



Isle of Man

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V04

PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 2025



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Statutory Document No. 20XX/XXXX

*Health and Safety at Work etc. Act 1974 (of Parliament)*

PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 2025

*Approved by Tynwald:
Coming into operation*

1 August 2028

The Department of Environment, Food and Agriculture makes the following Regulations, after consulting such organisations as it considers represent the interests affected by the Regulations¹, under sections 15(1), (2), (3)(a), (4)(b), (5) and (6)(a), and 82(3)(a) of, and paragraphs 1(1), (2) and (3), 9, 14, 15(1) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974 (of Parliament²) as those provisions apply to the Island.

PART 1 — INTRODUCTION

1 Title

These Regulations are the Provision and Use of Work Equipment Regulations 2025.

2 Commencement

If approved by Tynwald³, these Regulations come into operation on 1 August 2028.

3 Interpretation

SI 1998/2306, reg 2.

(1) 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 Island⁴;

¹ As required by section 82(4) of the 1974 Act.

² 1974 c. 37: currently applied by SD 2024/0073.

³ Tynwald approval is required under section 82(5) of the 1974 Act.

⁴ See footnote 2 above.

“the Department” means the Department of Environment, Food and Agriculture;

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

“inspection” in relation to an inspection under paragraph (1) or (2) of regulation 7 —

- (a) means such visual or more rigorous inspection by a competent person as is appropriate for the purpose described in the paragraph;
- (b) where it is appropriate to carry out testing for the purpose, includes testing the nature and extent of which are appropriate for the purpose;

“power press” means a press or press brake for the working of metal by means of tools, or for die proving, which is power driven and which embodies a flywheel and clutch;

“thorough examination” in relation to a thorough examination under paragraph (1), (2), (3) or (4) of regulation 33 —

- (a) means a thorough examination by a competent person;
- (b) includes testing the nature and extent of which are appropriate for the purpose described in the paragraph;

“use” in relation to work equipment means any activity involving work equipment and includes starting, stopping, programming, setting, transporting, repairing, modifying, maintaining, servicing and cleaning;

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

and related expressions are to be construed accordingly.

- (2) Any reference in regulations 33 to 35 or Schedule 2 to a guard or protection device is a reference to a guard or protection device provided for the tools of a power press.
- (3) In the case of a guard or protection device designed to operate while adjacent to a power press, any reference in regulation 33 or 34 to a guard or protection device being on a power press is to be construed as a reference to its being adjacent to it.

4 Application

SI 1998/2306, reg 3.

- (1) These Regulations apply —
 - (a) in the Island other than the territorial sea; and

- (b) to the territorial sea as sections 1 to 53 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application to the Territorial Sea) Order 2025⁵ (“the Territorial Sea Order”).
- (2) The requirements imposed by these Regulations on an employer in respect of work equipment apply to such equipment provided for use or used by an employee of the employer at work.
- (3) The requirements imposed by these Regulations on an employer also apply —
 - (a) to a relevant self-employed person, in respect of work equipment he or she uses at work;
 - (b) subject to paragraph (5), to a person who has control to any extent of —
 - (i) work equipment;
 - (ii) a person at work who uses or supervises or manages the use of work equipment; or
 - (iii) the way in which work equipment is used at work,and to the extent of his or her 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 the person of a trade, business or other undertaking (whether for profit or not).
- (5) The requirements imposed by these Regulations do not apply to a person in respect of work equipment supplied by the 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 that employer’s obligations under these Regulations in respect of that equipment only where the employer has taken all reasonable steps as to be satisfied 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 watch-keeper on the ship, those requirements are nevertheless to be treated for the purpose of paragraph (7) as if they were applicable.

⁵ SD 2025/xxxx.

- (9) Where the ship's work equipment is used in a specified operation paragraph (6) does not apply to regulations 8 to 10, 12 to 14, 21 to 23 and 31 (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 (whether carried on in the Island or its territorial sea) specified in the Territorial Sea 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 of the Merchant Shipping (Masters and Seamen) Act 1979;⁶
- “merchant shipping requirements” means the requirements of regulations 3 and 4 of the Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations 1989⁷ and regulations 5 to 10 of the Merchant Shipping (Hatches and Lifting Plant) Regulations 1988;
- “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 of the Merchant Shipping (Masters and Seamen) Act 1979⁹, 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;
- “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.

