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**FACTORIES ACT CAP. F1. LAWS OF THE FEDERATION OF
NIGERIA, 2004**

**LIFTING AND ALLIED WORK EQUIPMENT (SAFETY)
REGULATIONS, 2018**



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**FACTORIES ACT CAP. F1. LAWS OF THE FEDERATION OF
NIGERIA, 2004**

**LIFTING AND ALLIED WORK EQUIPMENT (SAFETY)
REGULATIONS, 2018**

[21st Day of December, 2018]

Commence-
ment.

In exercise of the powers conferred on me by Section 49 of the Factories Act, CAP. F1. Laws of the Federation of Nigeria, 2004, and all other powers enabling me in that behalf, I, SENATOR DR. CHRIS NWABUEZE NGIGE, the Honourable Minister of Labour and Employment, make the following regulations—

PART I—OBJECTIVES AND SCOPE

1. These Regulations make provisions for the safety of persons coming in contact with or involved with the design, construction, use, installation, alteration, maintenance, manufacture, repair, inspection, or testing of lifting equipment, or other allied work equipment used in raising, lowering, pushing, and pulling items or persons in a workplace or premises accessible to the general public in Nigeria.

Objectives.

2.—(1) These Regulations shall apply to—

Scope.

(a) lifting equipment, lifting accessory, and other allied work equipment used by an employee at a workplace or premises ;

(b) an employer or employee, who supervises the design, construction, use, installation, alteration, maintenance, manufacture, repair, inspection, or testing of lifting equipment, lifting accessory, or other allied work equipment in a workplace or premises ;

(c) with respect to sub-regulation (2)(a) of this regulation, a person charged with the provision of lifting equipment, lifting accessory, or other allied work equipment ; and

(d) the use or operation of lifting equipment, lifting accessory, or other allied work equipment and the extent of control required during lifting operation.

(2) These Regulations shall not—

(a) apply to a person, who supplies lifting equipment, lifting accessory, or other allied work equipment by way of sale, agreement for sale, or hire purchase agreement, or any other contract agreement by which the supplier earns money from supplier said equipment ;

(b) impose any obligation in relation to a ship work equipment, except, where the lifting equipment, lifting accessory, or other allied work equipment is used on-board the ship, pursuant to Section 55(2) of the Act ; and

(c) apply to premises, processes or operations contemplated in section 57 of the Act.

(3) A shore employer shall be relieved of his obligation under these Regulations, in respect of equipment, to which the Nigerian Merchant Shipping requirement applies; provided he has taken reasonable steps to ensure its compliance.

(4) These Regulations shall apply, where the Nigerian Merchant Shipping requirements are not applicable.

PART II—OPERATIONS

Prescribed Standards and Safety Codes.

3.—(1) Subject to the requirements of these Regulations, an employer or occupier shall ensure that the design, construction, use, installation, major alteration, maintenance, repair, inspection, or testing of lifting equipment, lifting accessory, or other allied work equipment, or training of personnel complies with the latest version of relevant ISO Standards and Safety codes.

(2) The Director of Factories may accept other standards and safety codes made from time to time.

(3) In the event of a conflict between a provision of these Regulations and the adopted codes and standards, the provisions of these Regulations shall prevail.

Quality, Strength and Suitability of Equipment.

4.—(1) An employer or occupier shall ensure that—

(a) lifting equipment, lifting accessory, or other allied work equipment is of good construction quality, adequate strength, sound material and suitable for purpose ;

(b) the load bearing parts, including structures, stanchions, rail tracks, runway, slings, or tackles, which support the operation or performance of a lifting equipment, or other allied work equipment are of proper size, adequate strength, suitable for purpose, and are properly maintained ;

(c) any attachment to a load meant to be lifted, shall be of adequate strength ; and

(d) all designs of lifting equipment are appropriately reviewed and endorsed by a Technical Authority, certified by the Director of Factories.

Marking of Load Lifting and Hire Equipment.

5.—(1) An employer or occupier shall ensure that—

(a) lifting equipment, lifting accessory, or allied work equipment for lifting application is clearly marked to indicate the maximum safe working load that it can safely carry at any given operating configuration ;

(b) a lifting accessory shall be appropriately marked to indicate the characteristics necessary for its safe use ;

(c) other allied work equipment, including work platform, scaffold, or rope access gear, is properly marked to indicate the characteristics necessary for their safe use ;

(d) the safe working load of lifting equipment and the maximum number of persons permitted to be carried on board are clearly marked ;

(e) where a lifting equipment or other allied work equipment is used to carry both a person and load, their combined weight shall not exceed the safe working load ; and

(f) lifting equipment with a variable or changing safe working load shall be attached with either—

(i) an automatic indicator of safe working loads, or

(ii) a table, indicating the safe working loads,

at corresponding inclinations of the jib or corresponding radii of the load.

