
STATUTORY INSTRUMENTS

1998 No. 2306

The Provision and Use of Work Equipment Regulations 1998

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Provision and Use of Work Equipment Regulations 1998 and shall come into force on 5th December 1998.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

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

“employer” except in regulation 3(2) and (3) includes a person to whom the requirements imposed by these Regulations apply by virtue of regulation 3(3)(a) and (b);

“essential requirements” means requirements described in regulation 10(1);

“the Executive” means the Health and Safety Executive;

“inspection” in relation to an inspection under paragraph (1) or (2) of regulation 6—

(a) means such visual or more rigorous inspection by a competent person as is appropriate for the purpose described in the paragraph;

(b) where it is appropriate to carry out testing for the purpose, includes testing the nature and extent of which are appropriate for the purpose;

“power press” means a press or press brake for the working of metal by means of tools, or for die proving, which is power driven and which embodies a flywheel and clutch;

“thorough examination” in relation to a thorough examination under paragraph (1), (2), (3) or (4) of regulation 32—

(a) means a thorough examination by a competent person;

(b) includes testing the nature and extent of which are appropriate for the purpose described in the paragraph;

“use” in relation to work equipment means any activity involving work equipment and includes starting, stopping, programming, setting, transporting, repairing, modifying, maintaining, servicing and cleaning;

“work equipment” means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not);

and related expressions shall be construed accordingly.

(2) Any reference in regulations 32 to 34 or Schedule 3 to a guard or protection device is a reference to a guard or protection device provided for the tools of a power press.

(3) Any reference in regulation 32 or 33 to a guard or protection device being on a power press shall, in the case of a guard or protection device designed to operate while adjacent to a power press, be construed as a reference to its being adjacent to it.

(4) Any reference in these Regulations to—

- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation in which the reference appears.

Application

3.—(1) These Regulations shall apply—

- (a) in Great Britain; and
- (b) outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995(1) (“the 1995 Order”).

(2) The requirements imposed by these Regulations on an employer in respect of work equipment shall apply to such equipment provided for use or used by an employee of his at work.

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

- (a) to a self-employed person, in respect of work equipment he uses at work;
- (b) subject to paragraph (5), to a person who has control to any extent of—
 - (i) work equipment;
 - (ii) a person at work who uses or supervises or manages the use of work equipment; or
 - (iii) the way in which work equipment is used at work,and to the extent of his control.

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

(5) The requirements imposed by these Regulations shall not apply to a person in respect of work equipment supplied by him by way of sale, agreement for sale or hire-purchase agreement.

(6) Subject to paragraphs (7) to (10), these Regulations shall not impose any obligation in relation to a ship’s work equipment (whether that equipment is used on or off the ship).

(7) Where merchant shipping requirements are applicable to a ship’s work equipment, paragraph (6) shall relieve the shore employer of his obligations under these Regulations in respect of that equipment only where he has taken all reasonable steps to satisfy himself that the merchant shipping requirements are being complied with in respect of that equipment.

(8) In a case where the merchant shipping requirements are not applicable to the ship’s work equipment by reason only that for the time being there is no master, crew or watchman on the ship, those requirements shall nevertheless be treated for the purpose of paragraph (7) as if they were applicable.

(9) Where the ship’s work equipment is used in a specified operation paragraph (6) shall not apply to regulations 7 to 9, 11 to 13, 20 to 22 and 30 (each as applied by regulation 3).

(10) Paragraph (6) does not apply to a ship's work equipment provided for use or used in an activity (whether carried on in or outside Great Britain) specified in the 1995 Order save that it does apply to—

- (a) the loading, unloading, fuelling or provisioning of the ship; or
- (b) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of the ship.

(11) In this regulation—

“master” has the meaning assigned to it by section 313(1) of the Merchant Shipping Act 1995⁽²⁾;

“merchant shipping requirements” means the requirements of regulations 3 and 4 of the Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1988⁽³⁾ and regulations 5 to 10 of the Merchant Shipping (Hatches and Lifting Plant) Regulations 1988⁽⁴⁾;

“ship” has the meaning assigned to it by section 313(1) of the Merchant Shipping Act 1995 save that it does not include an offshore installation;

“shore employer” means an employer of persons (other than the master and crew of any ship) who are engaged in a specified operation;

“specified operation” means an operation in which the ship's work equipment is used—

- (a) by persons other than the master and crew; or
- (b) where persons other than the master and crew are liable to be exposed to a risk to their health or safety from its use.

PART II GENERAL

Suitability of work equipment

4.—(1) Every employer shall ensure that work equipment is so constructed or adapted as to be suitable for the purpose for which it is used or provided.

