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Target Audience:
 AFQ Inspectors
 Specialist Group Inspectors (Mech and Civil Eng)

APPLICATION OF THE PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 1998 AND THE LIFTING OPERATIONS AND LIFTING EQUIPMENT REGULATIONS 1998 TO MOTOR VEHICLE REPAIR

This 2-part OC provides guidance to inspectors and others on the application of the Provision and Use of Work Equipment Regulations 1998 and the Lifting Operations and Lifting Equipment Regulations 1998 specific to the motor vehicle repair industry. The [Information Document \(ID\)](#) may be copied and given to interested parties outside the HSE.

INTRODUCTION

- 1 There have been many enquiries from the motor vehicle repair (MVR) and associated industries, eg vehicle recovery operators, about the application of the Provision and Use of Work Equipment Regulations 1998 (PUWER 98) and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER 98) to particular types of work equipment used in these industries. The enquiries have mostly been concerned with the requirements relating to thorough examination and inspections.
- 2 While some clarification on the application of these Regulations is important, the emphasis should always be on the overall arrangements for the proper maintenance of work equipment, where thorough examination and inspections have a part to play.
- 3 In particular, attention needs to be drawn to the following:
 - 1) operator pre-use checks: PUWER 98 reg.4 (suitability of work equipment) is considered to include an implicit requirement for appropriate, and usually simple, operator pre-use checks of work equipment;
 - 2) maintenance: the maintenance requirements of PUWER 98 reg.5 refer to a state to be achieved, not the means of achieving it; and
 - 3) thorough examination and inspection: PUWER 98 reg.6 or LOLER 98 reg.9, where applicable, should be seen as a related package of requirements.
- 4 The requirements of PUWER 98 and LOLER 98 act together. While PUWER 98 deals with the non-lifting aspects of work equipment, such as the choice of equipment for a specific task, maintenance and training etc, LOLER 98 covers lifting aspects such as initial installation, the way the lifting operation is carried out and thorough examination requirements.

5 PUWER 98 and LOLER 98 are risk based, and emphasis should be placed on carrying out a suitable risk assessment to determine the nature and frequency of both maintenance and inspections. Guidance on appropriate frequencies should be available from the work equipment manufacturer.

6 The importance of proper maintenance of all work equipment should not be underestimated, and be based on a combination of:

- 1) operator pre-use checks;
- 2) servicing according to manufacturers/suppliers advice; and
- 3) in the case of lifting equipment, thorough examination by a competent person.

PUWER 98 AND MVR

7 [OC 200/27](#) advises that PUWER 98 reg.6 'inspections', normally undertaken in-house, are expected for higher risk types of work equipment, the use of which could foreseeably result in serious personal injury or worse. Guidance on the types of equipment which should and should not receive an 'inspection' is given in L22 *Safe use of work equipment* PUWER 98 ACoP, paras 156-157 (file 200).

8 As a general rule, OC 200/27 recommends that an 'inspection' should be carried out:

'When deterioration could occur which could not, or would not, reasonably be picked up by operator pre-use checks or routine servicing and the deterioration is something which could lead to danger.'

For example, axle stands used in MVR were considered as possible candidates for reg.6 'inspections'. However, while the potential for the most serious injury should one fail is clear, it was considered that operator pre-use checks by vehicle mechanics should be able to detect defects such as bent steel work, broken welds or incorrect/damaged support pins on axles with extendible columns.

9 PUWER 98 reg.6 'inspections' will normally be expected for any works vehicle not used on the public highway and, therefore, not subject to an MOT (see [OC 200/27](#)). While such vehicles may not have widespread use in the garage trade, they could well be found in MVR workshops on large industrial sites, eg where businesses service/repair their own vehicles. In the case of commercial vehicles which go onto public roads, HSE and the former DETR agreed that the more specific road traffic legislation, eg MOTs will take precedence over PUWER 98, as far as statutory tests and maintenance is concerned. Therefore, PUWER 98 and LOLER 98 will apply to the parts of vehicles not covered by the MOT.

