

S.I. No. 188/2001 - Safety, Health and Welfare At Work (General Application) (Amendment) Regulations, 2001

I, Tom Kitt, Minister of State at the Department of Enterprise, Trade and Employment, in exercise of the powers conferred on me by [section 28](#) of the [Safety, Health and Welfare at Work Act 1989](#) (No. 7 of 1989) and the Labour (Transfer of Departmental Administration and Ministerial Functions) Order, 1993 ([S.I. No. 18 of 1993](#)), as adapted by the Enterprise and Employment (Alteration of Name of Department and Title of Minister) Order, 1997 ([S.I. No. 305 of 1997](#)), and the Enterprise, Trade and Employment (Delegation of Ministerial Functions) (No. 2) Order, 1997 ([S.I. No. 330 of 1997](#)), and after consultation with the National Authority for Occupational Safety and Health, and for the purpose of giving effect to Council Directive No. 89/655/EEC⁽¹⁾ of 30 November 1989 as amended by Council Directive No. 95/63/EC⁽²⁾ of 5 December 1995, hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations, 2001.
- (2) These Regulations shall come into operation on 2nd May, 2001.
2. The Safety, Health and Welfare at Work (General Application) Regulations, 1993 ([S.I. No. 44 of 1993](#)), are amended -
 - (a) by the substitution of the following for all words after paragraph (d) in Regulation 19:

“(e) the necessary measures are taken so that employees have at their disposal adequate information and, where appropriate, written instructions on the work equipment;

(f) information and instruction referred to in paragraph (e) contains at least adequate safety and health information concerning —

 - (i) the conditions of use of work equipment,
 - (ii) foreseeable abnormal situations, and
 - (iii) the conclusions to be drawn from experience, where appropriate, in using such work equipment,

and that such information and any such written instructions are comprehensible to the employees concerned;
 - (g) employees are made aware of safety and health risks relevant to them, work equipment present in the area or site, and any changes affecting them in as much as they affect work equipment situated in their immediate work area or site, even if they do not use the equipment;
 - (h) where the safety of work equipment depends on the installation conditions -

- (i) an initial inspection is carried out after installation and before it is first put into service, and
 - (ii) an inspection is carried out after assembly at a new site or in a new location, and that the work equipment is installed correctly and is operating properly;
- (i) in the case of work equipment which is exposed to conditions causing deterioration liable to result in a danger to safety or health —
- (i) periodic inspections and, where appropriate, testing is carried out;
 - (ii) special inspections are carried out when exceptional circumstances arise which are liable to make the work equipment unsafe, including modification work, accidents, natural phenomena or prolonged inactivity; and
 - (iii) safety and health conditions are maintained and deterioration is detected and remedied in good time;
- (j) the results of inspections carried out under paragraphs (h) and (i) are recorded and kept available for inspection by inspectors of the Authority for five years from the date of inspection;
- (k) when work equipment is used in another place of work, it is accompanied by evidence of the last inspection carried out under paragraphs (h) and (i);
- (l) inspections carried out under paragraphs (h) and (i) are carried out by a competent person and are appropriate to the nature, location and use of the work equipment; and
- (m) the working posture and position of employees while using work equipment, and ergonomic requirements, are taken into account having regard to the safety and health of the employees.”,
- (b) in Regulation 20 —
- (i) in paragraph (1), by the insertion after “provisions of Regulation 19” of “but subject to paragraph (1A)”;
- and
- (ii) by the insertion of the following after paragraph (1):
- “(1A) Work equipment which but for this paragraph would be subject to the requirements of paragraphs 22 to 27 of the Fifth Schedule and which was provided to employees before the 5th day of December, 1998, shall not be so subject until the fifth day of December, 2002.”,
- and
- (c) in the Fifth Schedule -
- (i) by the substitution of the following for the title of that Schedule:

“Requirements for Work Equipment”,

- (ii) by the substitution of the following for paragraph 1 (3) (d):

“(d) Control systems shall be safe and shall be chosen making appropriate allowance for the failures, faults and constraints to be expected in the planned circumstances of use.”,

and

- (iii) by the insertion of the following after paragraph 18:

“19. (a) Work equipment shall be installed, located and used in such a way as to reduce risks to users of the work equipment and for other employees.

(b) Without prejudice to the generality of subparagraph (a) -

(i) sufficient space to reduce such risks shall be provided between moving parts of work equipment and fixed or moving parts in its environment; and

(ii) all forms of energy and substances used or produced shall be supplied and/or removed in a safe manner.

20. Work equipment shall be erected or dismantled under safe conditions in particular observing any instructions which may have been provided by the manufacturer.

21. Work equipment which may be struck by lightning while being used shall be protected by devices or appropriate means against the effects of lightning.

