a copy of the particulars contained in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision.”;

(c) for section 26(1)(e), substitute the following paragraph—

“(e) no chain, rope or lifting tackle, except a fibre rope or a fibre rope sling, shall be taken into use in any factory for the first time in that factory, unless it has been tested and thoroughly examined by a competent person and a record of the test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained and the particulars in that record are kept available for inspection;”;

(d) for section 26(1)(g), substitute the following paragraph—

“(g) a record containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be kept in respect of all such chains, ropes or lifting tackle, except fibre rope slings.”;

(e) for section 27(2), substitute the following sub-section—

“(2) All such parts and gear shall be thoroughly examined by a competent person at least once in every period of fourteen months and a record shall be kept of every such thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, and where the thorough examination shows that the lifting machine can not continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person who authenticates the record shall within twenty-eight days of the completion of the thorough examination send a copy of the particulars in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision.”;

and

(f) in section 27(6), for the words, “certificate of the test” to the end, substitute the following—

“record of the test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained and the particulars in that record are kept available for inspection;”.

4. The Offices, Shops and Railway Premises (Hoists and Lifts) Regulations 1968(4) shall be modified as follows—

(a) in regulation 6(1)—

(i) for the words from “report of the result of every such examination” to “examination and”, substitute the following—

“record of every such thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992”;

and

(ii) for “report of the result of the examination”, substitute “record of the thorough examination and of the results thereof”;

(b) for regulation 6(2), substitute the following paragraph—

“(2) The record of every thorough examination and of the results thereof made in pursuance of paragraph (1) of this regulation shall be preserved and the particulars in that record shall be kept readily available for inspection by any inspector for, in each case, two years after the date when the record is signed or otherwise authenticated.”;

and

(c) in regulation 6(3)—

(i) for “making the report”, substitute “who authenticates the record”, and

(ii) for “copy of the report”, substitute, on both occasions where it occurs, “copy of the particulars contained in the record”.

5. The Docks Regulations 1988(**5**) shall be modified by substituting for the words “certificate or report” in regulation 15(1)(a)(i) and each time they occur in regulation 17, the word “record”.