

# An Essential Guide to Legal Requirements for the Owners and Users of Forklift Trucks

## Reason for the bulletin

There is a large amount of legislation concerning the use of forklift trucks. This is spread across a number of documents and is often written in a manner that may not be readily understood by owners and users who have many other responsibilities to consider.

Owners and users should be able to seek unbiased information and advice from Members of the UK Material Handling Association. The appendix to this Technical Bulletin provides an overview of the key areas of legislation that relate to the operation of forklift trucks. As such it will act as a guide to member companies.

## Aim

The aim of this bulletin is to provide Members of the UK Material Handling Association (UKMHA) with a straightforward guide to those legal requirements that should be known to the owners and users of forklift trucks.

## Reproduction

The appendix to this Technical Bulletin may be freely reproduced by Member Companies for internal distribution and for passing on to customers. The appendix may not be amended or altered in any way and should ideally be copied as a complete document rather than single pages.

## Amendments and Additions

The appendix will be amended from time to time as regulations and concepts of best practice change. Members are encouraged to pass on comments or suggestions to improve this document and to suggest any additions they feel may be appropriate.

## Appendix 1 – An Essential Guide to Legal Requirements for the Owners & Users of Forklift Trucks

This document has been produced by the UKMHA as a simple and straightforward guide to the many legal requirements connected with the ownership and use of forklift trucks. It does not seek to be a comprehensive document but it does provide an essential guide to those elements of current legislation that will apply to the majority of owners and users.

The documents shown in the reference column are detailed in full at the end of this document.

### REQUIREMENT

### REFERENCE

#### General

1. If you are an employer.....you have a duty to ensure that work equipment provided for your employees and the self-employed working for you comply with PUWER 98.	PUWER 98, Regulation 3 Page 17, Para 77
2. Every employer shall ensure that work equipment is so constructed or adapted as to be suitable for the purpose for which it is used or provided. Particular considerations include:	PUWER 98, Regulation 4 Pages 19-23
a. <u>Ventilation</u> . Important for the selection of motive power and operations such as container stuffing.comply with PUWER 98.	PUWER 98, Regulation 4 Pages 22-23, Paras 110-115
b. <u>Carriage of employees</u> . Only suitable equipment to be used for carrying people.	PUWER 98, Regulation 25 Pages 61-63
c. <u>Falling Object Protective Structures (FOPS)</u> . Most fork lift trucks will require FOPS. These structures are perhaps better known as Overhead Load Guards and are designed to protect the operator from falling objects. FOPS are safety critical items that cannot easily be repaired.	PUWER 98, Regulation 25 Page 62, Para 331
d. <u>Roll-Over Protective Structures (ROPS) &amp; Restraining Systems</u> . Every employer shall ensure that a forklift truck to which regulation 26(3) refers and which carries an employee is adapted or equipped to reduce to as low as is reasonably practicable the risk to safety from overturning.	PUWER 98, Regulation 27 Pages 66-67 (See also Regulation 26)
(i) <u>ROPS</u> Fork lift trucks fitted with a vertical mast {eg most standard counterbalance and reach trucks} could not normally turn over by more than 90 degrees and do not need specific ROPS. (They will usually have a structure around the drivers' compartment, but this would not have to be strong enough to support the full weight of the truck.) Other types of truck, for example variable reach trucks, do need ROPS. ROPS are safety critical items that cannot easily be repaired.	See also TB01 See also HSE Information Sheet MISC241 – Fitting and use of restraining systems on lift trucks.

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#### General

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| <p>(ii) <u>Restraining Systems</u>. Restraining systems, usually in the form of seat belts, are fitted to help keep the operator in the cab in the event of an overturn and hence avoid “mouse-trapping”. They are usually required to be fitted to counterbalance trucks but not reach trucks. There is no legal requirement for seat belts to be worn; it is a matter for risk assessment and employer policy. The UKMHA recommends that, other than for some types of order picking operations, seat belts, where fitted, should always be worn.)</p> | <p>PUWER 98, Regulation 3<br/>Page 17, Para 77</p> <p>See also TB01<br/>See also HSE Information Sheet MISC241 – Fitting and use of restraining systems on lift trucks.</p> |
| <p>e. <u>Fitting of Lights, Flashing Beacons, Reversing Alarms and Mirrors</u>. There is generally no absolute requirement for such items to be fitted but they can all be significant aids to safety.</p>   | <p>PUWER 98<br/>Lights – Regulation 28f<br/>Beacons – Regulation 24<br/>Alarms – Regulation 24<br/>Mirrors – Regulation 28e</p> <p>Detailed advice in TB07</p>              |
| <p>3. <u>CE Marking</u>. There is a need for compliance with the Machinery Directive (the Supply of Machinery (Safety) Regulations 1992) and for equipment to be CE marked.</p>  | <p>PUWER 98, Regulation 10<br/>Page 39, Paras 204-206</p>   |
| <p>4. <u>Documentation</u>. There is a requirement for an employer to keep a copy of the EC declaration of conformity for the time he operates the equipment. (The UKMHA recommends that all such documentation should be retained with the equipment once it is sold or otherwise passed on to a new user/employer.)</p>  | <p>LOLER 98, Regulation 11 (1)<br/>Page 53</p>  |