(2) In selecting work equipment, every employer shall have regard to the working conditions and to the risks to the health and safety of persons which exist in the premises or undertaking in which that work equipment is to be used and any additional risk posed by the use of that work equipment.

(3) Every employer shall ensure that work equipment is used only for operations for which, and under conditions for which, it is suitable.

(4) In this regulation “suitable” means suitable in any respect which it is reasonably foreseeable will affect the health or safety of any person.

Maintenance

5.—(1) Every employer shall ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair.

(2) Every employer shall ensure that where any machinery has a maintenance log, the log is kept up to date.

(2) 1995 c. 21.

(3) S.I. 1988/1636, amended by S.I. 1988/2274.

(4) S.I. 1988/1639, amended by S.I. 1988/2274.

Inspection

6.—(1) Every employer shall ensure that, where the safety of work equipment depends on the installation conditions, it is inspected—

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

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

(2) Every employer shall ensure that work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations is inspected—

- (a) at suitable intervals; and
- (b) each time that exceptional circumstances which are liable to jeopardise the safety of the work equipment have occurred,

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

(3) Every employer shall ensure that the result of an inspection made under this regulation is recorded and kept until the next inspection under this regulation is recorded.

(4) Every employer shall ensure that no work 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 inspection required to be carried out under this regulation has been carried out.

(5) This regulation does not apply to—

- (a) a power press to which regulations 32 to 35 apply;
- (b) a guard or protection device for the tools of such power press;
- (c) work equipment for lifting loads including persons;
- (d) winding apparatus to which the Mines (Shafts and Winding) Regulations 1993⁽⁵⁾ apply;
- (e) work equipment required to be inspected by regulation 29 of the Construction (Health, Safety and Welfare) Regulations 1996⁽⁶⁾.

Specific risks

7.—(1) Where the use of work equipment is likely to involve a specific risk to health or safety, every employer shall ensure that—

- (a) the use of that work equipment is restricted to those persons given the task of using it; and
- (b) repairs, modifications, maintenance or servicing of that work equipment is restricted to those persons who have been specifically designated to perform operations of that description (whether or not also authorised to perform other operations).

(2) The employer shall ensure that the persons designated for the purposes of sub-paragraph (b) of paragraph (1) have received adequate training related to any operations in respect of which they have been so designated.

(5) S.I. 1993/302.

(6) S.I. 1996/1592.

Information and instructions

8.—(1) Every employer shall ensure that all persons who use work equipment have available to them adequate health and safety information and, where appropriate, written instructions pertaining to the use of the work equipment.

(2) Every employer shall ensure that any of his employees who supervises or manages the use of work equipment has available to him adequate health and safety information and, where appropriate, written instructions pertaining to the use of the work equipment.

(3) Without prejudice to the generality of paragraphs (1) or (2), the information and instructions required by either of those paragraphs shall include information and, where appropriate, written instructions on—

- (a) the conditions in which and the methods by which the work equipment may be used;
- (b) foreseeable abnormal situations and the action to be taken if such a situation were to occur; and
- (c) any conclusions to be drawn from experience in using the work equipment.

(4) Information and instructions required by this regulation shall be readily comprehensible to those concerned.

Training

9.—(1) Every employer shall ensure that all persons who use work equipment have received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken.

(2) Every employer shall ensure that any of his employees who supervises or manages the use of work equipment has received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken.

Conformity with Community requirements

10.—(1) Every employer shall ensure that an item of work equipment has been designed and constructed in compliance with any essential requirements, that is to say requirements relating to its design or construction in any of the instruments listed in Schedule 1 (being instruments which give effect to Community directives concerning the safety of products).

(2) Where an essential requirement applied to the design or construction of an item of work equipment, the requirements of regulations 11 to 19 and 22 to 29 shall apply in respect of that item only to the extent that the essential requirement did not apply to it.

(3) This regulation applies to items of work equipment provided for use in the premises or undertaking of the employer for the first time after 31st December 1992.

Dangerous parts of machinery

11.—(1) Every employer shall ensure that measures are taken in accordance with paragraph (2) which are effective—

- (a) to prevent access to any dangerous part of machinery or to any rotating stock-bar; or
- (b) to stop the movement of any dangerous part of machinery or rotating stock-bar before any part of a person enters a danger zone.

