



Our Ref.:

Date:
June 2017

Reference; Sturdy Certified Mortar Tubs

To whom it may concern;

We at Sturdy Products Ltd take our responsibility with regard to Safety at Work very seriously as I am sure you do. We all have a responsibility to ensure what we sell or use on a Construction site is "Fit for Purpose intended" and we meet our responsibilities with regard to the requirements of the Health and Safety Authority in Ireland, or the Health and Safety Executive in UK.

To this end we have engaged with both Authorities and have received clarification as to where a Sturdy Certified Mortar Tub is regarded by the relevant regulations. In Ireland the "Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007" Apply.

The Authority has confirmed to that a Sturdy Certified Mortar Tub is regarded as part of the Load and not part of the lifting equipment. I attach here under some extracts which they have referred us to. Similarly in the UK the "LOLER" regulations do not apply as our Sturdy Mortar Tub falls under section 4b (Part of the load) see attached letter for reference.


However both Authorities have directed us to the requirement for Suppliers and Contractors to ensure that any equipment supplied is fit for purpose intended and in the case of Mortar Tubs that they meet the requirements which include;

- Marking on each product with regard to ; the standard they are manufactured to ; the safe working load; the manufacturers details and the weight of the product.
- A unique mark that enables traceability to facility Risk Assessment Procedures.

We at Sturdy also provide International Testing Certification and Manufacturers Compliance Certification with every Tub supplied, this is very different to "once off test" on a product We also carry substantial Product Liability Insurance should we be called upon – Thankfully this has not occurred whilst supplying many thousands of Mortar Tubs over the past 25 years.

Should you require any further information, copies of all our documentation , or if you wish to discuss this subject further please contact me directly.

You're sincerely


John J Hanlon
Company Secretary and Chairman

We attach some extracts for your reference.

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HEALTH AND SAFETY
AUTHORITY

Guide to the Safety, Health and Welfare at Work (General Application) Regulations 2007



Chapter 2 of Part 2:
Use of Work Equipment

2010 Update

€12

Guide to Chapter 2 of Part 2 of the General Application Regulations 2007

Chapter 2 of Part 2: USE OF WORK EQUIPMENT

Introduction

This Guide is aimed at safety and health practitioners, employers, managers, employees, safety representatives and others to give guidance on Chapter 2 of Part 2 and the related Schedule 1 to the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007) relating to the use of work equipment. The objective of the guide is to give general guidance aimed at the prevention of occupational accidents or ill health. *It is not intended as a legal interpretation of the legislation.* Neither is it a detailed technical document that covers all the implications of any given Regulation. What may be covered in a few lines in a Regulation may be the subject of a lengthy technical standard or code of practice.

From 1 November 2007, Chapter 2 of Part 2 of the Safety, Health and Welfare at Work (General Application) Regulations 2007 as amended, replaces the work equipment provisions of the Safety, Health and Welfare at Work (General Application) Regulations 1993 (S.I. No. 44 of 1993) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2001 (S.I. No.188 of 2001), which are revoked from that date.

In this Guide the text of the Regulations is shown in italics.

The General Application Regulations 2007 are made under the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) referred to elsewhere in this Guide as “the Act” or the “2005 Act”.

The Regulations retranspose Council Directive 89/655/EEC, as amended by Council Directive 95/63/EEC on the use of work equipment. The general requirements apply to work equipment in any location. They also consolidate the requirements for lifting equipment for all work sectors except offshore and mining where the existing Regulations remain unchanged.

The definition of work equipment, i.e. “*any machinery, appliance, apparatus, tool or installation for use at work*” in Regulation 2 is all inclusive. It ranges from complex machinery such as a printing machine to hand tools such as a hammer.

The provisions of the Regulations and Schedule 1 are only applicable to the extent that they are relevant to the work equipment in question.

There are some topics which are relevant not only to work equipment but also fall under a number of other Parts of the Regulations such as electricity (Part 3), work at height (Part 4), noise and vibration (Part 5) and explosive atmospheres (Part 8).

These Regulations apply to equipment in use; they do not cover the duties of those placing equipment on the market for the first time, including issues of CE marking and declarations of conformity.

Some of the Regulations overlap in scope, reflecting their different origins.

Chapter 2 of Part 2 of the General Application Regulations 2007 covers Regulations 27 to 61. However, in addition to the definition of work equipment, Regulation 2 also defines “lifting equipment” as “*work equipment for lifting, lowering loads or pile driving and includes anything used for anchoring, fixing or supporting such equipment*”.

