
STATUTORY INSTRUMENTS

1992 No. 195

HEALTH AND SAFETY

The Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992

<i>Made</i>	- - - -	<i>5th February 1992</i>
<i>Laid before Parliament</i>		<i>17th February 1992</i>
<i>Coming into force</i>	- -	<i>30th April 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2) and (3)(a) and 82(3)(a) of, and paragraphs 1(2) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974⁽¹⁾ (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

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Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992 and shall come into force on 30th April 1992.

(2) For the purposes of these Regulations (including any enactment modified by these Regulations) a record need not be a document.

Contents of records etc.

2.—(1) Where, under a provision specified in column 3 of Part I of Schedule 1 to these Regulations, a record is required to be obtained, kept or made following a test, test and examination or test and thorough examination carried out after the coming into force of these Regulations, that record shall contain the particulars specified in Part III of Schedule 1 to these Regulations.

(2) Where, under a provision specified in column 3 of Part I of Schedule 1 to these Regulations, a record is required to be kept or made following a thorough examination carried out after the coming into force of these Regulations, that record shall contain the particulars specified in Part IV of Schedule 1 to these Regulations.

(1) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16 respectively.

(3) The record required to be kept pursuant to section 26(1)(g) of the Factories Act 1961⁽²⁾ shall, in respect of any chains, ropes or lifting tackle subject to the provisions of that paragraph and first used after the coming into force of these Regulations, contain the particulars specified in Part V of Schedule 1 to these Regulations.

(4) Where, under a provision specified in column 3 of Part II of Schedule 1 to these Regulations, a record must be made or sent to a specified person following a thorough examination carried out after the coming into force of these Regulations, that record shall contain the particulars specified in Part VI of Schedule 1 to these Regulations.

Accuracy of particulars

3. Any particulars required by regulation 2 of these Regulations or by virtue of the Docks Regulations 1988⁽³⁾ shall be correctly recorded.

Authentication of records

4. Any record containing particulars required by regulation 2 of these Regulations or by virtue of the Docks Regulations 1988—

- (a) shall be authenticated by a person who is in a position to declare that the particulars contained in it are correct; and
- (b) may be authenticated by signature or other equally secure means.

Modifications

5. The Act and instruments specified in Schedule 2 to these Regulations shall be modified to the extent specified therein.

Savings provisions

6.—(1) Any record obtained, kept, made or sent to a specified person following a test, test and examination, test and thorough examination or thorough examination carried out under a provision specified in column 3 of Part I or II of Schedule 1 to these Regulations or of section 26(1)(g) of the Factories Act 1961 before the coming into force of these Regulations shall contain the same particulars as would have been required if these Regulations (including the revocations effected by these Regulations) had not been made.

(2) Any certificate, register or report which, immediately before the coming into force of these Regulations, satisfied the requirements of any of the provisions specified in Part I or II of Schedule 1 to these Regulations or of section 26(1)(g) of the Factories Act 1961 shall be deemed to satisfy those requirements after such coming into force.

Revocations

7. The instruments specified in column 1 of Schedule 3 to these Regulations are hereby revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

(2) 1961 c. 34.

(3) S.I. 1988/1655.

Signed by order of the Secretary of State.

5th February 1992

Eric Forth
Parliamentary Under Secretary of State,
Department of Employment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 2

REQUIREMENTS FOR A RECORD TO BE OBTAINED, KEPT, MADE OR OTHERWISE DEALT WITH FOLLOWING ANY TEST, TEST AND EXAMINATION, TEST AND THOROUGH EXAMINATION OR THOROUGH EXAMINATION

PART I

PROVISIONS REQUIRING A RECORD TO BE OBTAINED, KEPT OR MADE FOLLOWING ANY TEST, TEST AND EXAMINATION, TEST AND THOROUGH EXAMINATION OR THOROUGH EXAMINATION

(1) Short title of Act or title of instrument	(2) Reference	(3) Provision
The Shipbuilding and Ship-repairing Regulations 1960	S.I. 1960/1932; modified by S.I. 1974/1941	Regulations 34(1) and (2), 36(1) and (2) and 37(1) and (2)
The Construction (Lifting Operations) Regulations 1961	S.I. 1961/1581; modified by S.I. 1974/1941	Regulations 19(4), 28(5) and (6), 34(1)(b), 35, 40, 46(1)(a) and (b) and 46(2)
The Factories Act 1961	1961 c. 34; modified by S.I. 1974/1941	Sections 26(1)(e), and 27(2) and (6)

