

Is Thorough Examination of a fork lift truck a legal requirement and what is it?

Law in the form of The Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) places duties on individuals and companies who own, operate or have control over (duty holders) lifting equipment, including fork lift trucks.

LOLER requires that all lifting equipment be fit for purpose, appropriate for the task, suitably marked and, in many cases, subject to statutory periodic 'Thorough Examination'.

In most cases lifting equipment (including fork lift trucks) is work equipment, so legislation in the form of **The Provision and Use of Work Equipment Regulations 1998** (PUWER) applies. PUWER requires the inspection and maintenance of safety-related items, such as brakes, steering and tyres.

Meeting these requirements would be assisted by adherence to the Health and Safety Executive's Approved Code of Practices (ACOP) and guidance for LOLER **L113 Safe use of lifting equipment** and PUWER **L22 Safe use of work equipment**.

While ACOP L113 is not law, this has been produced under section 16 of the **Health and Safety at Work etc Act, 1974** (HSW Act) and has a special status (as outlined in introductory page (ii) of the ACOP).

ACOP L113 supports not only LOLER but also the general provisions of section 2 of the HSW Act and other regulations, including **The Management of Health and Safety at Work Regulations 1999** (MHSWR) and PUWER, in relation to lifting equipment and lifting operations.

If you own, operate or have control over (duty holders) lifting equipment, including fork lift trucks, you must make sure the lifting equipment is fit for purpose and appropriate for the task and that all repairs are carried out within specified timescales.

This fact sheet provides advice on the options you have under LOLER relating to the requirement for thorough examination and inspection of lifting equipment and explains the benefits of having an 'examination scheme'. However, this does not replace the necessity for operators to carry out checks to lifting equipment and accessories before use.

What does LOLER require?

LOLER addresses the specific risks associated with the use of lifting equipment. Thorough examination and inspection are key requirements of this legislation.

To meet these requirements, duty holders must: ensure lifting equipment (including lifting accessories) exposed to conditions causing deterioration which could lead to dangerous situations undergoes regular thorough examination by a competent person.

They must also ensure all supplementary inspections and tests recommended made by the competent person are carried out within the timescale stated. Examples of conditions causing deterioration are wet, abrasive or corrosive environments.

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What equipment is covered by LOLER?

The scope of the legislation is very wide and includes a range of equipment. There are two important definitions: 'lifting equipment' means work equipment for lifting and lowering loads. The definition includes attachments used to anchor, fix or support the equipment (e.g. the runway of an overhead crane); 'accessory for lifting' means lifting equipment for attaching loads to machinery for lifting.

The following examples illustrate the type of lifting equipment which can raise or lower loads and the broad range of lifting operations, which should be assessed for the application of LOLER.

These are examples and the Regulations may be relevant to other equipment used for similar activities or where the equipment listed is used for different lifting operations:

- (a) cranes;
- (b) lift trucks and telescopic handlers;
- (c) high lift pallet trucks, both manual and powered, that have the ability to raise the forks above 300mm;
- (d) goods lifts or passenger lifts, for example in an office block, hospital etc which are provided for those at work;
- (e) simple systems such as a rope and pulley used to raise a bucket of cement on a building site, a construction site hoist, a gin wheel, or a dumb waiter in a restaurant or hotel;
- (f) pull-lifts;
- (g) vacuum lifting equipment;
- (h) a vehicle inspection hoist;
- (i) a scissor lift or a mobile elevating work platform (MEWP); Regulation 2 LOLER Guidance 2 LOLER 11 Safe use of lifting equipment Safe use of lifting equipment 12
- (j) ropes used for climbing or work positioning during arboriculture, climbing telecommunication towers and structural examination of a rock face or external structure of a building;
- (k) a paper roll hoist on a printing machine;
- (l) an automated storage and retrieval system;
- (m) a front-end loader on a tractor used for raising and lowering loads such as a bale of hay;
- (n) an excavator (or other earth-moving machinery) adapted to be used for lifting using lifting attachments (e.g. forks, grabs, lifting magnets), but not when used for normal earth-moving operations;
- (o) a hoist or sling used for lifting people from, for example, a bed or a bath;
- (p) a loader crane fitted to a lorry, e.g. used to raise bins for delivery duties;
- (q) a refuse vehicle loading arm, e.g. used to raise bins for tipping;
- (r) an air cargo elevating transfer vehicle;
- (s) a car transporter or vehicle recovery equipment;
- (t) a skip collection vehicle; and
- (u) vehicle tail lifts.

Lifting accessories would include such items as slings, hooks, removable eyebolts, chains, ropes, shackles, grabs, magnets, vacuum lifters, crane forks, lifting beams and spreaders.

