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STATUTORY INSTRUMENTS

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**2006 No. 2184**

**The Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006**

**PART 2**

**DUTIES OF EMPLOYERS**

**Thorough examination and inspection**

**12.**—(1) The employer shall ensure that, where the safety of lifting 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) Subject to paragraph (7), the employer shall ensure that where lifting equipment or an accessory for lifting is exposed to conditions causing deterioration which is liable to result in dangerous situations, it is

- (a) thoroughly examined—
  - (i) in the case of lifting equipment for lifting persons or an accessory for lifting, at least every 6 months;
  - (ii) in the case of other lifting equipment, at least every 12 months; or
  - (iii) in either case, in accordance with an examination scheme; and
  - (iv) whenever exceptional circumstances which are liable to jeopardise the safety of the lifting equipment have occurred; and
- (b) if appropriate, inspected by a competent person at suitable intervals,

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

(3) In paragraph (2)(a)(iii), “examination scheme” means a suitable scheme drawn up by a competent person for such thorough examinations of lifting equipment at such intervals as may be appropriate for the purposes described in paragraphs (1) and (2).

(4) In paragraph (2)(a)(iv), “exceptional circumstances” shall include modification work, accidents, natural phenomena and prolonged periods of inactivity.

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

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

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

(6) The employer shall not permit the use of any accessories for lifting, other than those which are subject to paragraph (2)(a), unless they have been thoroughly examined within the 12 months immediately prior to such use.

(7) Where lifting equipment was before the coming into force of these Regulations thoroughly examined or required to be so examined in accordance with regulation 8 of the Merchant Shipping (Hatches and Lifting Plant) Regulations 1988, the first thorough examination under paragraph (2) shall be made no later than the date by which a thorough examination would have been required or next required, as the case may be, by that regulation had it remained in force.

(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 the purpose.

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

- (a) used on the quayside, dock or jetty or on board another ship; and
- (b) operated by workers who are employed by another person.

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping and Fishing Vessels (Lifting Operations and Lifting Equipment) Regulations 2006, Section 12.