22. Work equipment with ride-on employees shall be fitted out in such a way as to reduce the risks for employees during the journey and such risks shall include the risks of contact with or trapping by wheels or tracks.

23. Where an inadvertent seizure of the drive unit between an item of mobile work equipment and its accessories and/or anything towed might create a specific risk, the work equipment shall be equipped or adapted to prevent blockages of the drive units and where such seizure cannot be avoided, every possible measure shall be taken to avoid any adverse effects on employees.

24. Where drive shafts for the transmission of energy between mobile items of work equipment can become soiled or damaged by trailing on the ground, facilities shall be available for fixing them.

25. (1) Mobile work equipment with ride-on employees shall be designed to restrict under actual conditions of use, the risks arising from work equipment roll over either by —

(a) a protection structure to ensure that the equipment does not tilt by more than a quarter turn,

- (b) a structure giving sufficient clearance around the ride-on employees if the tilting movement can continue beyond a quarter turn, or
 - (c) by some other device of equivalent effect.
 - (2) The protection structures may be an integral part of the work equipment but are not required when the work equipment is stabilised during operation or where the design makes roll over impossible.
26. Where there is a risk of a ride-on employee being crushed between parts of the work equipment and the ground, should the equipment roll over, a restraining system for the ride-on employees shall be installed.
27. Fork-lift trucks carrying one or more employees shall be adapted or equipped to limit the risk of it overturning —
- (a) by the installation of an enclosure for the driver,
 - (b) by a structure preventing the fork-lift truck from overturning,
 - (c) by a structure ensuring that, if the fork-lift truck overturns, sufficient clearance remains between the ground and certain parts of the fork-lift truck for the employees carried, or
 - (d) by a structure restraining the employees on the driving seat so as to prevent them from being crushed by parts of the fork-lift truck which overturns.
28. Self-propelled work equipment which may, in motion, engender risks for persons shall comply with the following conditions:
- (a) the equipment shall have facilities for preventing unauthorised start-up,
 - (b) the equipment shall have appropriate facilities for minimising the consequences of a collision where there is more than one item of track - mounted work equipment in motion at the same time,
 - (c) there shall be a device for braking and stopping equipment, and where safety constraints so require, emergency facilities operated by readily accessible controls or automatic systems shall be available for braking and stopping equipment in the event of failure of the main facility,
 - (d) where the driver's direct field of vision is inadequate to ensure safety, adequate auxiliary devices shall be installed to improve visibility,
 - (e) work equipment designed for use at night or in dark places shall be equipped with lighting appropriate to the work to be carried out and shall ensure sufficient safety for employees,
 - (f) work equipment which constitutes a fire hazard, either on its own or in respect of whatever it is towing and/or carrying and which is liable to endanger employees shall be equipped with appropriate fire-fighting appliances where

such appliances are not available sufficiently nearby at the place of use,

- (g) remote-controlled work equipment shall stop automatically once it leaves the control range,
 - (h) remote-controlled work equipment which may in normal conditions engender a crushing or impact hazard shall have facilities to guard against this risk, unless other appropriate devices are present to control the impact risk.
29. Without prejudice to the requirements of Regulation 13, self-propelled work equipment shall be driven only by employees who have been appropriately trained in the safe driving of such equipment.
30. If work equipment is moving around in a work area, appropriate traffic rules shall be drawn up and followed.
31. Organisational measures shall be taken to prevent employees on foot coming within the area of operation of self-propelled work equipment and if work can be done properly only if employees on foot are present, appropriate measures shall be taken to prevent them from being injured by the equipment.
32. The transport of employees on mechanically driven mobile work equipment shall only be permitted where safe facilities are provided to this effect and if work shall be carried out during the journey, speeds shall be adjusted as necessary.
33. Mobile work equipment with a combustion engine shall not be used in working areas unless sufficient quantities of air presenting no safety or health risk to employees is provided.
34. When work equipment for lifting loads is installed permanently, its strength and stability during use shall be assured, having regard, in particular, to the loads to be lifted and the stress induced at the mounting or fixing point of the structures.
35. (a) Machinery for lifting loads shall be clearly marked to indicate its safe working load, and where appropriate a load plate giving the safe working load for each configuration of the machinery.
- (b) Accessories for lifting shall be marked in such a way that it is possible to identify the characteristics essential for safe use, and
- (c) Work equipment which is not designed for lifting persons but which might be so used in error shall be appropriately and clearly marked to this effect.
36. Permanently installed work equipment shall be installed in such a way as to reduce the risk of the load —
- (a) striking employees,
 - (b) drifting dangerously or falling freely,