PART II

PROVISIONS REQUIRING RECORDS TO BE MADE OR SENT TO A SPECIFIED PERSON FOLLOWING A THOROUGH EXAMINATION

(1) Short title of Act or title of instrument	(2) Reference	(3) Provision
The Factories Act 1961	1961 c. 34	Section 22(2)
The Offices, Shops and Railway Premises (Hoists and Lifts) Regulations 1968	S.I. 1968/849; modified by S.I. 1974/1943	Regulation 6(1)

PART III

PARTICULARS REQUIRED IN RECORDS REQUIRED TO BE OBTAINED ETC. UNDER ANY PROVISION SPECIFIED IN COLUMN 3 OF PART I OF THIS SCHEDULE AND FOLLOWING ANY TEST, TEST AND EXAMINATION OR TEST AND THOROUGH EXAMINATION

1. Description, date of manufacture, identification mark and location of the equipment referred to.

2. The safe working load (or loads) and (where relevant) corresponding radii, jib lengths and counterweights.
3. Details of the test, test and examination or test and thorough examination carried out.
4. Date (or dates) of completion of the test, test and examination or test and thorough examination.
5. A declaration that the information is correct and that the equipment has been tested, tested and examined or tested and thoroughly examined in accordance with the appropriate provisions and is found free from any defect likely to affect safety.
6. Name and address of the owner of the equipment referred to.
7. Name and address of the person declaring that the test, test and examination or test and thorough examination has been carried out.
8. Date the record of the test, test and examination or test and thorough examination is made.
9. A number or other means of identifying the record.

PART IV

PARTICULARS REQUIRED IN RECORDS REQUIRED TO BE OBTAINED ETC. UNDER ANY PROVISION SPECIFIED IN COLUMN 3 OF PART I OF THIS SCHEDULE AND FOLLOWING A THOROUGH EXAMINATION

1. Description, identification mark and location of the equipment referred to.
2. Date of the last thorough examination and number of the record of such thorough examination.
3. The safe working load (or loads) and (where relevant) corresponding radii.
4. The date of the most recent test and examination or test and thorough examination and the date and number or other identification of the record of it.
5. Details of any defects found and, where appropriate, a statement of the time by when each defect shall be rectified.
6. Date of completion of the thorough examination.
7. Latest date by which the next thorough examination should be carried out.
8. A declaration that the information is correct and that the equipment has been thoroughly examined in accordance with the appropriate provisions and is found free from any defect likely to affect safety other than any recorded by virtue of paragraph 4 of this part.
9. Name and address of the owner of the equipment.
- 10 Name and address of the person responsible for the thorough examination.
11. Date the record of the thorough examination is made.
12. Name and address of the person who authenticates the record.
13. A number of other means of identifying the record.

PART V

PARTICULARS REQUIRED IN THE RECORD REQUIRED TO BE KEPT UNDER SECTION 26(1)(g) OF THE FACTORIES ACT 1961

1. Description, identification mark and location of the equipment referred to in section 26(1)(g) of the Factories Act 1961.
2. The safe working load or loads and (where relevant) corresponding radii of such equipment.
3. Details and date of completion of the test and examination carried out under section 26(1)(e) of the Factories Act 1961.
4. Details and date of completion of each thorough examination made under section 26(1)(d) of the Factories Act 1961.
5. Details of any defect found and, where appropriate, a statement of the time by when each defect shall be rectified.
6. Date of making of the record required to be obtained under section 26(1)(e) of the Factories Act 1961 and an identifying number.
7. Latest date by which the next thorough examination made under section 26(1)(d) of the Factories Act 1961 should be carried out.
8. Name and address of the owner of the equipment referred to.
9. Name and address of the person responsible for the test and examination made under section 26(1)(e) of the Factories Act 1961 or the examination made under section 26(1)(d) thereof.
10. Name, and address of the person who authenticates the record.
11. A number or other means of identifying the record.