6.—(1) An employer or occupier shall ensure that a lifting equipment or other allied work equipment for lifting application is positioned and installed to prevent—

Positioning
and
Installation.

(a) the possibility of reducing its safe working load at a given configuration ;

(b) the lifting equipment, other allied work equipment, or load from striking a person or objects within the vicinity of operation ; or

(c) load falling freely, swinging, or being released unintentionally.

(2) A hoist, cage, or work platform shall be positioned and installed with appropriate devices, so as to prevent it from falling.

(3) The erection and dismantling of cranes, lifting appliances, or other allied work equipment for lifting application shall be carried out under the supervision of a competent person.

7. An employer or occupier shall ensure that—

Risk
Assessment.

(a) the selection of lifting equipment or other allied 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 ;

(b) adequate risk assessment is carried out, prior to undertaking any lifting operation or work at a height in excess of 2 meters ;

(c) adequate control and safety measures are put in place to guarantee safety during lifting operations ; and

(d) lifting operation shall be properly planned and supervised by a competent person.

8.—(1) An employer or occupier shall ensure that—

Equipment
Maintenance.

(a) lifting equipment or other allied work equipment for lifting application is in efficient working condition ;

(b) mounted, fixed point, or part of any load used for lifting purposes is properly and regularly maintained ;

(c) non-destructive testing is applied, where necessary, to ascertain the integrity of parts of any lifting equipment ; and

(d) in pursuance of these Regulations, non-destructive testing shall be carried out by certified persons registered with the Institute of Non-Destructive Testing, Nigeria.

(2) A contractor carrying out repairs, modifications, maintenance, or servicing on lifting equipment or other allied work equipment, shall be registered by the Director of Factories, in accordance with regulation 27 of these Regulations.

(3) An employer or occupier shall—

(a) maintain a register of lifting equipment, lifting accessories, or other allied work equipment for lifting application ; and

(b) ensure that a maintenance log is always up to date.

9.—(1) An employer or occupier shall—

(a) ensure that an equipment for lifting or suspending persons, including hoist, lift, work platform, or rope access gear, is installed with appropriate device in order to—

- (i) prevent a person falling freely during a lift or work operation,
- (ii) prevent a person falling unto the travel path of the equipment,
- (iii) prevent a person from being crushed, trapped, struck, or falling from a height, work platform, lift, or cage, while working, or
- (iv) prevent a person trapped on a platform, lift, or cage, from being exposed to danger ;

(b) ensure that the equipment referred to in sub-regulation (1)(a) of this regulation, is equipped with—

- (i) a device to prevent the platform, lift, or cage from over running or over travelling,
- (ii) a warning device to alert users of an approaching platform, lift, or cage to each landing,
- (iii) device to prevent the free fall of a platform, lift, or cage,
- (iv) device to prevent the operation of a platform, lift, or cage when its gate or door is open and unsecured, and
- (v) device strong enough to support a platform, lift, or cage, in the event of a detachment of the ropes, chains, or any other attachment ;

(c) with respect to the suspension of platform, lift, or cage, use a rope or chain with a maximum working load, and a minimum safety factor of 8.

10.—(1) An employer or occupier shall ensure that a lifting equipment or other allied work equipment for lifting load is installed with an appropriate device to secure the load, whilst being raised, lowered, or suspended.

Equipment
for Lifting
Load.

(2) Where the load comprises a number of parts, the load shall be constructed to ensure that each part is stable and not likely to become loose.

(3) The device shall 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.

(4) The device referred to in sub regulation (3) of this regulation shall allow for movement of the lifting equipment to be reversed after the device has actuated.

11.—(1) An employer shall ensure that a lifting equipment or other allied work equipment for lifting application—

Thorough
Examination
of Lifting
Equipment.

(a) being put into service for the first time, is thoroughly examined for defect by an Approved Person ; or

(b) which he, personally or through a proxy, hires, leases, or contracts out is thoroughly examined by an Approved Person, unless it is accompanied by a document showing that the last thorough examination required to be carried out under this regulation has been carried out.

(2) An employer or occupier shall ensure that, where the safety of lifting equipment or other allied work equipment for lifting application depends on the installation condition, the equipment is thoroughly examined by an Approved Person—

(a) after installation and before being put into service for the first time ; or

(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) An employer or occupier shall ensure that a competent person thoroughly examines lifting equipment or other allied work equipment for lifting application daily before start of work.