⁶ AT 14 of 1979.

⁷ GC 421/89,

⁸ GC 279/89.

⁹ AT 14 of 1979.

PART 2 – GENERAL

5 Suitability of work equipment

SI 1998/2306, reg 4.

- (1) Every employer must ensure that work equipment is so constructed or adapted as to be suitable for the purpose for which it is used or provided.
- (2) In selecting work equipment, every employer must have regard to the working conditions and to the risks to the health and safety of persons which exist in the premises or undertaking in which that work equipment is to be used and any additional risk posed by the use of that work equipment.
- (3) Every employer must ensure that work equipment is used only for operations for which, and under conditions for which, it is suitable.
- (4) In this regulation “suitable” —
 - (a) subject to sub-paragraph (b), means suitable in any respect which it is reasonably foreseeable will affect the health or safety of any person;
 - (b) in relation to —
 - (i) an offensive weapon within the meaning of section 1(4) of the Prevention of Crime Act 1954¹⁰ provided for use as self-defence or as deterrent equipment; and
 - (ii) work equipment provided for use for arrest or restraint, by a person who holds the office of constable or an appointment as police cadet, means suitable in any respect which it is reasonably foreseeable will affect the health or safety of such person.

6 Maintenance

SI 1998/2306, reg 5.

- (1) Every employer must ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair.
- (2) Every employer must ensure that where any machinery has a maintenance log, the log is kept up to date.

7 Inspection

SI 1998/2306, reg 6.

- (1) Every employer must ensure that, where the safety of work equipment depends on the installation conditions, it is inspected —

¹⁰ AT 9 of 1954.

- (a) after installation and before being put into service for the first time; or
 - (b) after assembly at a new site or in a new location,to ensure that it has been installed correctly and is safe to operate.
- (2) Every employer must ensure that work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations is inspected —
 - (a) at suitable intervals; and
 - (b) each time that exceptional circumstances which are liable to jeopardise the safety of the work equipment have occurred,to ensure that health and safety conditions are maintained and that any deterioration can be detected and remedied in good time.
- (3) Every employer must ensure that the result of an inspection made under this regulation is recorded and kept until the next inspection under this regulation is recorded.
- (4) Every employer must ensure that no work equipment —
 - (a) leaves his or her undertaking; or
 - (b) if obtained from the undertaking of another person, is used in his or her undertaking,unless it is accompanied by physical evidence that the last inspection required to be carried out under this regulation has been carried out.
- (5) This regulation does not apply to —
 - (a) a power press to which regulations 33 to 36 apply;
 - (b) a guard or protection device for the tools of such power press;
 - (c) work equipment for lifting loads including persons;
 - (d) work equipment required to be inspected by regulations 22(4) or 23(2) of the Construction (Design and Management) Regulations 2015;
 - (e) work equipment to which regulation 14 of the Work at Height Regulations 2005 applies.

8 Specific risks

SI 1998/2306, reg 7.

- (1) Where the use of work equipment is likely to involve a specific risk to health or safety, every employer must ensure that —
 - (a) the use of that work equipment is restricted to those persons given the task of using it; and
 - (b) repairs, modifications, maintenance or servicing of that work equipment is restricted to those persons who have been

specifically designated to perform operations of that description (whether or not also authorised to perform other operations).

- (2) The employer must ensure that the persons designated for the purposes of sub-paragraph (b) of paragraph (1) have received adequate training related to any operations in respect of which they have been so designated.

9 Information and infrastructure

SI 1998/2306, reg 8.

- (1) Every employer must ensure that all persons who use work equipment have available to them adequate health and safety information and, where appropriate, written instructions pertaining to the use of the work equipment.
- (2) Every employer must ensure that any of his or her employees who supervises or manages the use of work equipment has available to him or her adequate health and safety information and, where appropriate, written instructions pertaining to the use of the work equipment.
- (3) Without prejudice to the generality of paragraphs (1) or (2), the information and instructions required by either of those paragraphs must include information and, where appropriate, written instructions on —
 - (a) the conditions in which and the methods by which the work equipment may be used;
 - (b) foreseeable abnormal situations and the action to be taken if such a situation were to occur; and
 - (c) any conclusions to be drawn from experience in using the work equipment.
- (4) Information and instructions required by this regulation must be readily comprehensible to those concerned.

