



# LIFTING OPERATIONS AND LIFTING EQUIPMENT REGULATIONS 2026

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Statutory Document No. 20XX/XXXX

*Health and Safety at Work etc. Act 1974*

# LIFTING OPERATIONS AND LIFTING EQUIPMENT REGULATIONS 2026

*Approved by Tynwald:**Coming into operation in accordance with regulation 2*

The Department of Environment, Food and Agriculture makes the following Regulations, after consulting such organisations as it considers represent the interests affected by the Regulations<sup>1</sup>, under section 15(1), (2), (3)(a) and (5)(b) and 82(3)(a) of, and paragraphs 1(1), (2) and (3), 14, 15(1) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974 (of Parliament)<sup>2</sup>, as those provisions apply to the Island.

## 1 Title

These Regulations are the Lifting Operations and Lifting Equipment Regulations 2026.

## 2 Commencement

If approved by Tynwald, these Regulations come into operation on 1 October 2026<sup>3</sup>.

## 3 Interpretation

SI 1998/2307/2 [and drafting]

In these Regulations, unless the context otherwise requires —

“**the 1974 Act**” means the Health and Safety at Work etc. Act 1974 (of Parliament) as it applies to the Island;

“**the 2026 Order**” means the Health and Safety at Work etc Act 1974 (Application to the Territorial Sea) Order 2026<sup>4</sup>;

<sup>1</sup> As required by section 82(4) of the Health and Safety at Work Etc. Act 1974 (of Parliament) as it applies to the Island.

<sup>2</sup> 1974 c.37 applied to the Island by SD 2024/0073.

<sup>3</sup> Tynwald approval is required under section 82(5) of the Health and Safety at Work Etc. Act 1974 (of Parliament) as it applies to the Island.

<sup>4</sup> SD 2026/xxxx.

**“accessory for lifting”** means lifting equipment for attaching loads to machinery for lifting;

**“declaration of conformity”** means a declaration which complies with —

- (a) section A of part 1 of Part 2 of Schedule 2 to the Supply of Machinery (Safety) Regulations 2008 (of Parliament)<sup>5</sup>;
- (b) the requirements for a declaration of conformity in Article 15 of Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC, as it forms part of the law of England by virtue of section 3 of the European Union (Withdrawal) Act 2018 (of Parliament)<sup>6</sup>; or
- (c) regulation 49 (declaration of conformity) of the Lifts Regulations 2016 (of Parliament)<sup>7</sup>;

**“employer”** except in regulation 4(2) and (3) (application) includes a person to whom the requirements imposed by these Regulations apply by virtue of regulation 4(3)(a) and (b);

**“examination scheme”** means a suitable scheme drawn up by a competent person for such thorough examinations of lifting equipment at such intervals as may be appropriate for the purpose described in regulation 10(3) (thorough examination and inspection);

**“lifting equipment”** means work equipment for lifting or lowering loads and includes its attachments used for anchoring, fixing or supporting it;

**“lifting operation”** has the meaning given in regulation 9(2) (organisation of lifting operations);

**“load”** includes a person;

**“thorough examination”** in relation to a thorough examination under paragraph (1), (2) or (3) of regulation 10 (thorough examination and inspection) —

- (a) means a thorough examination by a competent person;
- (b) where it is appropriate to carry out testing for the purpose described in the paragraph, includes such testing by a competent person as is appropriate for the purpose,

and **“thoroughly examined”** must be construed accordingly; and

**“work equipment”** means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not).

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<sup>5</sup> SI 1995/1597.

<sup>6</sup> EUR 2016/425.

<sup>7</sup> SI 2016/1093.