PART VI

PARTICULARS REQUIRED IN RECORDS REQUIRED TO BE DEALT WITH UNDER ANY PROVISION SPECIFIED IN COLUMN 3 OF PART II OF THIS SCHEDULE AND FOLLOWING A THOROUGH EXAMINATION

1. Description, identification mark and location of the hoist or lift referred to.
2. Date of the last thorough examination and number of the record of such thorough examination.
3. The safe working load.
4. Details of any parts which were inaccessible.
5. Details of any defect found (especially in the following—
 - (a) enclosure or hoistway or liftway;
 - (b) landing gates and cage gate(s);
 - (c) interlocks on the landing gates and cage gate(s);
 - (d) other gate fastenings;
 - (e) cage or platform and fittings, cage guides, buffers, interior of the hoistway or liftway;
 - (f) over-running devices;
 - (g) suspension ropes or chains, and their attachments;

- (h) safety gear, ie arrangements for preventing fall of platforms or cage;
- (i) brakes;
- (j) worm or spur gearing;
- (k) other electrical equipment;
- (l) other parts); and

where appropriate, a statement of the time by when each defect shall be rectified.

6. Date of completion of the thorough examination.
7. Latest date by which the next thorough examination should be carried out.
8. A declaration that the information is correct and that the equipment has been examined in accordance with the appropriate provisions and is found free from any defect likely to affect safety other than any such defect recorded by virtue of paragraph 4 of this part.
9. Name and address of the owner of the hoist or lift referred to.
10. Name and address of the person responsible for the thorough examination.
11. Date the record of the thorough examination is made.
12. Name and address of the person who authenticates the record.
13. A number or other means of identifying the record.

SCHEDULE 2

Regulation 5

MODIFICATIONS

1. The Shipbuilding and Ship-repairing Regulations 1960⁽⁴⁾ shall be modified as follows—
 - (a) in regulation 34(1), for the second sentence, substitute—

“A record of such test and thorough examination and of the results thereof containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992 shall have been obtained and the particulars in that record shall be available for inspection.”;
 - (b) for regulation 34(2), substitute the following paragraph—

“(2) Subject as aforesaid, every lifting appliance shall be thoroughly examined by a competent person at least once in every period of twelve months and a record of every such examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be kept and the particulars in that record shall be available for inspection. In the case of lifting appliances in a shipyard, the person by whom the record is authenticated shall within twenty-eight days of the completion of the examination send a copy of the particulars in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision in every case where the examination shows that the lifting appliance can not continue to be used with safety unless certain repairs are carried out immediately or within a specified time.”;
 - (c) in regulation 36(1), for the words from “A certificate of test” to “shall be available for inspection”, substitute—

⁽⁴⁾ S.I. 1960/1932.

“A record of such test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall have been obtained and the particulars in that record shall be available for inspection.”;

- (d) in regulation 36(2), for the words from “a certificate of such test” to the end, substitute—
 “a record of such test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained and the particulars in that record are available for inspection.”;

and

- (e) in regulation 37(1) and (2), for the words “reports of the results” to the end, substitute in each case—
 “records of such thorough examinations and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be kept and the particulars in the records shall be available for inspection.”.

2. The Construction (Lifting Operations) Regulations 1961(5) shall be modified as follows—

- (a) in regulation 19(4), for the final sentence, substitute—
 “A record of every such test and the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made forthwith.”;
- (b) in regulation 23(2), for “certificate of test and examination”, substitute—
 “record of the results of any test and thorough examination.”;
- (c) for regulation 28(5), substitute the following paragraph—
 “(5) No crane, crab winch, pulley block or gin wheel shall be used unless there has been obtained a record of any test and thorough examination required by paragraphs (1) and (2) of this regulation and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992.”;
- (d) for regulation 28(6), substitute the following paragraph—
 “(6) A record of every test or thorough examination required by paragraphs (1) to (3) of this regulation, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made within twenty-eight days:
 Provided that this paragraph shall not apply to a test and thorough examination of which a record has been obtained in accordance with paragraph (5) of this regulation.”;
- (e) for regulation 28(7), substitute the following paragraph—
 “(7) The person authenticating the record of any test or examination required by paragraphs (1) or (3) of this regulation shall within twenty-eight days of the completion of the test or examination send a copy of the particulars in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision in every case where the test or examination shows that the plant or equipment cannot continue