(2) The measures required by paragraph (1) shall consist of—

- (a) the provision of fixed guards enclosing every dangerous part or rotating stock-bar where and to the extent that it is practicable to do so, but where or to the extent that it is not, then
 - (b) the provision of other guards or protection devices where and to the extent that it is practicable to do so, but where or to the extent that it is not, then
 - (c) the provision of jigs, holders, push-sticks or similar protection appliances used in conjunction with the machinery where and to the extent that it is practicable to do so, but where or to the extent that it is not, then
 - (d) the provision of information, instruction, training and supervision.
- (3) All guards and protection devices provided under sub-paragraphs (a) or (b) of paragraph (2) shall—
- (a) be suitable for the purpose for which they are provided;
 - (b) be of good construction, sound material and adequate strength;
 - (c) be maintained in an efficient state, in efficient working order and in good repair;
 - (d) not give rise to any increased risk to health or safety;
 - (e) not be easily bypassed or disabled;
 - (f) be situated at sufficient distance from the danger zone;
 - (g) not unduly restrict the view of the operating cycle of the machinery, where such a view is necessary;
 - (h) be so constructed or adapted that they allow operations necessary to fit or replace parts and for maintenance work, restricting access so that it is allowed only to the area where the work is to be carried out and, if possible, without having to dismantle the guard or protection device.
- (4) All protection appliances provided under sub-paragraph (c) of paragraph (2) shall comply with sub-paragraphs (a) to (d) and (g) of paragraph (3).
- (5) In this regulation—
- “danger zone” means any zone in or around machinery in which a person is exposed to a risk to health or safety from contact with a dangerous part of machinery or a rotating stock-bar;
 - “stock-bar” means any part of a stock-bar which projects beyond the head-stock of a lathe.

Protection against specified hazards

12.—(1) Every employer shall take measures to ensure that the exposure of a person using work equipment to any risk to his health or safety from any hazard specified in paragraph (3) is either prevented, or, where that is not reasonably practicable, adequately controlled.

- (2) The measures required by paragraph (1) shall—
 - (a) be measures other than the provision of personal protective equipment or of information, instruction, training and supervision, so far as is reasonably practicable; and
 - (b) include, where appropriate, measures to minimise the effects of the hazard as well as to reduce the likelihood of the hazard occurring.
- (3) The hazards referred to in paragraph (1) are—
 - (a) any article or substance falling or being ejected from work equipment;
 - (b) rupture or disintegration of parts of work equipment;
 - (c) work equipment catching fire or overheating;
 - (d) the unintended or premature discharge of any article or of any gas, dust, liquid, vapour or other substance which, in each case, is produced, used or stored in the work equipment;

(e) the unintended or premature explosion of the work equipment or any article or substance produced, used or stored in it.

(4) For the purposes of this regulation “adequately” means adequately having regard only to the nature of the hazard and the nature and degree of exposure to the risk.

(5) This regulation shall not apply where any of the following Regulations apply in respect of any risk to a person’s health or safety for which such Regulations require measures to be taken to prevent or control such risk, namely—

- (a) the Ionising Radiations Regulations 1985(7);
- (b) the Control of Asbestos at Work Regulations 1987(8);
- (c) the Control of Substances Hazardous to Health Regulations 1994(9);
- (d) the Noise at Work Regulations 1989(10);
- (e) the Construction (Head Protection) Regulations 1989(11);
- (f) the Control of Lead at Work Regulations 1998(12).

High or very low temperature

13. Every employer shall ensure that work equipment, parts of work equipment and any article or substance produced, used or stored in work equipment which, in each case, is at a high or very low temperature shall have protection where appropriate so as to prevent injury to any person by burn, scald or sear.

Controls for starting or making a significant change in operating conditions

14.—(1) Every employer shall ensure that, where appropriate, work equipment is provided with one or more controls for the purposes of—

- (a) starting the work equipment (including re-starting after a stoppage for any reason); or
- (b) controlling any change in the speed, pressure or other operating conditions of the work equipment where such conditions after the change result in risk to health and safety which is greater than or of a different nature from such risks before the change.

(2) Subject to paragraph (3), every employer shall ensure that, where a control is required by paragraph (1), it shall not be possible to perform any operation mentioned in sub-paragraph (a) or (b) of that paragraph except by a deliberate action on such control.

(3) Paragraph (1) shall not apply to re-starting or changing operating conditions as a result of the normal operating cycle of an automatic device.

Stop controls

15.—(1) Every employer shall ensure that, where appropriate, work equipment is provided with one or more readily accessible controls the operation of which will bring the work equipment to a safe condition in a safe manner.

(2) Any control required by paragraph (1) shall bring the work equipment to a complete stop where necessary for reasons of health and safety.

