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## STATUTORY INSTRUMENTS

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# 1998 No. 2306

## The Provision and Use of Work Equipment Regulations 1998

### 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.

[<sup>F1</sup>(4) In this regulation “suitable”–

- (a) subject to sub-paragraph (b), means suitable in any respect which it is reasonably foreseeable will affect the health or safety of any person;
- (b) in relation to–
  - (i) an offensive weapon within the meaning of section 1(4) of the Prevention of Crime Act 1953 provided for use as self-defence or as deterrent equipment; and
  - (ii) work equipment provided for use for arrest or restraint, by a person who holds the office of constable or an appointment as police cadet, means suitable in any respect which it is reasonably foreseeable will affect the health or safety of such person.]

#### Textual Amendments

**F1** Reg. 4(4) substituted (14.4.1999) by [The Police \(Health and Safety\) Regulations 1999 \(S.I. 1999/860\)](#), regs. 1, **5(1)**

#### Commencement Information

**II** [Reg. 4](#) in force at 5.12.1998, see [reg. 1](#)

#### 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.

*Status: Point in time view as at 13/11/2006.*

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

### Commencement Information

**I2** [Reg. 5](#) in force at 5.12.1998, see [reg. 1](#)

### 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<sup>(1)</sup> apply;
- (e) work equipment required to be inspected by regulation 29 of the Construction (Health, Safety and Welfare) Regulations 1996<sup>(2)</sup>;

[<sup>F2</sup>(f) work equipment to which regulation 12 of the Work at Height Regulations 2005 applies].

### Textual Amendments

**F2** [Reg. 6\(5\)\(f\)](#) added (6.4.2005) by [The Work at Height Regulations 2005 \(S.I. 2005/735\)](#), [regs. 1, 17](#) (with [reg. 3](#))

### Commencement Information

**I3** [Reg. 6](#) in force at 5.12.1998, see [reg. 1](#)

(1) [S.I. 1993/302](#).  
 (2) [S.I. 1996/1592](#).

## 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.

### Commencement Information

**I4** Reg. 7 in force at 5.12.1998, see [reg. 1](#)

## 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.

### Commencement Information

**I5** Reg. 8 in force at 5.12.1998, see [reg. 1](#)

## 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.

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#### Commencement Information

**I6** [Reg. 9](#) in force at 5.12.1998, see [reg. 1](#)

#### Conformity with Community requirements

**10.**—<sup>[F3]</sup>(1) Every employer shall ensure that an item of work equipment conforms at all times with any essential requirements, other than requirements which, at the time of its being first supplied or put into service in any place in which these Regulations apply, did not apply to work equipment of its type.

(2) In this regulation “essential requirements”, in relation to an item of work equipment, means requirements relating to the design and construction of work equipment of its type in any of the instruments listed in Schedule 1 (being instruments which give effect to Community directives concerning the safety of products)].

(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.

#### Textual Amendments

**F3** [Reg. 10\(1\)\(2\)](#) substituted (17.9.2002) by [The Health and Safety \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2174\)](#), regs. 1, 7(a)

#### Commencement Information

**I7** [Reg. 10](#) in force at 5.12.1998, see [reg. 1](#)

#### 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.

<sup>[F4]</sup>(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,

and the provision of such information, instruction, training and supervision as is necessary.]

(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.

#### Textual Amendments

- F4** [Reg. 11\(2\)](#) substituted (17.9.2002) by [The Health and Safety \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2174\)](#), regs. 1, **7(b)**

#### Commencement Information

- I8** [Reg. 11](#) in force at 5.12.1998, see [reg. 1](#)

### 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—

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- (a) the Ionising Radiations Regulations 1985(3);
- (b) [<sup>F5</sup>the Control of Asbestos Regulations 2006];
- (c) the Control of Substances Hazardous to Health Regulations 1994(4);
- (d) [<sup>F6</sup>the Control of Noise at Work Regulations 2005];
- (e) the Construction (Head Protection) Regulations 1989(5);
- (f) the Control of Lead at Work Regulations 1998(6);
- [<sup>F7</sup>(g) the Control of Vibration at Work Regulations 2005].

#### Textual Amendments

- F5** Words in reg. 12(5)(b) substituted (13.11.2006) by [The Control of Asbestos Regulations 2006 \(S.I. 2006/2739\)](#), regs. 1, 36(2), **Sch. 5**
- F6** Words in reg. 12(5)(d) substituted (6.4.2006 for specified purposes, 6.4.2008 in so far as not already in force) by [The Control of Noise at Work Regulations 2005 \(S.I. 2005/1643\)](#), reg. 1, **15(1)(b)** (with reg. 3(3)(4))
- F7** Reg. 12(5)(g) added (6.7.2005) by [The Control of Vibration at Work Regulations 2005 \(S.I. 2005/1093\)](#), regs. 1, **13(2)** (with reg. 3)

#### Commencement Information

- I9** [Reg. 12](#) in force at 5.12.1998, see [reg. 1](#)

### 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.

#### Commencement Information

- I10** [Reg. 13](#) in force at 5.12.1998, see [reg. 1](#)

### 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) [S.I. 1985/1333](#), amended by [S.I. 1992/743](#), [1992/2966](#).  
 (4) [S.I. 1994/3246](#), amended by [S.I. 1994/3247](#), [1996/2001](#).  
 (5) [S.I. 1989/2209](#), amended by [S.I. 1992/2966](#).  
 (6) [S.I. 1998/543](#).

(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.

**Commencement Information**

**I11** Reg. 14 in force at 5.12.1998, see [reg. 1](#)

**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.

(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.

**Commencement Information**

**I12** Reg. 15 in force at 5.12.1998, see [reg. 1](#)

**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).

**Commencement Information**

**I13** Reg. 16 in force at 5.12.1998, see [reg. 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;

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- (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.

#### Commencement Information

**I14** [Reg. 17](#) in force at 5.12.1998, see [reg. 1](#)

#### Control systems

**18.**—<sup>F8</sup>(1) Every employer shall ensure, so far as is reasonably practicable, that all control systems of work equipment—

- (a) 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.

#### Textual Amendments

**F8** [Reg. 18\(1\)](#) substituted (17.9.2002) by [The Health and Safety \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2174\)](#), regs. 1, [7\(c\)](#)

#### Commencement Information

**I15** [Reg. 18](#) in force at 5.12.1998, see [reg. 1](#)

#### 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.



**Commencement Information**

I16 [Reg. 19](#) in force at 5.12.1998, see [reg. 1](#)

**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.

**Commencement Information**

I17 [Reg. 20](#) in force at 5.12.1998, see [reg. 1](#)

**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.

**Commencement Information**

I18 [Reg. 21](#) in force at 5.12.1998, see [reg. 1](#)

**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.

**Commencement Information**

I19 [Reg. 22](#) in force at 5.12.1998, see [reg. 1](#)

**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.

**Commencement Information**

I20 [Reg. 23](#) in force at 5.12.1998, see [reg. 1](#)

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## 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.

### Commencement Information

**I21** [Reg. 24](#) in force at 5.12.1998, see [reg. 1](#)

**Status:**

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**Changes to legislation:**

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