(4) An employer or occupier shall ensure that lifting equipment or other allied work equipment for lifting application is thoroughly examined by an Approved Person—

(a) at least once every six months, in the case of lifting accessories ;

(b) at least once every six months, in the case of hoists, lifts, or work platforms ;

(c) at least once every 12 months, in the case of other lifting equipment ;

(d) after repair, modification, substantial alteration, operation, or such other activity that may impact on the safety of the lifting equipment or other allied work equipment for lifting application ; and

(e) at suitable intervals between thorough examinations specified by an Approved Person, to ensure the safety and maintenance of the lifting equipment or other allied work equipment for lifting application.

(5) An employer shall ensure that, where an examination scheme is to be employed in the safety and maintenance of lifting equipment, such examination scheme shall be approved by an Approved Person and registered with the Director of Factories, prior to the commencement of the scheme.

(6) Where lifting equipment is exposed to conditions causing deterioration, which may result in premature failure of the lifting equipment, the employer shall adopt an examination scheme as stated in sub-regulation (5) of this regulation.

(7) An Approved Person shall not be an employee of an occupier, employer, or person, who owns or manufactures lifting equipment or other allied work equipment for lifting application.

(8) An Approved Person shall perform work without conflict of interest and preserve the integrity and independence of the inspection process.

Report on
thorough
Examination.

12.—(1) An Approved Person conducting thorough examination in accordance with regulation 11 of these Regulations shall—

(a) immediately notify the employer or occupier of any defect in the lifting equipment, lifting accessory, or other allied work equipment for lifting application, which in his opinion may compromise its integrity and safety, and place a prohibition sign on such equipment ;

(b) issue a certificate of test and examination signed by him, which specifies the safe working load of the lifting equipment, lifting accessory, or other allied work equipment for lifting application ;

(c) report the result of such examination in the prescribed form signed by him and enter such report into the general register ; and

(d) within 28 days of conducting the examination, file said report with the Director of Factories.

(2) An employer or occupier, who has been notified under sub-regulation (1)(a) of this regulation, shall ensure that the lifting equipment is not put into use until the defect is rectified.

(3) An employer or occupier shall ensure that certificates and reports required to be made under these Regulations are—

(a) made available for inspection by a Factory Inspector ;

(b) kept for a period of at least three years, from the date of issuance of the report or certificates.

13.—(1) The Factory Inspector may require a factory or premises to be audited for compliance.

Powers of a Factory Inspector to Require Testing.

(2) Where a Factory Inspector has reasonable grounds to believe that a lifting equipment or other allied work equipment for lifting application is unsafe, he may, by a prohibition notice, require—

(a) a test and thorough examination to be carried out by an Approved Person of his choice, at the expense of the employer, occupier, or owner, and

(b) that once the notice is served, lifting equipment or work equipment for lifting application shall not be operated, until the Approved Person certifies it safe for operation.

14.—(1) An employer or occupier shall ensure that a person, who operates, manages, plans, or supervises a lifting equipment or other allied work equipment for lifting application—

Training and Certification of Personnel.

(a) receives adequate training from an organization approved by the Director of Factories on the use of lifting equipment or other allied work equipment and for the level of involvement in such operation as indicated in these Regulations ;

(b) is competent and has been approved by the Director of Factories.

(2) An employer or occupier shall ensure that a person, who operates, manages, plans, or supervises lifting operations, is provided with health and safety information, and where appropriate, written instructions pertaining to the use of the equipment.

(3) An employer or occupier shall ensure that an Approved Person engaged for the purpose of thorough examination of lifting equipment or other allied work equipment, as stated in regulation 11 of these Regulations, is certified by the Director of Factories.

(4) A person, who applies for certification as an Approved Person shall—

(a) be trained and certified, with not less than 10 years' experience in lifting operations or other allied activities ;

(b) be in the regular employment of an Inspection Agency, duly registered by the Director of Factories ;

(c) have an attestation from the Lifting Equipment Inspectors Association in Nigeria ; and

(d) be approved by the Director of Factories.

Operation of
Elevating
Devices.

15.—(1) No person shall use, operate, or permit the use or operation of an elevating device, unless—

- (a) the elevating device is licensed by the Director of Factories ; and
- (b) the notices required by these Regulations are displayed on it.

(2) An owner of an elevating device shall ensure that a notice stating the maximum capacity of the elevating device is conspicuously displayed—

- (a) in the load-carrying unit of the elevating device ; or
- (b) in the case of an elevating device without a single load carrying unit, at the bottom landing of the device.

(3) The notice in this regulation shall—

- (a) be displayed on a metal plate ;
- (b) contain letters and numerals, and be displayed at a height of not less than 19mm ; and
- (c) display the following information—
 - (i) maximum capacity,
 - (ii) maximum number of persons,
 - (iii) weight in kilogram or pounds.

