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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 1**

**GENERAL**

**Application**

4.—(1) These Regulations shall apply to the use of lifting equipment by a worker or by the person mentioned in paragraph (5) on United Kingdom ships except when—

- (a) the lifting equipment is on a public service vessel or a vessel engaged in search and rescue; and
- (b) characteristics of the activity of the vessel inevitably conflict with a provision of these Regulations,

and in such a case there shall be a duty on the employer so far as is reasonably practicable to ensure the health and safety of workers when using the lifting equipment.

(2) These Regulations, other than regulation 21, apply in relation to ships other than United Kingdom ships when they are in United Kingdom waters.

(3) The duties imposed by these Regulations on an employer in respect of lifting equipment shall apply in relation to such equipment provided for use or used by a worker who is an employee of his.

(4) The duties imposed by these Regulations on an employer shall also apply to a self-employed person in respect of lifting equipment on a ship which he—

- (a) provides and uses himself, or
- (b) provides for use at work by another person (whether self-employed or not).

(5) In respect of his own use of lifting equipment on a ship, whether provided by him or not, a self-employed person shall be treated as a worker and shall ensure that the requirements of these Regulations in relation to a worker are met.

(6) Regulations 6(1), 6(2)(b), 9(1)(c), 9(3), 11, 12(7), 13 and 16 shall not apply in relation to a fishing vessel or Government ship unless, in the case of a Government ship, it is commercially managed, and for these purposes “commercially managed” means the management of which is entrusted by the owner to some other person pursuant to a contract.

(7) Regulation 12(5)(b) shall not apply to a Government ship unless it is commercially managed as mentioned in paragraph (6).

(8) These Regulations shall not apply in relation to the activities of a worker which are covered by the Lifting Operations and Lifting Equipment Regulations 1998(1) or the Lifting Operations and Lifting Equipment (Northern Ireland) Regulations 1999(2).

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(1) S.I. 1998/2307, amended by S.I. 2002/2174.

(2) S.R. 1999 No.304.

(9) The provisions of the Merchant Shipping and Fishing Vessels (Health and Safety at Work) Regulations 1997<sup>(3)</sup> shall continue to apply and the provisions of the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006<sup>(4)</sup> shall apply to the provision and use of work equipment for lifting to which these Regulations apply, but without prejudice to any more stringent or specific provisions contained in these Regulations.

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<sup>(3)</sup> S.I. 1997/2962, amended by S.I. 1998/2411 and S.I. 2001/54.

<sup>(4)</sup> S.I. 2006/2183.