## 4 Application

SI 1998/2307/3 [and drafting]

- (1) These Regulations apply —
  - (a) in the Island excluding the territorial sea; and
  - (b) in the territorial sea in circumstances in which the 1974 Act applies by virtue of the 2026 Order.
- (2) The requirements imposed by these Regulations on an employer in respect of lifting equipment apply in relation to lifting equipment provided for use or used by his or her employee at work.
- (3) The requirements imposed by these Regulations on an employer also apply —
  - (a) to a relevant self-employed person, in respect of lifting equipment that person uses at work;
  - (b) subject to paragraph (5), to a person who has control to any extent of —
    - (i) lifting equipment;
    - (ii) a person at work who uses or supervises or manages the use of lifting equipment; or
    - (iii) the way in which lifting equipment is used, and to the extent of that person's control.
- (4) Any reference in paragraph (3)(b) to a person having control is a reference to a person having control in connection with the carrying on by that person of a trade, business or other undertaking (whether for profit or not).
- (5) The requirements imposed by these Regulations on an employer do not apply to a person in respect of lifting equipment supplied by that person by way of sale, agreement for sale or hire-purchase agreement.
- (6) Subject to paragraphs (7) to (10), these Regulations do not impose any obligation in relation to a ship's work equipment (whether that equipment is used on or off the ship).
- (7) Where merchant shipping requirements are applicable to a ship's work equipment, paragraph (6) relieves the shore employer of their obligations under these Regulations in respect of that equipment only where the shore employer has taken all reasonable steps to satisfy themselves that the merchant shipping requirements are being complied with in respect of that equipment.
- (8) In a case where the merchant shipping requirements are not applicable to the ship's work equipment by reason only that for the time being there is no master, crew or watchman on the ship, those requirements must nevertheless be treated for the purpose of paragraph (7) as if they were applicable.

- (9) Where the ship's work equipment is used in a specified operation paragraph (6) does not apply to regulations 7 (positioning and installation) and 9 (organisation of lifting operations) (each as applied by regulation 4).
- (10) Paragraph (6) does not apply to a ship's work equipment provided for use or used in an activity (carried on in the Island, whether including the territorial sea or not) specified in the 2026 Order save that it does apply to —
- (a) the loading, unloading, fuelling or provisioning of the ship; or
  - (b) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of the ship.
- (11) In this regulation —
- “master” has the meaning assigned to it by section 68(1) (interpretation) of the Merchant Shipping (Masters and Seamen) Act 1979;
- “merchant shipping requirements” means the requirements of regulations 3 (guarding of machinery) and 4 (electrical equipment) of the Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1989<sup>8</sup> and regulations 6 to 11 (lifting plant) of the Merchant Shipping (Hatches, Hold Access and Lifting Plant) Regulations 1989<sup>9</sup>;
- “relevant self-employed person” means a self-employed person who conducts an undertaking of a prescribed description for the purposes of section 3(2) of the 1974 Act;
- “ship” has the meaning assigned to it by section 68(1) (interpretation) of the Merchant Shipping (Masters and Seamen) Act 1979 save that it does not include an offshore installation;
- “shore employer” means an employer of persons (other than the master and crew of any ship) who are engaged in a specified operation; and
- “specified operation” means an operation in which the ship's work equipment is used —
- (a) by persons other than the master and crew; or
  - (b) where persons other than the master and crew are liable to be exposed to a risk to their health or safety from its use.

## 5 Strength and stability

SI 1998/2307/4

Every employer must ensure that —

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<sup>8</sup> GC 421/89.

<sup>9</sup> GC 279/89.

- (a) lifting equipment is of adequate strength and stability for each load, having regard in particular to the stress induced at its mounting or fixing point; and
- (b) every part of a load and anything attached to it and used in lifting it is of adequate strength.

## **6 Lifting equipment for lifting persons**

SI 1998/2307/5

- (1) Every employer must ensure that lifting equipment for lifting persons —
  - (a) subject to subparagraph (b), is such as to prevent a person using it being crushed, trapped or struck or falling from the carrier;
  - (b) is such as to prevent so far as is reasonably practicable a person using it, while carrying out activities from the carrier, being crushed, trapped or struck or falling from the carrier;
  - (c) subject to paragraph (2), has suitable devices to prevent the risk of a carrier falling; and
  - (d) is such that a person trapped in any carrier is not thereby exposed to danger and can be freed.
- (2) Every employer must ensure that if the risk described in paragraph (1)(c) cannot be prevented for reasons inherent in the site and height differences —
  - (a) the carrier has an enhanced safety coefficient suspension rope or chain; and
  - (b) the rope or chain is inspected by a competent person every working day.