LOLER 98 AND MVR

10 LOLER 98 will apply widely in MVR, but the extent of its application will vary with the risk. Although some garage equipment may well fall within the definition of 'lifting equipment', because the risks from the lifting operation are normally low, little will be required to meet the requirements of these Regulations. In the case of gearbox lifting tables, for example, thorough examination will not be necessary because the deterioration of the lifting equipment will not result in a 'dangerous situation'. If an examination was

required, it would be of limited extent and probably carried out in-house. However, if such equipment was used to lift and move an unstable and top-heavy load which fell off, the circumstances might well constitute a breach of LOLER 98 reg.8(1)(c), ie lifting operation not carried out in a safe manner.

11 With the exception of vehicle hoists/lifts and jacks, most of the lifting equipment used in garage premises is of a 'traditional' type, ie engine hoist, chain block, chain and other slings, eye bolts etc plus the occasional mobile crane. All these items should be subject to the normal frequencies of thorough examination by competent persons for 'lifting equipment' (12-monthly) and for 'lifting accessories' (6-monthly).

12 In the case of vehicle lifts, an assessment of the risks involved should conclude that because mechanics almost invariably work beneath a vehicle raised on a lift, and there is a history of failures of screw-operated lifts, a 6-monthly period for thorough examination is appropriate. This requirement is under LOLER 98 reg. 9(3)(a)(iii), ie using a written examination scheme. Where persons are raised in a vehicle on a lift, the legislation is also quite clear, ie that lifting equipment used for lifting persons requires a statutory 6-monthly inspection under reg.9(3)(a)(i).

13 Recent accident experience suggests that the level and quality of maintenance of vehicle lifts may not be as good as it ought to be and that some so-called thorough examinations have not included enclosed parts of operating mechanisms. Also, the Garage Equipment Association (GEA) has expressed concern that BS EN 1493: 1999 *Vehicle lifts* (which replaced BS AU 161:1989) omits any reference to safety in installation and maintenance. GEA is working with the British Standards Institution (BSI) to produce further guidance as a 'published document'.

14 There is a long history of fatal and serious injuries resulting from the failure of vehicle jacks, eg trolley and bottle jacks. Where they are used as part of garage equipment, they should be regarded as lifting equipment and subject to thorough examination by a competent person. However, jacks provided as part of the equipment of a motor vehicle will not normally be regarded as subject to LOLER 98 unless they are to be used as part of garage equipment.

ACTION BY INSPECTORS

15 Where inspectors encounter the use of lifting equipment and work equipment, other than hand tools, in MVR premises they should ask relevant questions to determine whether the requirements of PUWER 98 and LOLER 98 are being met. In particular, attention should be paid to the following key issues:

- 1) strength and suitability of lifting equipment (LOLER 98 reg.4);
- 2) operator pre-use checks (PUWER 98 reg.4);
- 3) maintenance (PUWER 98 reg.5); and
- 4) thorough examination and inspection of lifting equipment, inspections of work equipment (LOLER 98 reg.9 and PUWER 98 reg.6)

ENFORCEMENT GUIDANCE

16 The following is a guide to when enforcement is appropriate. It is based on the

Enforcement Management Model (EMM) Operational Version 2.0. Any action taken should reflect any subsequent changes to EMM. The final decision on enforcement should also take account of local factors.

Risk

17 There is a risk of serious personal injury to persons, including members of the public, working or otherwise beneath a vehicle supported on a lift or jack, or on a raised vehicle lift. There are also risks to such persons when vehicle parts are being supported or moved by garage equipment.

Immediacy of risk

18 The legal requirements of PUWER 98 and LOLER 98 combine both risk based requirements and compliance or administrative requirements. When considering enforcement action, immediate risks should be dealt with before consideration of securing administrative requirements. For example, preventing the use of a clearly defective piece of lifting equipment where persons could be at risk of serious injury should take priority over requests for thorough examination of the lifting equipment. In the former case, inspectors should consider issuing a prohibition notice (PN) on the defective equipment, as discussed in EMM Section 2, Chapter 2.