10 Training

SI 1998/2306, reg 9.

- (1) Every employer must ensure that all persons who use work equipment have received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken.
- (2) Every employer must ensure that any of his or her employees who supervises or manages the use of work equipment has received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken.

11 **Conformity with essential requirements**

SI 1998/2306, reg 10.

- (1) Every employer must ensure that an item of work equipment conforms at all times with any essential requirements.
- (2) In this regulation “essential requirements”, in relation to an item of work equipment, means requirements relating to the design and construction of work equipment of its type in any of the instruments listed in Schedule 1 to the Provision and Use of Work Equipment Regulations 1998¹¹ (of Parliament) as that Schedule has effect from time to time.
- (3) This regulation applies to items of work equipment provided for use in the premises or undertaking of the employer for the first time after the coming into operation of these Regulations.

12 **Dangerous parts of machinery**

SI 1998/2306, reg 11.

- (1) Every employer must ensure that measures are taken in accordance with paragraph (2) which are effective —
 - (a) to prevent access to any dangerous part of machinery or to any rotating stock-bar; or
 - (b) to stop the movement of any dangerous part of machinery or rotating stock-bar before any part of a person enters a danger zone.
- (2) The measures required by paragraph (1) consist of —
 - (a) the provision of fixed guards enclosing every dangerous part or rotating stock-bar where and to the extent that it is practicable to do so, but where or to the extent that it is not, then
 - (b) the provision of other guards or protection devices where and to the extent that it is practicable to do so, but where or to the extent that it is not, then
 - (c) the provision of jigs, holders, push-sticks or similar protection appliances used in conjunction with the machinery where and to the extent that it is practicable to do so,and the provision of such information, instruction, training and supervision as is necessary.
- (3) All guards and protection devices provided under sub-paragraphs (a) or (b) of paragraph (2) must —
 - (a) be suitable for the purpose for which they are provided;
 - (b) be of good construction, sound material and adequate strength;

¹¹ S.I. 1998/2306.

- (c) be maintained in an efficient state, in efficient working order and in good repair;
 - (d) not give rise to any increased risk to health or safety;
 - (e) not be easily bypassed or disabled;
 - (f) be situated at sufficient distance from the danger zone;
 - (g) not unduly restrict the view of the operating cycle of the machinery, where such a view is necessary;
 - (h) be so constructed or adapted that they allow operations necessary to fit or replace parts and for maintenance work, restricting access so that it is allowed only to the area where the work is to be carried out and, if possible, without having to dismantle the guard or protection device.
- (4) All protection appliances provided under sub-paragraph (c) of paragraph (2) must comply with sub-paragraphs (a) to (d) and (g) of paragraph (3).
- (5) In this regulation —
- “danger zone” means any zone in or around machinery in which a person is exposed to a risk to health or safety from contact with a dangerous part of machinery or a rotating stock-bar;
- “stock-bar” means any part of a stock-bar which projects beyond the head-stock of a lathe.

13 Protection against specified hazards

SI 1998/2306, reg 12.

- (1) Every employer must take measures to ensure that the exposure of a person using work equipment to any risk to his or her health or safety from any hazard specified in paragraph (3) is either prevented, or, where that is not reasonably practicable, adequately controlled.
- (2) The measures required by paragraph (1) must —
- (a) be measures other than the provision of personal protective equipment or of information, instruction, training and supervision, so far as is reasonably practicable; and
 - (b) include, where appropriate, measures to minimise the effects of the hazard as well as to reduce the likelihood of the hazard occurring.
- (3) The hazards referred to in paragraph (1) are —
- (a) any article or substance falling or being ejected from work equipment;
 - (b) rupture or disintegration of parts of work equipment;
 - (c) work equipment catching fire or overheating;

- (d) the unintended or premature discharge of any article or of any gas, dust, liquid, vapour or other substance which, in each case, is produced, used or stored in the work equipment;
 - (e) the unintended or premature explosion of the work equipment or any article or substance produced, used or stored in it.
- (4) For the purposes of this regulation “adequately” means adequately having regard only to the nature of the hazard and the nature and degree of exposure to the risk.
- (5) This regulation does not apply where any of the following Regulations apply in respect of any risk to a person’s health or safety for which such Regulations require measures to be taken to prevent or control such risk, namely —
- (a) the Ionising Radiations Regulations 2017 (of Parliament) as they apply to the Island¹²;
 - (b) the Control of Asbestos Regulations 2012 (of Parliament) as they apply to the Island¹³;
 - (c) the Control of Substances Hazardous to Health Regulations 2026;
 - (d) the Control of Noise at Work Regulations 2005;
 - (e) the Control of Vibration at Work Regulations 2005.

