

LIFTING EQUIPMENT ENGINEERS ASSOCIATION
Guidance to LEEA Members on the Documentation and Marking Required by Law for Lifting
Equipment - Document reference LEEA 034 dated 27.11.02

GENERAL

This guidance applies to the UK regulations which implement the European Directives. For the sake of clarity, this guidance deals with new equipment and in-service equipment separately.

The relevant legislation is:

- Machinery Directive 98/37/EC,
- Supply of Machinery (Safety) Regulations 1992 SI 1992/3073 and the Supply of Machinery (Safety) (Amendment) Regulations 1994 SI 1994/2063 (SOMSR),
- Provision and Use of Work Equipment Regulations 1998 SI 1998/2306 (PUWER98),
- Lifting Operations and Lifting Equipment Regulations 1998 SI 1998/2307 (LOLER) and
- Management of Health and Safety at Work Regulations 1999 SI 1999/3242 (MHSWR)

It is emphasised that this guidance applies to legal requirements only. If the equipment or service provided is to a standard or other specification, additional documents or marking may be required.

Lifting equipment includes any manual or power operated lifting machine and any lifting accessory which can connect the load to the lifting machine or the lifting machine to its supporting structure.

The guiding principle for all documentation is that it must be legible, complete and accurate. Information which is untrue can result in prosecution. In particular the traditional practice of 'back to back' documentation is now unacceptable.

NEW EQUIPMENT

New lifting equipment must comply with The Supply of Machinery (Safety) Regulations 1992 as amended in 1994. (SOMSR) The Responsible Person must issue an EC Declaration of Conformity (DOC) and affix the CE marking. This document and marking are evidence that the Responsible Person has claimed compliance. The equipment must also be accompanied by instructions. The information to be contained in the EC Declaration of Conformity and the instructions and the other marking requirements are listed in Appendix 1 of this guidance.

Note: Some machinery and safety components are subject to special attestation procedures. These are listed in Annex IV of the Machinery Directive (Annex D of the Supply of Machinery (Safety) Regulations) In general, such special procedures only apply to lifting equipment if it is to be used for lifting persons.

An employer has a duty under Regulation 10 of PUWER98 to ensure that any new equipment has been designed and constructed in compliance with the essential requirements contained in SOMSR. The EC Declaration of Conformity and the CE marking are evidence that it complies.

An employer has a duty under Regulation 9 of LOLER to have lifting equipment thoroughly examined (which includes any appropriate tests) before first use. There is an exemption for new equipment if it has not been used and the employer has received an EC Declaration of Conformity made not more than 12 months before the equipment has been put into use. However if safety depends on the installation conditions, a thorough examination is required to ensure that it has been installed correctly and is safe to operate. Following any thorough examination, the person making the examination has a duty under Regulation 10 of LOLER to make a report of the examination. The information to be contained in that report is listed in LOLER Schedule 1 and reproduced in Appendix 1 of this guidance.

The simplest solution

In most cases, the simplest way to comply with the legal requirements is for the manufacturer to issue the EC Declaration of Conformity, affix the CE marking and provide instructions. If the equipment is not supplied direct to the end user, those in the supply chain should pass on the original documents and not alter any markings. The end user should obtain and keep the original documents. If the exemption applies, the equipment can be put into use. If, at the point of being put into use, the exemption does not apply or if safety depends on the installation conditions, the employer should have it thoroughly examined by a competent person and obtain and keep the report of that examination. Provided the report states that it is safe to operate, the equipment can be put into use.

Problems and alternative solutions

(1) Your supplier has not provided the DOC

The equipment should be rejected until it is provided.

(2) The DOC covers a bulk supply which you will sell in smaller quantities

Provide a copy to your customer. However it is likely that the exemption under LOLER will not apply so thoroughly examine the equipment and issue a LOLER report. Alternatively combine the two with a statement on the LOLER report to the effect that the Responsible Person issued a DOC for the item. Keep the DOC and let your customer see it if requested.

(3) Your supplier will sell direct to your customer so you do not wish to reveal your source

The marking requirements of SOMSR for lifting machines include the name and address of the manufacturer. For lifting accessories it includes identification of the manufacturer. You cannot therefore legally hide this information. If your supplier is not the manufacturer but has passed on the original documents, the simplest solution applies. If your supplier is the manufacturer then either use the alternative in (2) above or 'own brand' it as in (4) below.

