

# The Safety of Hire Tools & Equipment

## *Practical Guidance for the Hire Trade*



This guide is intended for traders hiring tools and other equipment to the public. The range of businesses involved is wide, from specialist tool hire companies to dry cleaners and supermarkets hiring out carpet cleaners and similar items

Though not an exhaustive document, the guidance has been prepared to assist the trade in complying with relevant product safety law. In particular, advice is given on:-

- Applicable Legislation
- Due Diligence Defences
- Inspection and Maintenance of Equipment
- Ensuring the Safety of Consumers

The advice contained in this leaflet is based on the best information currently available. It is intended to be for your guidance only and should not be taken as an authoritative interpretation of the law. Only the courts are able to interpret the law.



This is one of a series of leaflets prepared by the Wales Heads of Trading Standards Group. For details of other leaflets in the series, please contact your local Trading Standards Department - contact details are provided at the end of this leaflet.

## What Does the Law Require?

### Electrical Equipment (Safety) Regulations 1994

These regulations apply to all electrical equipment designed or adapted for use at between 50 and 1000 volts alternating current, or 75 and 1500 volts direct current. Hire goods subject to the regulations would include power tools, wallpaper strippers and carpet cleaners.

The regulations require electrical equipment to be:-

- **Safe**  
Any risk of personal injury, arising from the use of electrical equipment, must be reduced to a minimum. Equipment must, therefore, not present any electrical hazards or have any physical dimensions that would cause injury, e.g. entrapment hazards and sharp edges.
- **Constructed in accordance with good engineering practice**  
Equipment is deemed to meet this requirement if it complies with a published standard. The regulations set a hierarchy for standards, with harmonised European standards having precedence over international and national standards. There can be a high degree of confidence that a product manufactured in accordance with such a standard is safe at the time of production, providing the standard covers all aspects of the safety of the product.
- **Designed to meet the safety requirements contained in the Regulations**  
These requirements are listed in full in the Regulations and cover issues like marking, protection against electric shock, earthing and supply overload.

It is an offence to hire out or otherwise supply electrical equipment that is **not safe**, and a person found guilty can face a fine of up to £5,000 on summary conviction or to imprisonment for a term not exceeding six months or both.

### Plugs and Sockets Etc (Safety) Regulations 1994

Electrical appliances that are designed to be connected directly to the mains by means of a standard 3-pin socket should not be supplied to the public unless correctly fitted with an approved plug complying with B.S. 1363. Such plugs will have sleeved live and neutral pins, and be marked with the name and reference number of the approval body, for example BSI or ASTA.

Where a 240v >110v transformer box is required to operate the appliance, these must also be terminated with an approved plug complying with B.S. 1363 where it connects to the mains via a standard 3-pin socket. All sockets (e.g. on mains extension flexible leads), adapters and similar devices must also comply with the standard. There are a few exceptions to this rule; for example, appliances with a residual circuit device plug or plug transformer.

The maximum penalty upon conviction is a fine of £5,000 or 6 months imprisonment or both.

## The General Product Safety Regulations 2005

The purpose of the General Product Safety Regulations is to ensure that all products intended for or likely to be used by consumers under normal or reasonably foreseeable conditions are safe.

Products covered by the regulations are those for which there is no other applicable safety legislation, and also those goods for which existing legislation does not adequately address all the safety issues relating to them.

The regulations also cover products that were originally designed for professional use but which subsequently “**Migrate**” on to the consumer market (e.g. certain power tools). In most cases aspects of safety of professional products will be the subject of specific product legislation such as the Supply of Machinery (Safety) Regulations 1992.

Consequently, where professional products become available to consumers the General Product Safety Regulations 2005 will extend to those aspects of safety and measures not covered by specific legislation. Migration does not necessarily mean that a professional product is unsafe to a consumer, but where it is reasonably foreseeable that a professional product may find its way onto the consumer market (intended or not) suitable instructions for use and warnings of any risks that are not obvious must be provided. However, where it is unlikely that the product could ever be safe for use by consumers, producers/distributors should take such steps as are reasonable and necessary to ensure the marketing and supply of the product is very strictly controlled. Labelling a product “for professional use only” (or similar) is unlikely on its own to be sufficient.