- to be used with safety unless certain repairs are carried out immediately or within a specified time.”;
- (f) for regulation 34(1)(b), substitute the following sub-paragraph—
- “(b) (except in the case of a wire rope used before the commencement of these Regulations or a fibre rope or fibre rope sling) it has been tested and examined by a competent person and a record of such test and examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained; and”;
- (g) in regulation 34(2), for “report”, substitute “record”;
- (h) in regulation 35—
- (i) for the words “in the prescribed form” to “specifying the safe working load.”, substitute the following—
- “a record of such test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992.”;
- and
- (ii) for “certification”, substitute “obtaining a record”;
- (i) in regulation 40, for the final sentence, substitute the following—
- “‘A record of every such thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made forthwith.’”;
- (j) in regulation 46(1)(a), for the words from “and there has been obtained” to the end, substitute the following—
- “and a record of such test and thorough examination, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained.”;
- (k) in regulation 46(1)(b), for the words from “and a report of the results” to the end, substitute the following—
- “and a record of the results of such test and thorough examination, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been made; and”;
- (l) for regulation 46(2), substitute the following paragraph—
- “(2) A record of every thorough examination required by sub-paragraph (c) of the foregoing paragraph and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made within twenty-eight days.”;
- (m) for regulation 46(3), substitute the following paragraph—
- “The person authenticating the record of any test or examination required by paragraph (1) of this Regulation shall within twenty-eight days of the completion of the test or examination send a copy of the particulars contained in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision in every case where the test or examination shows that the hoist cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.”;
- (n) in regulation 50(1)—

- (i) after “reports” where it first occurs, add “or records”,
 - (ii) after “kept” on the first occasion that it occurs, add “or the particulars in them shall be capable of inspection (which must include the ability to make an accurate and legible written copy)”, and
 - (iii) after “kept” on the second occasion that it occurs, add “or the particulars contained in them shall be capable of inspection as aforesaid”;
 - (o) in regulation 50(2)—
 - (i) for “document”, substitute “record” on both occasions where it occurs, and
 - (ii) for “certificate” where it last occurs, substitute “certificate or record”; and
 - (p) in regulation 50(3), for “documents”, substitute “records”, and for “document”, substitute “record”.
3. The Factories Act 1961(6) shall be modified as follows—
- (a) for section 22(2), substitute the following sub-section—

“(2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six months and a record of every such thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be made within twenty-eight days, and any such record shall be kept and the particulars in it shall be available for inspection as if it formed part of the general register.”;
 - (b) for section 22(3), substitute the following sub-section—

“(3) Where the thorough examination shows that the hoist or lift cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person who authenticates the record shall within twenty-eight days of the completion of the thorough examination send a copy of the particulars contained in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision.”;
 - (c) for section 26(1)(e), substitute the following paragraph—

“(e) no chain, rope or lifting tackle, except a fibre rope or a fibre rope sling, shall be taken into use in any factory for the first time in that factory, unless it has been tested and thoroughly examined by a competent person and a record of the test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained and the particulars in that record are kept available for inspection.”;
 - (d) for section 26(1)(g), substitute the following paragraph—

“(g) a record containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, shall be kept in respect of all such chains, ropes or lifting tackle, except fibre rope slings.”;
 - (e) for section 27(2), substitute the following sub-section—

“(2) All such parts and gear shall be thoroughly examined by a competent person at least once in every period of fourteen months and a record shall be kept of every such thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations

1992, and where the thorough examination shows that the lifting machine can not continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person who authenticates the record shall within twenty-eight days of the completion of the thorough examination send a copy of the particulars in the record to an inspector appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 who is authorised for the purposes of this provision.”;

and

- (f) in section 27(6), for the words, “certificate of the test” to the end, substitute the following

—
“record of the test and thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992, has been obtained and the particulars in that record are kept available for inspection.”;

4. The Offices, Shops and Railway Premises (Hoists and Lifts) Regulations 1968(7) shall be modified as follows—

- (a) in regulation 6(1)—

- (i) for the words from “report of the result of every such examination” to “examination and”, substitute the following—