(4) Equipment made by others but sold in your name

This is known as 'own branding'. **The Commission guidance is that if you appear to be the manufacturer you must accept all the obligations of a manufacturer including assembly of the technical file, declaration of conformity, marking and compliance with the essential safety requirements.** If you are not in possession of the technical file you should obtain formal assurances in writing that the file will be made available in response to a substantiated request. You can then issue the DOC as the manufacturer. (Source – European Commission comments on directive 98/37/EC – 1999 edition, comment numbers 154 – 160)

Note: The technical file needn't be paper based, electronic records are acceptable and only a Member State can expect to have sight of it following a substantiated request.

(5) Equipment assembled from several items or modified

The person assembling equipment is regarded as the manufacturer of the assembly. If items within the assembly have a DOC, that forms part of the technical file for the assembly. Similarly anyone modifying equipment and/or changing its intended use is regarded as the real manufacturer. In both cases the obligations include assembly of the technical file, issuing of the DOC, marking and compliance with the essential requirements including provision of instructions.

(6) Equipment made by others which you are asked to test and certify

Be cautious about what you are being asked to do. Traditionally a certificate of test and examination was all that was required to take the equipment into service. Now it is only one ingredient of the technical file. If you are testing it on behalf of the manufacturer as part of his verification process, then he should provide a test specification for you to work to after which you should simply report the results. However some internet sources do not provide any documentation and customers will send such equipment or home made equipment expecting you to test it and certify it as safe to use. In general, equipment which should be CE marked and have a DOC but hasn't, should be referred back to the manufacturer. If you go beyond simply testing, examining and reporting the results, you may be taking a risk.

If it is a test and examination of a new installation and safety depends upon the installation conditions, then Regulation 9 of LOLER applies. Check also that your customer has the DOC(s) from the manufacturer(s) and that the equipment has been installed in accordance with their instructions. If it is an assembly of items or includes a modified item, check who is responsible for the assembly or modification. See (5) above.

(7) Equipment supplied without instructions

There is a requirement under SOMSR that the equipment is accompanied by instructions for use. Therefore, as a general rule, the equipment should be rejected until such instructions are supplied. If it is general purpose equipment, without any characteristics peculiar to the design, then generic instructions are an acceptable alternative, eg the LEEA safety information leaflets.

(8) Equipment supplied without CE marking

In general, all complete items of lifting equipment should have the CE marking. Sub assemblies and components are not usually marked. Some items, such as shackles, may be made for non-lifting applications. If the item is supplied complete, intended for lifting applications and not marked, reject it.

(9) Equipment with a Declaration of Incorporation

An EC Declaration of Incorporation (DOI) is a device to legally market machinery which can function but is not complete and may not be safe. It is a statement that the machinery is not to be used until incorporated into an assembly for which a DOC is issued. If you buy and incorporate such machinery, you have the obligations of the manufacturer of the finished assembly. The information to be contained in the EC Declaration of Incorporation is listed in Appendix 1 of this guidance.

IN-SERVICE EQUIPMENT

An employer has a duty under Regulation 9 of LOLER to have his lifting equipment thoroughly examined at specified maximum periods or in accordance with an examination scheme and after any exceptional circumstances which are liable to jeopardise the safety of the equipment. Following any thorough examination, the person making the examination has a duty under Regulation 10 of LOLER to make a report of the examination irrespective of whether or not the equipment is found safe to use.

The report must be made to the employer and any person from whom the equipment has been hired or leased. If the person making the examination is of the opinion that there is a defect involving an immediate or imminent risk of serious personal injury, he has a duty to send a copy of his report to the relevant enforcing authority. (Generally the HSE) The information to be contained in that report is listed in LOLER Schedule 1 and Appendix 1 of this guidance.

APPENDIX 1

Information to be contained in the EC DOC

For full information see Regulation 22 of SI 1992/3073.
For general purpose lifting equipment for use in the UK the Declaration of Conformity must:

- (a) state the business name and full address of the responsible person and, where that person is not the manufacturer, of the manufacturer;
- (b) contain a description of the equipment including its make, type and serial number*;
- (c) state that the equipment complies with the Machinery Directive and any other relevant Community Directives. (For electrically powered equipment this will include the Electromagnetic Compatibility Directive);
- (d) specify (as appropriate) the transposed harmonised standards used;
- (e) specify (as appropriate) the national standards and any technical specifications used;
- (f) identify the person authorised to sign the declaration on behalf of the responsible person;
- (g) be typed, or written by hand in block capitals and be in English.

For equipment listed in Annex D of SI 1992/3073 add:

- (h) the name and address of the approved body and the number of the EC type-examination certificate;
- (j) the name and address of the approved body to which the technical file has been forwarded;
- (k) the name and address of the approved body which has drawn up the certificate of adequacy.

* Some equipment will not have an individual serial number but may have only a batch number or a pattern number. For the purposes of the DOC, there must be some identification which links the product to the document.