(7) S.I. 1985/1333, amended by S.I. 1992/743, 1992/2966.
(8) S.I. 1987/2115, amended by S.I. 1988/712, 1992/2966, 1992/3068.
(9) S.I. 1994/3246, amended by S.I. 1994/3247, 1996/2001.
(10) S.I. 1989/1790, amended by S.I. 1992/2966, 1997/1993.
(11) S.I. 1989/2209, amended by S.I. 1992/2966.
(12) S.I. 1998/543.

(3) Any control required by paragraph (1) shall, if necessary for reasons of health and safety, switch off all sources of energy after stopping the functioning of the work equipment.

(4) Any control required by paragraph (1) shall operate in priority to any control which starts or changes the operating conditions of the work equipment.

Emergency stop controls

16.—(1) Every employer shall ensure that, where appropriate, work equipment is provided with one or more readily accessible emergency stop controls unless it is not necessary by reason of the nature of the hazards and the time taken for the work equipment to come to a complete stop as a result of the action of any control provided by virtue of regulation 15(1).

(2) Any control required by paragraph (1) shall operate in priority to any control required by regulation 15(1).

Controls

17.—(1) Every employer shall ensure that all controls for work equipment are clearly visible and identifiable, including by appropriate marking where necessary.

(2) Except where necessary, the employer shall ensure that no control for work equipment is in a position where any person operating the control is exposed to a risk to his health or safety.

(3) Every employer shall ensure where appropriate—

- (a) that, so far as is reasonably practicable, the operator of any control is able to ensure from the position of that control that no person is in a place where he would be exposed to any risk to his health or safety as a result of the operation of that control, but where or to the extent that it is not reasonably practicable;
- (b) that, so far as is reasonably practicable, systems of work are effective to ensure that, when work equipment is about to start, no person is in a place where he would be exposed to a risk to his health or safety as a result of the work equipment starting, but where neither of these is reasonably practicable;
- (c) that an audible, visible or other suitable warning is given by virtue of regulation 24 whenever work equipment is about to start.

(4) Every employer shall take appropriate measures to ensure that any person who is in a place where he would be exposed to a risk to his health or safety as a result of the starting or stopping of work equipment has sufficient time and suitable means to avoid that risk.

Control systems

18.—(1) Every employer shall—

- (a) ensure, so far as is reasonably practicable, that all control systems of work equipment are safe; and
- (b) are chosen making due allowance for the failures, faults and constraints to be expected in the planned circumstances of use.

(2) Without prejudice to the generality of paragraph (1), a control system shall not be safe unless—

- (a) its operation does not create any increased risk to health or safety;
- (b) it ensures, so far as is reasonably practicable, that any fault in or damage to any part of the control system or the loss of supply of any source of energy used by the work equipment cannot result in additional or increased risk to health or safety;
- (c) it does not impede the operation of any control required by regulation 15 or 16.

Isolation from sources of energy

19.—(1) Every employer shall ensure that where appropriate work equipment is provided with suitable means to isolate it from all its sources of energy.

(2) Without prejudice to the generality of paragraph (1), the means mentioned in that paragraph shall not be suitable unless they are clearly identifiable and readily accessible.

(3) Every employer shall take appropriate measures to ensure that re-connection of any energy source to work equipment does not expose any person using the work equipment to any risk to his health or safety.

Stability

20. Every employer shall ensure that work equipment or any part of work equipment is stabilised by clamping or otherwise where necessary for purposes of health or safety.

Lighting

21. Every employer shall ensure that suitable and sufficient lighting, which takes account of the operations to be carried out, is provided at any place where a person uses work equipment.

Maintenance operations

22. Every employer shall take appropriate measures to ensure that work equipment is so constructed or adapted that, so far as is reasonably practicable, maintenance operations which involve a risk to health or safety can be carried out while the work equipment is shut down, or in other cases—

- (a) maintenance operations can be carried out without exposing the person carrying them out to a risk to his health or safety; or
- (b) appropriate measures can be taken for the protection of any person carrying out maintenance operations which involve a risk to his health or safety.

Markings

23. Every employer shall ensure that work equipment is marked in a clearly visible manner with any marking appropriate for reasons of health and safety.

Warnings

24.—(1) Every employer shall ensure that work equipment incorporates any warnings or warning devices which are appropriate for reasons of health and safety.

(2) Without prejudice to the generality of paragraph (1), warnings given by warning devices on work equipment shall not be appropriate unless they are unambiguous, easily perceived and easily understood.