14 High or very low temperature

SI 1998/2306, reg 13.

Every employer must ensure that work equipment, parts of work equipment and any article or substance produced, used or stored in work equipment which, in each case, is at a high or very low temperature has protection where appropriate so as to prevent injury to any person by burn, scald or sear.

15 Controls for starting or making a significant change in operating conditions

SI 1998/2306, reg 14.

- (1) Every employer must ensure that, where appropriate, work equipment is provided with one or more controls for the purposes of —
- (a) starting the work equipment (including re-starting after a stoppage for any reason); or
 - (b) controlling any change in the speed, pressure or other operating conditions of the work equipment where such conditions after the change result in risk to health and safety which is greater than or of a different nature from such risks before the change.

¹² By virtue of SD 2019/0281.

¹³ By virtue of SD 2022/0034.

- (2) Subject to paragraph (3), every employer must ensure that, where a control is required by paragraph (1), it is not possible to perform any operation mentioned in sub-paragraph (a) or (b) of that paragraph except by a deliberate action on such control.
- (3) Paragraph (1) does not apply to re-starting or changing operating conditions as a result of the normal operating cycle of an automatic device.

16 Stop control

SI 1998/2306, reg 15.

- (1) Every employer must ensure that, where appropriate, work equipment is provided with one or more readily accessible controls the operation of which will bring the work equipment to a safe condition in a safe manner.
- (2) Any control required by paragraph (1) must bring the work equipment to a complete stop where necessary for reasons of health and safety.
- (3) Any control required by paragraph (1) must, if necessary for reasons of health and safety, switch off all sources of energy after stopping the functioning of the work equipment.
- (4) Any control required by paragraph (1) must operate in priority to any control which starts or changes the operating conditions of the work equipment.

17 Emergency stop controls

SI 1998/2306, reg 16.

- (1) Every employer must ensure that, where appropriate, work equipment is provided with one or more readily accessible emergency stop controls unless it is not necessary by reason of the nature of the hazards and the time taken for the work equipment to come to a complete stop as a result of the action of any control provided by virtue of regulation 16(1).
- (2) Any control required by paragraph (1) must operate in priority to any control required by regulation 16(1).

18 Controls

SI 1998/2306, reg 17.

- (1) Every employer must ensure that all controls for work equipment are clearly visible and identifiable, including by appropriate marking where necessary.
- (2) Except where necessary, the employer must ensure that no control for work equipment is in a position where any person operating the control is exposed to a risk to that person's health or safety.
- (3) Every employer must ensure where appropriate —

- (a) that, so far as is reasonably practicable, the operator of any control is able to ensure from the position of that control that no person is in a place where he or she would be exposed to any risk to his or her health or safety as a result of the operation of that control, but where or to the extent that it is not reasonably practicable; or
- (b) that, so far as is reasonably practicable, systems of work are effective to ensure that, when work equipment is about to start, no person is in a place where he or she would be exposed to a risk to his or her health or safety as a result of the work equipment starting,

but, where it is not reasonably practicable to comply with either sub-paragraph (a) or sub-paragraph (b), that an audible, visible or other suitable warning is given by virtue of regulation 25 whenever work equipment is about to start.

- (4) Every employer must take appropriate measures to ensure that any person who is in a place where he or she would be exposed to a risk to his or her health or safety as a result of the starting or stopping of work equipment has sufficient time and suitable means to avoid that risk.

19 Control systems

SI 1998/2306, reg 18.