(4) The licence for an elevating device shall designate the maximum—

- (a) total number of persons ; and
- (b) total weight in kilograms or pounds.

PART III—CRANES AND LIFTING APPLIANCES

Mobile
Crane and
Tower
Crane.

16.—(1) An employer or occupier shall ensure that—

- (a) a mobile crane is conspicuously fitted with level indicators ;
- (b) where a crane or lifting appliance is to be used on a slope, an uneven, or soft ground, necessary precautions shall be taken to prevent it from overturning ; and

(c) a crane is not used during weather conditions likely to affect its stability.

(2) An employer or occupier shall ensure that, where—

- (a) an anchorage, which requires portable ballast for stability, is installed on a tower crane, or
 - (b) an alteration is effected on the ballast materials,
- the anchorage or ballast shall be tested before use.

(3) The test referred to in this sub-regulation (2) of this regulation shall be made so that maximum pull applied to the anchorage or ballast shall be a load 25 per cent higher than the maximum rated load of the crane.

(4) The result of the test shall be recorded in the prescribed form.

17. Rail tracks for a travelling crane shall be—

Travelling
Cranes.

(a) laid on a firm and secured foundation, and an even running surface ;
(b) equipped with stops or buffers at each extremity to prevent derailment of the crane ; and

(c) free of objects likely to get stuck or obstruct the rail tracks at all times.

18.—(1) Where a person is employed within the vicinity of the rail track of the crane and there is a risk of being struck, the supervisor or any other person in charge, shall—

Overhead
Travelling
Cranes.

(a) caution the operator of the crane, or

(b) take such other safety measures to ensure that the crane does not approach within 6,000mm of the vicinity.

(2) A supervisor or any other person in charge shall take necessary measures to caution any person working in a position above floor level, and who is likely to be struck by an overhead traveling crane or by the load suspended from the crane.

19.—(1) Tandem lift operation shall be planned in advance and shall be supervised by a competent person.

Tandem Lift
Operation.

(2) Where cranes of similar design and equal capacity are used for tandem lift operation, the load taken by each crane shall not exceed 75per cent of the safe working load of that crane.

(3) 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.

20.—(1) Subject to the provisions of regulation 5(f) of these Regulations, a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load shall be 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.

Marking of
Safe Working
Loads.

(2) The safe working load and means of identification shall be marked on winches, pulleys and fork lift trucks.

21.—(1) A crane shall be fitted with an automatic safe working load indicator of an approved type.

Automatic
Safe Load
Indicators.

(2) The indicator shall give two distinct warnings—

(a) a clear and continuous visual warning to the crane operator, whenever the load being lifted is between 90 per cent and 97 per cent of the Safe Working Load ; and

(b) a clear and continuous warning to the crane operator and other persons within the vicinity, whenever the load being lifted is between 102 per cent and 110 per cent of the safe working load, or above.

(3) An indicator shall bear—

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

(b) the date of manufacture ;

(c) serial number or other means of identification ;

(d) the number and date of the certificate of approval ; and

(e) such other information, as may be specified by the Act or relevant legislation.

(4) Automatic safe load indicators shall be tested and thoroughly examined by an Approved Person, once in every six months.

(5) Automatic safe load indicators shall also be tested—

(a) when the crane, to which the indicator is fitted, has been wholly or partly dismantled ; and

(b) after any erection, alteration, or removal of the crane, which is likely to have affected the proper operation of the indicator.

(6) A report on the results of tests carried out on an automatic safe load indicator shall be made in the prescribed form.

(7) Where a vertical run of ladders exceeding nine meters in height is attached to a crane or lifting appliance, a suitable landing place shall—

(a) be provided at every nine meters, for safe entrance or exit from the crane or lifting appliance ;

(b) have secured fencing of a least one meter, which should consist of upper and lower guard rails.

(8) A crane or lifting appliance shall be provided with an efficient braking system, which is capable of sustaining load being raised, lowered, or suspended within its capacity.

(9) A crane fitted with derricking jib, which is driven through a clutch from the same source of power that drives the hoisting mechanism, shall be fitted with an interlocking arrangement to prevent the free fall of the jib, when the derricking clutch is disengaged.

(10) An operator of a crane, excavator, fork lift truck, mechanical grab, mechanical shovel, and piling machine shall be certified by the Director of Factories, prior to engagement as an operator; except for an equipment operator in training, who shall be closely supervised by a certified operator.

22.—(1) The designated classes of elevating devices include—

- (a) elevators, comprising—
 - (i) passenger elevators,
 - (ii) freight elevators, and
 - (iii) materials lifts ;
- (b) escalators ;
- (c) manlifts ;
- (d) construction and materials hoists ; and
- (e) special elevating devices.

