
STATUTORY INSTRUMENTS

2006 No. 2184

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

PART 1
GENERAL

Interpretation

2.—(1) In these Regulations—

“accessory for lifting” means lifting equipment for attaching loads to machinery for lifting;

“the Act” means the Merchant Shipping Act 1995;

“the Code” means the Code of Safe Working Practices for Merchant Seamen⁽¹⁾, including any annexes to it, and any subsequent amendments and revisions to the Code in so far as they—

- (a) relate to all or any of the purposes set out in section 85(1) of the Act,
- (b) are considered by the Secretary of State to be relevant from time to time, and
- (c) are specified in a Marine Information Note issued by the Maritime and Coastguard Agency and described as such;

“competent person” means a person possessing the knowledge or experience necessary for the performance of the duties under these Regulations;

“contract of employment” means a contract of employment, whether express or implied, and if express, whether oral or in writing;

“employer” means a person by whom a worker is employed under a contract of employment and (except in regulation 4(3) and (4)) includes a self-employed person to whom the requirements imposed by these Regulations apply by virtue of regulation 4(4);

“fishing vessel” means a vessel for the time being used for, or in connection with, fishing for sea fish other than a vessel used for fishing otherwise than for profit; and for the purposes of this definition “sea fish” includes shellfish, salmon and migratory trout (as defined by section 44 of the Fisheries Act 1981⁽²⁾);

“Government ship” has the meaning given in section 308(4) of the Act;

“hatch covering” includes hatch covers, beams and attached fixtures and fittings;

“health and safety” includes the occupational health and safety of persons whilst on board the ship and whilst boarding or leaving the ship;

“lifting equipment” means work equipment used for lifting or lowering loads and includes its attachments used for anchoring, fixing or supporting it;

“load” includes a person;

(1) Published by the Stationery Office in 1998 (ISBN 0-11-551836-3).

(2) 1981 c.29.

“loose gear” means any gear by means of which a load can be attached to lifting equipment but which does not form an integral part of either the lifting equipment or the load;

“Marine Guidance Note” means a Note described as such and issued by the Maritime and Coastguard Agency; and any reference to a particular Marine Guidance Note includes a reference to any document amending or replacing that Note which is considered by the Secretary of State to be relevant from time to time;

“Maritime and Coastguard Agency” means the executive agency so named of the Department for Transport;

“operator” means the worker or workers operating the lifting equipment;

“public service vessel” means any vessel operated by and on behalf of a public body while it is carrying out the authorised functions of that body;

“relevant inspector” means a person mentioned in paragraph (a), (b) or (c) of section 258(1) of the Act;

“ship” includes hovercraft;

“thorough examination” means a thorough examination by a competent person, and “thoroughly examined” shall be construed accordingly;

“United Kingdom ship” means a ship which—

- (a) is a United Kingdom ship within the meaning of section 85(2) of the Act; or
- (b) is a Government ship; or
- (c) is a hovercraft registered under the Hovercraft Act 1968⁽³⁾;

“United Kingdom waters” means the sea or other waters within the seaward limits of the territorial sea of the United Kingdom;

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

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

(2) Subject to paragraph (1), words and expressions used in these Regulations shall have the same meaning as in Council Directive [89/655/EEC](#)⁽⁴⁾, as amended by Council Directive [95/63/EC](#)⁽⁵⁾, concerning the minimum health and safety requirements for the use of work equipment by workers at work.

(3) 1968 c.59. S.I. 1989/1350, as amended by S.I. 1990/2594, applies various merchant shipping enactments to hovercraft, with modifications.

(4) O.J. L393, 30.12.89, p.13.

(5) O.J. L335, 30.12.95, p.28.