- (c) being released unintentionally.
37. (a) Work equipment for lifting or moving employees shall be such as to —
- (i) prevent the risk of the car falling, where one exists, by the use of suitable devices,
 - (ii) prevent the risk of the user falling from the car, where one exists,
 - (iii) prevent the risk of the user being crushed, trapped or struck, in particular through inadvertent contact with objects, and
 - (iv) ensure that persons trapped in the car in the event of an incident are not exposed to danger and can be freed.
- (b) Where for reasons inherent in the site and height differences, the risks referred to in subparagraph (a)(i) cannot be avoided by any safety measures, an enhanced safety coefficient suspension rope shall be installed and checked every working day.
38. Work equipment which is mobile or can be dismantled and which is designed for lifting loads shall be used in such a way as to ensure the stability of the work equipment during use under all foreseeable conditions, taking into account the nature of the ground.
39. (a) Persons may be lifted only by means of work equipment and accessories provided for this purpose. Exceptionally work equipment not specifically designed for the purpose of lifting persons may be used to this effect provided that appropriate action including adequate supervision has been taken to ensure safety.
- (b) While employees are on work equipment designed for lifting loads, the control position shall be manned at all times. Persons being lifted shall have reliable means of communication. In the event of danger, there shall be reliable means of evacuating them.
40. (a) Unless required for the effective operation of the work, measures shall be taken to ensure that employees are not present under suspended loads.
- (b) Loads shall not be moved above unprotected workplaces usually occupied by employees. Where work cannot be carried out properly any other way, appropriate procedures shall be laid down and applied.
41. Lifting accessories shall be selected as a function of the loads to be handled, gripping points, attachment tackle and the atmospheric conditions having regard to the mode and configuration of slinging, and lifting accessory tackle shall be clearly marked so that users are aware of its characteristics where such tackle is not dismantled after use.
42. Lifting accessories shall be stored in a way that ensures that they will not be damaged or degraded.

43. When two or more items of work equipment used for lifting non-guided loads are installed or erected on a site in such a way that their working radii overlap, appropriate measures shall be taken to avoid collision between loads and/or the work equipment parts themselves.
44. When using mobile work equipment for lifting non-guided loads, measures shall be taken to prevent the equipment from tilting, overturning or, if necessary, moving or slipping, and checks shall be made to ensure that the measures are executed properly.
45. If the operator of work equipment designed for lifting non-guided loads cannot observe the full path of the load either directly or by means of auxiliary equipment providing the necessary information, a competent person shall be in communication with the operator to guide him or her and organisational measures shall be taken to prevent collisions of the load which could endanger employees.
46. Work shall be organised in such a way that when an employee is attaching or detaching a load by hand it can be done safely, in particular through the employee retaining direct or indirect control of the work equipment.
47. All lifting operations shall be properly planned, appropriately supervised and carried out to protect the safety of employees and if a load has to be lifted by two or more pieces of work equipment for lifting non-guided loads simultaneously, a procedure shall be established and applied to ensure good co-ordination on the part of the operators.
48.
 - (a) If work equipment designed for lifting non-guided loads cannot maintain its hold on the load in the event of a complete or partial power failure, appropriate measures shall be taken to avoid exposing employees to any resultant risks.
 - (b) Suspended loads shall not be left without surveillance unless access to the danger zone is prevented and the load has been safely suspended and is safely held.
49.
 - (a) Open air use of work equipment designed for lifting non-guided loads shall be halted when meteorological conditions deteriorate to the point of jeopardising the safe use of the equipment and exposing employees to risks.
 - (b) Adequate protection measures in particular to avoid work equipment turning over shall be taken to avoid any risks to employees.”.

3. These Regulations are without prejudice to the provisions of any enactment or instrument made under an enactment in force immediately before the commencement of these Regulations relating to mandatory certification, testing, examination, inspection and reporting in respect of work equipment.

Given under my hand

this 2nd day of May, 2001.

TOM KITT, T.D.

Tom Kitt

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations, which amend the Safety, Health and Welfare at Work (General Application) Regulations 1993 (S.I. 44 of 1993), give effect to Council Directive 95/63/EC amending Directive 89/655/EEC concerning the minimum safety and health requirement for the use of work equipment by workers at work.

The Regulations implement the use of mobile equipment, the lifting and non-lifting aspects of the amending Directive.

The Regulations place duties on employers to ensure that all Member States have the same minimum requirements for the selection and use of work equipment.

(1) OJ No. L393, 30.12.1989, p.13

(2) OJ No. L335, 30.12.1995, p.28

© Government of Ireland. Oireachtas Copyright Material is reproduced with the permission of the Houses of the Oireachtas

[Accessibility Statement](#) | [Privacy Statement](#) | [Disclaimer](#)