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<b>Health and Safety Executive</b>		<b>Sector Information Minute</b>	
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Target Audience:  
HSE Inspectors

## APPLICATION OF LIFTING OPERATIONS AND LIFTING EQUIPMENT REGULATIONS (LOLER) IN THE FAIRGROUND INDUSTRY

This SIM advises inspectors on the appropriate application of LOLER when inspecting in the fairground Sector. The current guidance available in [OC 234/11](#) requires clarification.

### BACKGROUND

1 The current guidance on the application of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) to fairground equipment may create ambiguity in operational application. Discussions have taken place within HSE to clarify this and reach a working policy that the Sector, Policy Unit and Solicitors Office and Operational Staff are content with.

### ENFORCEMENT RESPONSIBILITY

2 Most fairground equipment falls within HSEs area of responsibility, however, Local Authority Environmental Health Officers may also inspect fairground rides on occasions.

### RESPONSIBILITY OF DUTY HOLDERS

3 It is the responsibility of duty holders to ensure that any lifting equipment they operate, or provide for others to operate at work, is both suitable and safe. In the fairground sector, many rides require the use of lifting equipment and systems for their assembly and dismantling, for example trailer mounted cranes for smaller tracked rides, and “bo’suns chair” type hoists for big wheels or drop towers. In many cases, this equipment lifts people, or lifts over or near people. Duty holders are required to have any such equipment thoroughly examined and inspected at the intervals provided for in LOLER, or in accordance with an examination scheme. A suitably independent, competent person must carry out the examination. Proof of the examination should be capable of being reproduced as a written copy when required. This examination requirement is over and above any examinations or tests required to be carried out on fairground equipment under the current ADIPS scheme ([SIM 5/2000/08](#)). LOLER is unlikely to apply to the ride itself, even those that have been described as “having a lifting element”, for example “big wheels” or drop towers themselves, or to the rams or pulley systems used to re-position a ride from the horizontal travelling position to its working position. LOLER may apply to parts of the ride used, for example, to lift carriages vertically from maintenance or storage areas, as seen with some larger fixed roller coaster rides.

## SUPPORTABLE ENFORCEMENT ACTION

4 Where a duty holder has failed to demonstrate that lifting equipment is being thoroughly examined and inspected in accordance with the requirements of LOLER, the Sector will support the issuing of an Improvement Notice requiring that steps are taken to remedy this. This should not be taken to mean that this is appropriate in all situations, and an Inspector should take any other suitable enforcement action should they consider that this is appropriate.

## FURTHER INFORMATION

5 The nature of the fairground industry provides for new and more technically sophisticated rides to evolve from those currently being used. It is highly likely that rides will be produced where it may be difficult to determine whether or not LOLER will apply. The Sector should be contacted whenever there is doubt, so that a consistent enforcement line is taken.

## ENQUIRIES

6 Any enquiries regarding this SIM should be addressed to the **Entertainment Section** of CACTUS.

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