## **7 Positioning and installation**

SI 1998/2307/6

- (1) Every employer must ensure that lifting equipment is positioned or installed in such a way as to reduce to as low as is reasonably practicable the risk —
  - (a) of the lifting equipment or a load striking a person; or
  - (b) from a load —
    - (i) drifting;
    - (ii) falling freely; or
    - (iii) being released unintentionally,and it is otherwise safe.
- (2) Every employer must ensure that there are suitable devices to prevent a person from falling down a shaft or hoist way.

## 8 Marking of lifting equipment

SI 1998/2307/7

Every employer must ensure that —

- (a) subject to subparagraph (b), machinery and accessories for lifting loads are clearly marked to indicate their safe working loads;
- (b) where the safe working load of machinery for lifting loads depends on its configuration —
  - (i) the machinery is clearly marked to indicate its safe working load for each configuration; or
  - (ii) information which clearly indicates its safe working load for each configuration is kept with the machinery;
- (c) accessories for lifting are also marked in such a way that it is possible to identify the characteristics necessary for their safe use;
- (d) lifting equipment which is designed for lifting persons is appropriately and clearly marked to this effect; and
- (e) lifting equipment which is not designed for lifting persons but which might be so used in error is appropriately and clearly marked to the effect that it is not designed for lifting persons.

## 9 Organisation of lifting operations

SI 1998/2307/8

- (1) Every employer must ensure that every lifting operation involving lifting equipment is —
  - (a) properly planned by a competent person;
  - (b) appropriately supervised; and
  - (c) carried out in a safe manner.
- (2) In this regulation “lifting operation” means an operation concerned with the lifting or lowering of a load.

## 10 Thorough examination and inspection

SI 1998/2307/9 [and drafting]

- (1) Every employer must ensure that before lifting equipment is put into service for the first time by that employer it is thoroughly examined for any defect unless either —
  - (a) the lifting equipment has not been used before; and
  - (b) in the case of lifting equipment for which a declaration of conformity could have been drawn up, the employer has received such declaration made not more than 12 months before the lifting equipment is put into service,or, if obtained from the undertaking of another person, it is accompanied by physical evidence referred to in paragraph (4).

- (2) Every employer must ensure that, where the safety of lifting equipment depends on the installation conditions, it is thoroughly examined —
- (a) after installation and before being put into service for the first time; and
  - (b) after assembly and before being put into service at a new site or in a new location,
- to ensure that it has been installed correctly and is safe to operate.
- (3) Subject to paragraph (6), every employer must ensure that lifting equipment which is exposed to conditions causing deterioration which is liable to result in dangerous situations is —
- (a) thoroughly examined —
    - (i) in the case of lifting equipment for lifting persons or an accessory for lifting, at least every 6 months;
    - (ii) in the case of other lifting equipment, at least every 12 months;
    - (iii) in either case, in accordance with an examination scheme; and
    - (iv) each time that exceptional circumstances which are liable to jeopardise the safety of the lifting equipment have occurred; and
  - (b) if appropriate for the purpose, is inspected by a competent person at suitable intervals between thorough examinations,
- to ensure that health and safety conditions are maintained and that any deterioration can be detected and remedied in good time.
- (4) Every employer must ensure that no lifting equipment —
- (a) leaves the employer's undertaking; or
  - (b) if obtained from the undertaking of another person, is used in that employer's undertaking, unless it is accompanied by physical evidence that the last thorough examination required to be carried out under this regulation has been carried out.
- (5) Where lifting equipment was, before the coming into operation of these Regulations, required to be thoroughly examined by a provision specified in paragraph (6), the first thorough examination under paragraph (3) must be made before the date by which a thorough examination would have been required by that provision had it remained in operation.
- (6) The provisions referred to in paragraph (5) are —
- (a) section 2(2) (hoists and lifts) of the Factories and Workshops Amendment Act 1939; and
  - (b) regulation 5(1)(c) (independent examination of lifting appliances and gear) and Part III of Schedule 1 (examination and testing of

equipment) to the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1995<sup>10</sup>.

