1969. No. 26 **[C]**

OFFICE AND SHOP PREMISES

Hoists and Lifts

REGULATIONS, DATED 6TH FEBRUARY 1969, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 20 AND 75(3) AND (4) OF THE OFFICE AND SHOP PREMISES ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services—

(*a*) in exercise of the powers conferred on it by sections 20 and 75(3) and (4) of the Office and Shop Premises Act (Northern Ireland) 1966(**a**) and of all other powers enabling it in that behalf; and

(*b*) after publishing, pursuant to Schedule 1 to the said Act, notice of the proposal to make the Regulations and not having received any objection to the draft in regard to which it is required by the said Schedule to direct any inquiry to be held,

hereby makes the following special Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Office and Shop Premises (Hoists and Lifts) Regulations (Northern Ireland) 1969 and shall come into operation on 1st January 1970.

(2) In these Regulations—

"the Act" means the Office and Shop Premises Act (Northern Ireland) 1966;

"lift" includes a hoist but does not include any lifting machine or appliance unless it has a platform or cage the direction of movement of which is restricted by a guide or guides;

"liftway" includes a hoistway;

"prescribed" means prescribed by order of the Ministry.

Application of Regulations

2.—(1) Except as provided in paragraph (2), and subject to the provisions of Regulation 3, these Regulations shall apply to lifts and liftways which are wholly or partly situate in office and shop premises to which the Act applies, or which are wholly or partly situate in a part of a building which is used for the purposes of, but is not comprised in, premises to which the Act applies.

(2) Nothing in these Regulations shall apply to premises which are in a covered market place to which section 50 (power to adapt Act in relation to covered markets) of the Act relates.

Exemptions and modifications

3.—(1) In the case of a continuous lift, Regulations 7 to 9 shall not apply and in any such case Regulation 6(1) shall have effect as if for the references to six months there were substituted references to twelve months.

(2) In the case of a lift not connected with mechanical power, Regulations 7(2) and (3) and 9 shall not apply, and in any such case:—

(a) 1966. c. 26 (N.I.).

(*a*) Regulation 6(1) shall have effect as if for the references to six months there were substituted references to twelve months; and

(*b*) any gates required to be fitted under Regulation 7(1) shall be kept closed and fastened except when the cage or platform is at rest at the landing.

(3) In the case of any class or description of lift or liftway specified in the first column of the Schedule, the requirements of the provisions of the Regulations specified in the second column of the Schedule and set opposite to that class or description shall not apply; subject however to the conditions and limitations (if any) set opposite thereto in the third column of the Schedule.

Obligations under Regulations

4.—(1) In relation to matters within his control or within the control of his servants or agents, the duty to comply with these Regulations shall be—

(*a*) in the case of a lift or liftway situate in a building to which section 42 of the Act applies or in premises outside the building being premises occupied together with office or shop premises forming part of the building, upon the owner of the building; and

(*b*) in the case of a lift or liftway situate in a set of fuel storage premises to which section 43 of the Act applies, upon the owner of that set of premises.

(2) Except as provided in the foregoing paragraph, the duty to comply with these Regulations shall be upon the occupier of any premises to which the Act applies in connection with which the lift or liftway is used.

Construction and maintenance

5. Every lift shall be of good mechanical construction, sound material and adequate strength, and shall be properly maintained.

Examinations and reports

6.—(1) Every lift shall be thoroughly examined by a competent person at least once in every period of six months and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within twenty-eight days be sent to the person having the duty under Regulation 4 to comply with these Regulations as respects that lift: provided that where a lift to which these Regulations apply is so situate that it or any part of it is required to be thoroughly examined by virtue of section 23(2) of the Factories Act (Northern Ireland) 1965(**b**), a thorough examination of that lift shall not be required on any occasion on which it would otherwise be required by the foregoing provisions of this paragraph if and to the extent to which a thorough examination of the lift or any part of it has been made within the period of six months then immediately preceding in accordance with the provisions of the said section 23(2) and a report of the result of the examination has been made as required by the said section 23(2).

(2) The report of the result of every examination made in pursuance of paragraph (1) shall be preserved and shall be kept readily available for inspection by any inspector for two years after the date of the signing of the report.

(3) Where the examination shows that the lift cannot continue to be used with safety unless certain repairs are carried out immediately or within a

(**b**) 1965. c. 20 (N.I.).

specified time, the person making the report shall within twenty-eight days of the completion of the examination also send a copy of the report—

(*a*) to such of the following as the case may require, that is to say, the health authority and the Ministry having, in each case, the duty to enforce these Regulations in the premises in which the lift is situate or in connection with which the lift is used; and

(*b*) in the case of a lift or liftway situate in a building of which part consists of premises to which the Factories Act (Northern Ireland) 1965 applies, to the Chief Inspector appointed under the said Act.

Enclosures and gates

7.—(1) Every liftway shall be efficiently protected by a substantial enclosure fitted with gates, and the enclosure shall be such as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the lift.

(2) Any such gate shall, subject to Regulation 3(1) and (2) and paragraph (3) of this Regulation, be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed.

(3) If in the case of a lift constructed or reconstructed before the date of the making of these Regulations, it is not reasonably practicable to fit it with such devices as are mentioned in the last foregoing paragraph, it shall be sufficient if the gate—

(*a*) is provided with such arrangements as will secure the objects of that paragraph so far as is reasonably practicable; and

(*b*) is kept closed and fastened except when the cage or platform is at rest at the landing.

(4) Every lift and every such enclosure as is mentioned in paragraph (1) shall be so constructed as to prevent any part of any person or any goods carried in the lift being trapped between any part of the lift and any fixed structure or between the counterbalance weight and any other moving part of the lift.

Maximum working load

8. There shall be marked conspicuously on every lift the maximum working load which it can safely carry, and no load greater than that load shall be carried on any lift.

Lifts used for carrying persons

9.—(1) The following additional requirements shall apply to lifts used for carrying persons, whether together with goods or otherwise:—

(*a*) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning; and

(*b*) every cage shall on each side from which access is afforded to a landing be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened.

(2) In the case of a lift constructed or reconstructed before the date of the making of these Regulations, in connection with which it is not reasonably

practicable to provide such devices as are mentioned in sub-paragraph (*b*) of the foregoing paragraph, it shall be sufficient if—

(*a*) such arrangements are provided as will secure the objects of that paragraph so far as is reasonably practicable; and

(*b*) the gate is kept closed and fastened except when the cage is at rest or empty.

(3) In the case of a lift used as mentioned in paragraph (1), which was constructed or reconstructed after the date of the making of these Regulations, where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 6th day of February 1969.

(L.S.)

S. H. O'Fee,
Assistant Secretary.