Benchmark standard

19 The benchmark for safety risks should be considered as a nil/negligible risk of serious personal injury. This should be achieved by the provision of suitable equipment which is properly maintained and used in accordance with the manufacturers instructions. Adequate training and supervision should be given as appropriate.

Risk gap

20 The risk gap as derived from EMM table 2.1 for typical situations likely to be encountered in MVR premises are summarized below. Inspectors may use the scenarios as a guide to making their assessment of the actual risk, and the subsequent risk gap. Inspectors must, however, ensure that their assessment of risk is based on the factors encountered on site.

Scenario	Actual risk	Risk gap
Poorly maintained vehicle lift, evidence of frayed cables, persons working underneath vehicle	Possible risk of serious injury	Extreme
Frayed webbing sling used to lift engine into car	Possible risk of significant injury	Moderate
Axle stand used off vehicle to support heavy/bulky items, eg gearbox	Possible risk of minor injury	Nominal

Initial enforcement expectation (IEE)

21 The following are relevant to deriving the authority of standards for use in EMM Table 5.1 and hence for deciding the IEE.

Title	Authority

Safe use of work equipment: PUWER 98 ACoP (L22)	Defined
Safe use of lifting equipment: LOLER 98 ACoP (L113)	Defined
OC 803/69 Application of PUWER and LOLER to motor vehicle repair	Established

22 EMM considers the risk assessment as an administrative measure and the standard as 'defined'. The standard can be found in L21 *Management of health and safety at work: Management of Health and Safety at Work Regulations 1999 Approved Code of Practice and Guidance* and any absence or inadequacies with an assessment should be considered using EMM Table 5.2.

23 Support from specialist group (SG) inspectors may be required where enforcement action is proposed because of defects likely to be a safety risk.

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2 This ID is intended to provide employers and the self employed with guidance on the application of the Provision and Use of Work Equipment Regulations 1998 (PUWER 98) and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER 98) to typical work equipment found in the motor vehicle repair (MVR) premises and associated industries, such as vehicle recovery operators. It does not cover all aspects of PUWER and LOLER 98 and further guidance on these Regulations can be found in the associated Approved Codes of Practice (ACoP) L22 and L113.^{1,2}[\[link to refs table at end of para 27\]](#)

APPLICATION OF PUWER 98 AND LOLER 98 TO MVR

3 All tools, machinery, plant and equipment used at work ('work equipment') are covered by the requirements of PUWER 98. Equipment not owned by the business but being used by it for a work activity, for example a borrowed tool or a customer's bottle jack, is also covered and it is the responsibility of the user to ensure that it complies with the all legal requirements.

4 Work equipment which is also lifting equipment will be subject to the requirements of LOLER 98 as far as the lifting parts are concerned, and PUWER 98 for the remainder.

5 Work equipment includes commercial motor vehicles such as recovery vehicles, vans and lorries. However, it does not cover a privately owned vehicle, such as a customer's car, even if it is being test driven as part of the work activity. For works vehicles which go onto public roads, more specific road traffic legislation, eg MOTs, will take precedence over PUWER, as far as statutory tests and maintenance is concerned. Therefore, PUWER 98 and LOLER 98 will apply to the parts of vehicles not covered by the MOT.

6 Buildings are not work equipment, but where parts of a building are a part of, or support lifting equipment, LOLER 98 will apply to them in as much as their suitability to support the lifting equipment and its load needs to be assessed.

7 PUWER 98 requires that work equipment is suitable. Modern machinery which is 'CE marked' should be accompanied by an instruction manual which contains information on the normal conditions of use of the machine. Advice should always be sought from manufacturers and/or suppliers where work equipment is to be used for tasks for which it was not designed and tested.

8 ACoP L113² [link to refs table after para 27] clearly states that for LOLER 98 to apply the principal function of the work equipment should be 'to lift a load'. Equipment that lifts itself, or parts of itself such as cab tilt and tipper body mechanisms, are not lifting equipment as defined in LOLER 98. Equally, winches or similar equipment used for moving loads on level ground would not attract the application of LOLER 98.

