

LIFTING AND ALLIED WORK EQUIPMENT (SAFETY) REGULATIONS, 2017

In exercise of the powers conferred by Sections 49 and 57 of the Factories Act CAP F1, LFN 2004, the Honourable Minister of Labour & Employment, hereby make the following regulations as modification and extension of the provisions of Sections 24, 25, 26, 27 and 51 of the Act.

These regulations make adequate provisions regarding the safety of persons coming in contact with or involved with the use, construction or maintenance of lifting equipment or work equipment used in the process of raising, lowering or suspending of loads or persons in any workplace or premises accessible to the general public.

Regulation 1 - Citation and Commencement

This Regulation may be cited as the Lifting and Allied Work Equipment (Safety) Regulations 2017 and shall come into force on 1st January 2017.

Regulation 2 - Interpretation

(1) In these Regulations, unless the context otherwise requires –

- (a) "The Act" means the Factories Act 2004;
- (b) "Audit" means the structured process of collecting independent information on the efficiency, effectiveness, and reliability of the total safety management system and drawing up plans for corrective actions.
- (c) "Director of Factories" means the Director of Factories of the Federation appointed under section 64 of the Factories Act;
- (d) "Employer" means an employer of persons who are engaged in a specified operation, including a person to whom the requirements imposed by these Regulations apply by virtue of regulation 3(2) (a), (b), (c), and (d);
- (e) "Examination scheme" means a suitable scheme drawn up by an approved person for such thorough examinations of lifting equipment at such intervals as may be appropriate for the purpose described in regulation 12(5);
- (f) "General Register" means the register kept in accordance with the requirements of section 58 of the Factories Act;
- (g) "Inspector" means an inspector appointed under Part IX of the Factories Act;
- (h) "Inspection" means a review or scrutiny carried out to determine whether stipulated standards or legal requirements have been met.

- (i) "Lifting equipment" means work equipment for lifting, lowering or suspension of loads or persons, and includes its attachments used for anchoring, fixing or supporting it;
 - (j) "Lifting operation" means an operation concerned with the lifting, lowering or suspension of a load or person;
 - (k) "Maintained" means maintained in an efficient state, in efficient working order, and in good repair;
 - (l) "Mine" has the same meaning as in the Minerals and Mines Act;
 - (m) "Minister" means Minister charged with responsibility for labour matters;
 - (o) "Master" has the meaning assigned to it by the Nigerian Merchant Shipping Act;
 - (p) "Owner" means the person for the time being receiving the rents or profits of the premises in connection with which the word is used, whether on his own account or as the agent or trustee for any other person, or who would so receive the same if the premises were leased;
 - (q) "Occupier" means person(s) who is the occupant of a factory, or who is directly interested in the factory or in any process or business carried on therein or in a patent connected therewith;
 - (r) "Prescribed" means prescribed by order of the Minister;
 - (s) "Registered Contractor" means a person or organisation, involved in constructing, installing, altering, repairing, maintaining, servicing, and testing of elevating devices, registered by the Director of Factories;
 - (t) "Shore employer" means an employer of persons (other than the master and crew of any ship) who are engaged in a specified operation;
 - (u) "Specified operation" means an operation in which work equipment is used –
 - (i) by persons; or
 - (ii) where persons are liable to be exposed to a risk to their health or safety from its use;
 - (v) "Thorough examination" means examination involving appropriate practical and theoretical knowledge and experience of lifting equipment or work equipment, as will enable the detection of defects or weaknesses, and the assessment of their importance in relation to the safety and continued use of the lifting equipment or work equipment;
 - (w) "Work equipment" means any machinery, appliance, apparatus, tool or installation for use at work (whether exclusively or not).
- (2) "Technical Authority (lifting equipment)" means someone with a degree in engineering, having appropriate practical and theoretical knowledge and experience of lifting equipment, as will enable him to design, construct and assess the suitability of lifting equipment in relation to the safety for all conditions of use to which the equipment would be subject to in operation.
 - (3) "Appointed Person (lifting operations)" means someone who has overall control of the lifting operations to act on behalf of the management of the organization and has adequate experience to

carry out competently the assessment of the lifting operations, to provide such for planning, selection of crane (s), lifting gears and equipment, instruction and supervision as is necessary for the tasks to be undertaken safely.

- (4) "Approved Person (thorough examination)" means someone certified by the Director of Factories, with appropriate practical and theoretical knowledge and experience of lifting equipment or work equipment to be thoroughly examined, as will enable him to detect defects or weakness and to assess their importance in relation to the safety and continued use of lifting equipment.
- (5) 'Certificate of Competence' means the certificate issued by the Director of Factories after an applicant has fulfilled the requirements stipulated in Regulation 16.
- (6) 'Competent Person' means someone certified by the Director of Factories with appropriate practical and theoretical knowledge and experience of how lifting equipment or work equipment are to be used, maintained, or repaired.