Lifts,
Escalators
and
Conveyors.

(2) This regulation does not apply to—

- (a) devices that have a travel length of two 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 ramps ;
- (e) lift bridges and wharf ramps ;
- (f) appliances that feed materials into or position materials at machine tool presses, furnace, 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—
 - (i) it is permanently moored and used by the public,
 - (ii) the owner requests in writing that the regulation apply to it, or
 - (iii) platform elevators are installed in a ship or offshore drilling rig, and are used to load and unload cargo, equipment and personnel.

23.—(1) The Director of Factories may issue a new licence or renewal licence, where—

- (a) the applicant—
 - (i) completes and submits the appropriate application in the prescribed form, along with the prescribed fees, and
 - (ii) submits a condition report from an Approved Person, and such other information as may be required by the Director of Factories, in order to complete a compliance audit of the elevating device ; and
- (b) he is satisfied that the elevating device—
 - (i) complies with the provisions of these Regulations, and
 - (ii) is operated in a safe condition and manner.

Licence for
Elevating
Devices.

(2) A licence for an elevating device is valid for a period of three years, unless it is suspended or cancelled before its expiry date.

(3) Subject to sub-regulation (1) of this regulation, a licence may be transferred, where—

(a) the owner of the device for which the licence is being granted—

(i) completes and submits the appropriate application in the prescribed form, along with the prescribed fees,

(ii) submits a condition report from an Approved Person within 12 months, immediately preceding the application,

(iii) submits such other information, as may be 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 the provisions of these Regulations, and

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

(4) The Director of Factories shall not transfer a licence, where—

(a) the licence is suspended ;

(b) the factors listed in regulation 24 of these Regulations are present ; or

(c) the applicant for transfer is in arrears of any fee, penalty, or expense for which the applicant is liable.

Suspension
of Licence.

24.—(1) A licence for elevating device may be suspended, where—

(a) the Director of Factories has reasonable grounds to believe that the operation of the elevating device is in violation of the provisions of these Regulations ;

(b) a major alteration on the elevating device has commenced ;

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

(d) the owner of the elevating device is in arrears of fees payable under these Regulations for over a period of 28 days ; or

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

(2) Where a licence is suspended pursuant to sub-regulation (1) of this regulation, the Director of Factories shall give the owner a notice setting out—

(a) the conditions under which the licence was suspended ;

(b) the effective date of the suspension ; and

(c) an instruction to immediately return the licence upon receipt of the notice.

(3) Where the Director of Factories is satisfied that the condition on which a licence is suspended has been fully remedied, he shall—

(a) make an Order, in writing, discontinuing the suspension ; and

(b) issue the owner of the elevating device a certified true copy of the Order, which requires the owner to pay the prescribed licence reinstatement fee.

(4) A licence that has been suspended continues to be suspended until the conditions for suspension are appropriately remedied to the satisfaction of the Director of Factories and fees for reinstatement of licence paid.

25. Where a licence for an elevation device is lost or so damaged that it is unusable, the Director of Factories may, upon the payment of prescribed fees, re-issue the licence.

Re-issue of Licence.

26. Drawings and specifications of elevating device shall be submitted for registration—

Submissions for Installation Permit.

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

(b) accompanied by the applicable prescribed fees.

27.—(1) The Director of Factories shall register—

Registration of Organizations.

(a) as a Lift Contractor, a person or organization involved in the construction, installation, alteration, repair, maintenance, servicing, or testing of an elevating device ;

(b) as an Inspection Agency, an organization involved in inspection, thorough examination, and testing of lifting equipment, lifting accessory, other allied work equipment for lifting application, and elevating device ; and

(c) as a Training Contractor, a person or organization involved in the training of lifting equipment operators and Approved Inspectors.

(2) A person or organization seeking registration pursuant to sub-regulation (1) of this regulation shall submit an application in the prescribed form and prescribed fees to the Director of Factories.

(3) The Director of Factories may register the person or organization referred to in sub-regulation (1) of this regulation upon the receipt and evaluation of —

(a) an application in the prescribed form ;

(b) payment of the appropriate Registered Contractor’s registration fee ; and

(c) audit directed by the Director of Factories.

(4) A person or organization registered pursuant to sub-regulation (1) of this regulation shall be referred to as a Registered Contractor.

(5) A registration made under this regulation is valid for a period of three years, from the date of registration, unless the registration is suspended or cancelled before the expiration of the certificate.

Renewal of
Registration.

