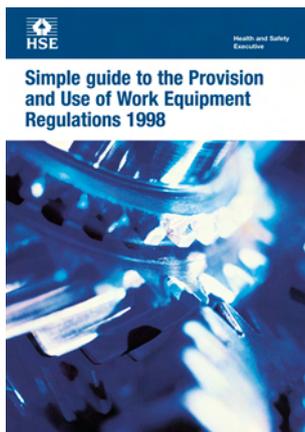


Simple guide to the Provision and Use of Work Equipment Regulations 1998



This is a web-friendly version of leaflet INDG291, reprinted and redesigned 01/09

Introduction

This leaflet provides information about the legal requirements of the Provision and Use of Work Equipment Regulations 1998 (PUWER) which came into force on 5 December 1998.

It gives a general indication of some of the main requirements of the Regulations. However, it is important that you refer to the Regulations and accompanying Approved Code of Practice¹ to familiarise yourself fully with your duties.

What is PUWER?

PUWER replaces the Provision and Use of Work Equipment Regulations 1992 and carries forward these existing requirements with a few changes and additions, for example the inspection of work equipment and specific new requirements for mobile work equipment. Many aspects of PUWER should therefore be familiar to you.

The Regulations require risks to people's health and safety, from equipment that they use at work, to be prevented or controlled. In addition to the requirements of PUWER, lifting equipment is also subject to the requirements of the Lifting Operations and Lifting Equipment Regulations 1998.²

What does PUWER do?

In general terms, the Regulations require that equipment provided for use at work is:

- suitable for the intended use;
- safe for use, maintained in a safe condition and, in certain circumstances, inspected to ensure this remains the case;
- used only by people who have received adequate information, instruction and training; and
- accompanied by suitable safety measures, eg protective devices, markings, warnings.

What equipment is covered by the Regulations?

Generally, **any equipment** which is **used by an employee at work** is covered, for example hammers, knives, ladders, drilling machines, power presses, circular saws, photocopiers, lifting equipment (including lifts), dumper trucks and motor vehicles. Similarly, if you allow employees to provide their own equipment, it too will be covered by PUWER and you will need to make sure it complies.

Work equipment must have met **all** the requirements of the Regulations from 5 December 1998. However, requirements relating to certain aspects of mobile work equipment (see below) **did not** apply to such equipment (provided for use in the business before 5 December 1998) until 5 December 2002. Read HSE information sheet MISC156³ if you use hired mobile work equipment.

Examples of uses of equipment which are covered by the Regulations include starting or stopping the equipment, repairing, modifying, maintaining, servicing, cleaning and transporting.

Do the Regulations apply to me?

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

They **do not** apply to equipment used by the public, for example compressed-air equipment used in a garage forecourt. However, such circumstances are covered by the Health and Safety at Work etc Act 1974 (HSW Act).

While your employees **do not** have duties under PUWER, they do have general duties under the HSW Act and the Management of Health and Safety at Work Regulations 1999 (MHSWR), for example to take reasonable care of themselves and others who may be affected by their actions, and to co-operate with others.

The Regulations cover places where the HSW Act applies – these include factories, offshore installations, offices, shops, hospitals, hotels, places of entertainment etc. PUWER also applies in common parts of shared buildings and temporary places of work such as construction sites. While the Regulations cover equipment used by people working from home, they **do not** apply to domestic work in a private household.

What do the Regulations require me 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 conditions in which it is used;
- **maintained** in a safe condition for use so that people's health and safety is not at risk; and
- **inspected** in certain circumstances to ensure that it is, and continues to be, safe for use. Any inspection should be carried out by a competent person (this could be an employee if they have the necessary competence to perform the task) and a record kept until the next inspection.

You should also **ensure** that **risks**, created by the use of the equipment, are **eliminated where possible or controlled by:**

- taking appropriate **'hardware' measures**, eg providing suitable guards, protection devices, markings and warning devices, system control devices (such as emergency stop buttons) and personal protective equipment; and
- taking appropriate **'software' measures** such as following safe systems of work (eg ensuring maintenance is only performed when equipment is shut down etc), and providing adequate information, instruction and training.

A combination of these measures may be necessary depending on the requirements of the work, your assessment of the risks involved, and the practicability of such measures.

You need to **ensure** that people using work equipment have received **adequate training, instruction and information** for the particular equipment.