Regulation 3 - Application

- (1) The requirements imposed by these Regulations with respect to lifting equipment, lifting accessories, work equipment shall apply in relation to equipment provided for use or used by an employee at workplace or premises accessible to the general public.
- (2) The requirements imposed by these Regulations shall also apply –
 - (a) to a self-employed person, in respect of lifting equipment, lifting accessories, or work equipment used at work or within premises accessible to the general public ;
 - (b) subject to paragraph (3), to persons involved with provision and use of lifting equipment, lifting accessories, or work equipment;
 - (c) to a person at work who uses or supervises or manages the use of lifting equipment, lifting accessories, or work equipment; or
 - (d) to the way in which the lifting equipment, lifting accessories, or work equipment is used, and to the extent of control required during lifting operation.
- (3) The requirements imposed by these Regulations on an employer shall not apply to a person who supplies lifting equipment, lifting accessories, or work equipment by way of sale, agreement for sale or hire-purchase agreement.
- (4) Subject to Section 55 (2) of the Factories Act, these Regulations shall not impose any obligation in relation to a ship's work equipment, provided the equipment is used on-board the ship.
- (5) Where the Nigerian merchant shipping requirements are applicable to a ship's work equipment, paragraph (4) of these Regulations shall relieve the shore employer of his obligations under these Regulations in respect of that equipment only where he has taken all reasonable steps to satisfy himself that the Nigerian merchant shipping requirements are being complied with in respect of that equipment.

- (6) In a case where the Nigerian merchant shipping requirements are not applicable to the ship's work equipment by reason only that for the time being there is no master, crew or watchman on the ship, those requirements shall nevertheless be treated for the purpose of paragraph (5) as if they were applicable.
- (7) Where the ship's work equipment is used in a specified operation, paragraph (4) shall not apply to Regulations 7 and 8 (4).

Regulation 4- Prescribed Safety Codes

(1) Subject to the requirements of these Regulations, employer or occupier shall ensure that new installation, major alteration or maintenance of lifting equipment, work equipment for lifting application or elevating device shall be conducted in accordance with the following standards and safety codes, as applicable:

- ISO 23814- Competency Requirement for Crane Inspector
- ISO 4309- Wire ropes- Code of practice for examination and discard
- ISO 4190- Lift (Elevator) Installation
- ISO 22559- Safety Requirements for Lifts (Elevators)
- ISO 9927, Cranes – Inspection
- ISO 4310, Cranes – Test Code and Procedures
- ISO 4301-2, Mobile Cranes
- ISO 4301-3, Tower Cranes
- ISO 4301-4, Jib Crane
- ISO 4301-5, Overhead Travelling and Portable Bridge Crane

(2) Despite subsection (1), the Director of Factories may accept other standards or safety codes that provide for a standard of safety equal to or greater than the standard of safety provided for in the standard or safety code prescribed in paragraph (1)

Regulation 5-Construction, Strength and Suitability of Equipment

Every employer or occupier shall ensure that –

- (a) Lifting equipment, lifting accessories or work equipment are of good construction, sound material, adequate strength and free from patent defect with respect to design and construction and suitable for the purpose for which it is used or provided.
- (b) All load-bearing parts, including structures, stanchions, rail tracks, runway, slings or tackles which support the operation or performance of a lifting equipment or work equipment, are of proper size and adequate strength, and are suitable for the required application, adequately supported or suspended, and are properly maintained.
- (c) Every attachment to a load meant to be lifted must be of adequate strength.

Regulation 6 - Marking of Lifting Equipment

Every employer or occupier shall ensure that –

- (a) Every lifting equipment, lifting accessories or work equipment for lifting application are clearly marked to indicate the maximum working load which it can safely carry at any given operating configuration;
- (b) Lifting equipment with variable or changing safe working load shall be attached thereto with either an automatic indicator of safe working loads, or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load. The table indicating the safe working load at each operating configuration shall be kept within the lifting equipment;
- (c) Lifting accessories shall be appropriately marked in such a way that it is possible to identify the characteristics necessary for their safe use;
- (d) Every work equipment, including work platform, scaffold or rope access gear, shall be appropriately marked in such a way that it is possible to identify the characteristics necessary for their safe use;
- (e) The safe working load of lifting equipment for carrying persons and the maximum number of persons permitted to be carried must be clearly marked;
- (f) Where a lifting equipment or work equipment is used to carry both persons and loads, the combined weight of both persons and loads must not, under any circumstances, exceed the safe working load.

Regulation 7 -Positioning and Installation

- (1) Every employer or occupier shall ensure that lifting equipment or work equipment for lifting application is positioned or installed in such a way as to prevent -
 - (a) the possibility of reducing its safe working load at given configuration;
 - (b) the possibility of lifting equipment, work equipment or load striking a person or objects within the vicinity of operation;
 - (c) the possibility of load falling freely, uncontrolled, swinging or being released unintentionally.
- (2) Every hoist, cage or work platform shall be positioned and installed with appropriate devices, as to prevent the risk of the platform or cage falling.
- (3) The erection and dismantling of cranes, lifting appliances or work equipment for lifting application must only be carried out under the supervision of a competent person.

Regulation 8 - Selection of Work Equipment and Risk Assessment

Every employer or occupier shall ensure that:

- (1) Selection of lifting equipment or work equipment for lifting application shall be with respect to the risk associated with the lifting configuration, work conditions and the use of such equipment;
- (2) Adequate risk assessment is carried out prior to undertaking any lifting operation or work at height in excess of 2 (two) meters;

- (3) Appropriate control measures are put in place to mitigate all potential risks to ensure safety during any lifting operation;
- (4) All lifting operations shall be properly planned and supervised by a competent person.

Regulation 9 - Equipment Maintenance

Every employer or occupier shall ensure that:

- (1) Every lifting equipment or work equipment for lifting application is maintained in a state of good repair and efficient working condition.
- (2) Every mounting, fixed point or part of any load to be used for lifting purposes, shall be in good condition and properly maintained.
- (3) Repair, modification, maintenance or servicing of lifting equipment or work equipment shall be carried out by a person or contractor registered by the Director of Factories in accordance with Regulation 19 and assigned by the Employer or Occupier to perform such operations.
- (4) A register of all lifting equipment, lifting accessories or work equipment for lifting application shall be maintained, and maintenance log shall be kept up to date.