Information to be contained in the EC DOI

For full information see Regulation 23 of SI 1992/3073.
For general purpose lifting equipment for use in the UK the declaration of incorporation must:

- (a) state the name and address of the responsible person;
- (b) contain a description of the machinery or machinery parts;
- (c) specify the transposed harmonised standards (if any) used;
- (d) state that the machinery (to which the declaration of incorporation relates) must not be put into service until the relevant machinery into which it is to be incorporated has been declared in conformity with the provisions of the Machinery Directive; and
- (e) identify the person signing the declaration of incorporation.

For equipment listed in Annex D of SI 1992/3073 add:

- (f) the name and address of the approved body and the number of the EC type-examination certificate;
- (g) the name and address of the approved body to which the technical file has been forwarded;

- (h) the name and address of the approved body which has drawn up the certificate of adequacy.

Information to be contained in the instructions

For full information see clauses 1.7.4 and 4.4 of Schedule 3 of SI 1992/3037.

Lifting machines

For general purpose lifting machines for use in the UK, the information must include:

- (a) a repeat of the information with which the lifting machine is marked, except the serial number, together with any appropriate additional information to facilitate maintenance (e.g. addresses of the importer, repairers etc);
- (b) foreseen use of the lifting machine. Where necessary, the instructions should draw attention to ways in which the lifting machine should not be used;
- (c) workstation(s) likely to be occupied by operators;
- (d) instructions, including the drawings and diagrams necessary, for putting into service (including performing the tests before first putting into service a lifting machine which is not assembled on the manufacturer's premises in the form in which it is to be used.), use, (particularly to offset the lack of direct sight of the load by the operator) handling, assembly, dismantling, adjustment, maintenance, inspection, servicing and repair, training instructions;
- (e) the technical characteristics of the machinery and, where appropriate, a copy of the load table, the reactions at the supports or anchors and characteristics of the tracks, the definition and the means of installation of the ballast;
- (f) if the manufacturer foresees that the machinery will be used in a potentially explosive atmosphere, the instructions must give all the necessary information;
- (g) in the case of machinery which may also be intended for use by non-professional operators, the wording and layout of the instructions for use, whilst respecting the other essential requirements mentioned above, must take into account the level of general education and acumen that can reasonably be expected from such operators; and
- (h) be in English.

Lifting accessories

For lifting accessories, each lifting accessory or each commercially indivisible batch of lifting accessories must be accompanied with an instruction handbook setting out at least the following particulars:

- (a) normal conditions of use;
- (b) instructions for use, assembly and maintenance;
- (c) the limits of use (particularly for the accessories which cannot be designed and constructed so that inadvertent dropping of loads is avoided); and
- (d) be in English.

Marking requirements

For full information see clauses 1.7.3 and 4.3 of Schedule 3 of SI 1992/3037.

Lifting machines

All lifting machines must be marked legibly and indelibly with the following minimum particulars: name and address of the manufacturer; the CE marking; designation of series or type; serial number, if any; the year of construction.

Furthermore, where the manufacturer constructs lifting machines intended for use in a potentially explosive atmosphere, this must be indicated on the machine.

Lifting machines must also bear full information relevant to its type and essential to its safe use. In particular each lifting machine must bear, legibly and indelibly, information concerning the nominal load:

- (i) displayed in uncoded form and prominently on the equipment in the case of a machine which has only one possible value;
- (ii) where the nominal load depends on the configuration of the machine, each driving position must be provided with a load plate indicating, preferably in diagrammatic form or by means of tables, the nominal loads for each configuration.

A Machine equipped with a load support which allows access to persons and involves a risk of falling must bear a clear and indelible warning prohibiting the lifting of persons. This warning must be visible at each place where access is possible.

Lifting accessories

All lifting accessories must show the following particulars: identification of the manufacturer; identification of the material (eg international classification) where this information is needed for dimensional compatibility; identification of the maximum working load; CE marking.

In the case of accessories including components such as cables or ropes, on which marking is physically impossible, the particulars referred to in the first paragraph must be displayed on a plate or by some other means and securely affixed to the accessory.

The particulars must be legible and located in a place where they are not liable to disappear as a result of machining, wear, etc, or jeopardise the strength of the accessory.

Information to be contained in a LOLER report

For full information see SI 2307: 1998, regulation 10 and schedule 1.

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 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 upon 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 9(3)(a)(i);
 - (ii) within an interval of 12 months under regulation 9(3)(a)(ii);
 - (iii) in accordance with an examination scheme under regulation 9(3)(a)(iii); or
 - (iv) after the occurrence of exceptional circumstances under regulation 9(3)(a)(iv);
 - (b) (if such be the case) that the lifting equipment is 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 a 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 he is self employed or, if employed, the name and address of his 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.