
**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

**Subsidiary
1999/060**

Regulations made under s.58.

**FACTORIES (PROVISION AND USE OF WORK
EQUIPMENT) REGULATIONS, 1999**

(LN. 1999/060)

29.7.1999

LN. 1999/087

EU Legislation/International Agreements involved:

Directive 89/655/EEC

Directive 95/63/EC

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title, interpretation and commencement.

**PART I.
INTRODUCTION.**

2. Interpretation.
3. Application of requirements under these Regulations.

**PART II.
GENERAL.**

4. Suitability of work equipment.
5. Maintenance.
6. Inspection.
7. Specific risks.
8. Information and instructions.
9. Training.
10. Dangerous parts of machinery.
11. Protection against specified hazards.
12. High or very low temperature.
13. Controls for starting or making a significant change in operating conditions.
14. Stop controls.
15. Emergency stop controls.
16. Controls.
17. Control systems.
18. Isolation from sources of energy.
19. Stability.
20. Lighting.
21. Maintenance operations.
22. Markings.
23. Warnings.

**PART III.
MOBILE WORK EQUIPMENT.**

24. Employees carried on mobile work equipment.
25. Rolling over of mobile work equipment.
26. Overturning of fork-lift trucks.
27. Self-propelled work equipment.

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

**Subsidiary
1999/060**

- 28. Remote-controlled self-propelled work equipment.
- 29. Drive shafts.

**PART IV.
POWER PRESSES.**

- 30. Power presses to which regulations do not apply.
- 31. Thorough examination of power presses, guards and protection devices.
- 32. Inspection of guards and protection devices.
- 33. Reports.
- 34. Keeping of information.

**PART V.
MISCELLANEOUS.**

- 35. Transitional provision.
- 36. Revocation.

SCHEDULE 1.

Power presses to which regulations 31 to 34 do not apply.

SCHEDULE 2.

Information to be contained in a report of a thorough examination of a power press, guard or protection device.

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

In exercise of the powers conferred on him by section 58 of the Factories Act, and of all other enabling powers, and for the purpose of transposing into the law of Gibraltar, Council Directive 89/655/EEC, as amended by Council Directive 95/63/EC, the Governor has made the following Regulations –

Title, interpretation and commencement.

1. These Regulations, may be cited as the Factories (Provision and Use of Work Equipment) Regulations, 1999 and shall come into operation on such day as the Government may, by notice in the Gazette appoint.

**PART I.
INTRODUCTION.****Interpretation.**

2.(1) In these Regulations, unless the context shall otherwise require–

“employer” except in regulation 3(1) and (2) includes a person to whom the requirements imposed by these Regulations apply by virtue of regulation 3(2)(a) and (b);

“inspection” in relation to an inspection under subregulation 6(1) or (2)–

(a) means such visual or more rigorous inspection by a competent person as is appropriate for the purpose described in the subregulation;

(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 subregulations 31(2), (3) or (4)–

(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 subregulation.

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999****Subsidiary
1999/060**

“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, and related expressions shall be construed accordingly;

“work equipment” means any machinery, appliance, apparatus or tool and any assembly of components which in order to achieve a common end, are arranged and controlled so that they function as a whole.

(2) Any reference in regulations 31 to 33 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) Any reference in regulation 31 or 32 to a guard or protection device being on a power press shall, in the case of a guard or protection device designed to operate while adjacent to a power press, be construed as a reference to its being adjacent to it.

(4) Reference to a term defined in the Management of Health and Safety at Work Regulations 1996 shall, unless the context otherwise provides, be construed as a reference so defined.

(5) The provisions of these Regulations are relevant statutory provisions.

Application of requirements under these Regulations.

3.(1) The requirements imposed by these Regulations on an employer shall apply in respect of work equipment provided for use or used by any of his employees who is at work.

(2) The requirements imposed by these Regulations on an employer shall also apply—

- (a) to a self-employed person, in respect of work equipment he uses at work;
- (b) subject to subregulation (3), 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

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

(iii) the way in which work equipment is used at work,

and to the extent of his control.

(3) The requirements imposed by these Regulations shall not apply to a person in respect of work equipment supplied by him by way of sale, agreement for sale or hire-purchase agreement.

**PART II.
GENERAL.**

Suitability of work equipment.

4.(1) Every employer shall 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 shall 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 shall ensure that work equipment is used only for operations for which, and under conditions for which, it is suitable.

(4) In this regulation "suitable" means suitable in any respect which it is reasonably foreseeable will affect the health or safety of any person.

Maintenance.

5.(1) Every employer shall ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair.

