STATUTORY RULES OF NORTHERN IRELAND

1993 No. 366

HEALTH AND SAFETY

Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations (Northern Ireland) 1993

Made - - - -	*20th August 1993*
Coming into operation	*1st January 1994*

The Department of Economic Development, being the Department concerned(**1**) in exercise of the powers conferred on it by Articles 17(1), (2) and (3) of, and paragraphs 1(2) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**2**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to it to be appropriate, hereby makes the following Regulations:—

Citation, commencement and interpretation

1. —

(1) These Regulations may be cited as the Lifting Plant and Equipment (Records of Test and Examinations etc.) Regulations (Northern Ireland) 1993 and shall come into operation on 1st January 1994.

(2) For the purposes of these Regulations (including any enactment amended by these Regulations) a record need not be a document.

Contents of records

2. —

(1) Where, under a provision specified in column 3 of Part I of Schedule 1, a record is required to be obtained, kept or made following a test, test and examination or test and thorough examination carried out after the coming into operation of these Regulations, that record shall contain, in each case, the particulars specified in Part III of Schedule 1.

(2) Where, under a provision specified in column 3 of Part I of Schedule 1, a record is required to be obtained, kept or made following a thorough examination carried out after the coming into operation of these Regulations, that record shall contain the particulars specified in Part IV of Schedule 1.

(**1**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**2**) S.I. 1978/1039 (N.I. 9)

(3) The record required to be kept pursuant to section 27(1)(g) of the Factories Act (Northern Ireland) 1965(**3**) shall, in respect of any chains, ropes or lifting tackle subject to the provisions of that paragraph and first used after the coming into operation of these Regulations, contain the particulars specified in Part V of Schedule 1.

(4) Where, under a provision specified in column 3 of Part II of Schedule 1, a record is required to be made or sent to a specified person following a thorough examination carried out after the coming into operation of these Regulations, that record shall contain the particulars specified in Part VI of Schedule 1.

Accuracy of particulars

3. Any particulars required by regulation 2 or by virtue of the Docks Regulations (Northern Ireland) 1989(**4**) shall be correctly recorded.

Authentication of records

4. Any record containing particulars required by regulation 2 or by virtue of the Docks Regulations (Northern Ireland) 1989—

(a) shall be authenticated by a person who is in a position to declare that the particulars contained in it are correct; and

(b) may be authenticated by signature or other equally effective means.

Amendments

5. The Act and Regulations specified in Schedule 2 shall be amended to the extent specified therein.

Saving provisions

6. —

(1) Any record obtained, kept, made or sent to a specified person following a test, test and examination, test and thorough examination or thorough examination carried out under a provision specified in column 3 of Part I or II of Schedule 1 or of section 27(1)(g) of the Factories Act (Northern Ireland) 1965 before the coming into operation of these Regulations shall contain the same particulars as would have been required if these Regulations (including the revocations effected by these Regulations) had not been made.

(2) Any certificate, register or report which, immediately before the coming into operation of these Regulations, satisfied the requirements of any of the provisions specified in column 3 of Part I or II Schedule 1 or of section 27(1)(g) of the Factories Act (Northern Ireland) 1965 shall be deemed to satisfy those requirements after such coming into operation.

Revocations

7. The instruments specified in column 1 of Schedule 3 are hereby revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

(**3**) 1965 c. 20 (N.I.)
(**4**) S.R. 1989 No. 320, to which there are amendments not relevant to these Regulations

Sealed with the Official Seal of the Department of Economic Development on 20th August 1993.

L.S.

P. B. Strong
Assistant Secretary

SCHEDULE 1 Regulation 2

REQUIREMENTS FOR A RECORD TO BE OBTAINED, KEPT, MADE OR SENT TO A SPECIFIED PERSON FOLLOWING ANY TEST, TEST AND EXAMINATION, TEST AND THOROUGH EXAMINATION OR THOROUGH EXAMINATION

Part I

Provisions requiring a record to be obtained, kept or made following any test, test and examination, test and thorough examination or thorough examination

(1) Short title of enactment	(2) Reference	(3) Provision
Construction (Lifting Operations) Regulations (Northern Ireland) 1963	S.R. & O. (N.I.) 1963 No. 86; modified by S.R. 1979 No. 246	Regulations 19(4), 28(5) and (6), 34(1)(b), 35, 40, 46(1)(a) and (b) and 46(2).
Factories Act (Northern Ireland) 1965	1965 c. 20; modified by S.R. 1979 No. 246	Sections 27(1)(e) and 28(2) and (6).
Shipbuilding and Shiprepairing Regulations (Northern Ireland) 1971	S.R. & O. (N.I.) 1971 No. 372; modified by S.R. 1979 No. 246	Regulations 33(1) and (2), 35(1) and (2) and 36(1) and (2).

Part II

Provisions requiring a record to be made or sent to a specified person following a thorough examination

(1) Short title of enactment	(2) Reference	(3) Provision
Factories Act (Northern Ireland) 1965	1965 c. 20 (N.I.)	Section 23(2).
Office and Shop Premises (Hoists and Lifts) Regulations (Northern Ireland) 1969	S.R. & O. (N.I.) 1969 No. 26; modified by S.R. 1979 No. 284	Regulation 6(1).

Part III

Particulars to be contained in a record required to be obtained, kept or made under any provision specified in column 3 of Part I following any test, test and examination or test and thorough examination

1. The description, date of manufacture, identification mark and location of the equipment referred to.

2. The safe working load and (where relevant) corresponding radii, jib lengths and counterweights.

3. Details of the test, test and examination or test and thorough examination carried out.

4. The date of completion of the test, test and examination or test and thorough examination.

5. A declaration that the information is correct and that the equipment has been tested, tested and examined or tested and thoroughly examined in accordance with the appropriate provisions and is found free from any defect likely to affect safety.

6. The name and address of the owner of the equipment referred to.

7. The name and address of the person declaring that the test, test and examination or test and thorough examination has been carried out.

8. The date of making of the record of the test, test and examination or test and thorough examination.

9. A number or other means of identifying the record.

Part IV

Particulars to be contained in records required to be obtained, kept or made under any provision specified in column 3 of Part I following a thorough examination

1. The description, identification mark and location of the equipment referred to.

2. The date of last thorough examination and number or other identification of the record of such thorough examination.

3. The safe working load and (where relevant) corresponding radii.

4. The date of the most recent test and examination or test and thorough examination and the date and number or other identification of the record of it.

5. Details of any defects found and, where appropriate, a statement of the time by when each defect shall be rectified.

6. The date of completion of the thorough examination.

7. The latest date by which the next through examination should be carried out.

8. A declaration that the information is correct and that the equipment has been thoroughly examined in accordance with the appropriate provisions and is found free from any defect likely to affect safety other than any such defect recorded by virtue of paragraph 5.

9. The name and address of the owner of the equipment.

10. The name and address of the person responsible for the thorough examination.

11. The date of making of the record of the thorough examination.

12. The name and address of the person who authenticates the record.

13. A number or other means of identifying the record.