EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations impose requirements for the health, safety and welfare of persons employed in compressed air carried out in any factory and in any other premises or place to which the Factories Act (Northern Ireland), 1938, applies.

1963. No. 86 **[C]**

FACTORIES

Construction (Lifting Operations)

REGULATIONS, DATED 1ST MAY, 1963, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE FACTORIES ACTS (NORTHERN IRELAND), 1938 TO 1959.

ARRANGEMENT OF REGULATIONS

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SCHEDULES

First Schedule — Extent of exclusions under Regulation 6.

Second Schedule — Chains and lifting gear excepted under Regulation 41 (as to heat treatment).

The Ministry of Labour and National Insurance for Northern Ireland in exercise of powers conferred by Sections 47 and 65 of the Factories Act (Northern Ireland), 1938(a), Section 8 of the Factories Act (Northern Ireland). 1949(b), Section 28 of the Factories Act (Northern Ireland), 1959(c), and of all other powers in that behalf, hereby makes the following special Regulations.

(a) 2 Geo. 6. c. 23 (N.I.). (b) 1949. c. 6. (c) 1959. c. 16.

PART I

APPLICATION AND INTERPRETATION

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Construction (Lifting Operations) Regulations (Northern Ireland), 1963, and shall come into operation on the 2nd day of September, 1963.

(2) Regulations 34 to 74 of the Building Regulations (Northern Ireland), 1950(a), are hereby revoked.

Application of Regulations

2. These Regulations apply—

(*a*) to building operations; and

(*b*) to works of engineering construction,

undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, or by or on behalf of the Crown or any municipal or other public authority, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway.

Obligations under Regulations

3.—(1) It shall be the duty of every contractor, and every employer of workmen, who is undertaking any of the operations or works to which these Regulations apply—

(*a*) to comply with such of the requirements of the following Regulations as affect him or any workman employed by him, that is to say, Regulation 42(1) in so far as it relates to the protection of the hoistway, and Regulation 47:

Provided that the requirements of the said Regulations shall be deemed not to affect any workman if and so long as his presence in any place is not in the course of performing any work on behalf of his employer and is not expressly or impliedly authorised or permitted by his employer; and

(*b*) to comply with such of the requirements of Regulations 49 (1) to (6) and 50 as relate to any work, act or operation performed or about to be performed by any such contractor or employer of workmen,

and it shall be the duty of every contractor, and every employer of workmen, who erects, installs, works or uses any plant or equipment to which any of the provisions of Regulations 8 to 46, 48 and 49(7) applies, to erect, install, work or use any such plant or equipment in a manner which complies with those provisions.

(2) It shall be the duty of every person employed to comply with the requirements of such Regulations as relate to the doing of or refraining from an act by him and to co-operate in carrying out these Regulations and if he discovers any defect in the plant or equipment to report such defect without unreasonable delay to his employer or foreman, or to a person appointed by the employer in writing to supervise the safe conduct of the work generally.

Interpretation

4. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

(a) S.R. & O. (N.I.) 1950, No. 221.

"approved" means approved for the time being by certificate of the Chief Inspector;

"hoist" means a lifting machine, whether worked by mechanical power or not, with a carriage, platform or cage the movement of which is restricted by a guide or guides, but does not include a lifting appliance used for the movement of trucks or wagons on a line of rails;

"lifting appliance" means a crab, winch, pulley block or gin wheel used for raising or lowering and a hoist, crane, sheer legs, excavator, dragline, piling frame, aerial cableway, aerial ropeway or overhead runway;

"lifting gear" means a chain sling, rope sling, or similar gear, and a ring, link, hook, plate clamp, shackle, swivel or eye-bolt;

"mobile crane" means a crane capable of travelling under its own power, but does not include a crane which travels on a line of rails;

"plant or equipment" includes any plant, equipment, gear, machinery, apparatus or appliance, or any part thereof;

"the principal Act" means the Factories Act (Northern Ireland), 1938, as amended by or under any other Act;

"raising or lowering or as a means of suspension" where that expression occurs in Regulations 34, 35, 36, 40 and 41 means raising or lowering or as a means of suspension either of a load on a lifting appliance or lifting gear or of a scaffold but does not include the use of a rope or chain solely as a means of lashing or securing together two or more rigid members of a scaffold to form a frame or as a means of making a lapped joint or the use of a rope or chain solely for the movement of a load in a horizontal direction;

"safe working load" means either the relevant safe working load required to be specified in the latest certificate of test obtained for the purposes of Regulations 28, 34, 35 and 46 or where no such certificate is required the relevant safe working load required to be marked or exhibited on the lifting appliance, lifting gear, chain, rope or other article of plant or equipment by Regulations 29 and 34;

"scaffold" means any temporarily provided structure on or from which persons perform work in connection with operations or works to which these Regulations apply, and any temporarily provided structure which enables persons to obtain access to or which enables materials to be taken to any place at which such work is performed, and includes any working platform, working stage, gangway, run, ladder or step-ladder (other than an independent ladder or step-ladder which does not form part of such a structure) together with any guard-rail, toe-board or other safeguards and all fixings, but does not include a lifting appliance or a structure used merely to support such an appliance or to support other plant or equipment;

"suspended scaffold" means a scaffold suspended by means of ropes or chains and capable of being raised or lowered by such means but does not include a boatswain's chair or similar appliance.