PERIODIC INSPECTIONS AND THOROUGH EXAMINATIONS

9 Risk assessments carried out to meet the requirements of the Management of Health and Safety at Work Regulations 1999 (Management Regulations)³ regulation 3 should identify any significant risks from the use of the work equipment. Where regular inspection or thorough examination of the equipment would address such risks, eg failure of a component through wear, PUWER 98 or LOLER 98 (as appropriate) would require periodic inspections and/or thorough examination.

10 PUWER 98 requires that work equipment exposed to conditions causing deterioration liable to result in dangerous situations is inspected at suitable intervals to ensure that its integrity is maintained and any deterioration detected and remedied in good time. Examples of such equipment found in MVR would include axle stands, engine stands, hydraulic presses, rolling-road brake testers, tow ropes and towing bars, as well as items mentioned at paras 13-23. [link to para 13] The Management Regulations risk assessment should determine whether the work equipment could deteriorate in such a way as to pose a potential risk to operators or others. The scope of the PUWER 98 inspection and the competence of the person who carries it out, will depend on the findings of that assessment.

11 LOLER 98 requires lifting equipment to be thoroughly examined by a competent person:

- (1) before first use, unless the equipment is accompanied by a declaration of conformity made not more than 12 months previously; and
- (2) if safety depends on the installation conditions, after installation whether or not it has a recent declaration of conformity.

Periodic thorough examinations are also required:

- (3) in the case of lifting equipment for lifting persons, possibly a vehicle hoist, or a lifting accessory (eg slings, chains, eye bolts etc) at least every 6 months;
- (4) in the case of other lifting equipment, at least every 12 months; or

- (5) in either case, in accordance with a scheme of examination laid down by a competent person.

Additionally a thorough examination is required if the lifting equipment is exposed to 'exceptional circumstances' which are liable to jeopardize the safety of the equipment, such as following the overturning of an engine hoist.

EXAMPLES OF WORK EQUIPMENT SPECIFIC TO MVR

12 The following inspection and thorough examination schedules are considered appropriate for work equipment used in MVR. The list is not exhaustive and the guidance, which is summarised at the [appendix](#), [link to appendix] is based on typical uses in the industry. Where equipment is used in unusual circumstances or is exposed to untypical conditions, an individual risk assessment should be carried out and, if necessary, advice sought from the manufacturer/supplier or other suitably qualified person.

Vehicle hoists/lifts

13 Under LOLER 98, vehicle hoists/lifts are 'lifting equipment' and subject to regulation 9 thorough examinations. Because people will almost invariably either work beneath or be inside a vehicle raised on a lift, a 6-monthly period for thorough examination is appropriate, in the former case in accordance with a written examination scheme prepared by the competent person.

Body alignment jigs

14 Many alignment jigs used in body repairs have features similar to those of vehicle lifts. Similar considerations will apply, though persons may not always or regularly work underneath particular jigs. If this is the case, then a 12-monthly period for thorough examination may be appropriate.

Vehicle jacks

15 There is a long history of fatal and serious injuries resulting from the failure of trolley and bottle jacks. When used as part of garage equipment they should be regarded as lifting equipment. Jacks provided as part of the equipment of a motor vehicle will not normally be regarded as subject to LOLER 98 unless they were to be used as part of garage equipment.

Engine lifting brackets

16 Where lifting brackets on vehicle engines are permanently attached to the engine, they will be regarded as part of the load and not as lifting equipment. Those brackets which are kept as part of the garage equipment should be treated as 'accessories for lifting' and therefore, subject to LOLER 98.

Lifting equipment on vehicles

17 Examination procedures under road transport legislation concentrate solely on the road worthiness of the vehicle. They may be sufficient for the requirements of PUWER 98 however, MOT testing does not include lifting equipment and will not serve the purposes of LOLER 98.

18 LOLER 98 applies to lifting equipment mounted on vehicles, such as loader cranes fitted to assist with delivery of goods and materials, for example in vehicle disposal operations for loading/unloading scrap vehicles onto lorry beds. British Standard BS 7121: *Code of Practice for the Safe Use of Cranes Part 4 1997: Lorry Loaders*, and the Association of Lorry Loader Manufacturers and Importers of Great Britain *Code of Practice for the Installation, Application and Operation of Lorry Loaders* provide further information.