- (1) Every employer must ensure, so far as is reasonably practicable, that all control systems of work equipment —
 - (a) are safe; and
 - (b) are chosen making due allowance for the failures, faults and constraints to be expected in the planned circumstances of use.
- (2) Without prejudice to the generality of paragraph (1), a control system is not to be regarded as safe unless —
 - (a) its operation does not create any increased risk to health or safety;
 - (b) it ensures, so far as is reasonably practicable, that any fault in or damage to any part of the control system or the loss of supply of any source of energy used by the work equipment cannot result in additional or increased risk to health or safety;
 - (c) it does not impede the operation of any control required by regulation 16 or 17.

20 Isolation from sources of energy

SI 1998/2306, reg 19.

- (1) Every employer must ensure that where appropriate work equipment is provided with suitable means to isolate it from all its sources of energy.

- (2) Without prejudice to the generality of paragraph (1), the means mentioned in that paragraph are not suitable unless they are clearly identifiable and readily accessible.
- (3) Every employer must take appropriate measures to ensure that re-connection of any energy source to work equipment does not expose any person using the work equipment to any risk to his or her health or safety.

21 Stability

SI 1998/2306, reg 20.

Every employer ensure that work equipment or any part of work equipment is stabilised by clamping or otherwise where necessary for purposes of health or safety.

22 Lighting

SI 1998/2306, reg 21.

Every employer must ensure that suitable and sufficient lighting, which takes account of the operations to be carried out, is provided at any place where a person uses work equipment.

23 Maintenance operations

SI 1998/2306, reg 22.

Every employer must take appropriate measures to ensure that work equipment is so constructed or adapted that, so far as is reasonably practicable, maintenance operations which involve a risk to health or safety can be carried out while the work equipment is shut down, or in other cases —

- (a) maintenance operations can be carried out without exposing the person carrying them out to a risk to his or her health or safety; or
- (b) appropriate measures can be taken for the protection of any person carrying out maintenance operations which involve a risk to his or her health or safety.

24 Markings

SI 1998/2306, reg 23.

Every employer must ensure that work equipment is marked in a clearly visible manner with any marking appropriate for reasons of health and safety.

25 Warnings

SI 1998/2306, reg 24.

- (1) Every employer must ensure that work equipment incorporates any warnings or warning devices which are appropriate for reasons of health and safety.

- (2) Without prejudice to the generality of paragraph (1), warnings given by warning devices on work equipment are not to be regarded as appropriate unless they are unambiguous, easily perceived and easily understood.

PART 3 — MOBILE WORK EQUIPMENT

26 Employees carried on mobile work equipment

SI 1998/2306, reg 25.

Every employer must ensure that no employee is carried by mobile work equipment unless —

- (a) it is suitable for carrying persons; and
- (b) it incorporates features for reducing, so far as is reasonably practicable, risks to their safety, including risks from wheels or tracks.

27 Rolling over of mobile work equipment

SI 1998/2306, reg 26.

- (1) Every employer must ensure that where there is a risk to an employee riding on mobile work equipment from its rolling over, it is minimised by —
- (a) stabilising the work equipment;
 - (b) a structure which ensures that the work equipment does no more than fall on its side;
 - (c) a structure giving sufficient clearance to anyone being carried if it overturns further than that; or
 - (d) a device giving comparable protection.
- (2) Where there is a risk of anyone being carried by mobile work equipment being crushed by its rolling over, the employer must ensure that it has a suitable restraining system for him or her.
- (3) This regulation does not apply to a fork-lift truck having a structure described in sub-paragraph (b) or (c) of paragraph (1).
- (4) Compliance with this regulation is not required where —
- (a) it would increase the overall risk to safety; or
 - (b) it would not be reasonably practicable to operate the mobile work equipment in consequence.

28 Overturning of fork-lift trucks

SI 1998/2306, reg 27.

Every employer must ensure that a fork-lift truck to which regulation 27(3) refers and which carries an employee is adapted or equipped to reduce to as low as is reasonably practicable the risk to safety from its overturning.

29 Self-propelled work equipment

SI 1998/2306, reg 28.