Regulation 10 - Equipment for Lifting Persons

- (1) Every employer or occupier shall ensure that equipment for lifting or suspending persons, including hoists, lifts, platforms or rope access gears are installed with appropriate devices to prevent:
 - (a) persons from falling freely during a lifting or work operation;
 - (b) persons from falling into the travel path of the equipment;
 - (c) persons carrying out activity at height from a platform, lift or cage, being crushed, trapped or struck or falling from height or from the work platform, lift or cage;
 - (d) persons from being trapped in any platform, lift or cage are thereby be not exposed to danger, and can be freed within a reasonable and safe period.
- (2) The employer or occupier shall ensure that every hoist, lift or escalator used for carrying persons, whether together with goods or otherwise shall be provided with:
 - (a) an efficient automatic device to prevent the platform, lift or cage from overrunning;
 - (b) a warning device to alert users of approach of platform, lift or cage to each landing;
 - (c) a device to prevent the free fall of platform, lift or cage;
 - (d) an efficient device to ensure that when persons or goods are in the platform, lift or cage, the platform, lift or cage cannot be raised or lowered unless the gate or door of the platform, lift or cage is closed, and will come to rest when the gate or door is opened;
 - (e) rope or chain if used for suspension of platform, lift or cage shall have a minimum safety factor of eight (8) with respect to the maximum working load of the cage or platform;

- (f) an efficient device shall be provided which will support the platform, lift or cage with its maximum working load in the event of a breakage of the ropes or chains or any other attachments.

Regulation 11 - Equipment for Lifting Load

- (1) Every employer or occupier shall ensure that lifting equipment or work equipment for lifting load only, is installed with appropriate devices:
 - (a) to secure the load whilst being raised, lowered or suspended. Where the load comprises a number of parts, the load must be so constructed such that each part is stable and not likely to become loose;
 - (b) which automatically stop the hoisting and, where appropriate, the derricking motion of the lifting equipment, particularly when the hook or jib of the equipment reaches the upper and lower safe limits of movement.
- (2) Any device provided for this purpose must allow movement of the lifting equipment to be reversed after the devices have actuated.

Regulation 12 - Thorough Examination

- (1) Every employer or occupier shall ensure that any lifting equipment or work equipment for lifting application, including hoist, lift or work platform:
 - (a) before being put into service for the first time by him is thoroughly examined for any defect by an approved person;
 - (b) if hired, leased or contracted, to be used in his undertaking, shall be thoroughly examined by an approved person, unless it is accompanied by physical evidence that the last thorough examination required to be carried out under this regulation has been carried out.
- (2) Every employer or occupier shall ensure that, where the safety of lifting equipment or work equipment for lifting application depends on the installation conditions, it is thoroughly examined by an approved person:
 - (a) after installation and before being put into service for the first time; and
 - (b) after assembly and before being put into service at a new site or in a new location, to ensure that it has been installed correctly and is safe to operate.
- (3) Every employer or occupier shall ensure that lifting equipment or work equipment for lifting application is thoroughly examined by a competent person every day before start of work.
- (4) Every employer or occupier shall ensure that lifting equipment, lifting accessories or work equipment for lifting application is thoroughly examined by an approved person:
 - (a) at least once every six (6) months for lifting equipment, lifting accessory or work equipment used for lifting persons;
 - (b) at least once every six (6) months for any hoist, lifts, or work platform;
 - (c) at least once every twelve (12) months for other lifting equipment;

- (d) after every repair, modification, substantial alteration or any operation or circumstance that could impact on the safety of the lifting equipment or work equipment for lifting application;
- (e) at suitable intervals between thorough examinations, specified by an approved person to ensure that the health and safety of the equipment is maintained.
- (5) Where an employer or occupier opts for the implementation of an examination scheme to maintain the safety of lifting equipment or work equipment for lifting application, the employer shall ensure that the examination scheme is approved by an approved person and registered with the Director of Factories prior to commencement of such scheme;
- (6) Where lifting equipment is exposed to conditions causing deterioration which may result in premature failure, the employer shall adopt an examination scheme as stated in paragraph (5) of this Regulation.
- (7) An approved person shall not be an employee of an occupier, or person who owns or uses a lifting equipment or work equipment for lifting application.
- (8) An approved person shall perform work without conflicts of interest and preserve the integrity and independence of the inspection process.

Regulation 13 - Report of Thorough Examination

- (1) An approved person making thorough examination in accordance with Regulation 12 shall:
 - (a) notify the employer or occupier as soon as practicable, of any defect in the lifting equipment, lifting accessory or work equipment, which in his opinion could compromise the integrity of the lifting equipment, lifting accessory or work equipment;
 - (b) where there is in his opinion a defect in the lifting equipment, lifting accessory or work equipment, involving an existing or imminent risk of serious personal injury, immediately notify the employer or occupier and place a prohibition sticker and/ or sign on any such equipment;
 - (c) issue a certificate of test and examination specifying the safe working load or loads of the lifting equipment, lifting accessory or work equipment, signed by him;
 - (d) report the result of every such examination in the prescribed form and containing the prescribed particulars, signed by him and shall within twenty eight (28) days be filed with the Director of Factories and also be entered in or attached to the General Register.
- (2) Every employer or occupier who has been notified under paragraph (1)(a) shall ensure that the lifting equipment is not used before the defect is rectified.
- (3) Every employer or occupier shall ensure that all certificates and reports which are required to be made under these Regulations are:
 - (a) kept available for inspection by a factory Inspector;
 - (b) kept for a period of at least three (3) years from the original date of the report or certificate.