#### Maintenance

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| <p>5. <i>Every employer shall ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair.</i></p> | <p>PUWER 98, Regulation 5<br/>Pages 23-24</p> |
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(If you do not maintain your own equipment the UKMHA recommends that there should be a formal maintenance contract for each item of equipment. All UKMHA members have access to such a contract.)

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#### Maintenance

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| <p>6. Equipment may need to be checked frequently to ensure that safety-related features are functioning correctly. (The frequency of maintenance will depend on the intensity of use [normally measured in operating hours], the working environment and type of operation. This should be discussed with your maintenance provider when agreeing the maintenance contract. If any of the main factors change this should also be discussed as the maintenance frequency may also need to change.)</p> | <p>PUWER 98, Regulation 5<br/>Page 24, Paras 120-121</p>     |
| <p>7. <i>Pre-Use Checks. You should ensure that...employees have appropriate training and instructions so that they are able to ensure that the lifting equipment is safe to use. (UKMHA produced Daily Check Books {pre shift check books} are available for purchase. They are designed to help ensure that important operator maintenance and checks are carried out.)</i></p>   | <p>LOLER 98, Regulation 8<br/>Pages 42-43, Paras 285-288</p> |

#### Inspection and Thorough Examination

**Note: Thorough Examination is not part of maintenance.**

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| <p>8. <i>Every employer shall ensure that work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations is inspected.....to ensure that health and safety conditions are maintained and that any deterioration can be detected and remedied in good time.</i></p> <p>(Brake pads, valves, seals etc deteriorate with use and all materials handling equipment would fall under this regulation.)</p>  | <p>PUWER 98 Regulation 6<br/>Pages 26-32</p>   |
| <p>9. <i>...every employer shall ensure that lifting equipment which is exposed to conditions causing deterioration which is liable to result in dangerous situations is thoroughly examined...</i></p> <p>(Chains, forks, rollers, seals etc deteriorate with use and all fork lift trucks would fall under this regulation.)</p> <p>(Thorough Examination is similar to an MOT, but the frequency of examination and other guidance is not straightforward. The UKMHA answers many questions on this subject in a Technical Bulletin.)</p> <p>(The UKMHA strongly recommends that the Thorough Examination of fork lift trucks should be carried out by companies accredited under the Consolidated Fork Truck Services (CFTS) scheme. Full details of the scheme and accredited companies are shown on the CFTS web site. The logo is a registered Certification Mark.)</p> | <p>LOLER 98, Regulation 9<br/>Pages 43-51</p> <p>See also TB05</p> <p>See also CFTS Website<br/><a href="http://www.thoroughexamination.org.uk">www.thoroughexamination.org.uk</a></p> |



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#### Inspection and Thorough Examination

10. *Every employer shall ensure that no lifting equipment..... if obtained from the undertaking of another person, is used in his undertaking unless it is accompanied by physical evidence that the last thorough examination required to be carried out under this regulation has been carried out.*

LOLER 98, Regulation 9  
Pages 50-51, Paras 340-344

(The UKMHA recommends that if you hire a forklift truck you insist on receiving a photocopy of the current report.)

#### 11. Reports & Defects.

- (1) *A person making a thorough examination for an employer under regulation 9 shall (a) notify the employer forthwith of any defect in the lifting equipment which in his opinion is or could become a danger to persons... and*
- (3) *Every employer who has been notified under paragraph (1) shall ensure that the lifting equipment is not used (a) before the defect is rectified...*

LOLER 98, Regulation 10  
Pages 51-53

12. There is a requirement for employers to keep copies of the Reports of Thorough Examination

LOLER 98, Regulation 11  
Pages 53-54

#### Safe Operating

13. *Every employer shall ensure that every lifting operation involving lifting equipment is properly planned by a competent person, appropriately supervised and carried out in a safe manner.*

LOLER 98, Regulation 8  
Pages 32-43

14. De-rating. *Where appropriate the safe working load of the lifting equipment should be reduced to take into account the environment and mode in which it is being used.*  
(De-rating will be necessary for use with most attachments and when people are being lifted, for example in a temporary work cage. A revised rating plate should be fitted.)