Every employer must ensure that, where self-propelled work equipment may, while in motion, involve risk to the safety of persons —

- (a) it has facilities for preventing its being started by an unauthorised person;
- (b) it has appropriate facilities for minimising the consequences of a collision where there is more than one item of rail-mounted work equipment in motion at the same time;
- (c) it has a device for braking and stopping;
- (d) where safety constraints so require, emergency facilities operated by readily accessible controls or automatic systems are available for braking and stopping the work equipment in the event of failure of the main facility;
- (e) where the driver's direct field of vision is inadequate to ensure safety, there are adequate devices for improving his or her vision so far as is reasonably practicable;
- (f) if provided for use at night or in dark places —
 - (i) it is equipped with lighting appropriate to the work to be carried out; and
 - (ii) is otherwise sufficiently safe for such use;
- (g) if it, or anything carried or towed by it, constitutes a fire hazard and is liable to endanger employees, it carries appropriate fire-fighting equipment, unless such equipment is kept sufficiently close to it.

30 Remote-controlled self-propelled work equipment

SI 1998/2306, reg 29.

Every employer must ensure that where remote-controlled self-propelled work equipment involves a risk to safety while in motion —

- (a) it stops automatically once it leaves its control range; and
- (b) where the risk is of crushing or impact it incorporates features to guard against such risk unless other appropriate devices are able to do so.

31 Drive shafts

SI 1998/2306, reg 30.

- (1) Where the seizure of the drive shaft between mobile work equipment and its accessories or anything towed is likely to involve a risk to safety every employer must —
 - (a) ensure that the work equipment has a means of preventing such seizure; or
 - (b) where such seizure cannot be avoided, take every possible measure to avoid an adverse effect on the safety of an employee.
- (2) Every employer must ensure that —
 - (a) where mobile work equipment has a shaft for the transmission of energy between it and other mobile work equipment; and
 - (b) the shaft could become soiled or damaged by contact with the ground while uncoupled,the work equipment has a system for safeguarding the shaft.

PART 4 — POWER PRESSES

32 Power presses to which Part 4 does not apply

SI 1998/2306, reg 31.

Regulations 33 to 36 do not apply to a power press of a kind which is described in Schedule 1.

33 Thorough examination of power presses, guards and protection devices

SI 1998/2306, reg 32.

- (1) Every employer must ensure that a power press is not put into service for the first time after installation, or after assembly at a new site or in a new location unless —
 - (a) it has been thoroughly examined to ensure that it —
 - (i) has been installed correctly; and
 - (ii) would be safe to operate; and
 - (b) any defect has been remedied.
- (2) Every employer must ensure that a guard, other than one to which paragraph (3) relates, or protection device is not put into service for the first time on a power press unless —
 - (a) it has been thoroughly examined when in position on that power press to ensure that it is effective for its purpose; and
 - (b) any defect has been remedied.

- (3) Every employer must ensure that that part of a closed tool which acts as a fixed guard is not used on a power press unless —
 - (a) it has been thoroughly examined when in position on any power press in the premises to ensure that it is effective for its purpose; and
 - (b) any defect has been remedied.
- (4) For the purpose of ensuring that health and safety conditions are maintained, and that any deterioration can be detected and remedied in good time, every employer must ensure that —
 - (a) every power press is thoroughly examined, and its guards and protection devices are thoroughly examined when in position on that power press —
 - (i) at least every 12 months, where it has fixed guards only; or
 - (ii) at least every 6 months, in other cases; and
 - (iii) each time that exceptional circumstances have occurred which are liable to jeopardise the safety of the power press or its guards or protection devices; and
 - (b) any defect is remedied before the power press is used again.
- (5) Paragraph (4) does not apply to that part of a closed tool which acts as a fixed guard.
- (6) In this regulation “defect” means a defect notified under regulation 35 other than a defect which has not yet become a danger to persons.

34 Inspection of guards and protection devices

SI 1998/2306, reg 33.

- (1) Every employer must ensure that a power press is not used after the setting, re-setting or adjustment of its tools, save in trying out its tools or save in die proving, unless —
 - (a) its every guard and protection device has been inspected and tested while in position on the power press by a person appointed in writing by the employer who is —
 - (i) competent; or
 - (ii) undergoing training for that purpose and acting under the immediate supervision of a competent person,and who has signed a certificate which complies with paragraph (3); or
 - (b) the guards and protection devices have not been altered or disturbed in the course of the adjustment of its tools.
- (2) Every employer must ensure that a power press is not used after the expiration of the fourth hour of a working period unless its every guard and protection device has been inspected and tested while in position on

the power press by a person appointed in writing by the employer who is —

- (a) competent; or
- (b) undergoing training for that purpose and acting under the immediate supervision of a competent person,

and who has signed a certificate which complies with paragraph (3).