19 Equipment which lifts part of a vehicle but not a load, for example cab tilt and tipper body mechanisms, is not subject to LOLER 98 but a risk assessment should be carried out to determine whether failure could cause injury and if regular inspection under PUWER 98 is required.

Handling aids

20 Handling aids such as wheel lifters, gearbox lifting tables and similar devices are lifting equipment under LOLER 98. However, most will be at the relatively low end of the risk scale and usually suitable candidates for schemes of thorough examination, possibly in-house, by suitably independent and impartial competent persons.

Pallets, stillages and skips

21 These are to be regarded as parts of loads and not accessories for lifting. Although they will not be subject to LOLER 98 regulation 9 thorough examinations, regulation 4 requires that they should be of adequate strength. (Note - freight containers are subject to separate legislation.⁴)[link to refs table after para 27]

Recovery vehicles and associated equipment

22 Some recovery vehicles will have lifting devices which are very obviously cranes and should be treated as such under LOLER 98. Moveable beds and ramps will not normally be subject to LOLER 98, nor will winches as their main purpose is dragging the casualty vehicle over level ground.

23 Spectacle frames used for recovering cars and light commercial vehicles will be considered subject to LOLER 98 if they lift the vehicle and support it whilst towing. Towing dollies will not be subject to LOLER 98 as the weight is supported on a pair of small wheels. British Standard BS 7121: *Code of Practice for the Safe Use of Cranes Part 12 1999: Recovery Vehicles and Equipment* provides further information.

Fork-lift trucks

24 Fork-lift trucks (FLT) used in MVR, are both 'mobile work equipment' and 'lifting equipment'.

25 There are specific requirements in PUWER 98 for rider-operated 'mobile work equipment', particularly to minimise the risks from its rolling over. New or hired FLT must be provided with a roll-over protective structure and seat restraints, or other suitable devices such as enclosed cabs. These requirements take immediate effect for all new or hired equipment but equipment in use at 5 December 1998 must comply by 5 December 2002.

26 Thorough examination requirements of LOLER 98 cover the parts that are lifting equipment (including the mast, forks and chains) and will depend upon both usage and application. As a general rule, FLT operating more than 40 hours per week or being used to lift people or which have a side shift or attachments fitted need to be examined every 6 months. The frequency for trucks operating for up to 40 hours which do not have a side shift or attachment fitted will normally be 12-monthly.

27 Interchangeable equipment used on FLT such as jibs, fork extensions and working platforms should be treated as 'accessories for lifting', and thoroughly examined every 6 months.

REFERENCES

- ¹ L22: *Safe use of work equipment: Provision and Use of Work Equipment Regulations 1998 Approved Code of Practice and Guidance*
- ² L113: *Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 Approved Code of Practice and Guidance*
- ³ L21: *Management of health and safety at work Management of Health and Safety at Work Regulations 1998 Approved Code of Practice and Guidance*
- ⁴ Freight Containers (Safety Convention) Regulations 1984

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British Standards can be obtained from the British Standards Institution, Customer Services, 389 Chiswick High Road, London W4 4AL and from good booksellers.

February 2002

APPENDIX
(para 12)

