

# A Simple Guide to PUWER



## Provision and Use of Work Equipment Regulations 1998

PUWER 98 came into force on 5<sup>th</sup> December 1998 alongside the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) to implement the EU's Amending Directive (95/63/EC) to the Use of Work Equipment Directive (AUWED).

PUWER 98 replaced the previous 1992 issue with a few changes and additions, for example new requirements concerning mobile work equipment (regulation 25 to 30) and the inspection of work equipment (regulation 6). LOLER also covers the inspection of work equipment but is specific to lifting equipment and accessories. There are several other changes made in PUWER 98 from PUWER 92 and these are identified in the ACoP<sup>[2]</sup> and listed below;

- *An extension of the definition of 'work equipment' to include installations;*
- *An extension of the dutyholder application to include a duty on people who have control of work equipment such as plant hire;*
- *Guidance and ACOP material about regulation 7 (specific risks);*
- *Changes to regulation 10 (conformity with Community requirements);*
- *Minor changes to regulation 18 (control systems) as a result of a change required by AUWED;*
- *New regulations to replace the previous regulations dealing with power presses.*

The amended Regulations aim is to make working life safer for everyone using and coming into contact with equipment: employers and employees, contractors and others<sup>[3]</sup>.

**If you are an employer or self-employed and provide equipment for use at work, supervise or manage the use of equipment, or you have control of the use of equipment, then PUWER Regulations will apply to you.**

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## Do the regulations apply to me?

Well, if you are an employer or self-employed and provide equipment for use at work, supervise or manage the use of equipment, or you have control of the use of equipment, then the Regulations will apply to you.

As with all Health & Safety requirements PUWER cannot be considered in isolation. Everyone has duties under Health and Safety at Work Act 1974 to take reasonable care of themselves and others who may be affected by their actions and to co-operate with others. The Management of Health and Safety Regulations 1999, require a risk assessment to be carried out to identify the nature and level of risks associated with any work operation.

Additionally as described in the ACoP, PUWER places requirements on duty holders who provide lifting equipment *to provide suitable equipment for the task (regulation 4), information and instructions (regulation 8) and training (regulation 9) to the people who use it. PUWER also requires measures to be taken concerning dangerous parts of machinery (regulation 11), controls and control systems (regulations 14 to 18), stability (regulation 20) and mobility (regulations 25 to 29).*<sup>[3]</sup>

Geographically speaking, PUWER can be enforced wherever the Health and Safety at Work Act applies; this can be anywhere within Great Britain including offshore for works or activities within the territorial waters of Great Britain or in designated areas of the United Kingdom Continental Shelf.

Additionally, the Regulations do cover equipment used by people working from home, but they do not apply to domestic work in a private household, or equipment in the public domain, such as compressed air equipment in Petrol Stations.

Interestingly, the Regulations do not apply to the seller of equipment. It is the responsibility of the purchaser of equipment to make sure it is specified, installed and used in the correct manner.

Generally, any equipment which is used by an employee at work is covered by PUWER 98. This includes toolbox tools, single machines, power presses, lab apparatus, ladders, company or hired vehicles and large installations such as a series of machines connected together.



## What “equipment” does PUWER cover?

Lifting equipment is defined as, *equipment, including accessories, which is designed and used for carrying loads*<sup>[3]</sup>.

Generally, any equipment which is used by an employee at work is covered by PUWER 98. This includes toolbox tools (e.g. hammers, handsaws) to single machines (e.g. drilling machines, circular saws, photocopiers) to power presses, lab apparatus, ladders, company or hired vehicles and finally to even large installations such as a series of machines connected together. The only things that aren't covered and that we wouldn't classify as equipment anyway are livestock, substances (chemicals), structural items (walls etc.) and private cars. Basically everything else is fair game!

It is very important to define the different **uses** of equipment which are covered by the regulations. These include all activities involving work equipment such as starting or stopping the equipment, normal operation, repairing, modifying, maintaining, servicing and even cleaning and transporting.

If you allow employees to provide their own equipment, then this too is covered by the Regulations.

Sadly in the rest of this guide we will not cover Part IV of the Regulations (31 to 35) regarding power presses, as this is not in our field of expertise. However, for further information on Power Presses, the HSE have developed the [Safe use of power presses ACoP L112](#) and is available free from their website.

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## Well, that all seems pretty straightforward, so what do you actually have to do?

You must ensure that the work equipment you provide meets the requirements of PUWER. In doing so, you should ensure that it is:

- Suitable for use and for the purpose and environment in which it is used (regulation 4). In a nutshell, it is the suitable compatibility between the equipment, the person using it, the job at hand and the working environment must be so that there are minimal risks to the users.
- Maintained in a safe condition for use so that people's health and safety is not at risk (regulation 5). This includes appropriate maintenance frequencies and maintenance management techniques selected by risk assessment such as planned preventative and condition based. It is also advised to keep maintenance records but there is only a requirement to keep a maintenance log up to date if there is meant to be one.
- Inspected in certain circumstances to ensure that it is, and continues to be, safe for use and a record shall be kept until the next inspection under this regulation is recorded (New regulation 6). Certain circumstances include;
  - ◆ Before any equipment (new or used) is put into operation, and after assembly at a new site / location, it must be inspected by a competent person.
  - ◆ All equipment exposed to conditions causing deterioration must be inspected by a competent person at suitable intervals and following certain exceptional circumstances such as an accident or long period without use.