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What is thorough examination?

A Thorough Examination is a systematic and detailed examination of equipment and safety-critical parts, to detect any defects that are or might become dangerous, carried out at specified intervals, conducted by a competent person, who must then complete a written report.

The competent person will determine the scope of the thorough examination and they may use several sources to help them do this, such as industry guidance. The Health and Safety Executive's (HSE) Contract Research Report - Thorough examination and inspection of particular items of lifting equipment (**CRR429/200**) may also be a useful reference tool.

Who is a 'competent person'?

A competent person is a specifically designated adequately trained individual, who has enough practical and theoretical knowledge and experience of the lifting equipment, the ability to apply it when detecting defects or weaknesses and assess how important they are in relation to the safety and continued use of the lifting equipment.

The competent person must also have the genuine authority and independence to ensure that examinations are properly carried out, make objective decisions and that the necessary recommendations arising from them are made without fear or favour.

They may be employed by an external inspection company, suitably qualified third party or a specifically designated employee. Regardless who performs this task, a written report of Thorough Examination must be kept.

A competent person should not normally be the same person who performs routine maintenance, as they would be responsible for assessing their own work.

How often must lifting equipment and accessories be thoroughly examined?

Lifting equipment and lifting accessories should be thoroughly examined before using for the first time, unless the equipment has an EC Declaration of Conformity, or is less than one year old and was not assembled on site. If it was assembled on site, it must be examined by a competent person to establish the assembly was correct and safe, e.g. a platform lift installed in a building.

After assembly and before use at each location for equipment that requires assembly or installation before use, e.g. tower cranes.

Regularly in service, if the equipment is exposed to conditions causing deterioration that is likely to result in dangerous situations. If this applies to your equipment you have a choice, see table below.

You can arrange for the thorough examination to be carried out:

- At regular intervals (either at least every 6 months or 12 months depending on whether the lifting equipment is for lifting people or not); or
- In accordance with an examination scheme drawn up by a competent person.

Accessories for lifting must be thoroughly examined either at least every 6 months or in accordance with an examination scheme.

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In-service examination periods

Type of equipment/Conditions of use	4 months	6 months	12 months	Examination scheme
Accessory for lifting		✓		✓
Equipment used to lift people		✓		✓
All other lifting equipment			✓	✓
Any fork lift truck working between 40 and 80 hours per week		✓		
Any fork lift truck working in excess of 80 hours per week	✓			
Any truck working in arduous conditions such as: <ul style="list-style-type: none"> • Marine environments • Corrosive chemical environments • Metal manufacturing or processing • Cement/aggregate processing or where abrasive particles are present • Brine processes • Cold stores 	✓			

Thorough examination of hired fork lift trucks

During short term hire (i.e. less than 12 months) both the hire company and user of a fork lift truck have a duty to ensure equipment is safe for use and are thoroughly examined at the appropriate intervals.

However, when hire exceeds 12 months it becomes the sole responsibility of the user of the equipment.

It is important for both the hire company and the user to agree and confirm who will carry out safety-related maintenance and thorough examinations. The user will need to ensure that necessary inspections and pre-use checks are carried out and defects reported and remedied as necessary. A copy of the last examination report must accompany the fork lift truck and be available for inspection.

What is an examination scheme?

An examination scheme involves a thorough examination and would include a detailed schedule of checks, appropriate examination techniques and testing requirements, drawn up to suit the operating conditions of a specific item of lifting equipment. This can help ensure that the resources you spend more accurately reflect the level of risk.

The examination scheme:

- Should identify the parts of the lifting equipment to be thoroughly examined;
- Can cover a number of similar items subject to the same operating conditions, e.g. all the lifting accessories in a factory which are sufficiently similar in age and subjected to similar amounts of use;
- May often specify periods that are different (longer or shorter) from the 'periodic' examination intervals (i.e. 6 or 12 months), but a longer period must be based on a rigorous assessment of the risks;
- Can be drawn up by the user, owner, manufacturer or some other independent person, as long as they have the necessary competence;

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- CShould be reviewed regularly, during each thorough examination and after any event that may alter the risks associated with the lifting equipment. You must inform the competent person of any incidents that may affect the risks associated with the use of the equipment.

FLTA further guidance

Also see FLTA Fact Sheets 4 and 17 for further information.

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The information in this Fact Sheet has been assembled and interpreted to give truck owners and users basic guidance on frequently asked questions. Further important information will be given in the quoted reference documents. Responsibility for meeting the safety obligations discussed rests with the employer, and the UKMHA will not accept liability for any problem arising as a result of the content of this document. Technical Bulletins, containing more detailed information and updated as appropriate, are made available free to members of the **UKMHA SAFE USER GROUP**.

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