Regulation 14 - Powers of a Factory Inspector to Require Lifting Equipment or Work Equipment to be Tested

- (1) The Factory Inspector, may call on any factory or premises accessible to the general public to audit the compliance of the employer or occupier to these Regulations.
- (2) In cases where a Factory Inspector has reasonable grounds for considering that a lifting equipment or work equipment for lifting application is unsafe, the following action may be taken:
 - (a) the Inspector may, serve a Prohibition Notice, as provided in the Act, to the employer or occupier and require a test and thorough examination to be carried out by an approved person at the expense of the employer or occupier;
 - (b) once the notice is served, the lifting equipment or work equipment must not be used until the test and thorough examination has been carried out and the approved person, who carries out the test and examination, has issued a certificate and has specified that the crane or lifting appliance is safe for further use.

Regulation 15 - Training and Certification of Personnel

- (1) Every employer or occupier shall ensure that all persons who use lifting equipment or work equipment for lifting application; or who manage, plan, supervise, and/ or participate in lifting operation:
 - (a) have received adequate training from organisations approved by the Director of Factories on the use of equipment and/ or for the level of involvement in any such operation as indicated in these Regulations;
 - (b) are competent and have been appropriately certified by the Director of Factories.
- (2) Every employer or occupier shall ensure that all persons who use lifting equipment or work equipment; or who manage, plan, and supervise lifting operations have available to them, adequate health and safety information and, where appropriate, written instructions pertaining to the use of the equipment.
- (3) Every employer or occupier shall ensure that those engaged for the purpose of thorough examination of lifting equipment or work equipment as stated in Regulation 8, are appropriately certified by the Director of Factories.
- (4) Persons applying for certification as approved person shall have appropriate verifiable training and experience and an attestation from the most representative association of Lifting Equipment Inspectors in Nigeria and as approved by the Director of factories.

Regulation 16 - Certificates of Competency

- (1) Certificates of competency which may be granted by the Director of Factories under this Regulation are:
 - (a) Technical Authority (Lifting Equipment);

- (b) Appointed Person (Lifting Operations);
- (c) Approved Person (Thorough Examination);
- (d) Approved Lift Installer;
- (e) Lifting Equipment Operator;
- (f) Work Equipment Operator;
- (g) Rigger;
- (h) Lifting Equipment Assistant;
- (i) Scaffolding Technician;
- (j) Abseiling Technician.

(2) Eligibility Requirements:

An applicant for certification as competent person by the Director of Factories shall, subject to the requirements of Regulation 12 (7), be in the regular employment of, and exclusively engaged by:

- (i) an Inspection Agency registered by the Director of Factories; or
- (ii) an employer or occupier involved with the design, construction, fabrication or use of lifting equipment.

(3) Qualifications required for certificates of competency:

An applicant shall meet the qualification requirements described herein:

- (a) meet requirements for and have successfully completed the practical skills and theoretical training as approved by the Director of Factories in consultation with the most representative association of Lifting Equipment Inspectors in Nigeria;
- (b) have appropriate verifiable academic qualification and experience approved by the Director of Factories in consultation with the most representative association of Lifting Equipment Inspectors in Nigeria.

(4) Issue of a certificate of competency:

The Director of Factories may issue a certificate of competency if the applicant:

- (a) has taken and passed the competence certification examination as prescribed by the Director of Factories;
- (b) has submitted appropriate application endorsed by the applicant's employer in form prescribed by the Director of Factories;
- (c) has fulfilled all the requirements of paragraph (3) above; and

(d) has paid the prescribed fees for issue of such competency certificate.

(5) Certificate of Competency for Approved Person shall be by endorsement in categories indicated in (i), (ii), (iii), (iv) and (v):

(i) Category A

- Overhead travelling cranes
- Goliath and semi-goliath cranes
- Monorail cranes.

(ii) Category B

- Tower cranes
- Self-erecting tower cranes

(iii) Category C

- Mobile cranes
- Truck-mounted cranes
- Vehicle-mounted truck loader cranes.
- Forklifts

(iv) Category D

- Offshore Cranes
- Guy Derrick Cranes
- Container Cranes

(v) Category E

- Lifts
- Escalators

(6) Certificate of Competency for Approved Lift Installer shall be by endorsement in categories indicated in (i) and (ii):

(i) Class A

- (1) designates a lift technician working for or as a registered contractor in constructing, installing, altering, repairing, maintaining, servicing, and testing elevating devices, and
- (2) covers all classes of elevating devices with the exception of passenger ropeways;

(ii) Class B

- (1) designates a lift technician working for or as a registered contractor solely in constructing, installing, altering, repairing, maintaining, servicing, and testing passenger ropeways.

(7) Certificate of Competency for Lifting Equipment Operator shall be by endorsement in categories indicated in (i), (ii), (iii), (iv), (v):

- (i) Crane Operator (below 50 tons)
- (ii) Crane Operator (50 to 100 tons)
- (iii) Crane Operator (100 tons and above)
- (iv) Forklift Operator
- (v) Work Equipment Operator

(8) Period in force of a certificate of competency:

A certificate of competency is valid until the expiry date on the certificate, for a maximum term of 5 (five) years, unless the certificate is suspended or cancelled before the expiration date.