The scope of potential workplaces covered by Chapter 2 of Part 2 is much broader than that addressed in Chapter 1 of Part 2 relating to the workplace.

Regulation 27: Interpretation for Chapter 2 *as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007)*

27. *In this Chapter:*

“carrier” means the device by which persons or goods, or both, are supported in order to be lifted, lowered or moved;

“danger zone” means any zone within or around work equipment in which an employee is subject to a risk to his or her safety or health;

“EC declaration of conformity” refers to a declaration of conformity issued pursuant to Directive 98/37/EC or Directive 2006/42/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to machinery;

“exposed employee” means any employee wholly or partially in a danger zone;

“fishing vessel” means a vessel to which the Safety, Health and Welfare at Work (Fishing Vessels) Regulations 1999 (S.I. No. 325 of 1999) apply;

“hoist or lift” means a lifting machine which has its direction of movement restricted by a guide or guides but, for the purpose of this Chapter, does not include—

(a) a fork lift truck, order picker, self-propelled variable reach truck or similar type equipment,

(b) platform lifts for use by persons with impaired mobility,

(c) lifting equipment intended for lifting performers during artistic performances, or

(d) lifting equipment fitted in means of transport;

(as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007)

“lifting accessories” include clamps and similar attachments, chain slings, rope slings, rings, hooks, shackles, swivels, spreader beams, spreader frames and any other item placed between lifting equipment and the load or on the load in order to attach it, but excluding features of the load used for its lifting;

“load” includes a person;

“non-integrated cage or basket” means one which is not equipped with controls that control its movement;

“selection, installation and use of work equipment” means any activity involving work equipment, including starting or stopping the equipment, its use, transport, repair, modification, maintenance and servicing and cleaning;

“thorough examination” includes testing if—

- (a) a competent person considers it to be necessary for the purpose of the examination, or*
- (b) testing is required pursuant to Regulation 52 and Schedule 1.*

Some of the implications of the definitions will be explored in the sections of this Guide dealing with particular Regulations.

Regulation 28: Duties of employer, use of work equipment

28. *An employer shall ensure that—*

- (a) any work equipment provided for use by employees at a place of work complies, as appropriate, with the provisions of any relevant enactment implementing any relevant Directive of the European Communities relating to work equipment with respect to safety and health,*

There are EU Directives that deal with the placing on the EU market, for the first time, of goods such as machinery, lifts, simple pressure vessels and pressure equipment, personal protective equipment and electrical equipment. These Directives also deal with the importing into the EU of second-hand equipment where the importer becomes responsible for compliance with the Directives. The Directives cover essential health and safety requirements, CE marking, declarations of conformity and the need for third-party conformity assessment.

Regulation 28(a) requires employers to ensure that any new equipment, or any second-hand equipment imported from outside the EU, which they are providing complies with the requirements of these Directives. Useful information can be found on the EU websites dedicated to the particular Directives.

e.g. trench boxes or pipes. In such cases they are regarded as cranes and the provisions apply. Another example is when a load is suspended from the forks of a teleporter.

The Health and Safety Authority's view on the application of Regulation 55(f) is that reference to "cylinders used for lifting" includes the cylinders for both the main boom and dipper arm.

Regulation 56: Specific requirements for scotch and guy derrick cranes

56. An employer shall ensure that, where a scotch and guy derrick crane is to be used,

- (a) the jib of a scotch derrick crane is not erected between the back stays of the crane,*
- (b) a load which lies in the angle between the back stays of a scotch derrick crane is not moved by that crane,*
- (c) appropriate measures are taken to prevent the foot of the king post of any scotch derrick crane from being lifted out of its socket or support whilst in use, and*
- (d) where the guys of a guy derrick crane cannot be fixed at approximately equal inclinations to the mast so that the angles between adjacent pairs of guys are approximately equal, such other measures are taken as will ensure the stability of the crane.*

Regulation 56 deals with a particular design of crane. Both forms of derrick crane incorporate a vertical mast which carries the suspension ropes for a low-pivot derricking jib and in both cases the mast rotates with the jib as the jib is slewed.