LOLER 98, Regulation 8  
Page 41, Paras 274-275

15. Working Platforms. The use of working platforms on forklift trucks is covered by a number of regulations. These are brought together with associated guidance in a special HSE publication.

HSE Guidance Note PM28

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#### Safe Operating

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| <p>16. <i>Every employer shall ensure that all persons who use work equipment have available to them adequate health and safety information and, where appropriate, written instructions pertaining to the use of the work equipment.</i></p> <p>(It is particularly important to ensure that handbooks are provided with second hand equipment. The UKMHA has produced operator safety booklets that cover the main types of forklift truck.)</p> | <p>PUWER 98 Regulation 8<br/>Pages 33-35</p> |
| <p>17. <u>Public Roads.</u> The use of forklift trucks on public roads, which may include forecourts etc, is covered by a number of regulations. There are also issues concerning the type of driving licence held by operators. The UKMHA has put together a special Technical Bulletin that covers all of the requirements.</p>  | <p>TB03</p>                                  |
| <p>18. <u>Good Practice.</u> The HSE publication Safety in Working with Lift Trucks has a short section covering the law but is not, in itself, a regulation based document. It does however offer sound advice based on good practice and should be read by everyone involved with the management of forklift truck operations and the supervision of operators.</p>  | <p>HSE Publication HSG6</p>                  |
| <p>19. <u>Medical Standards for Lift Truck Operators.</u> This reference provides advice to occupational health professionals about the medical fitness of operators of rider-operated lift trucks.</p>  | <p>L117, Para 50-54</p>                      |

#### Training

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| <p>20. <i>Every employer shall ensure that all persons who use work equipment have received adequate training for purposes of health and safety, including training in the methods which may be adopted when using the work equipment, any risks which such use may entail and precautions to be taken.</i></p> <p>(There is a similar requirement for supervisors and managers.)</p> | <p>PUWER Regulation 9<br/>Pages 35-38</p> |
| <p>21. Advice on training is provided in an Approved Code of Practice. This includes the selection of people for training, the types of training required, the importance of training records and details of the accrediting bodies approved by HSC.</p>  | <p>HSC Booklet L117</p>                   |

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#### Training

22. Refresher Training. *There is no specific requirement to provide refresher training after set intervals, but even trained and experienced lift truck operators need to be re-assessed from time to time... Specific instances where re-assessment leading to refresher training may be required include where operators may not have used trucks for some time, are occasional users, appear to have developed unsafe working practices, have had an accident or near miss, or there is a change in their working practices or environment.*

HSC L117, Page 9

(The UKMHA is often asked about refresher training and recommends that all employers and supervisors of lift truck operators should be familiar with all of L117. If in doubt about the need for refresher training it is recommended that it is carried out at least every 5 years.)

### References

References to PUWER 98 and LOLER 98 are references to the Approved Codes of Practice and Guidance. This is because those documents are readily and cheaply available from the HSE. The full details of references given above are:

#### **PUWER 98**

Safe Use of Work Equipment  
Provision & Use of Work Equipment Regulations 1998  
Approved Code of Practice and Guidance  
HSE Code L22 (£8.00)

#### **LOLER 98**

Safe Use of Lifting Equipment  
Lifting Operations and Lifting Equipment Regulations 1998  
Approved Code of Practice and Guidance  
HSE Code L113 (£8.00)

#### **MISC241**

HSE Information Sheet MISC241  
Fitting and Use of Restraining Systems on Lift Trucks  
HSE Code MISC241 (Free)

#### **PM28**

HSE Guidance Note PM28  
Working Platforms on Forklift Trucks  
HSE Code PM28 (Price tbc)

#### **L117**

Rider-operated Lift Trucks: Operator Training  
(Approved Code of Practice and Guidance)  
HSE Code L117 (£15.00)

#### **TB01**

Restraining Systems (Seatbelts) on Lift Trucks

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### References (cont)

<b>TB03</b>	Requirements for the Use of Forklift Trucks on a Public Road (£10.00)
<b>TB05</b>	Thorough Examination of Forklift Trucks – Some Frequently Asked Questions
<b>TB07</b>	Forklift Truck Safety Fitting of Lights, Flashing Beacons, Reversing Alarms and Mirrors

### HSE publications

HSE publications are available by Mail Order from:

HSE Books  
PO Box 1999  
Sudbury  
Suffolk  
CO10 6PS

Tel: 01787 881165  
Fax: 01787 313995

### Technical Bulletins

Technical Bulletins are produced by the UK Material Handling Association for use by their members, including members of the Safe User Group. With the exception of Technical Bulletin 3 they are not available to the general public. Technical Bulletin 3 can be purchased from the UKMHA office.

The UKMHA Safe User Group provides information on legislation and best practice for the users of fork lift trucks. Membership details are available from the UKMHA office.

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