PART II

EXEMPTIONS

Certificates of exemption

5. The Chief Inspector may (subject to such conditions, if any, as may be specified therein) by certificate in writing (which he may in his discretion

revoke at any time) exempt from all or any of the requirements of these Regulations—

(*a*) any particular plant or equipment or any class or description of plant or equipment; or

(*b*) any particular work or any class or description of work;

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed or are not reasonably practicable.

Lifting machinery in factory premises and in docks, etc.

6.—(1) Lifting appliances, chains, ropes and lifting gear to which this Regulation applies shall, as respects the incidental or occasional use thereof in or for the purposes of operations or works to which these Regulations apply, be excluded from the operation of the Regulations specified in column 1 of the First Schedule hereto to the extent specified in column 2 thereof and subject to the exceptions and conditions specified in column 3 thereof.

(2) This Regulation applies to any lifting appliance, chain, rope or lifting gear—

(*a*) which forms part of the permanent equipment of a factory or other premises to which the safety provisions in sections 24 and 25 of the principal Act apply and which is used at that factory or those premises in raising or lowering for purposes other than the operations or works to which these Regulations apply, but is being used for such operations or works at that factory or those premises; or

(*b*) which is regularly and ordinarily used in the processes of loading, unloading, moving or handling goods in, on or at any dock, wharf or quay or of loading, unloading or coaling any ship in any dock, harbour or canal, but is being used for operations or works to which these Regulations apply in, on or at a dock, wharf, quay, harbour or canal.

Delivery of loads with lifting gear attached

7. Where any article, material or other load intended for use in operations or works to which these Regulations apply is delivered at, or adjacent to, the site of such operations or works with a chain, rope or lifting gear attached thereto and designed for use as a means of raising and lowering that class of load when removing the same from the point of delivery to a position on the site, and the chain, rope or gear is free from patent defect whether of construction or quality and is not owned or hired by any contractor or employer of workmen who is undertaking any such operations or works as aforesaid on the site, then the requirements of Regulations 34, 35, 40 and 41 shall not apply in respect of the use of such chain, rope or lifting gear for raising or lowering the load so long as the chain, rope or gear remains attached to the article, material or load.

Hoists forming part of the permanent equipment

8. Regulations 10, 15, 42 to 46 and 48 shall not apply to a hoist forming part of the permanent equipment of any structure or underground shaft and which is regularly and ordinarily used for the carriage of persons or goods, but no such hoist shall be used for the purposes of any operations or works to which these Regulations apply unless the following conditions are complied with, that is to say—

(*a*) the hoist shall not be so used for carrying persons unless a maximum number of persons to be carried at any one time has been specified by the maker or by an insurer of the hoist or by a competent firm of lift engineers carrying out periodic examinations of the hoist, and a greater number is not being carried;

(*b*) the hoist shall not be so used for carrying materials, tools or other articles, other than light articles readily carried by a person who is riding in the hoist, unless a safe working load for the hoist has been specified by the maker or an insurer or firm as aforesaid and that safe working load is not being exceeded; and

(*c*) on any occasion when the hoist has been used for raising or lowering for the purposes of such operations or works the hoistway gate at a landing place shall not be left open except where it is immediately necessary for it to be open to afford access to the hoist for some other purpose.

Hoists manufactured before the commencement of the Regulations

9. In the case of a hoist manufactured before the date of commencement of these Regulations, if it is not reasonably practicable to comply fully with any requirement of Regulations 42(2), 42(3), 44 or 48 it shall be sufficient if—

(*a*) the hoist has been brought as near as is reasonably practicable into conformity with that requirement and a certificate that this has been done has been obtained from a competent person:

Provided that in the case of a hoist which at the date of commencement of these Regulations is used, and so long thereafter as it is continued to be used, in works of engineering construction, it shall be sufficient if the requirements of this paragraph are complied with within three years from the said date of commencement; or

(*b*) there has been obtained in respect of the hoist a certificate under Regulation 72(2) of the Building Regulations (Northern Ireland), 1950, which certificate shall be deemed to be a certificate obtained under this Regulation.

PART III

LIFTING APPLIANCES

Construction, maintenance and inspection

10.—(1) Every lifting appliance and every part thereof including all working gear and all other plant or equipment used for anchoring or fixing such appliances shall—

(*a*) be of good mechanical construction, sound material, adequate strength and free from patent defect;

(*b*) be properly maintained;

(*c*) as far as the construction permits be inspected at least once in every week by the driver, if competent for the purpose, or other competent person. A report of the results of every such inspection, signed by the person carrying out the inspection, shall be made forthwith in the prescribed form and containing the prescribed particulars.

(2) In the case of a site where the employer for whom the inspection was carried out has reasonable grounds for believing that the operations or works will be completed in a period of less than six weeks, the provision in this