
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations impose health and safety requirements with respect to the provision and use of work equipment, which is defined in *regulation 2(1)*.

2. The Regulations revoke and re-enact the Provision and Use of Work Equipment Regulations 1992 (“the 1992 Regulations”), which gave effect as respects Great Britain, except in relation to certain matters, to Council Directive [89/655/EEC](#) (OJNo. L393, 30.12.89, p.13) on the minimum health and safety requirements for the use of work equipment by workers at work (“the Directive”).

3. In addition to minor and drafting changes these Regulations contain new provision giving effect as respects Great Britain to the provisions of the Directive identified below and inserted in it by the amending Council Directive [95/63/EC](#) (OJ No. L335, 30.12.95, p.28).

4. Save in the case of regulation 34 (reports) these Regulations, as the 1992 Regulations, place duties on employers. They also place those duties (not required by the Directive) on others, who now include (*regulation 3(3) to (5)*) certain persons having control of work equipment, of persons at work who use or supervise or manage its use or of the way it is used, to the extent of their control.

5. These Regulations, as the 1992 Regulations, have limited application to ships. The way in which they so apply is revised (*regulation 3(6) to (11)*).

6. The Regulations (giving effect to the replaced last paragraph of point 2.1 of Annex I to the Directive) require that control systems of work equipment are chosen making due allowance for the failures, faults and constraints to be expected in the planned circumstances of use (*regulation 19(1)(b)*).

7. The Regulations, in giving effect to Article 4a of the Directive, require—

- (a) the inspection of work equipment in specified circumstances by a competent person (*regulation 6(1) and (2)*);
- (b) the recording and keeping of the result (*regulation 6(3)*); and
- (c) that evidence of the last inspection accompany work equipment used outside the undertaking (*regulation 6(4)*). Work equipment subject to equivalent provision is excepted (*regulation 6(5)*). “Inspection” is defined in *regulation 2(1)*.

8. The Regulations give effect to point 3.1 of Annex I to the Directive in making provision in relation to mobile work equipment for—

- (a) its suitability for carrying persons and its safety features (*regulation 25*);
- (b) means to minimise the risk to safety from its rolling over (*regulation 26*);
- (c) means to reduce the risk to safety from the rolling over of a fork-lift truck (*regulation 27*);
- (d) the safety of self-propelled work equipment (*regulation 28*) and remote-controlled self-propelled work equipment (*regulation 29*); and
- (e) the drive shafts of mobile work equipment (*regulation 30*),

and as permitted by Article 4.1(c) of the Directive give relief until 5th December 2002 for existing mobile work equipment.

9. Regulations 32 to 36 and Schedules 2 and 3 re-enact with modifications the Power Presses Regulations [1965/1441](#) (“the 1965 Regulations”). In so doing they include provision giving effect,

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Changes to legislation: There are currently no known outstanding effects for the The Provision and Use of Work Equipment Regulations 1998. (See end of Document for details)

as regards power presses, to Article 4a of the Directive. Certain power presses, excluded by the 1965 Regulations or exempted under them, are excluded (*regulation 31 and Schedule 2*). The Regulations provide for—

- (a) the thorough examination (defined in *regulation 2(1)*) of power presses and their guards and protection devices (*regulation 32*);
- (b) their inspection after setting, re-setting or adjustment of their tools, and every working period (*regulation 33*); and
- (c) the making (*regulation 34 and Schedule 3*) and keeping (*regulation 35*) of reports.

10. The Regulations repeal section 19 of the Offices, Shops and Railway Premises Act 1963 (*regulation 38*) and revoke provisions of instruments (*regulation 39 and Schedule 4*).

11. Copies of the cost benefit assessment prepared in respect of these Regulations other than regulations 31 to 35 (power presses), of that prepared in respect of regulations 3 to 35, and of that prepared in respect of woodworking machines, may be obtained from the Economic Adviser's Unit, the Health and Safety Executive, Rose Court, 2 Southwark Bridge, London SE1 9HS.

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