
STATUTORY INSTRUMENTS

2006 No. 2183

The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006

PART 2

DUTIES OF EMPLOYERS

Persons on whom duties are imposed

5. Where a person on whom a duty is imposed by any provision of these Regulations does not have control of the matter to which the provision relates because he does not have responsibility for the operation of the ship, then any duty imposed by that provision shall also extend to any person who has control of that matter.

Suitability of work equipment

6.—^{F1}(1) The employer shall ensure that the work equipment made available to workers on the ship may be used by workers without impairment to their health or safety, and is—

- (a) suitable for the work to be carried out, or
- (b) properly adapted for that purpose.]

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

(3) The employer shall ensure that work equipment is used only for operations, 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 and safety of any worker.

(5) In this regulation, the duty to ensure work equipment can be used without impairment to health or safety includes ensuring that the working posture and position are consistent with ergonomic principles.

Textual Amendments

F1 Reg. 6(1) substituted (8.9.2008) by [The Merchant Shipping and Fishing Vessels \(Provision and Use of Work Equipment\) \(Amendment\) Regulations 2008 \(S.I. 2008/2165\)](#), regs. 1, **2(2)**

Maintenance

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

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

Inspection

8.—(1) The employer shall ensure that, where the safety of work equipment depends on the installation conditions, it is inspected by a competent person—

- (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, in accordance with any manufacturer's instructions, and is both safe to operate and capable of operating safely.

(2) The employer shall ensure that work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations is inspected by a competent person—

- (a) at suitable intervals; and
- (b) each time that exceptional circumstances which are liable to jeopardise the safety of 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) In sub-paragraph (2)(b), “exceptional circumstances” shall include modification work, accidents, natural phenomena and prolonged periods of inactivity.

(4) The employer shall ensure that the result of an inspection made under this regulation is recorded, retained and readily available for inspection until the next inspection has been made and recorded.

(5) The employer shall ensure that no work equipment—

- (a) if obtained from on board the ship, is used outside the ship, or
- (b) if obtained from outside the ship, is used in the ship,

unless it is accompanied by physical evidence that the last inspection required to be carried out under this regulation has been carried out.

(6) In paragraph (5) “used outside the ship” means both—

- (a) used anywhere outside the ship (including on board another ship); and
- (b) operated by workers who are employed by another person.

(7) This regulation does not apply to work equipment used for lifting loads, including persons.

(8) In relation to an inspection under this regulation, “inspection”—

- (a) means such visual or more rigorous inspection by a competent person as is appropriate for the purpose described;
- (b) where it is appropriate to carry out testing for the purpose, includes testing the nature and extent of which are appropriate for that purpose.

Specific risks

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

- (a) the work equipment is used only by those persons given the task of using it; and
- (b) any repair, modification, maintenance or servicing of that work equipment is carried out only by 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.

Information and instructions

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

(2) For the purposes of paragraph (1) the employer shall ensure that any person who supervises or manages the use of work equipment is provided with adequate health and safety information and, where appropriate, written instructions pertaining to the use of that work equipment.

(3) Without prejudice to the generality of paragraphs (1) and (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 actions 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) The employer shall ensure that every worker is made aware of—

- (a) any dangers relevant to him;
- (b) work equipment present in the work area or site; and
- (c) any changes affecting him, in as much as those changes affect work equipment situated in his immediate work area or site, even if he does not use such equipment directly.

(5) Information and instructions required by this regulation shall be readily available and comprehensible to a worker who is, or may be, about to use the work equipment and to any worker supervising or managing him.

Training

11.—(1) The employer shall ensure—

- (a) that all workers who use work equipment have received adequate training for the 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; and
- (b) that specifically designated persons carrying out a function referred to in regulation 9(1) (b) have received adequate training for that specific function.

(2) For the purposes of paragraph (1) the employer shall ensure that any person 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, the risks which such use may entail and precautions to be taken and, where applicable, training specific to a function referred to in regulation 9(1)(b).

Conformity with Community requirements

12.—(1) The 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 on a ship to 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 the Schedule (being instruments which give effect to Community directives concerning the safety of products).