Regulation 57: Construction, testing, examination and safe working load of lifting accessories

57. (1) An employer shall ensure that—

- (a) subject to paragraph (2), a chain, rope or other lifting accessory is not used in raising or lowering or as a means of suspension unless—*
 - (i) it is of good construction, sound material, adequate strength, suitable quality and free from patent defect,*
 - (ii) it is properly installed and used,*
 - (iii) it is properly maintained,*
 - (iv) it is used only for the purpose for which it was intended,*

- (2) *Where the safe working load of a rope or rope sling is—*
- (a) *contained in the report made pursuant to Regulation 53 and the rope or sling is so marked as to enable its safe working load as specified in that report to be ascertained from the report, or*
 - (b) *in the case of a fibre rope or a fibre rope sling, contained in a table of safe working loads clearly visible in a prominent position at the workplace the ropes or rope slings do not need to be marked with their safe working load.*

The term “lifting accessories” is explained in Regulation 27. Regulation 57 covers their marking, use, test and examination. Lifting accessories must be uniquely marked to ensure the conduct of proper maintenance and inspection procedures. Certain practices are banned in subparagraphs (1)(g) and (h) as they can reduce the overall strength of the rope or chain.

The question is sometimes asked as to what constitutes a load or a lifting accessory, for example, are concrete skips suspended from hooks, typically off tower cranes, a load or a lifting accessory? These skips constitute work equipment, are subject to deterioration liable to result in a danger to safety and are subject to periodic inspection and, if necessary, testing pursuant to Regulation 30(b) of the General Application Regulations 2007. One way of viewing whether a situation is covered by “work equipment” or “lifting equipment” is to divide the equipment into:

- Lifting machine/equipment as far as the hook
- Lifting accessory between the lifting equipment and the load
- The load.

In the case of a concrete skip, it is suspended by lifting accessories and constitutes a load, which in the example above, is also work equipment.

Regulation 58: Delivery of loads with lifting accessories attached

58. *Where—*

- (a) *any article, material or other load intended for use in construction work is delivered at, or adjacent to, a construction site with a chain, rope or other lifting accessory attached thereto and designed for use as a means of raising and lowering that class of load when removing the same from the point of delivery to a position on the site, and*
- (b) *the chain, rope or gear is free from patent defect whether of construction or quality and is not owned or hired by any contractor who is undertaking construction work on the site,*

Regulation 30: Inspection of work equipment

30. An employer shall ensure that—

- (a) where the safety of work equipment depends on the installation conditions—
 - (i) an initial inspection is carried out after installation is completed and before it is first put into service, and
 - (ii) an inspection is carried out after assembly at any new site or in any new location, and that the work equipment is installed correctly and is operating properly,
- (b) in the case of work equipment which is exposed to conditions causing deterioration liable to result in a danger to safety or health—
 - (i) periodic inspections and, where appropriate, testing is carried out,
 - (ii) special inspections are carried out when exceptional circumstances arise which are liable to make the work equipment unsafe, including modification work, accidents, natural phenomena or prolonged inactivity, and
 - (iii) deterioration is detected and remedied in good time,
- (c) inspections carried out under paragraphs (a) and (b) are carried out by a competent person and are appropriate to the nature, location and use of the work equipment,
- (d) the results of inspections carried out under paragraphs (a) and (b) are recorded and kept available for 5 years from the date of inspection, for inspection by an inspector, and access to these records is made available to users of the work equipment upon request, and
- (e) when work equipment is used in another place of work, it is accompanied by evidence of the last inspection carried out under paragraphs (a) and (b).

Regulation 30 is far reaching in its scope and is not limited to any particular piece of equipment. It covers the requirements for inspection and the availability of inspection records.

It relates to both work equipment which is permanently installed at a location and to that which is moved from place to place requiring assembly each time. In either case equipment should not go into use until it has been inspected by a competent person to ensure that it has been properly installed and is safe for operation. Evidence of such inspections must be recorded and kept available for Health and Safety Authority inspection.

All work equipment is subject to varying levels of deterioration. Deterioration could be due to a range of factors, including corrosion, chemical attack, erosion, friction, fatigue, impact damage etc., which in turn can lead to erratic machine behaviour, structural failure, loss of containment of dangerous substances, failure to maintain adequate protection around dangerous parts and so on. Reference to equipment includes any associated monitoring and alarm systems.