Mobile work equipment

In addition to these general requirements which apply to all work equipment, Part III of PUWER contains specific duties regarding mobile work equipment, for example fork-lift trucks and dumper trucks.

You should **ensure** that where mobile work equipment is used for carrying people, it is suitable for this purpose. Measures should be taken to reduce the risks (eg from it rolling over) to the safety of the people being carried, the operator and anyone else.

Power presses

Part IV of the Regulations also contains specific requirements regarding power presses.⁴ In particular, you should have a power press, and associated guard or protection device, thoroughly examined at specified intervals and inspected daily in use to **ensure** that it is safe. This work should only be performed by a competent person and records should be kept.

How do the Regulations relate to other health and safety legislation?

The requirements of the Regulations need to be considered alongside other health and safety law. For example, section 2 of the HSW Act requires all employers to ensure, so far as is reasonably practicable, the health, safety and welfare of all their employees. Similarly, the MHSWR contain important duties relating to the carrying out of a risk assessment to identify measures that you can take to eliminate, or reduce, the risks presented by the particular hazards in your workplace. Guidance on how to do this is set out in *5 steps to risk assessment*.⁵

Other more specific legislation may also apply, for example:

- The Workplace (Health, Safety and Welfare) Regulations 1992,⁶ which cover, for example, workplace risks to pedestrians from vehicles.
- The Construction (Design and Management) Regulations 2007⁷ which contain, for example, specific requirements relating to certain types of work equipment such as scaffolding.

Generally, if you are meeting the requirements of more specific legislation such as those outlined above, then this should normally be sufficient to meet the more general requirements of PUWER.

Find out more

- 1 *Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance L22* (Third edition)
HSE Books 2008 ISBN 978 0 7176 6295 1
- 2 *Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998. Approved Code of Practice and guidance L113*
HSE Books 1998 ISBN 978 0 7176 1628 2
- 3 *Hiring and leasing out of plant: Application of PUWER 98, regulations 26 and 27* Information Sheet MISC156 HSE Books 1998 www.hse.gov.uk/pubns/9204.pdf
- 4 *Safe use of power presses. Provision and Use of Work Equipment Regulations 1998 as applied to power presses. Approved Code of Practice and guidance L112*
HSE Books 1998 ISBN 978 0 7176 1627 5
- 5 *Five steps to risk assessment* Leaflet INDG163(rev2) HSE Books 2006
(single copy free or priced packs of 10 ISBN 978 0 7176 6189 3)
www.hse.gov.uk/pubns/indg163.pdf
- 6 *Workplace health, safety and welfare: A short guide for managers* Leaflet INDG244(rev2) HSE Books 2007 (single copy free or priced packs of 15 ISBN 978 0 7176 6277 7) www.hse.gov.uk/pubns/indg244.pdf
- 7 *Managing health and safety in construction. Construction (Design and Management) Regulations 2007. Approved Code of Practice L144*
HSE Books 2007 ISBN 978 0 7176 6223 4
- 8 *Buying new machinery: A short guide to the law and some information on what to do for anyone buying new machinery for use at work* Leaflet INDG271
HSE Books 1998 (single copy free or priced packs of 15 ISBN 978 0 7176 1559 9)
www.hse.gov.uk/pubns/indg271.htm
- 9 *Safe use of woodworking machinery. Provision and Use of Work Equipment Regulations 1998 as applied to woodworking machinery. Approved Code of Practice and guidance L114* HSE Books 1998 ISBN 978 0 7176 1630 5
- 10 *Simple guide to the Lifting Operations and Lifting Equipment Regulations 1998* Leaflet INDG290 HSE Books 1999 www.hse.gov.uk/pubns/indg290.pdf
- 11 *Thorough examination of lifting equipment: A simple guide for employers* Leaflet INDG422 HSE Books 2008 (single copy free or priced packs of 15 ISBN 978 0 7176 6305 7) www.hse.gov.uk/pubns/indg422.pdf
- 12 *Workplace transport safety: An overview* Leaflet INDG199(rev1) HSE Books 2005 (single copy free or priced packs of 5 ISBN 978 0 7176 2821 6)
www.hse.gov.uk/pubns/indg199.pdf
- 13 *Workplace transport safety: An employers' guide* HSG136 (Second edition)
HSE Books 2005 ISBN 978 0 7176 6154 1

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This leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

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