28.—(1) The Director of Factories may renew the registration of a Registered Contractor where, prior to its expiry date, the Registered Contractor—

- (a) submits to the Director of Factories an application for renewal in the prescribed form ;
- (b) pays the prescribed fees ; and
- (c) is successful at the evaluation audit exercise preceding the renewal.

Suspension
or
Cancellation
of
Registration.

29. The Director of Factories shall suspend or cancel the registration of a Registered Contractor, where the Registered Contractor or an employee of the Registered Contractor—

- (a) violates or fails to comply with these Regulations ;
- (b) permits a lifting equipment, lifting accessory, other allied work equipment for lifting application, or an elevating device under his control, to be used in an unsafe condition or while overloaded ;
- (c) has performed work on a lifting equipment, other allied work equipment for lifting application, or elevating device in a manner that has impaired its safe operation, or may have endangered the safety of persons or freight ; or
- (d) has knowingly permitted a his employee or sub-contractor to perform work under the sub-contract in a manner likely to endanger the safety of persons or lifting equipment that was worked upon.

PART IV—CERTIFICATE OF COMPETENCY

Certificate of
Competency.

30—(1) A certificate of competency, which may be issued by the Director of Factories under these Regulations include—

- (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 Operation Assistant ;
- (i) Scaffolding Technician ; and
- (j) Abseiling Technician.

(2) An applicant shall qualify for a certificate of competency—

(a) having successfully completed the practical skills and theoretical training in an institution registered by the Director of Factories ; and

(b) where he possesses the appropriate verifiable academic qualifications and attestation of requisite experience from the Lifting Equipment Inspectors Association.

(3) The Director of Factories may issue a certificate of competency, where the applicant—

(a) sits for and passes the Competency Certification Examination, as prescribed by the Director of Factories ;

(b) submits an application in the prescribed form, endorsed by the applicant’s employer ;

(c) fulfils the requirements of the sub-regulation (2) of this regulation ; and

(d) pays the prescribed fees.

(4) A certificate of competency is valid for a period of five years, from the date of its first issue, unless it is suspended or cancelled before its expiry date.

31.—(1) The Director of Factories may renew a certificate of competency, where the applicant—

Renewal of Certificate.

(a) submits an application in the prescribed form and endorsed by the applicant’s employer ;

(b) pays the prescribed fees ; and

(c) shows evidence of training, continued education and practice, or participation in a professional development conference or workshop organised by the Lifting Equipment Inspectors Association in Nigeria.

(2) Where a certificate of competence is not renewed immediately after its expiration; the Director of Factories may nonetheless, renew the certificate within 12 months of its expiration, provided the applicant complies with sub-regulation (1) of this regulation.

(3) Where a person fails to renew a certificate of competency pursuant to sub-regulation (1) and (2) of this regulation, any subsequent application will be made pursuant to regulation 30(3) of these Regulations.

32. The Director of Factories may suspend, cancel, or refuse to renew a certificate of competency, where the holder of the certificate—

Suspension or Cancellation of Certificate.

(a) has been adjudged incompetent, negligent, or lacks reasonable skills ;

(b) failed to comply with relevant provisions of the Act and these Regulations ; or

(c) falsified information on academic qualifications, or other information bordering on required professional competence.

Loss of Certificate.

33. Where a Certificate of Competency is lost, or so damaged that it is unusable, the Director of Factories shall, upon the payment of the prescribed fees, re-issue a Certificate of Competency.

Categorisation and Endorsement of Certificate.

34.—(1) A certificate of competency for an Approved Person shall be by endorsement in the following categorises—

(a) Category A—

- (i) Overhead Travelling Cranes,
- (ii) Goliath And Semi-Goliath Cranes, and
- (iii) Monorail Cranes ;

(b) Category B—

- (i) Tower Cranes, and
- (ii) Self-Erecting Tower Cranes ;

(c) Category C—

- (i) Mobile Cranes,
- (ii) Truck-Mounted Cranes,
- (iii) Vehicle-Mounted Truck Loader Cranes, and
- (iv) Forklifts ;

(d) Category D—

- (i) Offshore Cranes,
- (ii) Guy Derrick Cranes, and
- (iii) Container Cranes ; and

(e) Category E—

- (i) Lifts, and
- (ii) Escalators.

(2) A certificate of competency for an Approved Lift Installer shall be by endorsement in category—

(a) Class A—

(i) designating a lift technician working for or as a Registered Contractor to construct, install, alter, repair, maintain, service, and test elevating devices, and

(ii) covering all classes of elevating devices, with the exception of passenger ropeways ; and

(b) Class B—

(i) designating a lift technician working for or as a Registered Contractor to construct, install, alter, repair, maintain, service, and test only passenger ropeways.

