



SAFETY ASSESSMENT
FEDERATION

Owner / User Guidance

Guidance for the Lift Owner or "Duty Holder"

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This information sheet contains notes on good practice, which, unless they are part of the legislation, are not compulsory, but may be helpful in considering what a lift owner or 'duty holder' should do. They are intended to supplement the legislation and the approved code of practice and guidance advised by the Health and Safety Executive (HSE).

Lift Owner or 'Duty Holder'

The owner or 'duty holder' is a person designated responsible for the safe and suitable operation of the lift. It would normally be a 'facilities manager' or supervisor, but could also be a 'tenant's association' in a residential block or other such organisation responsible for ensuring the (funding for) safety of the lift. The owner of the property in which the lift is situated would normally be responsible if no such other person or group had been appointed.

Duty of Care - General (All Lifts)

Everyone has a responsibility to take reasonable steps to avoid acts or omissions, which would be foreseeable as injuring other persons. Lift owners or duty holders have a specific responsibility to ensure the safety of others, while using the lift. In particular they are responsible for the safe use of the lift, which includes its safe operation, condition (maintenance) and compliance with relevant statutory requirements.

Owners or duty holders may be required to explain to the authorities how these responsibilities have been discharged. This is usually by way of providing evidence of a regular servicing and maintenance regime together with a record of periodic thorough examinations by a competent person. The duty holder is responsible for ensuring the person undertaking the examination is competent. SAFed member companies train, underwrite and only employ engineer surveyors, who are competent persons, to carry out thorough examinations in a safe manner and are accredited to do this by sole government recognised accreditation body (the United Kingdom Accreditation Service - UKAS). The HSE also recommend that the competent person is independent of other activities carried out on the lift and can provide an impartial report.

Workplace Lifts

In addition to the 'duty of care' responsibility owners and 'duty holders' of workplace lifts have to comply with the additional legislation of LOLER 1998, which stipulates, among other things, the requirement and periodicity for a thorough examination of the lift by a competent person (6 months for personnel, 12 month for loads only) and PUWER 1998, which stipulates the requirement for adequate servicing and maintenance.

Other (Residential) Lifts

Lifts, whose primary use is not work (ie residential lifts, lifts in shopping centres etc), would not normally come under the regulations of LOLER 1998. If in doubt a lift duty holder should seek advice from the local authority. Irrespective of this, SAFed recommends that all lifts should be subject to an effective servicing regime and thorough examination by a competent person. The latter could be under a scheme of examination considering the characteristics, age, environment and use of the lift. Complying with LOLER 1998 and PUWER 1998 would normally demonstrate a 'duty of care' in this respect.

Managing the 'Duty of Care'/Legal Requirements – All Lifts

The owner/duty holder is responsible, among other things, for the following:

- to ensure equipment (lift in this case) is safe and fit for purpose (ie either has a thorough examination as required by LOLER or has some other acceptable means of demonstrating safety if it is not a workplace lift).
- to ensure it is properly maintained (ie has an adequate servicing regime).
- to ensure that companies/engineers who work on the lift are competent to do so
- carrying out a suitable and sufficient risk assessment to ensure all hazards are minimised to reduce the risk of accidents
- Where possible and required ensure the lift is used or operated correctly and in accordance with normal good practice
- Keep records of the above and ensure they are made available to servicing engineers, engineer surveyors carrying out the thorough examination or the authorities.

HSE Approved Code of Practice (ACOP) and Guidance

The HSE publish Approved Codes of Practice (ACOP) and Guidance on safe use of lifting equipment. An ACOP has a special legal status which should normally be followed unless there is a very good reason not to or that the risk can be avoided or substantially reduced in another manner. Guidance is good practice and should be followed where possible. The HSE recommend that those working on lifts must be competent and that those who carry out the thorough examinations should be independent from those who supply, repair or service lifts. Further information, including the role and specific responsibilities of lift duty holders, can be gained from the HSE website: www.hse.co.uk. [Click on publications (home page top left) then 'L' in the alphabetical list, 'Lifting Operations' and chose the appropriate HSE document.]

¹ Safe Use of Lifting Equipment – Approved Code of Practice and Guidance (L113)

Lift Guidelines

SAFed also provides advice and guidance to the industry. The SAFed Lift Guidelines, updated and launched in February 2006, is specific guidance for the competent person carrying out the thorough examination in calling for supplementary tests to ensure the continued safety of the lift. The guidelines are not mandatory but would be an integral part of the thorough examination, which may be a statutory requirement under LOLER. The Lift Guidelines, previously known as LG1, is primarily aimed at the professional industry but is available for purchase in our publications section.

The Lift Guidelines provide relevant information and list a number of supplementary tests which may be called for by the engineer surveyor (competent person) carrying out the thorough examination. These tests are not routine maintenance activity but required to support the statutory thorough examination and will be stipulated on the thorough examination report, together with the justification. If called for, the tests must be completed by the time stipulated and before the next thorough examination. It is unlikely that any subsequent thorough examinations can be carried out unless the stipulated tests are completed and this may result in a breach of the law. Hitherto these tests were known as LG1 tests (1, 5 & 10 E or H). Owners may, if they so wish have the tests carried out at prescribed intervals without waiting for the results of the thorough examination, but this may not be necessary. It is recommended that owners, who have such tests carried out as routine maintenance advise the inspection company and ensure that records of the tests are available to the engineer surveyor (competent person) during his visit for the thorough examination. Owners are advised that having such tests carried out as routine maintenance does not necessarily preclude them being called for at a thorough examination, should this be justified for safety reasons. In summary you do not need to have the LG supplementary tests carried out as routine maintenance but you are required to have such tests as are called for during a statutory thorough examination. If the lift is not a workplace lift but has a thorough examination and a supplementary test is called for you are strongly advised to have the test carried out to allow future safety examinations or provide alternative evidence that the lift is safe for continued use.

Record Keeping

It is strongly recommended that all records of maintenance, servicing, repairs and supplementary tests are available with the lift, normally kept in the lift machine room where there is one, and provided for the servicing engineer and engineer surveyor carrying out the thorough examination.

Safety Assessment Federation (SAFed)

The Safety Assessment Federation (SAFed) is the UK leading trade association, for the independent engineering inspection and certification industry. All SAFed Full Member Companies are accredited by UKAS to formal international standards to provide thorough examination services by a competent person to national regulations (LOLER, PUWER and HSWA etc). They do not maintain, service, supply or manufacture equipment, ensuring customers receive fully independent, comprehensive and professional service. SAFed also provides advice, guidelines and publications, acknowledged as best practice within the industry.

Health & Safety at Work etc Act (HSWA)1974

Lifting Operations and Lifting Equipment Regulations (LOLER) 1998

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