(9) Renewal of a certificate of competency:

(a) The Director of Factories may renew a certificate of competency issued to a person upon receipt from the person of:

- (i) an application for renewal, in the form prescribed by the Director of Factories, endorsed by the applicant's employer;
 - (ii) payment of the renewal of certificate of competency fee prescribed by the Director of Factories; and
 - (iii) evidence of training, continued education and practice or participation in a Professional Development Conference or Workshop, approved by the Director of Factories, within the period.
- (b) If a certificate of competency issued to a person is not renewed under paragraph (9) (a), the Director of Factories may, at any time within the 12 months following the expiry date, reinstate the certificate upon receipt from the person, an application with other documents required in paragraph (9) (a);
- (c) If a person fails to renew or have reinstated a certificate of competency under paragraph (9)(a) or (b), any subsequent application is subject to the application requirements in paragraph (4) for the issue of a certificate.

(10) Reasons for suspension or cancellation:

The Director of Factories may suspend, cancel or refuse to renew a certificate of competency if satisfied that the holder of the certificate:

- (a) is not competent or lacks reasonable skills;
- (b) has failed to comply with a relevant enactment;
- (c) has been wilfully negligent in his duty as a competent person or an approved person;
- (d) has knowingly falsified report on activities where his professional competence is required;

(11) Lost or mislaid certificate of competency:

If a certificate of competency is lost, or so damaged that it is unusable, a replacement may be supplied upon payment of the applicable fee prescribed by the Director of Factories.

Regulation 17 - Forgery of certificates, false entries and false declarations

If any person -

- (a) forges or counterfeits any certificate required by, under or for the purposes of, these Regulations or any order made thereunder; or
- (b) gives or signs any such certificate knowing it to be false in any material particular; or
- (c) knowingly utters or makes use of any such certificate so forged, counterfeited or falsified as aforesaid; or
- (d) knowingly utters or makes use of, as applying to any person, any such certificate which does not so apply; or
- (e) personates any person named in any such certificate; or
- (f) falsely pretends to be an Inspector, an approved person or a competent person; or
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid; or
- (h) wilfully makes a false entry in any register, notice, certificate or documents required by, under, or for the purposes of these Regulations or any order made thereunder, to be kept or served or sent; or
- (i) wilfully makes or signs a false declaration required by, under, or for the purposes of, these Regulations or any order made thereunder; or
- (j) knowingly makes use of any such false entry or declaration as aforesaid,

he shall, without prejudice to any other penalty, be guilty of an offence under this Regulation, and liable on conviction to a fine not exceeding N500,000 (five hundred thousand naira only) or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Regulation 18 - Administration of Certificate of Competency Examination

- (1) All competency certification examinations shall be administered by an Examination Board to be appointed by the Honourable Minister on the recommendation of the Director of Factories.
- (2) The Examination Board shall ratify the requirements, structure, venue and passing grade of such an examination.
- (3) Membership of the Board shall consist of the following 7 (seven) members:

- a) The Director of Factories as Chairman;
 - (b) a nominee appointed by the most representative association of Lifting Equipment Inspectors in Nigeria;
 - (c) two other nominees from the industry;
 - (d) a nominee from Department of Petroleum Resources (DPR);
 - (e) a nominee from Nigeria Maritime Administration & Safety Agency (NIMASA);
 - (f) a nominee from the Federal Ministry of Labour & Employment, appointed by the Director of Factories, as Secretary.
- (4) A member of the Examination Board holds office for a term not exceeding 2 (two) years and may be reappointed once thereafter.
- (5) For an examination to hold, at least five out of the seven members of the board must consent to the requirements, structure and passing grade for that examination.

Regulation 19 - Registration of Organisations

(1) All persons or organisations, involved in constructing, installing, altering, repairing, maintaining, servicing, and testing elevating devices shall be registered as lift contractor by the Director of Factories.

(2) All persons or organisations, involved in inspection, thorough examination and testing of lifting equipment, lifting accessories, work equipment and / or elevating devices shall be registered as inspection contractor by the Director of Factories.

(3) All persons or organisations, involved in the training of lifting equipment operators, inspectors and /or examiners shall be registered as training contractor by the Director of Factories.

(4) Any person or organisation to be so registered as a contractor as in paragraphs (1), (2) and (3), shall submit an application in the form prescribed by the Director of Factories, and pay the prescribed fees for registration of contractor.

(5) Any person or organisation so registered as a contractor as stipulated in paragraphs (1), (2) and (3), shall be referred to as a registered contractor.

(6) The Director of Factories may register any person or organisation as a registered contractor upon receipt of and evaluation of:

- (a) an application in the form prescribed by the Director of Factories;
- (b) payment of the registered contractor's registration fee as prescribed by the Director of Factories; and
- (c) a successful outcome of an evaluation audit directed by the Director of Factories.

(7) A registration is valid until the expiry date on the registration, for a maximum term of 3 (three) years, unless the registration is suspended or cancelled before the expiration of the certificate issued.

(8) The Director of Factories may renew the registration of a registered contractor if, prior to the expiry date, the registered contractor:

(a) submits to the Director of Factories, a renewal application in the form prescribed by the Director of Factories;

(b) pays the registered contractor's renewal fee as prescribed by the Director of Factories; and

(c) is successful at the renewal audit preceding the renewal.

(9) Suspension or cancellation of registered contractor's registration:

The Director of Factories shall suspend or cancel the registration of a contractor if satisfied that the registered contractor, or an employee of the registered contractor:

(a) has violated or failed to comply with these Regulations;

(b) has caused or permitted lifting equipment, lifting accessory or an elevating device under their control to be used in an unsafe condition or while overloaded;

(c) has performed work on a lifting equipment or elevating device in a manner that has impaired the safe operation of the device or lifting equipment or may have endangered the safety of persons or freight on or about the device;

(d) has knowingly permitted any subcontractor or employee of a subcontractor to perform work under the subcontract in a manner likely to impair the safety of persons or freight on or about the elevating device or lifting equipment.