(3) Work equipment which carries a CE marking shall be taken to comply with the provisions of a Community directive, provided that the CE marking is relevant for the purpose for which the equipment is to be used.

(4) In paragraph (3), reference to a CE marking shall include the marking for an alternative standard which provides, in use, equivalent levels of safety, suitability and fitness for purpose.

Dangerous parts of work equipment

13.—(1) The employer shall ensure that every dangerous part of the ship's work equipment is provided with guards or protection devices to prevent access to danger zones or to halt movements of dangerous parts before the danger zones are reached.

(2) The employer shall ensure that all guards and protection devices provided in pursuance of these Regulations—

- (a) are of substantial construction and properly maintained;
- (b) do not give rise to any additional hazard;
- (c) are not easily removed, by-passed or disabled;
- (d) are situated at a sufficient distance from the danger zone;
- (e) do not restrict the view of the operating cycle of the equipment more than is necessary;
- (f) are 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.

(3) In this regulation, “danger zone” means a zone within or around work equipment in which the presence, whether in whole or in part, of any worker would expose him to a risk to his health or safety.

Electrical equipment

14. The employer shall ensure that all ship's electrical equipment and installations are so constructed, installed, operated and maintained that the ship and all workers are protected against electrical hazards.

Protection against specified hazards

15.—(1) Where a worker using work equipment is exposed to one or more of the hazards specified in paragraph (2), the employer shall ensure that any risk to his health and safety is either prevented by the provision of the appropriate work equipment or protective devices, or, where that is not reasonably practicable, adequately controlled by any appropriate means.

(2) 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; or
- (f) work equipment being struck by lightning while being used.

(3) 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.

High or very low temperature

16. The 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 worker.

Controls for starting or making a significant change in operating conditions

17.—(1) The employer shall ensure that, where appropriate, work equipment is provided with one or more controls for the purpose 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 risk before the change.

(2) Subject to paragraph (3), the 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 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

18.—(1) The 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) The requirement in paragraph (1) shall include the provision of controls which are capable of bringing the work equipment to a complete stop as well as switching off all sources of energy to, and from, the work equipment.

(3) 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

19.—(1) The employer shall ensure that, where appropriate, work equipment is provided with one or more readily accessible emergency stop controls.

(2) Any control required by paragraph (1) shall operate in priority to any control required by regulation 18(1).

Controls

20.—(1) The 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 worker operating the control is exposed to a risk to his health or safety, including any risk as a result of unintentional operation.

(3) The employer shall, so far as is reasonably practicable, ensure that the user of any controls for work equipment can ensure from the position of those controls that no other worker would be exposed to any risk to health or safety as a result of the starting up or use of that work equipment.

(4) If compliance with the requirement in paragraph (3) is not reasonably practicable, the employer shall ensure that the systems of work are such that no worker is in a place where he would be exposed to any risk to his health or safety as a result of the starting up or use of the work equipment.

(5) The system of work referred to in paragraph (4) may include an audible, visible or other suitable warning device required under regulation 27, which device shall enable all workers affected, or likely to be affected, to know that use of the work equipment is about to start.

(6) The employer shall take appropriate measures to ensure that any worker 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

21.—(1) The employer shall ensure that all control systems of work equipment are safe, taking into account any risks to health or safety which might result from damage to, or breakdown of, the control system.

- (2) Without prejudice to the generality of paragraph (1), a control system is not 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 18 or 19.

Isolation from sources of energy

22.—(1) The 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) The employer shall take appropriate measures to ensure that re-connection of any energy source to work equipment does not expose any worker using the work equipment to any risk to his health or safety.

Stability of work equipment

23. The employer shall ensure that work equipment or any part of work equipment is stabilised by clamping or by some other means where necessary for purposes of health and safety.

Lighting

24. The 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 worker uses work equipment.

Maintenance operations

- 25.** The employer shall take appropriate measures to ensure that—
- (a) 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, and
 - (b) in other cases, appropriate protection can be provided to avoid exposing the worker carrying them out to a risk to his health or safety.

Markings

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

Warnings

27.—(1) The 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.

Changes to legislation:

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006, PART 2.