### Due Diligence Defences

The above legislation creates offences of strict liability. This can sometimes be unfair on the individual or business concerned, for example in the event of a mistake or circumstances totally beyond their control. For this reason, the legislation will usually include due diligence defences. In general, it will be a defence for a person charged with an offence if he can prove that he took **all reasonable precautions and exercised all due diligence** to avoid the commission of the offence.

Case law has shown that “taking reasonable precautions,” means the setting up of a suitable system, and that “exercising due diligence,” means that checks are carried out to ensure that the system is working. It is important that both elements of the defence are effective. No matter how good a system is on paper, the defence could not be made out if it could not be shown to be working in practice. In establishing a due diligence defence, note that you are required to do what is reasonable. What is reasonable will of course depend on the size of the business, the amount of product involved, etc. However you must do **all** that is reasonable in the circumstances.

The remainder of this guidance looks at some of the steps that can be taken by the tool hire trade to ensure the safety of customers. For further information on due diligence systems, please refer to advice leaflet PSG/6.

## **Inspection and Maintenance of Equipment**

During use, hire equipment will suffer considerable wear and tear, for example damage to plugs, insulation, guards, blades, etc which can result in the equipment becoming and unsafe to use.

You are advised to ensure that :-

- All equipment is inspected for damage prior to hire and upon return. Electrical checks and maintenance should be carried out by a competent electrical engineer.
- The checks carried out are recorded and the records kept to demonstrate operation of the checking system. This will be an important step towards demonstrating reasonable precautions and due diligence.
- Damaged equipment is taken out of service and not displayed for hire until repairs or maintenance have been carried out.
- Equipment requiring repair or maintenance is kept in a separate area to stock which is ready for hire, thereby avoiding any confusion about what can be supplied and what should not.
- A system is in place for labelling equipment as being ready for hire. This might take the form of a copy of the most recent safety check, or a label indicating that the item concerned is ready for hire.
- Arrangements are made for regular maintenance and servicing of equipment which may remain on display for long periods of time without being hired, to prevent deterioration into an unsafe condition over time.
- That the equipment used to carry out the safety checks (e.g. portable appliance tester) is calibrated regularly by a competent person to demonstrate its accuracy. Certificates should be obtained to this effect and kept as part of your due diligence system.

An example of a basic electrical equipment check sheet is included at the end of this guidance. The suggested format should be amended as necessary to suit the particular circumstances of the business and the equipment being hired out.

## **Ensuring the Safety of Consumers**

The following precautions should be taken on each occasion equipment is hired to a consumer:

- Discuss with the customer the reason for the hire. Make sure the equipment provided is appropriate for the task in question.
- Provide clear warnings and instructions for the safe use of each item hired. These are best given in writing, as verbal instructions are quickly forgotten.

- Provide a demonstration of the operation of the hire equipment, paying particular attention to its safety features, and the means of switching on and off.
- Make sure that customers are offered adequate and suitable **personal protective equipment (PPE)** where necessary. Appropriate PPE **must be supplied** with inherently dangerous items such as chain saws.

The PPE supplied should be compliant with relevant safety standards, and be effective for the equipment being hired and the work being undertaken. Some examples would be:-

Hire Equipment	Suggested Personal Protective Equipment
<b>Sanders, Saws and Angle Grinders</b>	Gloves Ear defenders Goggles Dust mask
<b>Concrete Mixers</b>	Gloves Ear defenders Goggles Dust mask
<b>Wallpaper Strippers</b>	Gloves
<b>Chainsaws</b>	Full chain saw safety kit
<b>Garden Equipment, e.g.</b>  Hedge trimmers, Compost Shredders and Brush Cutters	Goggles and ear defenders



## Remember

Unsafe equipment hired to a consumer could result in both criminal prosecution and civil liability to you the hirer.

In addition to the potential penalties for the criminal offences detailed above, a person injured by unsafe equipment could sue you for unlimited damages for injuries caused by the hire of your equipment.

## And Finally...

You should also consider the Electricity at Work Regulations 1989, which cover the use of electrical equipment in the workplace. For information on these regulations you should contact the Health and Safety Executive on 029 2026 3000.

## Where can I get more information?

- The Trading Standards Service of your local authority should be able to help with most of your queries. You can contact your local Trading Standards at:-



- The Hire Association Europe publishes a range of useful fact sheets on different types of hire equipment. The Association can be contacted on 0121 380 4600.