PART III

MOBILE WORK EQUIPMENT

Employees carried on mobile work equipment

25. Every employer shall ensure that no employee is carried by mobile work equipment unless—

- (a) it is suitable for carrying persons; and
- (b) it incorporates features for reducing to as low as is reasonably practicable risks to their safety, including risks from wheels or tracks.

Rolling over of mobile work equipment

26.—(1) Every employer shall ensure that where there is a risk to an employee riding on mobile work equipment from its rolling over, it is minimised by—

- (a) stabilising the work equipment;
- (b) a structure which ensures that the work equipment does no more than fall on its side;
- (c) a structure giving sufficient clearance to anyone being carried if it overturns further than that; or
- (d) a device giving comparable protection.

(2) Where there is a risk of anyone being carried by mobile work equipment being crushed by its rolling over, the employer shall ensure that it has a suitable restraining system for him.

(3) This regulation shall not apply to a fork-lift truck having a structure described in subparagraph (b) or (c) of paragraph (1).

(4) Compliance with this regulation is not required where—

- (a) it would increase the overall risk to safety;
- (b) it would not be reasonably practicable to operate the mobile work equipment in consequence; or
- (c) in relation to an item of work equipment provided for use in the undertaking or establishment before 5th December 1998 it would not be reasonably practicable.

Overturning of fork-lift trucks

27. Every employer shall ensure that a fork-lift truck to which regulation 26(3) refers and which carries an employee is adapted or equipped to reduce to as low as is reasonably practicable the risk to safety from its overturning.

Self-propelled work equipment

28. Every employer shall ensure that, where self-propelled work equipment may, while in motion, involve risk to the safety of persons—

- (a) it has facilities for preventing its being started by an unauthorised person;
- (b) it has appropriate facilities for minimising the consequences of a collision where there is more than one item of rail-mounted work equipment in motion at the same time;
- (c) it has a device for braking and stopping;
- (d) where safety constraints so require, emergency facilities operated by readily accessible controls or automatic systems are available for braking and stopping the work equipment in the event of failure of the main facility;
- (e) where the driver's direct field of vision is inadequate to ensure safety, there are adequate devices for improving his vision so far as is reasonably practicable;
- (f) if provided for use at night or in dark places—
 - (i) it is equipped with lighting appropriate to the work to be carried out; and
 - (ii) is otherwise sufficiently safe for such use;

- (g) if it, or anything carried or towed by it, constitutes a fire hazard and is liable to endanger employees, it carries appropriate fire-fighting equipment, unless such equipment is kept sufficiently close to it.

Remote-controlled self-propelled work equipment

29. Every employer shall ensure that where remote-controlled self-propelled work equipment involves a risk to safety while in motion—

- (a) it stops automatically once it leaves its control range; and
- (b) where the risk is of crushing or impact it incorporates features to guard against such risk unless other appropriate devices are able to do so.

Drive shafts

30.—(1) Where the seizure of the drive shaft between mobile work equipment and its accessories or anything towed is likely to involve a risk to safety every employer shall—

- (a) ensure that the work equipment has a means of preventing such seizure; or
- (b) where such seizure cannot be avoided, take every possible measure to avoid an adverse effect on the safety of an employee.

(2) Every employer shall ensure that—

- (a) where mobile work equipment has a shaft for the transmission of energy between it and other mobile work equipment; and
- (b) the shaft could become soiled or damaged by contact with the ground while uncoupled, the work equipment has a system for safeguarding the shaft.

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.

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(13) 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.

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.

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.

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 33(1)(a)(ii) or (2)(b) 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.

PART V

MISCELLANEOUS

Exemption for the armed forces

- 36.**—(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 requirement or prohibition imposed by 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.
- (2) In this regulation—
- (a) “the home forces” has the same meaning as in section 12(1) of the Visiting Forces Act 1952(14);

- (b) “headquarters” has the same meaning as in article 3(2) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(15);
- (c) “visiting force” has the same meaning as it does for the purposes of any provision of Part I of the Visiting Forces Act 1952.

Transitional provision

37. The requirements in regulations 25 to 30 shall not apply to work equipment provided for use in the undertaking or establishment before 5th December 1998 until 5th December 2002.

Repeal of enactment

38. Section 19 of the Offices, Shops and Railway Premises Act 1963(16) is repealed.

Revocation of instruments

39. The instruments specified in column 1 of Schedule 4 are revoked to the extent specified in column 3 of that Schedule.

Signed by authority of the Secretary of State

Alan Meale
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

15th September 1998

(15) S.I. 1965/1536, to which there are amendments not relevant to these Regulations.

(16) 1963 c. 41.