**SUMMARY OF RECOMMENDED INSPECTION/THOROUGH EXAMINATION
REQUIREMENTS FOR EQUIPMENT USED IN MOTOR VEHICLE REPAIR**

Work Equipment	LOLER reg.9 'Thorough examination'	PUWER reg.6 'Inspection'	Comments (Refer to ID paragraph)
Axle stands		12 months	10
Body aligning jigs	12 months	12 months	14
Chain blocks	12 months		11
Cab/body tilt mechanism		12 months	19
Cranes: Lorry mounted	12 months		18
Mobile crane	12 months		18
Engine hoist	12 months		11
Engine stands		12 months	10
Engine lifting brackets - if accessory for lifting	6 months		16
Eye bolts	6 months		11
Fork lift truck (FLT)	6 or 12 months		24-27
- Fork extensions	6 months		27
- Working platform for FLT	6 months		27
Gearbox lifting table	12 months		20
Hydraulic press		12 months	10
Jacks: Bottle jacks	12 months		15
Trolley jacks	12 months		15
Vehicle equipment	Not normally	Not normally	15
Lifting slings: chain/webbing	6 months		11
Pallets		No	21
Ramps		12 months	22
Recovery truck: A-Frame crane	12 months		22
Jib crane	12 months		22
Spectacle lift	12 months		23
Towing dollies		12 months	23
Rolling road brake tester		12 months	10
Skips	No	No	21
Stillages	No	No	21
Tail lifts	6 months		20
Tipper rams		12 months	19
Tow ropes		6 months	10
Towing bars		6 months	10
Vehicle hoists/lifts	6 months		13
Wheel lifters	12 months		20
Winch		12 months	22

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24 Fork-lift trucks (FLT) used in MVR, are both 'mobile work equipment' and 'lifting equipment'.

25 There are specific requirements in PUWER 98 for rider-operated 'mobile work equipment', particularly to minimise the risks from its rolling over. New or hired FLT must be provided with a roll-over protective structure and seat restraints, or other suitable devices such as enclosed cabs. These requirements take immediate effect for all new or hired equipment but equipment in use at 5 December 1998 must comply by 5 December 2002.

26 Thorough examination requirements of LOLER 98 cover the parts that are lifting equipment (including the mast, forks and chains) and will depend upon both usage and application. As a general rule, FLT operating more than 40 hours per week or being used to lift people or which have a side shift or attachments fitted need to be examined every 6 months. The frequency for trucks operating for up to 40 hours which do not have a side shift or attachment fitted will normally be 12-monthly.

27 Interchangeable equipment used on FLT such as jibs, fork extensions and working platforms should be treated as 'accessories for lifting', and thoroughly examined every 6 months.

REFERENCES

- ¹ L22: *Safe use of work equipment: Provision and Use of Work Equipment Regulations 1998 Approved Code of Practice and Guidance*
- ² L113: *Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 Approved Code of Practice and Guidance*
- ³ L21: *Management of health and safety at work Management of Health and Safety at Work Regulations 1998 Approved Code of Practice and Guidance*
- ⁴ Freight Containers (Safety Convention) Regulations 1984

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APPENDIX
(para 12)

**SUMMARY OF RECOMMENDED INSPECTION/THOROUGH EXAMINATION
REQUIREMENTS FOR EQUIPMENT USED IN MOTOR VEHICLE REPAIR**

Work Equipment	LOLER reg.9 'Thorough examination'	PUWER reg.6 'Inspection'	Comments (Refer to ID paragraph)
Axle stands		12 months	10
Body aligning jigs	12 months	12 months	14
Chain blocks	12 months		11
Cab/body tilt mechanism		12 months	19
Cranes: Lorry mounted	12 months		18
Mobile crane	12 months		18
Engine hoist	12 months		11
Engine stands		12 months	10
Engine lifting brackets - if accessory for lifting	6 months		16
Eye bolts	6 months		11
Fork lift truck (FLT)	6 or 12 months		24-27
- Fork extensions	6 months		27
- Working platform for FLT	6 months		27
Gearbox lifting table	12 months		20
Hydraulic press		12 months	10
Jacks: Bottle jacks	12 months		15
Trolley jacks	12 months		15
Vehicle equipment	Not normally	Not normally	15
Lifting slings: chain/webbing	6 months		11
Pallets		No	21
Ramps		12 months	22
Recovery truck: A-Frame crane	12 months		22
Jib crane	12 months		22
Spectacle lift	12 months		23
Towing dollies		12 months	23
Rolling road brake tester		12 months	10
Skips	No	No	21
Stillages	No	No	21
Tail lifts	6 months		20
Tipper rams		12 months	19
Tow ropes		6 months	10
Towing bars		6 months	10
Vehicle hoists/lifts	6 months		13
Wheel lifters	12 months		20
Winch		12 months	22