- (3) A certificate referred to in this regulation must —
 - (a) contain sufficient particulars to identify every guard and protection device inspected and tested and the power press on which it was positioned at the time of the inspection and test;
 - (b) state the date and time of the inspection and test; and
 - (c) state that every guard and protection device on the power press is in position and effective for its purpose.
- (4) In this regulation “working period”, in relation to a power press, means —
 - (a) the period in which the day’s or night’s work is done; or
 - (b) in premises where a shift system is in operation, a shift.

35 Reports

SI 1998/2306, reg 34.

- (1) A person making a thorough examination for an employer under regulation 33 must —
 - (a) notify the employer forthwith of any defect in a power press or its guard or protection device which in his or her opinion is or could become a danger to persons;
 - (b) as soon as is practicable make a report of the thorough examination to the employer in writing authenticated by him or her or on his or her behalf by signature or equally secure means and containing the information specified in Schedule 2; and
 - (c) where there is in that person’s opinion a defect in a power press or its guard or protection device which is or could become a danger to persons, send a copy of the report as soon as is practicable to the enforcing authority for the premises in which the power press is situated.
- (2) A person making an inspection and test for an employer under regulation 34 must without delay notify the employer of any defect in a guard or protection device which in his or her opinion is or could become a danger to persons and the reason for his or her opinion.

36 Keeping of information

SI 1998/2306, reg 35.

- (1) Every employer must ensure that the information in every report made pursuant to regulation 35(1) is kept available for inspection for 2 years after it is made.
- (2) Every employer must ensure that a certificate under regulation 34 is kept available for inspection —
 - (a) at or near the power press to which it relates until superseded by a later certificate; and
 - (b) after that, until 6 months have passed since it was signed.

PART 5 — MISCELLANEOUS**37 Exemption for the armed forces**

SI 1998/2306, reg 36.

- (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 requirement or prohibition imposed by 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 “the home forces” has the same meaning as in section 12(1) of the Visiting Forces Act 1952 (of Parliament)¹⁴ and “visiting force” has the same meaning as it does for the purposes of any provision of Part I of that Act.

MADE

CLARE BARBER

Minister for Environment, Food and Agriculture

¹⁴ 1952 c. 67. This Act was extended to the Island with modifications by S.I. 1962/170.

SCHEDULE 1**POWER PRESSES TO WHICH REGULATIONS 33 TO 36 DO NOT APPLY**

[Regulation 32]

[SI 1998/2306, Schedule 2.]

1. A power press for the working of hot metal.
2. A power press not capable of a stroke greater than 6 millimetres.
3. A guillotine.
4. A combination punching and shearing machine, turret punch press or similar machine for punching, shearing or cropping.
5. A machine, other than a press brake, for bending steel sections.
6. A straightening machine.
7. An upsetting machine.
8. A heading machine.
9. A riveting machine.
10. An eyeletting machine.
11. A press-stud attaching machine.
12. A zip fastener bottom stop attaching machine.
13. A stapling machine.
14. A wire stitching machine.
15. A power press for the compacting of metal powders.

SCHEDULE 2**INFORMATION TO BE CONTAINED IN A REPORT OF A THOROUGH
EXAMINATION OF A POWER PRESS, GUARD OR PROTECTION DEVICE**

[Regulation 35(1)(b)]

SI 1998/2306, Schedule 3.

1. The name of the employer for whom the thorough examination was made.
2. The address of the premises at which the thorough examination was made.
3. In relation to each item examined —
 - (a) that it is a power press, interlocking guard, fixed guard or other type of guard or protection device;
 - (b) where known its make, type and year of manufacture;
 - (c) the identifying mark of —
 - (i) the manufacture,
 - (ii) the employer.
4. In relation to the first thorough examination of a power press after installation or after assembly at a new site or in a new location —
 - (a) that it is such thorough examination;
 - (b) either that it has been installed correctly and would be safe to operate or the respects in which it has not been installed correctly or would not be safe to operate;
 - (c) identification of any part found to have a defect, and a description of the defect.
5. In relation to a thorough examination of a power press other than one to which paragraph 4 relates —
 - (a) that it is such other thorough examination;
 - (b) either that the power press would be safe to operate or the respects in which it would not be safe to operate;
 - (c) identification of any part found to have a defect which is or could become a danger to persons, and a description of the defect.
6. In relation to a thorough examination of a guard or protection device —
 - (a) either that it is effective for its purpose or the respects in which it is not effective for its purpose;
 - (b) identification of any part found to have a defect which is or could become a danger to persons, and a description of the defect.