Employers are required to set up programmes to maintain the integrity of work equipment by a system of ongoing monitoring which will detect deterioration in sufficient time to allow remedial measures to be taken. The inspection frequency should be based on how quickly the work equipment, or its parts, are likely to deteriorate and therefore give rise to unacceptable risk. In some cases, such as steam boilers in factories, there are statutory duties which determine the minimum level of inspection and

Risk
Assessment
Procedure



Health & Safety Executive
Construction Division

Head of Construction Sector: Mike Cosman

Mr Hanlon
Sturdy Products Ltd
Blessington Industrial Estate
Blessington
Co. Wicklow
Ireland

Your reference:

Our reference:

28 March 2003

Direct line: 020 7556 2196

Dear Mr Hanlon

RE: CRANE LIFTABLE MORTAR TUBS

Thank you for your letter and information pack concerning the above. I can confirm that our view on this matter has not changed since we wrote to you in 1998.

With respect to the Lifting Operation and Lifting Equipment Regulation 1998 your tubs fall under Regulation 4b and are considered to be part of the load and not part of the lifting equipment. As such specific regulation for lifting equipment do not apply.

A mortar tub is an article for use at work and therefore would fall under the general duties of the Health and Safety at Work Act 1974 and the Provision and Use of Work Equipment Regulation 1998, which have requirement for general good order and maintenance.

I trust this answers your enquiry; I would be pleased to discuss this matter further if necessary.

Yours sincerely

Andrew East
Principal Specialist Inspector

RECEIVED 04 APR 2003

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CERTIFICATE

on the inspection of a product manufacturing facility
applied for TÜV NORD CERT approval marks

Sturdy Products Ltd.
Blessington Industrial Estate
Blessington
Co. Wicklow
Ireland

Manufacturing facility: **Sturdy Products Ltd.**
Blessington Industrial Estate
Blessington
Co. Wicklow
Ireland

Products: **Mortar Tubs**

Date of inspection: **08.03.2016**

Inspection summary:

The applicant was able to demonstrate that the manufacturing facility is technically equipped and managed in such a way that uniform production is guaranteed for the listed product(s).

Certificate Registration No. 44 786 150254-001
Certificate Registration No. 3517 3028
File-No. 2.4-629/01

Validity
from 2016-03-08
until 2018-04-21



TÜV NORD CERT GmbH
Certification Body Consumer Products

Essen, 2016-03-18

ANLAGE ANNEX

Anlage 1, Seite 1 von 1
Annex 1, page 1 of 1

zum Zertifikat Registrier-Nr. / to Certificate Registration No. 44 329 15025403

Typbezeichnung:	Craneable 250 l / 300 l / 330 l		
Beschreibung:	Stahlrohrrahmen geschweißt, mit Lasthebevorrichtung, Kunststoffmulde aus Polyethylen		
Typ:	250 l	300 l	330 l
Länge:	1000 mm	1000 mm	1000 mm
Breite:	700 mm	700 mm	700 mm
Tiefe:	540 mm	630 mm	680 mm
Inhalt:	250 l	300 l	330 l
Eigengewicht:	20 kg	22 kg	23 kg
Zul. Last:	500 kg	600 kg	660 kg
Max. Gebrauchsdauer:	5 Jahre	5 Jahre	5 Jahre

<i>Type designation:</i>	<i>Craneable 250 l / 300 l / 330 l</i>		
<i>Description:</i>	<i>Welded steel pipe frame, with hoisting handle, plastic recess made from polyethylen</i>		
<i>Typ:</i>	<i>250 l</i>	<i>300 l</i>	<i>330 l</i>
<i>Length:</i>	<i>1000 mm</i>	<i>1000 mm</i>	<i>1000 mm</i>
<i>Width:</i>	<i>700 mm</i>	<i>700 mm</i>	<i>700 mm</i>
<i>Depth:</i>	<i>540 mm</i>	<i>630 mm</i>	<i>680 mm</i>
<i>Volume:</i>	<i>250 l</i>	<i>300 l</i>	<i>330 l</i>
<i>Weight:</i>	<i>20 kg</i>	<i>22 kg</i>	<i>23 kg</i>
<i>Rated Load:</i>	<i>500 kg</i>	<i>600 kg</i>	<i>660 kg</i>
<i>Max. utilization time:</i>	<i>5 Jahre</i>	<i>5 Jahre</i>	<i>5 Jahre</i>



TÜV NORD CERT GmbH
Zertifizierungsstelle Konsumgüter

Essen, 2016-03-23