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New regulations introduced to prevent future crane failure

On April 6, 2010, the Notification of Conventional Tower Cranes Regulations 2010 (the Regulations) came into force. These require the Health and Safety Executive (the HSE) to be notified of conventional tower cranes installed on construction sites. All information submitted to the HSE will be contained in a public Crane Register.

The Regulations have been introduced following a number of high-profile crane collapses and incidents in the last few years, in which eight people have been killed and more injured. Such accidents have included:

- **Worthing, February 2005:**
  
  Two site workers were killed during the dismantling of a crane on a Willmott Dixon school site. It was found that bolts on the jib had been loosened, which caused the collapse. Two crane companies were prosecuted and, after pleading guilty to breaches of the Health and Safety at Work Act, were fined £50,000 and had to contribute towards the HSE’s costs.

- **Liverpool, January 2007:**
  
  One site worker was killed after being struck by the falling jib of a crane supplied by Falcon Crane Hire on a David McLean site. No prosecution was brought by the HSE as it was found that high winds had significantly contributed to the collapse of the crane.

- **Croydon, June 2007:**
  
  A crane operator was injured when a crane supplied by Laing O’Rourke subsidiary Select Plant Hire Company Ltd collapsed on a hotel in Croydon. The HSE investigation established that the top of the crane had not been connected to the climbing frame and it served an immediate prohibition notice. The HSE brought a prosecution against Select Plant Hire Company Ltd, which pleaded guilty to breaches of both the Provision and Use of Work Equipment Regulations (PUWER) 1998 and the Health and Safety at Work Act 1974. It was fined £100,000 and in addition had to pay the HSE’s costs of the prosecution.

It is thought that around 1,800 conventional tower cranes are operated in Britain, with around 1,300 in use at any one time. The HSE considers that the Crane Register required by the Regulations will allow it, the industry and the Government to deliver improved safety performance to tackle “the tragic examples of what happens when tower cranes fail” (Judith Hackitt, Chair of the HSE).
Requirements of the Regulations

The Regulations require that certain information in relation to “conventional” tower cranes being used in the construction industry be notified to the HSE.

A conventional tower crane is defined as “a slewing job type crane with the jib located at the top of a vertical tower and which is assembled on site from components”. The Regulations do not apply to self-erecting, or mobile cranes.

Whilst the Regulations are designed to stand alone, they do dovetail with the current duties which are imposed on users of tower cranes, as set out in Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and Construction (Design and Management) Regulations 2007.

The Regulations stipulate that, within 14 calendar days from (and including) the date of any thorough examination of the conventional tower crane as required by LOLER, the HSE should be notified of:

1. the name and address of the owner/lessor of the crane;
2. the site address where the tower crane is being used;
3. sufficient information to identify the crane; for example, the crane’s date of manufacture, the serial number of the slewing section, the crane number and the colour of the crane;
4. the date of the thorough examination;
5. details of the employer for whom the examination was made; and
6. whether any defects posing a risk of personal injury were detected.

The information also needs to be provided to the HSE in relation to any crane which had already been installed on April 6, 2010. These notifications needed to have been made by May 3, 2010.

How to provide the information

The Regulations have been introduced after a period of consultation by the HSE and in response to what it perceives as a lack of public confidence in the safety of tower cranes. It was felt by the HSE that, following an incident, there may be difficulty in obtaining information on the tower crane involved, which can hinder investigations. The Crane Register will provide a comprehensive commentary on all tower cranes which are in operation within the United Kingdom.

The HSE can be notified either through its website,\(^1\) or by completing the relevant form which can be obtained from the HSE’s information line.

The construction sector has already done a lot to improve tower crane safety. For example, the Safe Crane Campaign provides best practice guidance, and the Tower Crane Interest Group meets to discuss crane safety and to put forward proposals for possible improvements in their safe use. In addition, the industry is working with the HSE to put into place a package of measures to include a competency requirement framework for crane erectors and dismantlers, more research into the effect of wind loading on cranes and consideration of the adequacy of crane design standards. As such, these Regulations may be just the start of more regulation in respect of tower cranes.

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On the one hand, the new Regulations should be welcomed as they will ensure that all relevant information is contained in a single, concise and accessible source; however, it is anticipated that they will be criticised for only addressing one part of the problem. Accidents can also occur from the use of other types of cranes, such as mobile cranes and self-erecting cranes. Further, resources will need to be made available by the HSE to ensure that any register remains current, effective and that costs to businesses are not incurred unnecessarily. Companies must ensure that the new Regulations do not detract from current inspection procedures and practices. Inspections remain a legal requirement and companies should continue to ensure best practice when it comes to inspecting tower cranes to ensure the safety of workers and the public.

The Regulations can be seen as placing a formal responsibility on employers, not to mention the increased financial outlay which is required on notification to the HSE (although the guidance documents which accompanied the HSE’s consultation prior to introducing the Regulations stated that the expected cost to businesses of complying with the Regulations is not intended to be too onerous, or punitive). In any event, if the Regulations can prevent “the tragic examples of what happens when tower cranes fail”, they should be welcomed.

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