7. Any repair, renewal or alteration required to remedy a defect found to be a danger to persons.
8. In the case of a defect which is not yet but could become a danger to persons —
 - (a) the time by which it could become such danger;
 - (b) any repair, renewal or alteration required to remedy it.
9. Any other defect which requires remedy.
10. Any repair, renewal or alteration referred to in paragraph 7 which has already been effected.
11. The date on which any defect referred to in paragraph 8 was notified to the employer under regulation 35(1)(a).
12. The qualification and address of the person making the report; that he or she is self-employed or if employed, the name and address of his or her employer.
13. The date of the thorough examination.
14. The date of the report.
15. The name of the person making the report and where different the name of the person signing or otherwise authenticating it.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose health and safety requirements with respect to the provision and use of work equipment, which is defined in regulation 4(1).

Save in the case of regulation 35 (reports) these Regulations place duties on employers. They also place those duties on others, who include (regulation 4(3) to (5)) certain persons having control of work 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.

These Regulations have limited application to ships. The way in which they so apply is set out in regulation 4(6) to (11).

The Regulations mirror the Provision and Use of Equipment at Work Regulations 1998 (of Parliament) which gave effect as respects Great Britain to Council Directive [89/655/EEC](#) (OJ No. L393, 30.12.89, p.13) on the minimum safety and health requirements for the use of work equipment by workers at work but with the exception that the Regulations do not extend to sea transport (regulation 4);

The Regulations impose requirements upon employers in respect of work equipment provided for or used by their employees at work. The requirements are also applied to self-employed persons and persons in control of specified premises in the circumstances set out in regulation 4.

The Regulations make provision about:—

- a) the suitability of work equipment (regulation 5);
- b) the maintenance of work equipment and keeping up to date of any maintenance log (regulation 6);
- c) the inspection of work equipment on a regular basis (regulation 7);
- d) steps to be taken where the use of work equipment is likely to involve a specific risk to health or safety (regulation 8);
- e) information, instruction and training for persons who use work equipment and certain other employees (regulations 9 and 10);
- f) conformity with essential requirements (regulation 11 and Schedule 1);
- g) the protection of persons from dangerous parts of machinery and rotating stock-bars (regulation 12);
- h) the prevention or control of exposure of any person to any risk caused by certain specified hazards (regulation 13);

- i) protection from high or very low temperature (regulation 14);
- j) controls (including emergency and other stop controls) and control systems (regulations 15 to 19);
- k) the isolation of work equipment from sources of energy (regulation 20);
- l) the stability of work equipment (regulation 21);
- m) lighting at any place where work equipment is used (regulation 22);
- n) taking measures to ensure that work equipment is so constructed or adapted that maintenance operations can be carried out in specified ways (regulation 23);
- o) appropriate markings, warnings, or warning devices (regulations 24 and 25).

The Regulations require that control systems of work equipment are chosen making due allowance for the failures, faults and constraints to be expected in the planned circumstances of use (regulation 19(1)(b)).

The Regulations make provision in relation to mobile work equipment for —

- (a) its suitability for carrying persons and its safety features (regulation 26);
- (b) means to minimise the risk to safety from its rolling over (regulation 27);
- (c) means to reduce the risk to safety from the rolling over of a fork-lift truck (regulation 28);
- (d) the safety of self-propelled work equipment (regulation 29) and remote-controlled self propelled work equipment (regulation 30); and
- (e) the drive shafts of mobile work equipment (regulation 31).

Regulations 32 to 36 provide for —

- (a) the thorough examination (defined in regulation 3(1)) of power presses and their guards and protection devices (regulation 33);
- (b) their inspection after setting, re-setting or adjustment of their tools, and every working period (regulation 34); and
- (c) the making (regulation 35 and Schedule 2) and keeping (regulation 36) of reports.