Additionally employers shall ensure that;

- For **specific risk equipment**, the employer shall **restrict the use to certain people** and ensure those people are **competent** to carry out the task at hand (regulation 7).
- **Persons using equipment** or **employees managing users** shall have **available comprehensible H&S information** and where appropriate, **specific written instructions** for that equipment (regulation 8).
- **Persons using equipment** or **employees managing users** shall provide adequate training in the methods of use, any risks that might be encountered and any precautions to be taken (regulation 9).
- Equipment (of any age) **shall meet particular health and safety requirements**. Post 1992 particular requirements are outset under Article 100A Directives. Generally compliance is signified by CE marking (regulation 10).
- **Effective measures** are taken to **prevent access to dangerous parts of machinery** or **stop their movement** before any part of a person enters a danger zone. Effective measures are **ranked in order they should be implemented in**; starting with **adequate fixed closed guards**, down to the **provision of information, training and supervision** (regulation 11).
- **Measures** (excluding PPE, training etc.) shall be taken to **prevent or adequately control specific risks** to a person using equipment (regulation 12). These risks are [1];
  - ◆ *Any article or substance **falling or being ejected** from work equipment;*
  - ◆ ***Rupture or disintegration** of parts of work equipment;*
  - ◆ *Work equipment **catching fire or overheating**;*
  - ◆ *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;*
  - ◆ *The **unintended or premature explosion** of the work equipment or any article or substance produced, used or stored in it.*
- Any **equipment or part of equipment** which is at a **high or very low temperature** shall have **protection** where appropriate so as to **prevent injury** to any person (regulation 13).
- **Adequate controls** are provided '**where appropriate**' on equipment whether they are **automated, manual or complex**. For complex equipment such as installations a **detailed risk assessment may be necessary** to ensure suitable controls are in place. In practice, **individual items of equipment are provided with suitable controls when bought** (regulations 11 to 14).
- Equipment shall have **suitable controls and control systems** that will ensure the equipment is **used in safe condition in safe manner**. The **suitability** of the controls and control systems are always **relative to the risks involved** e.g.

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emergency stops and isolations from sources of energy. All controls shall be **clearly visible and identifiable**, and shall not expose any persons using the control to any risk to their health and safety (regulation 15 to 19).

- **Equipment** or any part of the equipment **shall be stabilised by clamping** or otherwise where necessary for purposes of health or safety (regulation 20)
- There is **suitable and sufficient lighting** provided where a person uses equipment (regulation 21).
- Where possible, **items of equipment are able to be shut down for maintenance operations** or suitable precautions related to the inherent risks are taken when it is not possible (regulation 21).
- Equipment is **marked in a clearly visible manner** with any marking appropriate for reasons of health and safety (regulation 22).
- Equipment incorporates any **clear, easy to understand warnings or warning devices** which are appropriate for reasons of health and safety, e.g. safety signage, flashing lights, audible warnings (regulation 23).
- The additional duties for **Mobile Work Equipment** (regulations 25 to 30) e.g. excavator, lawnmower, power harrow, are adhered to, including:
  - You should ensure that where mobile work equipment is used for **carrying people, it is suitable for this purpose**, e.g. a suitable environment including; seats, restraints, guard rails and adjustable speed.
  - Measures should be taken to reduce the risks (e.g. from it **rolling over**) when moving to the safety of the people being carried, the operator and anyone else, dumper on a construction site, roll-over bars.
  - Regulation 27 is specific to **overturning of forklift trucks** and in particular the need to reduce to as low as is reasonably practicable the risk to safety from its overturning.
  - Regulation 28 is specific to **self-propelled equipment** and is related to the possible risks to people whilst in motion, including, preventing unauthorised start-up, minimising the consequences of a collision of rail-mounted equipment, ensuring there are adequate devices for stopping and braking including emergency braking, ensuring the driver's field of vision is adequate, ensuring there is adequate lighting and ensuring there is adequate fire escape or fighting capabilities.
  - Regulation 29 is specific to **remote controlled self-propelled equipment** and you must ensure the equipment has an auto stop when out of remote control range and ensure there are sufficient guards / controls in place if people get close or come into contact with the remote controlled item.
  - There must be means to prevent the **drive shaft seizing or to avoid injury due to seizure**. Means to prevent damage or soiling of shaft when uncoupled.

## How are the regulations enforced, and what happens if I don't comply?

Health and safety inspectors enforce the regulations, where there are serious risks, inspectors are prepared to take firm enforcement action which could lead to heavy fines or even imprisonment.

We must stress this is basic guidelines to the PUWER, and are not a substitute for the true regulations' requirements or ACoP, therefore we urge you to seek further advice and training prior to letting yourself or other employees 'use' work equipment. All references below are available, free of charge from the websites below. Enjoy!

### References

- (1) The Provision and Use of Work Equipment Regulations 1998 <http://www.legislation.gov.uk/uksi/1998/2306/contents/made>
- (2) HSE ACoP L22: Safe use of work equipment: Approved Code of Practice and guidance <http://www.hse.gov.uk/pubns/priced/l22.pdf>
- (3) HSE Book Provision and Use of Work Equipment Regulations (PUWER) 1998: Open learning guidance <http://www.hse.gov.uk/pubns/priced/puwer.pdf>
- (4) HSE Research Report 125: Evaluation of the implementation of the use of work equipment directive and amending directive to the use of work equipment directive in the UK <http://www.hse.gov.uk/research/rrpdf/rr125.pdf>
- (5) The Institution of Engineering & Technology, Health & Safety Briefing No. 20 (HSB20) <http://www.theiet.org/factfiles/health/hsb20-page.cfm>

*From the editor: We have tried to make sure the above article is as accurate and up-to-date as possible. If you think we have something wrong, or you feel we need to update it, please get in touch [here](#).*

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