“record of every such thorough examination and of the results thereof, containing the particulars required by the Lifting Plant and Equipment (Records of Test and Examination etc.) Regulations 1992”;

and

- (ii) for “report of the result of the examination”, substitute “record of the thorough examination and of the results thereof”;

- (b) for regulation 6(2), substitute the following paragraph—

“(2) The record of every thorough examination and of the results thereof made in pursuance of paragraph (1) of this regulation shall be preserved and the particulars in that record shall be kept readily available for inspection by any inspector for, in each case, two years after the date when the record is signed or otherwise authenticated.”;

and

- (c) in regulation 6(3)—

- (i) for “making the report”, substitute “who authenticates the record”, and

- (ii) for “copy of the report”, substitute, on both occasions where it occurs, “copy of the particulars contained in the record”.

5. The Docks Regulations 1988(8) shall be modified by substituting for the words “certificate or report” in regulation 15(1)(a)(i) and each time they occur in regulation 17, the word “record”.

(7) S.I. 1968/849.

(8) S.I. 1988/1655.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 3

Regulation 7

REVOCATIONS

(1) Title of instrument	(2) Reference	(3) Extent of revocation
The Chain Ropes and Lifting Tackle (Register) Order 1938	S.R. & O. 1938/599	The whole Order
The Shipbuilding (Reports on Chains and Lifting Gear) Order 1961	S.I. 1961/115	The whole Order
The Shipbuilding (Reports on Ropes and Rope Slings) Order 1961	S.I. 1961/116	The whole Order
The Shipbuilding (Lifting Appliances etc. Forms) Order 1961	S.I. 1961/431	Articles 3(1), (2), (3) and (4) and Parts I, II, III and IV of the Schedule
The Shipbuilding (Reports on Lifting Appliances) Order 1961	S.I. 1961/433	The whole Order
The Construction (Lifting Operations) Reports Order 1962	S.I. 1962/225	Articles 4 and 6 and Parts II and IV of the Schedule
The Construction (Lifting Operations) Prescribed Particulars Order 1962	S.I. 1962/226	Articles 3, 4, 5 and 7 and Parts I, II, III, IV and VI of the Schedule
The Construction (Lifting Operations) Certificates Order 1962	S.I. 1962/227	The whole Order
The Construction (Lifting Operations) Prescribed Particulars (Amendment) Order 1962	S.I. 1962/1747	The whole Order
The Lifting Machines (Particulars of Examinations) Order 1963	S.I. 1963/1382	The whole Order
The Hoists and Lifts (Reports of Examinations) Order 1963	S.I. 1963/2003	The whole Order
The Shipbuilding (Lifting Appliances etc. Forms) (Amendment) Order 1964	S.I. 1964/530	The whole Order
The Construction (Lifting Operations) Certificate (Amendment) Order 1964	S.I. 1964/531	The whole Order
The Docks Certificates Order 1964	S.I. 1964/532	The whole Order

(1) Title of instrument	(2) Reference	(3) Extent of revocation
The Docks Certificates (No.2) Order 1964	S.I. 1964/1736	The whole Order
The Offices, Shops and Railway Premises (Hoists and Lifts) Reports Order 1968	S.I. 1968/863	The whole Order
The Docks, Shipbuilding etc. (Metrication) Regulations 1983	S.I. 1983/644	In the list in regulation 1(2), and in the Schedule, the entries in respect of— — The Docks Regulations 1925, — The Docks Regulations 1934, — The Docks Certificates (No.2) Order 1964
The Docks Regulations 1988	S.I. 1988/1655	Regulation 15(1)(a)(ii)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations replace and update the particulars which must be recorded following specified tests, tests and examinations, tests and thorough examinations and thorough examinations of lifting plant and equipment (*regulation 2 and Schedule 1*).

The regulations also modify the provisions under which the specified particulars must be recorded and the Docks Regulations 1988 so as to allow records to be kept in a manner which does not require the use of writing but which is equally secure (*regulations 4 and 5 and Schedule 2*).

The Regulations contain savings provisions in respect of records, certificates, registers or reports made, kept or sent following a test, examinations etc. carried out before the coming into force of these Regulations (*regulation 6*).

Instruments prescribing forms of record or particulars which are replaced by these Regulations, together with Orders which prescribe forms in relation to docks but which no longer have effect, are revoked (*regulation 7 and Schedule 3*).