(2) Every employer shall ensure that where any machine has a maintenance log, the log is kept up to date.

Inspection.

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

- (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,

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999****Subsidiary
1999/060**

to ensure that it has been installed correctly and is safe to operate.

(2) Every employer shall 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 shall 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 shall ensure that no work equipment—
- (a) leaves his undertaking; or
 - (b) if obtained from the undertaking of another person, is used in his 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 31 to 34 apply;
 - (b) a guard or protection device for the tools of such power press;
 - (c) work equipment for lifting loads including persons;

Specific risks.

7.(1) Where the use of work equipment is likely to involve a specific risk to health or safety of employees every employer shall ensure that—

- (a) the use of that work equipment is restricted to those persons given the task of using it; and

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

- (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 shall ensure that the persons designated for the purposes of subregulation (1)(b) have received adequate training related to any operations in respect of which they have been so designated.

Information and instructions.

8.(1) Every employer shall ensure that all employees 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 shall ensure that any of his employees who supervises or manages the use of work equipment has available to him 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 subregulations (1) or (2), the information and instructions required by either of those subregulations shall 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 shall be readily comprehensible to those concerned.

Training.

9.(1) Every employer shall ensure that all employees who use work equipment have received adequate training for the 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.

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999****Subsidiary
1999/060**

(2) Every employer shall ensure that any of his 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.

Dangerous parts of machinery.

10.(1) Every employer shall ensure that measures are taken in accordance with subregulation (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 subregulation (1) shall 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 but where or to the extent that it is not, then;
- (d) the provision of information, instruction, training and supervision.

(3) All guards and protection devices provided under subregulation (2)(a) or (b) shall–

- (a) be suitable for the purpose for which they are provided;
- (b) be of good construction, sound material and adequate strength;
- (c) be maintained in an efficient state, in efficient working order and in good repair;

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

- (d) not give rise to any risk to health and safety;
- (e) not be easily bypassed or disabled;
- (f) be suitable 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 subregulation (2)(c) shall comply with subregulations (3)(a) to (d) and (g).

(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.

Protection against specified hazards.

11.(1) Every employer shall take measures to ensure that the exposure of an employee using work equipment to any risk to his health or safety from any hazard specified in subregulation (3) is either prevented, or, where that is not reasonably practicable, adequately controlled.

(2) The measures required by subregulation (1) shall—

- (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.

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999****Subsidiary
1999/060**

- (3) The hazards referred to in subregulation (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;
 - (f) direct or indirect contact with electricity.
- (4) Where any work equipment presents hazards due to emissions of gas, vapour, liquid or dust, such work equipment shall be fitted with adequate containment or extraction devices near the sources of the hazard.
- (5) For the purposes of this regulation "adequate" means adequate having regard only to the nature of the hazard and the nature and degree of exposure to the risk.

High or very low temperature.

12. Every employer shall 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 shall have protection where appropriate so as to prevent injury to any employee by burn, scald or sear.

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

- 13.(1) Every employer shall 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

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

the change result in risk to health and safety which is greater than or of a different nature from such risks before the change.

(2) Subject to subregulation (3), every employer shall ensure that where a control is required by subregulation (1), it shall not be possible to perform any operation mentioned in paragraph (a) or (b) of that subregulation except by a deliberate action on such control.

(3) Subregulation (1) shall not apply to re-starting or changing operating conditions as a result of the normal operating cycle of an automatic device.

Stop controls.

14.(1) Every employer shall 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 subregulation (1) shall bring the work equipment to a complete stop where necessary for reasons of health and safety.

(3) Any control required by subregulation (1) shall, 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 subregulation (1) shall operate in priority to any control which starts or changes the operating conditions of the work equipment.

Emergency stop controls.

15.(1) Every employer shall 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 14(1).

(2) Any control required by subregulation (1) shall operate in priority to any control required by regulation 14(1).

Controls.

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999****Subsidiary
1999/060**

16.(1) Every employer shall ensure that all controls for work equipment shall be clearly visible and identifiable including by appropriate marking where necessary.

(2) Except where necessary, the employer shall ensure that no control for work equipment is in a position where any employee operating the control is exposed to a risk to his health or safety.

(3) Every employer shall 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 would be exposed to any risk to his health or safety as a result of the operation of that control, but where or to the extent that it is not reasonably practicable;
- (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 would be exposed to a risk to his health or safety as a result of the work equipment starting.

(4) Where neither of the matters mentioned in subregulation (3) is reasonably practicable employers shall ensure where appropriate that an audible, visible or other suitable warning is given by virtue of regulation 23 whenever work equipment is about to start.

