

Coronavirus Covid-19; Thorough Examination

FS05 – Thorough Examination (TE)

The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) specify that lifting equipment be subject to Thorough Examination by a Competent Person at specified intervals not exceeding 12 months (6 months for removeable attachments and equipment lifting persons).

HSE advice

HSE advice on the ongoing requirement to comply with LOLER during the coronavirus outbreak is available [here](#) and further guidance, for dutyholders and inspectors responsible for Thorough Examination (TE) and testing of lifting and equipment and other work equipment during the coronavirus outbreak is available [here](#).

HSE has confirmed to us that:

- During the coronavirus outbreak every effort should be made to ensure that the TE obligation under LOLER continues to be met.
- Businesses that are currently closed should provide safe access to visiting inspectors to undertake Thorough Examinations where possible unless the equipment has been made safe and removed from service (see [Updated BITA Fact Sheet 02 – Standing Down MHE](#)):
 - Outstanding inspections on equipment removed from service must be brought up to date before the equipment is re-introduced into service.
 - Businesses should consider the risk of delayed re-introduction into service where demand for inspectors is exceptionally high due to multiple business restarts.
- Generally, where a TE period has expired and it has not been possible to arrange for a Competent Person to carry out a TE, the equipment should be withdrawn from service until such time as TE is carried out.
- HSE will not normally take enforcement action where equipment has been safely withdrawn from service and the only failing is that Thorough Examination has not been carried out by the required date due to the coronavirus outbreak.

Enforcement of LOLER

HSE has indicated that it may not take enforcement action against continued operation of equipment for a specified limited time after expiry of the TE period where:

- Exceptional circumstances due to coronavirus make it impossible to arrange for a TE to be carried out according to schedule,
- Equipment is critical to essential activities and can still be operated safely,
- Alternative equipment is not available,

- The TE and maintenance history of the equipment indicates the risk of extending the period of TE to be low, and,
- A detailed Risk Assessment, along with sufficient additional mitigation measures, has been applied.

However, such action would be in breach of the law. Should an incident occur, then the responsibility lies with the duty holder, and the HSE guidance provides no legal protection.

Continued operation of the equipment beyond the period of examination should not be considered:

- Where thorough examination and testing is required due to an exceptional circumstance, for example overloading;
- for equipment requiring thorough examination and testing before initial use;
- following installation, or any significant repairs, modifications or changes.

HSE enforcement activities for all breaches of LOLER, other than lapsed TE, are undiminished and the legal implementation of LOLER, including TE, remains fully in force.

Risk Assessment

Where it is reasonably possible to arrange a Thorough Examination to be carried out by a Competent Person then this must always be done, even if this requires sourcing an alternative provider.

A Risk Assessment (RA) supporting continued operation of equipment after the expiry of the TE period can only be developed with the assistance of a Competent Person.

Any such RA must be documented and must identify:

- How wear limits, e.g. for chains and forks, and equipment condition will be confirmed. Operation beyond the wear limits, or with a defect involving an imminent risk of serious personal injury, is not permitted and could lead to prosecution.
- What additional mitigation measures have been introduced, including:
 - How they are enforced; and,
 - Why they are believed to be effective in providing protection at least equivalent to that provided by the TE
- The period for which the RA is valid, and why this period is appropriate.

Maintenance

Servicing, maintenance, inspection and repairs, which are necessary to ensure equipment is safe to operate in accordance with The Provision and User of Work Equipment Regulations 1998 (PUWER), are unaffected and must still be completed to schedule if the equipment is to remain in service. The exception to TE discussed above does not apply, except in so far as activities can be suspended whilst equipment is withdrawn from service, provided all work is completed prior to re-introduction into operation.

Sites have a duty to ensure that visiting engineers are provided with safe access to equipment, as required. Further information is available in **[BITA FS04, Coronavirus Covid-19; Engineers working on customer site.](#)**