## 11 Reports and defects

SI 1998/2307/10 [and drafting]

- (1) A person (“P”) making a thorough examination for an employer under regulation 10 (thorough examination and inspection) must –
  - (a) notify the employer immediately of any defect in the lifting equipment which in P’s opinion is or could become a danger to persons;
  - (b) as soon as is practicable make a report of the thorough examination in writing authenticated by P or on P’s behalf by signature or equally secure means and containing the information specified in the Schedule (information to be contained in a report of a thorough examination) to –
    - (i) the employer; and
    - (ii) any person from whom the lifting equipment has been hired or leased; and
  - (c) where there is in P’s opinion a defect in the lifting equipment involving an existing or imminent risk of serious personal injury send a copy of the report as soon as is practicable to the Department.
- (2) A person making an inspection for an employer under regulation 10 must –
  - (a) notify the employer forthwith of any defect in the lifting equipment which in that person’s opinion is or could become a danger to persons; and
  - (b) as soon as is practicable make a record of the inspection in writing.
- (3) Every employer who has been notified under paragraph (1) must ensure that the lifting equipment is not used –
  - (a) before the defect is rectified; or
  - (b) in a case to which paragraph 8(c) of the Schedule applies, after a time specified under that subparagraph and before the defect is rectified.

## 12 Keeping of information

SI 1998/2307/11

- (1) Where, after the coming into operation of these Regulations, an employer obtaining lifting equipment to which these Regulations apply receives a

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<sup>10</sup> SD 276/95.

declaration of conformity relating to it, they must keep the declaration for so long as they operate the lifting equipment.

- (2) The employer must ensure that the information contained in —
  - (a) every report made to them under regulation 11(1)(b) (reports and defects) is kept available for inspection —
    - (i) in the case of a thorough examination under regulation 10(1) (thorough examination and inspection) of lifting equipment other than an accessory for lifting, until they cease to use the lifting equipment;
    - (ii) in the case of a thorough examination under regulation 10(1) of an accessory for lifting, for 2 years after the report is made;
    - (iii) in the case of a thorough examination under regulation 10(2), until they cease to use the lifting equipment at the place it was installed or assembled;
    - (iv) in the case of a thorough examination under regulation 10(3), until the next report is made under that paragraph or the expiration of 2 years, whichever is later; and
  - (b) every record made under regulation 11(2) is kept available until the next such record is made.

### 13 Exemption for the armed forces

SI 1998/2307/12 [and drafting]

- (1) The Department may, in the interests of national security (whether of the Island or the United Kingdom), by a certificate in writing exempt any of the home forces or any visiting force from any of the requirements of these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by the Department by a certificate in writing at any time.
- (2) In this regulation —
  - (a) “the home forces”; and
  - (b) “visiting force”,have the meanings specified in section 12(1) of the Visiting Forces Act 1952 (of Parliament) as it is applied to the Island<sup>11</sup>.

### 13 Repeals

The Factories and Workshops Amendment Act 1939<sup>12</sup> is repealed.

<sup>11</sup> 1952 c.37 applied by virtue of SI 1962/170.

<sup>12</sup> AT 3 of 1939.

## 14 Consequential amendment to the Health and Safety Order 2024

The Health and Safety at Work Order 2024<sup>13</sup>, is amended as follows —

- (a) in the Schedule, in paragraph 35 (schedule 1 modified) omit the row relating to “3 of 1939”; and
- (b) in the Annex, in Schedule 1 (existing enactments which are relevant statutory provisions) omit the row relating to “3 of 1939”.

## 15 Revocations

The Offshore Installations (Operational Safety, Health and Welfare) Regulations 1995<sup>14</sup> are revoked.

MADE

**CLARE BARBER**

*Minister for Environment, Food and Agriculture*

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<sup>13</sup> SD 2024/0073.

<sup>14</sup> SD 276/95.