Regulation 20 - Operation of Elevating Devices

(1) No person shall use or operate, or cause or permit to be used or operated, an elevating device unless the elevating device is licensed by the Director of Factories and the notices required by this Regulation are displayed in accordance with this Regulation.

(2) An owner of an elevating device must ensure that a notice with respect to the maximum capacity of the elevating device is conspicuously displayed:

(a) in the load-carrying unit of the elevating device; or

(b) for an elevating device without a single load-carrying unit, as close as practicable to the bottom landing of the device;

(c) The notice with respect to the maximum capacity must be mounted by means of a metal plate and shall contain the information stated herein, in letters and numerals not less than 3/4 in. (19.05 mm) high:

- (i) maximum capacity;
 - (ii) number of persons;
 - (iii) weight in kilograms or pounds, or number of persons, [as applicable].
- (3) The licence for an elevating device must designate the maximum capacity of the elevating device as 1 (one) or more of the following:
- (a) the total number of persons;
 - (b) the total weight in kilograms or pounds;
 - (c) the number of persons per hour.

Regulation 21 - Accident Investigation

- (1) The Director of Factories may inaugurate an Accident Investigation Adhoc Committee to investigate cause of accident involving lifting equipment operation. Membership of the Committee may consist of the following 3 (three) members:
- (a) an approved person (thorough examination) who has been practising for at least 5 (five) years;
 - (b) an appointed person (lifting operations) who has been practising for at least 5 (five) years;
 - (c) an Inspector of Factories, experienced in lifting equipment operation.
- (2) A member of the Accident Investigation Board shall hold office for a term not exceeding 3 (three) years and may be reappointed.
- (3) A member of the Accident Investigation Board shall not have any direct or indirect interest in the matter being investigated.
- (4) All matters adjudicated by the Accident Investigation Committee can be referred to the Factories Appeal Board, if any of the parties is not satisfied with the outcome.
- (5) Any employer or occupier who fails to report an accident, that had caused injury to personnel, or damage to equipment, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ₦1,000,000 (One million naira only) or six months' imprisonment or both.

Regulation 22 - Appeals

Appeal Board membership:

- (1) The Appeal Board shall consist of the following 5 (five) members:

- (a) an approved person (thorough examination) who has been practising for at least 5 (five) years;
 - (b) an appointed person (lifting operations) who has been practising for at least 5 (five) years;
 - (c) a person appointed by the Lifting Equipment Inspectors Association (LEIA);
 - (d) an employer or occupier or a representative of an employer or occupier; and
 - (e) a registered contractor, a professional engineer or an individual who has professional expertise in the installation or maintenance of lifting equipment.
- (2) The Honourable Minister shall designate one of the Appeal Board members as Chair.
- (3) A member of the Appeal Board holds office for a term not exceeding 3 (three) years and may be reappointed.
- (4) No person who is a civil servant shall serve on the Appeal Board.

Filing an appeal:

- (5) A person may appeal to the Appeal Board if they are directly aggrieved by a decision, conditions or an order of the Director of Factories or the decision of the Accident Investigation Board, regarding:
- (a) the outcome of the Accident Investigation Board;
 - (b) an application for contractor registration;
 - (c) an application for a certificate of competency; or
 - (d) a licence or an audit.
- (6) An aggrieved person may appeal in writing to the Appeal Board within 30 (thirty) calendar days of the date of the issue of the decision, conditions or order being appealed.
- (7) An appeal of a decision, conditions or an order does not suspend the operation of the decision, conditions or order.

Appeal hearing:

- (8) The Appeal Board may conduct a hearing orally or in writing.
- (9) The Appeal Board may:
- (a) confirm, vary or revoke the decision or order appealed;
 - (b) refer a matter back to the Director of Factories for reconsideration with or without direction; or
 - (c) make any decision or order that a Factory Inspector could have made.
- (10) A decision of the majority of the members of the Appeal Board is a decision of the Appeal Board.

(11) A decision of the Appeal Board must be in writing.

Jurisdiction of the Appeal Board:

(12) The Appeal Board has exclusive jurisdiction to determine questions of:

- (a) law;
- (b) fact; and
- (c) mixed law and fact

that arise in any matter before it, and a decision or order of the Appeal Board is final and binding and not open to review except in the case of an error of law or jurisdiction.

Regulation 23 - Cranes and Lifting Appliances

(1) Mobile Crane and Tower Crane:

The employer or occupier shall ensure that:

- (a) all mobile cranes shall be fitted with level indicators. The indicators shall be fixed in a position where they can be easily seen by the crane driver;
- (b) where a crane or a lifting appliance is to be used on a slope or on uneven or soft ground, precautions must be taken to prevent overturning;
- (c) cranes must not be used in weather conditions likely to affect their stability;
- (d) where new anchorage is installed on a tower crane or other crane which requires portable ballast for stability, or where alteration is effected on the ballast materials, the anchorage or ballast shall be tested before use. This test shall be made so that maximum pull applied to the anchorage or ballast, is a load 25% higher than the maximum rated load of the crane. The results of the test must be recorded on the prescribed form.