(3) A certificate of competency for a Lifting Equipment Operator shall be by endorsement in category—

- (a) Crane Operator (below 50 tons) ;
- (b) Crane Operator (50 to 100 tons) ;
- (c) Crane Operator (100 tons and above) ;
- (d) Forklift Operator ; and
- (e) Work Equipment Operator.

35.—(1) Competency Certification Examinations shall be administered by an Examination Board, set up by the Honourable Minister, on the recommendation of the Director of Factories.

Administration of Certificate of Competency Examination.

(2) The Examination Board shall ratify the requirements, structure, venue and passing grade of the Competency Certification Examination.

(3) Membership of the Board shall consist of—

- (a) the Director of Factories, as the chairperson ;
- (b) a person appointed by the Director of Factories from the Federal Ministry of Labour and Employment, as the Secretary ;
- (c) a representative from the Lifting Equipment Inspectors Association ;
- (d) a representative from stakeholders and associated professional bodies ;
- (e) a representative from the Institute of Non-Destructive Testing, Nigeria ;
- (f) a representative from the Department of Petroleum Resources ; and
- (g) a representative from Nigeria Maritime Administration and Safety Agency.

(4) A member of the Examination Board, other than the Director of Factories, shall hold office for a term of two years, and may be eligible for reappointment for another term, and no more.

(5) The certificate of competency examination shall be conducted solely on the condition that at least five members of the Board approve the requirements, structure, and passing grade for that examination.

PART V—OFFENCES AND PENALTIES

36.—(1) A person, who—

- (a) forges any certificate required under these Regulations ;
- (b) forges a signature or certificate knowing it to be false in any material particular ;
- (c) knowingly alters or makes use of any such certificate so forged, counterfeited or falsified ;
- (d) impersonates the person named in such certificate ;

Forgery of Certificates, False Entries and False Declarations.

(e) falsely pretends to be an Inspector, an Approved Person, Registered Contractor, or a Competent Person ;

(f) wilfully connives with another in the commission of the offences contained in these Regulations ;

(g) wilfully makes a false entry in a certificate or documents required under these Regulations ;

(h) wilfully makes or signs a false entry regarding any information required under these Regulations ; or

(i) knowingly makes use of any such false entry or declaration as aforesaid,

commits an offence, and is liable on conviction to—

(i) a fine not exceeding the sum of ₦500, 000,

(ii) imprisonment for a term not exceeding six months, or

(iii) both fine and imprisonment.

Accident
Investigation.

37.—(1) The Director of Factories may inaugurate an Accident Investigation *Adhoc* Committee to investigate an accident, involving lifting equipment operation.

(2) Membership of the Committee shall consist of the following three members—

(a) an Approved Person (thorough examination), who has so practiced for at least five years ;

(b) an Appointed Person (lifting operations), who has so practiced for at least five years ;

(c) a Factory Inspector, experienced in lifting equipment operation.

(3) A member of the Committee shall hold office for a term not exceeding three years, and may be eligible for reappointment for another term.

(4) A member of the Committee shall not have any direct or indirect interest in the matter being investigated.

(5) Matters determined by the Committee shall be referred to the Factories Appeal Board, where a party is not satisfied with the Committee's decisions.

(6) An employer or occupier, who fails to report an accident, which caused injury to personnel or damage to equipment, commits an offence and is liable on conviction to—

(a) a fine not exceeding the sum of ₦1,000,000 ;

(b) imprisonment for a term of six months, or

(c) both fine and imprisonment.

PART VI— MISCELLANEOUS

38.—(1) The Factories Appeal Board shall consist of—

Appeal.

(a) a Chairman, appointed by the Minister, who shall be a legal practitioner and has been so qualified for not less than ten years ;

(b) an Approved Person (Thorough Examination), who has so practiced for at least 5 years ;

(c) an Appointed Person (Lifting Operations), who has so practiced for at least 5 (five) years ;

(d) a person appointed by the Lifting Equipment Inspectors Association ; and

(e) a Registered Contractor, an engineer, Technical Authority, or an individual having professional expertise in the installation or maintenance of lifting equipment.

(2) A member of the Appeal Board will hold office for a term not exceeding three years, and may be eligible for reappointment for another term.

39.—(1) A person, who is directly aggrieved or unsatisfied with the decision of the Director of Factories or of the Accident Investigation *Adhoc* Committee, may file an appeal to the Factories Appeal Board on—

Filing
Appeal.

(a) the outcome of the Accident Investigation Committee ;

(b) an application for a Certificate of Registration ;

(c) an application for a Certificate of Competency ; or

(d) a licence or an audit.

(2) An aggrieved person may file an appeal, in writing, within 30 calendar days from the date the decision, condition, or order being appealed was issued.

(3) An appeal does not suspend the operation of the decision, conditions or order.

40.—(1) The Factories Appeal Board may conduct a hearing either orally or in writing.

Appeal
hearing.

(2) The Factories 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; or

(c) make such further directives, as it is empowered to make.

(3) A decision of the majority of the members of the Appeal Board is a decision of the Appeal Board.

(4) A decision of the Appeal Board shall be in writing.

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Jurisdiction
of the
Appeal
Board.

41.—(1) The Appeal Board has exclusive jurisdiction to determine questions of law, fact, and both mixed law and fact that arise in any matter before it.

(2) 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.

Interpretation.

42. In these Regulations, unless the context otherwise requires—

“*act*” means Factories Act, CAP. F1, Laws of the Federation of Nigeria, 2004 ;

“*allied work equipment*” means a machinery, appliance, apparatus, tool or platform used at work in raising, lowering, pushing, and pulling items or persons (whether exclusively or not) ;

“*appointed Person (lifting operations)*” means a person, certified by the Director of Factories, 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 cranes, lifting gears, and equipment, instruction and supervision as is necessary for the tasks to be undertaken safely ;

“*approved Person (thorough examination)*” means a person certified by the Director of Factories, who has appropriate practical and theoretical knowledge and experience of lifting equipment or work equipment to be thoroughly examined ;

“*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 ;

“*certificate of competence*” means the certificate issued by the Director of Factories after an applicant has fulfilled the requirements stipulated in these Regulations ;

“*competent Person*” means a person certified by the Director of Factories, with the appropriate practical and theoretical knowledge, and experience of the design, use, maintenance, or repair of lifting or work equipment ;

“*director of factories*” means the Director of Factories of the Federation appointed under section 64 of the Factories Act ;

“*employer*” means a person charged with the hiring of persons, who are engaged in a specified operation, including a person to whom the requirements imposed by these Regulations apply ;

“*examination scheme*” means guidelines drawn up by an Approved Person to monitor the participant’s efficient operation of the equipment ;

“*general register*” means the register kept in accordance with the requirements of section 58 of the Factories Act ;

“*inspector*” means an inspector appointed under part IX of the Factories Act ;

“*inspection*” means a review or scrutiny carried out to determine whether stipulated standards or requirements have been met ;

“*ISO Standards*” means the International Organization for Standardization, a standards setting body ;

“*lifting equipment*” means work equipment for lifting, lowering or suspension of loads or persons, and includes hoist, lift platform etc., and its attachments, used for anchoring, fixing or supporting it ;

“*lifting operation*” means an operation concerned with the lifting, lowering or suspension of a load or person ;

“*maintained*” means maintained in an efficient state, in efficient working order, and in good repair ;

“*mine*” has the same meaning as in the Minerals and Mines Act Cap. F34 LFN 2004 ;

“*Minister*” means the Minister charged with the responsibility relating to labour and employment matters ;

“*owner*” means a person for the time being, receiving the rent 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 ;

“*occupier*” means a person, who lives in or takes up possession of a factory ;

“*premises*” means “registered contractor” means a person or organization, involved in the training of personnel connected with lifting equipment devices, constructing, installing, altering, repairing, maintaining, servicing, inspection, and testing of elevating devices, registered by the Director of Factories ;

“*shore employer*” means an employer of persons, other than the master and crew of any ship, who are engaged in a specified operation ;

“*thorough examination*” means examination, involving appropriate practical and theoretical knowledge, and experience of lifting equipment or other allied work equipment, which will detect defects or weaknesses, and the assessment of their importance, in relation to the safety and continued use of the lifting equipment or other allied work equipment ; and

“*technical authority (lifting equipment)*” means an engineer registered by the Council for the Regulation of Engineering in Nigeria (COREN), having appropriate practical and theoretical knowledge, and experience of lifting equipment, as will enable him to design, construct and assess the

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suitability of lifting equipment in relation to the safety for all conditions of use to which the equipment would be subject to in operation.

Citation. **43.** These Regulations may be cited as the Factories (Lifting and Allied Work Equipment (Safety) Regulations, 2018.

MADE at Abuja this 21st day of December, 2018.

SENATOR (DR) CHRIS NWABUEZE NGIGE OON, MD, KSII
*Honourable Minister of Labour
and Employment*

EXPLANATORY MEMORANDUM

*(This memorandum does not form part of these Regulations,
but is intended to explain its purport)*

These Regulations seek to ensure the safety of persons coming in contact with lifting equipment or other allied work equipment used in the raising, lowering, pushing, pulling of items or persons in a work place or premises accessible to the general public in Nigeria.