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

Control systems.

17.(1) Every employer shall—

- (a) ensure, so far as is reasonably practicable, that all control systems of work equipment 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 subregulation (1), a control system shall not be safe unless—

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

- (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 14 or 15.

Isolation from sources of energy.

18.(1) Every employer shall 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 subregulation (1) the means mentioned in that subregulation shall not be suitable unless they are clearly identifiable and readily accessible.

(3) Every employer shall take appropriate measures to ensure that re-connection of any energy source to work equipment does not expose any employee using the work equipment to any risk to his health or safety.

Stability.

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

Lighting.

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

Maintenance operations.

21. Every employer shall 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 employee carrying them out to a risk to his health or safety; or

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999****Subsidiary
1999/060**

- (b) appropriate measures can be taken for the protection of any employee carrying out maintenance operations which involve a risk to his health or safety.

Markings.

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

Warnings.

23.(1) Every employer shall 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 subregulation (1), warnings given by warning devices on work equipment shall not be appropriate unless they are unambiguous, easily perceived and easily understood.

**PART III.
MOBILE WORK EQUIPMENT.**

Employees carried on mobile work equipment.

24. Every employer shall 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 to as low as is reasonably practicable risks to their safety, including risks from wheels or tracks.

Rolling over of mobile work equipment.

25.(1) Every employer shall 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;

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

(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 shall ensure that it has a suitable restraining system for him.

(3) This regulation shall not apply to a fork-lift truck having a structure described in subregulation (1)(b) or (c) of

(4) Compliance with this regulation is not required where—

(a) it would increase the overall risk to safety;

(b) it would not be reasonably practicable to operate the mobile work equipment in consequence; or

(c) in relation to an item of work equipment provided for use in the undertaking or establishment before the date of coming into operation of these Regulations it would not be reasonably practicable.

Overturning of fork-lift trucks.

26. Every employer shall ensure that a fork-lift truck to which regulation 25(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.

Self-propelled work equipment.

27. Every employer shall 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;

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999****Subsidiary
1999/060**

- (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 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.

Remote-controlled self-propelled work equipment.

28. Every employer shall 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.

Drive shafts.

29.(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 shall—

- (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 shall ensure that—

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

- (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 IV.
POWER PRESSES.**

Power presses to which regulations do not apply.

30. Regulations 31 to 34 shall not apply to a power press of a kind which is described in Schedule 1.

Thorough examination of power presses, guards and protection devices.

31.(1) Every employer shall 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 shall ensure that a guard, other than one to which subregulation (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 shall ensure that that part of a closed tool which acts as a fixed guard is not used on a power press unless—

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999****Subsidiary
1999/060**

- (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 shall 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) Subregulation (4) shall 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 33 other than a defect which has not yet become a danger to persons.

Inspection of guards and protection devices.

32.(1) Every employer shall 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,

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

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

(3) A certificate referred to in this regulation shall—

- (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.

Reports.

33.(1) A person making a thorough examination for an employer under regulation 31 shall—

- (a) notify the employer forthwith of any defect in a power press or its guard or protection device which in his opinion is or could become a danger to persons;

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999****Subsidiary
1999/060**

- (b) as soon as is practicable make a report of the thorough examination to the employer in writing authenticated by him or on his behalf by signature or equally secure means and containing the information specified in Schedule 2; and
- (c) where there is in his 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 32 shall forthwith notify the employer of any defect in a guard or protection device which in his opinion is or could become a danger to persons and the reason for his opinion.

Keeping of information.

34.(1) Every employer shall ensure that the information in every report made pursuant to regulation 33(1) is kept available for inspection for 2 years after it is made.

(2) Every employer shall ensure that a certificate under regulation 32(1)(a)(ii) or (2)(b) 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 V.
MISCELLANEOUS.****Transitional provision.**

35. The requirements of regulations 24 to 29 shall not apply to work equipment to provide for use in the undertaking or establishment before 5th December 1998 until 5th December 2002.

Revocation.

Regulation 36 revokes The Factories (Provision and Use of Work Equipment Regulations) 1997.

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

SCHEDULE 1

Regulation 30

**POWER PRESSES TO WHICH REGULATIONS 31 TO 34
DO NOT APPLY**

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

Regulation 33(1)(b)

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

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 manufacturer,
 - (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;

**FACTORIES (PROVISION AND USE OF WORK EQUIPMENT)
REGULATIONS, 1999**

- (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 33(1)(a).
- 12. The qualification and address of the person making the report; that he is self-employed or if employed, the name and address of his 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.