(2) Travelling Cranes:

- (a) Tracks for traveling crane must be laid on a firm foundation and a secure and even running surface provided.
- (b) Materials which could obstruct the crane wheels on the tracks must be prevented from finding their way on to the rails, and the rail tracks must be provided with stops or buffers at each extremity to prevent de-railment of the crane.

(3) Overhead Travelling Cranes:

- (a) Where persons are employed within the vicinity of the wheel track of the crane and there is a risk of being struck, effective measures shall be taken to warn the operator of the crane, or indeed any other equally effective precaution, to ensure that the crane does not approach within 20' (6100mm) of that place.

(b) Measures shall be taken to warn persons who may be working in any position above floor level and who are liable to be struck by an overhead travelling crane or by the load suspended from the crane.

(4) Tandem Lift Operation:

(a) All tandem lift operation shall be planned in advance and shall be supervised by a competent person;

(b) Where cranes of similar design and equal capacity are used for tandem lift operation, the load taken by each crane must not exceed 75% of the safe working load of that crane;

(c) Where an operation requires the use of more than two cranes to raise one load, the employer shall notify the Director of Factories in writing before embarking on such operation.

(5) Marking of Safe Working Loads (SWL):

(a) All cranes must be marked with their Safe Working Load and where the Safe Working Load varies according to an alteration of the jib radius or the inclination of the jib, an indicator must be fitted to the crane which:

(i) shows the safe working load for each change of radius or inclination, and which shall also show an indication of the radius or jib inclination; or

(ii) indicates the radius or inclination of the jib in such a way that the safe working load can be calculated by the crane driver from suitable tables provided in the cabin of the crane.

(b) Safe working loads and a means of identification must also be marked on winches, pulleys and fork lift trucks.

(6) Automatic Safe Load Indicators (A.S.L.I.):

(a) Every crane shall be fitted with an Automatic Safe Load Indicator (A.S.L.I.) of an approved type.

(b) All Indicators must give two distinct warnings:

(i) a clear, continuous visual warning to the crane operator whenever the load being lifted is between 90% and 97% of the safe working load;

(ii) a clear and continuous sound warning to the crane operator and anyone else in the vicinity whenever the load being lifted is between 102% and 110% or above, of the safe working load.

(c) The Indicator must be permanently and plainly marked with the following information:

(i) the name of the maker and trade name;

(ii) the date of manufacture;

(iii) serial number or other means of identification;

(iv) the number and date of the certificate of approval.

(d) Automatic Safe Load Indicators shall be tested and thoroughly examined by an Approved Person once in every period of 6 (six) months.

(e) Automatic Safe Load Indicators shall also be tested when the crane to which the Indicator is fitted has been wholly or partly dismantled; and after any erection, alteration or removal of the crane which is likely to have affected the proper operation of the Indicator.

(f) A report of the results of tests carried out on Automatic Safe Load Indicator shall be made on the form prescribed by the Director of Factories.

(7) Safe access to, and egress from cranes or lifting appliances:

Where a vertical run of ladders is attached to a crane or lifting appliance which exceeds 9 (nine) meters in height, suitable landing places must be provided at every 9 (nine) meters, wherever possible. These landing places shall have secure fencing to a height of at least 1 (one) meter which should consist of upper and lower guard rails.

(8) Brakes, Controls and Other Safety Devices:

Every crane or lifting appliance shall be provided with an efficient braking system. The system must be capable of sustaining any load to be raised, lowered or suspended within its capacity.

(9) Cranes with Derricking Jibs:

Cranes, fitted with derricking jibs, which are driven through a clutch from the same source of power which drives the hoisting mechanism, must be fitted with an interlocking arrangement which prevents the free fall of the jib when the derricking clutch is disengaged.

(10) Operators of cranes and certain lifting appliances:

(a) Every operator of a crane, excavator, fork lift truck, mechanical grab, mechanical shovel and piling machine, except those in training shall be certified by the Director of Factories prior to engagement as an operator.

(b) Equipment operators in training shall be under close supervision of a certified operator.

Regulation 24 - Lifts, Escalators and Conveyors

(1) Designation of classes of elevating devices:

The following classes of elevating devices are designated for the purposes of these Regulations:

(a) Elevators, comprising:

(i) Passenger elevators;

(ii) Freight elevators; and

(iii) Material lifts.

(b) Escalators.

(c) Manlifts.

(d) Construction and material hoists.

(e) Special elevating devices.

(2) Exclusions:

This Regulation does not apply to:

- (a) Devices that have a travel length of two (2) meters or less and are used only for the transfer of material or equipment;
- (b) Elevating devices that are used for agricultural purposes only;
- (c) Vehicle lubrication hoists, automotive or industrial lubricating hoists and similar devices;
- (d) Freight ramps that have a means for adjusting the slope of the ramp;
- (e) Lift bridges and wharf ramps;
- (f) Appliances that feed materials into or position materials at machine tool presses, furnaces, or other processing plants;
- (g) Hoists that are used for raising or lowering materials and are fitted with unguided hooks, slings or similar means for attachment to the materials;
- (h) A ship or vessel, unless it is permanently moored and used by the public, or unless the owner requests in writing that the Regulation apply to it; and
- (i) Platform elevators that are installed in a ship or offshore drilling rig and used to load and unload cargo, equipment and personnel.

Licences for Elevating Devices:

(3) Granting or renewal of a licence:

A licence for an elevating device may be granted or renewed when:

- (a) the Director of Factories receives from the owner:
 - (i) a completed application or renewal application in a form prescribed by the Director of Factories;
 - (ii) the applicable licensing fee;
 - (iii) a condition report from an Approved Person; and
 - (iv) additional information required by the Director of Factories in order to complete a compliance audit of the elevating device; and
- (b) the Director of Factories is satisfied that the elevating device:
 - (i) complies with these Regulations; and
 - (ii) is likely to be operated in a safe condition and manner.