**SCHEDULE****INFORMATION TO BE CONTAINED IN A REPORT OF A THOROUGH  
EXAMINATION**

[Regulation 11(1)]

SI 1998/2307/Sch1

- (1) The name and address of the employer for whom the thorough examination was made.
- (2) The address of the premises at which the thorough examination was made.
- (3) Particulars sufficient to identify the lifting equipment including, where known, its date of manufacture.
- (4) The date of the last thorough examination.
- (5) The safe working load of the lifting equipment or (where its safe working load depends on the configuration of the lifting equipment) its safe working load for the last configuration in which it was thoroughly examined.
- (6) In relation to the first thorough examination of lifting equipment after installation or after assembly at a new site or in a new location —
  - (a) that it is such thorough examination;
  - (b) (if such be the case) that it has been installed correctly and would be safe to operate.
- (7) In relation to a thorough examination of lifting equipment other than a thorough examination to which paragraph 6 relates —
  - (a) whether it is a thorough examination —
    - (i) within an interval of 6 months under regulation 10(3)(a)(i) (thorough examination and inspection);
    - (ii) within an interval of 12 months under regulation 10(3)(a)(ii);
    - (iii) in accordance with an examination scheme under regulation 10(3)(a)(iii); or
    - (iv) after the occurrence of exceptional circumstances under regulation 10(3)(a)(iv);
  - (b) (if such be the case) that the lifting equipment would be safe to operate.
- (8) In relation to every thorough examination of lifting equipment —
  - (a) identification of any part found to have a defect which is or could become a danger to persons, and a description of the defect;

- (b) particulars of any repair, renewal or alteration required to remedy a defect found to be a danger to persons;
  - (c) in the case of a defect which is not yet but could become a danger to persons —
    - (i) the time by which it could become such danger;
    - (ii) particulars of any repair, renewal or alteration required to remedy it;
  - (d) the latest date by which the next thorough examination must be carried out;
  - (e) where the thorough examination included testing, particulars of any test;
  - (f) the date of the thorough examination.
- (9) The name, address and qualifications of the person making the report; that they are self-employed or, if employed, the name and address of their employer.
- (10) The name and address of a person signing or authenticating the report on behalf of its author.
- (11) The date of the report.

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are derived from the Lifting Operations and Lifting Equipment Regulations 1998 (of Parliament) [SI 198/2307].

These Regulations impose health and safety requirements with respect to lifting equipment, which is defined in regulation 3(1).

Save in the case of regulation 11(1) and (2), the Regulations place duties on employers. In addition, regulation 4 (application) places those duties on self-employed persons, and certain persons having control of lifting equipment, of persons at work who use or supervise or manage its use, or of the way it is used, to the extent of their control (regulation 4(3) to (5)).

The Regulations have limited application to ships (regulation 4(6) to (11)).

The Regulations make provision with respect to —

- (a) the strength and stability of lifting equipment (regulation 5);
- (b) the safety of lifting equipment for lifting persons (regulation 6);
- (c) the way lifting equipment is positioned and installed (regulation 7);
- (d) the marking of machinery and accessories for lifting, and lifting equipment which is designed for lifting persons or which might so be used in error (regulation 8);
- (e) the organisation of lifting operations (regulation 9);
- (f) the thorough examination (defined in (regulation 2(1)) and inspection of lifting equipment in specified circumstances, (regulation 10(1) to (3));
- (g) the evidence of examination to accompany it outside the undertaking (regulation 10(4));
- (h) transitional arrangements relating to regulation 10 (regulation 10(5));
- (i) the making of reports of thorough examinations and records of inspections (regulation 11 and the Schedule); and
- (j) the keeping of information in the reports and records (regulation 12).

The Department may grant exemptions from the Regulations in the interests of national security (regulation 13).

Regulation 13 repeals the Factories and Workshops Amendment Act 1939. Regulation 14 makes consequential amendments to the Health and Safety At Work Order 2024 [SD 2024/0073] and regulation 15 revokes the Offshore Installations (Operational Safety, Health and Welfare) Regulations 1995 [SD 276/95].