



Keeping your Lifts Safety Compliant

DAVID PICKERING, ASSOCIATE DIRECTOR, ILECS

If you have a lift within your building, as a duty holder you have a responsibility to ensure that it is maintained and inspected on a regular basis.

But how often should that be? What sort of tests are required? And what are the legal implications of not complying? David Pickering, Technical Director of ILECS Lift Consultants answers some of the most common questions asked by property managers and building residents in relation to their legal obligations.

Do we/how often do we require maintenance to be undertaken?

All lifts need to be maintained in order to ensure that they operate safely and efficiently, but there is no specified minimum number of visits required under law.

The Health and Safety at Work etc Act (HSW Act) 1974 states that it shall be the

duty of every employer to ensure: *“the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health”.*

In addition, the Provision and Use of Work Equipment Regulations (PUWER) 1998 imposes a legal obligation on all duty holders to ensure that all lifts be: *“maintained in an efficient state, in efficient working order and in good repair”.*

The obvious and recognised method of compliance is to put in place a programme of regular and routine planned preventative maintenance.

While PUWER does not specify the number of visits required, it does suggest that equipment may need to be checked frequently to ensure that safety related features are functioning correctly. It goes on to say that when considering the frequency of maintenance, you should take into account the:

- a. **Intensity of use**
- b. **Operating environment**
- c. **Variety of operations**
- d. **Risk to health and safety from malfunction or failure.**

We would also recommend that consideration be given to the potential impact of lift failure upon the operation of the building. The inconvenience caused by a lift failure when it is the only lift within the building is far greater than if the lift is one of a group. This is particularly pertinent in taller buildings, or where elderly or disabled persons may occupy the building.

It is important to note that the HSW Act and PUWER are both forms of legislation, and where these are applicable, compliance is considered a legal obligation.

How often do LOLER (insurance) inspections need to be undertaken?

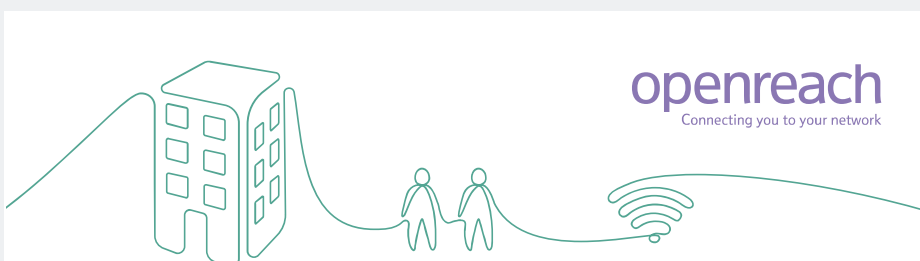
The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) Regulation 9 requires that lifting equipment is initially thoroughly examined for any defect:

“after installation and before being put into service for the first time”.

Lifts are generally tested by the installing lift contractor following their initial install and prior to being placed into service. These pre-service tests will normally satisfy this initial requirement, and following their completion you should be issued with a “Declaration of Conformity” to certify your lift as complying with the Lift Regulations.

Post installation, the regulation calls for further examinations:

- a. **In the case of lifting equipment for lifting persons, at least every 6 months;**



Future proof your apartment building and enhance it with broadband speeds of up to 1Gbps

Installation is free, so register for Full Fibre to your building via the link below and we'll do the rest.

openreach.co.uk/fttforapartments

- b. In the case of other (non-passenger) lifting equipment, at least every 12 months; or
- c. Each time that exceptional circumstances, which are liable to jeopardise the safety of the lifting equipment, have occurred.

These post installation inspections will often be the ones carried out by your independent inspector or insurance inspector and are sometimes referred to as insurance reports for this reason. Requirement c (above) is unlikely to ever be required other than in the event of an incident such as a serious failure, or in the case of modifications to the lift e.g. replacement of safety critical components.

As with PUWER, compliance with the requirements of LOLER, where applicable, is considered a legal obligation, and failure to do so could constitute a breach of the HSW Act.

LOLER and PUWER are applicable to workplaces – do we need our lift inspected in a private residential building?

The HSW Act Sections 3 and 4 place general duties on employers, duty holders and persons concerned with premises, to persons other than their employees.

Both the LOLER and the PUWER were made under the HSW Act and are considered to be supplementary to this Act. Both sets of regulations are considered law and compliance, where applicable, is a legal obligation.

Technically both sets of regulations refer to being applicable in places of work; however, their application should be seen as extending to private residential buildings due to the various interpretations of the term workplace, insofar as compliance with the Regulations can satisfy those duties detailed in Sections 3 and 4 of the HSW Act.

The Health and Safety Commission (HSC) Guidelines on Regulation 3 of PUWER state that the Regulation applies wherever the HSW Act applies, including lifts in shared common parts of buildings. And while LOLER states that it only applies to work activities, it also advises that in relation to lifts that fall outside of LOLER, the duty holder must:

“satisfy the requirements of the HSW Act, principally sections 3 and 4, but if they use the requirements of LOLER as a guide they will probably satisfy these legal duties”.

What is a ‘Supplementary test’ and do we/why do we need one?

From time to time you may be asked to have a Supplementary test undertaken on a part of your lift such as the safety gear, or

locks. Often found as a recommendation from your LOLER inspector (insurance person) as a part of their LOLER thorough examination, they can also be requested by other competent persons such as a consultant, as part of the recommendations in a survey report or by a contractor.

Sometimes known as SAFed tests, due to their development by the Safety Assessment Federation (SAFed), supplementary tests of in-service lifts are additional detailed tests on key components, which are not possible to undertake during other visual or operational examinations such as thorough examinations under LOLER (insurance inspections). The reason that these might not be possible during other inspections or examinations could be due to the need for additional testing equipment, or the requirement to dismantle a part of the component to be tested.

Supplementary tests under SAFed are not in themselves a legal requirement, and there is no obligation for a client to have a test undertaken on the request of a consultant or even a lift contractor. However, it is considered ‘best practice’ to undertake a supplementary test when requested by a ‘competent person’, and in the case of being requested by a LOLER inspector, failure to do so (or to produce the resultant certificate) could result in an immediate defect notice being issued during a subsequent visit.

Do we need to keep a maintenance log?

Curiously, PUWER does not legally require that a log is kept of routine maintenance,

but it does require that a record is kept of inspections undertaken, and states that, where a maintenance log is kept, it needs to be kept up to date. We would always advise that a maintenance log is kept within the machinery space or controller cabinet, to allow engineers and inspectors to log visits, faults and works carried out at the time of undertaking. This log should be kept along with any separate record of maintenance visits, which might be provided through service visit reports from your contractor.

An independent lift consultant can offer advice and guidance on all aspects of compliance, including any required checks, inspections and maintenance regimes.



For more information

Call 01206 399555, email David.Pickering@liftconsultants.com, or browse www.liftconsultants.co.uk

For more insight

David runs ARMA’s half-day TC81 Lift Management training course.



Property Management IS DEMANDING

Make Life Easier
One Call
0845 604 1288



For ALL Your Property Maintenance Solutions

www.ProTechPropertySolutions.co.uk