(4) A licence for an elevating device is valid until the expiry date on the licence, for a maximum term of 3 (three) years, unless the licence is suspended sooner.

(5) Transfer of a licence:

Subject to paragraph (3), a licence may be transferred under this Regulation only if:

(a) the Director of Factories receives from the owner of the elevating device for which the licence was granted:

(i) a completed application in a form prescribed by the Director of Factories;

(ii) the fee prescribed for the transfer of a licence; and

(iii) a condition report from an Approved Person dated within the 12 (twelve) months immediately preceding the application; and

(b) the Director of Factories is satisfied that the elevating device for which the licence was granted:

(i) complies with these Regulations; and

(ii) is likely to be operated in a safe condition and manner after the transfer.

(6) The Director of Factories shall not transfer a licence:

(a) while it is suspended;

(b) if the Director of Factories believes on reasonable grounds that any of the conditions for suspension prescribed in paragraph (7) are present; or

(c) if the applicant for transfer is in arrears in paying any fee or expense for which the applicant is liable under these Regulations.

(7) Suspension of a licence:

(a) Licence for an elevating device may be suspended under this subsection of this Regulation if:

(i) the Director of Factories believes on reasonable grounds that the elevating device is being operated in violation of the provisions of these Regulations;

(ii) a major alteration of the elevating device has been commenced;

(iii) the owner of the elevating device has failed to comply with a notice or order of an Inspector, or has failed to file condition reports as required by the Director of Factories;

(iv) the owner of the elevating device is in arrears for more than 28 (twenty eight) days in paying any fee or expense for which the owner is liable under these Regulations; or

(v) the elevating device is sealed out of service by an Inspector.

(b) If the Director of Factories suspends a licence for an elevating device under paragraph (7) (a) of this Regulation, the Director of Factories shall give the owner a notice setting forth:

(i) every condition under which the Director of Factories suspended the licence; and

(ii) the effective date of the suspension, and upon receipt of the notice, the owner must immediately return the licence to the Director of Factories.

(c) Upon being satisfied that every condition under which the licence for an elevating device was suspended has been fully remedied, the Director of Factories may make an order in writing discontinuing the suspension and, if made, shall give the owner of the elevating device a true copy of the order.

(d) A true copy of an order required to be given under subsection (c) must include the requirement that the owner pay the licence reinstatement fee as prescribed.

(e) A licence that has been suspended continues to be suspended until the Director of Factories receives payment of the licence reinstatement fee.

(f) Despite subsections (c) and (d), no licence reinstatement fee is payable if the licence was suspended for a major alteration to the elevating device and the owner has not complied with this Regulation in carrying out the major alteration

(8) Lost or mislaid licence:

If a licence for an elevating device is lost or mislaid, or so damaged that it is unusable, a replacement may be supplied upon payment of the applicable fee prescribed by the Director of Factories.

(9) Submissions for Installation Permit:

Submission of drawings and specifications:

Drawings and specifications of elevating devices shall be submitted for registration under this Regulation. Submission shall be:

(a) in the form prescribed by the Director of Factories; and

(b) accompanied by the applicable fee prescribed.

Regulations 26 - Repeal of Provisions in the Factories Act

Sections 22, 23 and 25 to 27 of the Factories Act 2004 are repealed.

APPENDIX 1

Approved particulars which must be included in every Certificate of Test and Thorough Examination of a Crane or Prescribed Lifting Appliance

- Certificate No.
- (1) Name and address of owner of crane or lifting appliance.....
.....
.....
- (2) Name and address of crane manufacturer - where known.....
.....
.....
- (3) Type of crane Nature of power
- (4) Date of manufacture
- (5) Identification: Maker's model and serial number
Owner's distinguishing number
- (6) Automatic Safe Load Indicator - where required..... Trade Name
Serial No
- (7) Date of last previous test of the crane or lifting appliance
- (8) Date of last previous thorough examination of crane or lifting appliance
- (9) Test loads applied and safe working loads of crane or lifting appliance Test Load (tonnes)
Safe Working Load (tonnes) Main Hoist
Auxiliary Hoist (1)
Auxiliary Hoist (2) Length of Jib
Min. Operating Radius Max. Operating Radius
BLOCKED FREE ON WHEELS Radius Test Load Safe Working Load Radius Test Load Safe Working Load
.....
.....
.....
- (10) Details of ropes fitted to the crane or lifting appliance at the time of test
 - (a) Description of use
 - (b) Type of rope
 - (c) Type of construction.....
 - (d) Size (diameter)
 - (e) Minimum breaking load..... or breaking strength
 - (f) Length

(11) Particulars of any defect found in the crane or lifting appliance or Automatic Safe Load Indicator which affects or may affect the safety of the crane

.....
.....
.....

(12) Repairs required to remedy the above defects which must be done

(1) Immediately.....

(2) Within a specified time, to enable the crane or lifting appliance to continue to be used with safety

.....

If no repairs are required state "NONE"

(13) Observations

.....
.....

(14) Declaration: I / We hereby certify that the crane / lifting appliance described in this Certificate was tested and thoroughly examined on and the particulars given above and on continuation sheets numbered are correct.

(15) Signature(s):

Occupation(s):

(16) Name of the firm or association or person by whom the person(s) conducting the test was employed:

(17) Date of Certificate: