

COVID-19 and statutory inspections

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Please note: the information contained in our legal updates is correct as of the original date of publication.

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The HSE, who regulate and enforce workplace equipment, issued a statement on 25 March 2020 which said that whilst they are keeping things under review the statutory requirements for inspections remain unchanged.

What does this mean for your business?

The statutory inspection regime will apply to most businesses covering equipment including passenger lifts, escalators, forklift trucks, cranes, heat exchangers, refrigeration plant, autoclaves, boilers and steam heating systems.

As statutory duty holder employers must continue to undertake the usual pattern of inspections either by reference to the statutory timetable, for example every 6 months for passenger lifts, or your own written scheme of examination.

The challenges?

We know that the difficulties faced by business are not necessarily caused by not being able to undertake the inspection/examination but in ensuring that the government guidance around social distancing can be complied with during the inspection/examination.

It is also clear that many third-party organisations who provide the competent individuals to undertake the inspections/examinations are facing significant resourcing issues. A business can have no certainty that planned inspections/examinations will go ahead as scheduled or that inspectors will be able to meet your required deadline for an inspection

What should you be doing?

You are likely to already have a schedule of inspections/examinations and due by dates but if you do not have this information you need to collate it as soon as possible.

If you use a third party to undertake the examinations/inspections contact them as early as possible to determine if they will be able to continue to offer the services you need. It is likely that you will not be able to undertake some of the inspections/examinations before they fall due. The sooner the business assesses the impact of these issues the sooner you can put in place a plan to manage it.

Any piece of equipment that is subject to an inspection/examination regime has the potential to cause significant harm if it is not well maintained and examined. The consequences for a business in operating equipment that has missed an examination/inspection are serious carrying the real possibility of prosecution and steep financial penalties based on the risk of harm as well as actual harm that might be caused.

Insurance implications

It is also important to remember that your insurances may require you to comply either with your statutory requirements or with any specific maintenance and inspection requirements set out in the policy. If you don't, insurers may be entitled to refuse to cover a claim or reduce the amount they pay in the event of claim or loss. It is therefore essential that you contact your insurers if you are unable to comply with your obligations for any reason.

If you need more guidance please contact [Rachel Lyne](#).

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