

# LOLER: How the Regulations apply to agriculture

## HSE information sheet

### Agriculture Information Sheet No 28

#### Introduction

This information sheet gives advice to employers, the self-employed and contractors in the agricultural industries to help them understand the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). These requirements came into force on 5 December 1998 for both new and existing equipment.

The requirements of LOLER apply to employers, the self-employed and people in control of or managing lifting operations.

This information sheet *does not* include all of the Regulations. Its aim is to provide guidance on those parts which apply to general agricultural operations and for which interpretation is needed. Details of the complete Regulations, Approved Code of Practice and Guidance can be found in the 'References' section.<sup>1</sup>

LOLER is aimed at ensuring that all lifting operations are properly planned, that lifting equipment is used in a safe manner and that, where necessary, lifting equipment is thoroughly examined at suitable intervals by a competent person.

#### Other key legislation

LOLER has links with other health and safety legislation which you need to consider when applying the LOLER Regulations.

#### Management of Health and Safety at Work Regulations 1999 (MHSWR)

MHSWR require a risk assessment to be carried out to identify the nature and level of risks associated with a lifting operation. Factors you need to consider include:

- the type of load being lifted;
- the risk of it falling and striking a person;
- the risk of the lifting equipment striking a person;
- the risk of the lifting equipment failing or falling over in use.

You should assess the risks for each type of lifting equipment and the way it is used in your business then take action to control the risks. Any risks you have identified should be eliminated or reduced to an acceptable level by applying LOLER.

#### Provision and Use of Work Equipment Regulations 1998 (PUWER 98)

PUWER 98 applies to all work equipment including lifting equipment. Under PUWER 98 you are required to select suitable work equipment in terms of:

- its construction and design;
- where it is to be used; and
- the purpose for which it is to be used.

#### Lifting Operations and Lifting Equipment Regulations (LOLER) 1998

##### What is lifting equipment in agriculture?

In agriculture the term will cover a wide range of equipment including:

- foreloaders, fork-lift trucks and telescopic handlers;
- workshop hoists and rope hoists;
- cranes on machines (eg on lorries or fertiliser spreaders); and
- lifting attachments and accessories for all the above.

##### What is not lifting equipment?

The three-point linkage on a tractor is not considered to be lifting equipment if used to lift implements and machines designed to be operated as such on a tractor.

##### Strength and stability

LOLER requires you to make sure that your lifting equipment will be strong and stable enough for its proposed use. This should have no implications for machines such as foreloaders and telescopic handlers

when used for their normal design purpose. However, when used for other purposes such as lifting with a chain and hook, lifting unusual loads such as concrete beams for a building etc, then an assessment of their suitability for such a task should be carried out.

- The beam of a building from which an overhead crane or hoist is suspended is considered part of the lifting equipment and will need to be assessed to ensure it is strong enough for the loads lifted.
- Lifting equipment should not be used on ground where the slope or surface characteristics may create a risk to the stability of the equipment unless suitable precautions are taken.
- The load and anything attached to it should also be strong enough, eg if a load has a damaged pallet banded to it, it may need dismantling and repacking.

### **Lifting equipment for lifting people**

People should only be raised on work equipment which is specifically designed for that purpose but can, in exceptional circumstances, be lifted by other machines provided that they have a purpose-made carrier suitably constructed and attached.

Nobody should ever be lifted in a loader bucket, on the forks of a fork-lift truck or a similar attachment not designed for the purpose.

Where a person in a carrier (work platform) might fall and be injured:

- the carrier should be fitted with edge protection which should be suitable for the purpose and should be securely fixed to the carrier;
- the edge protection should be sufficiently high and be either solid, mesh or, if in the form of rails, should have a top rail, intermediate rail and a toe board;
- the lifting equipment to which the carrier is attached should have a device to prevent the carrier becoming detached. This includes the basic attachment of the carrier to its lifting machine as well as any other devices necessary, eg if a carrier is fitted on a telescopic loader the loader would need to have a hydraulic lock-off valve for the tilt mechanism;
- a means of escape from the carrier should be available. This could include a ladder stored nearby.

### **Positioning and installation**

Lifting equipment should be:

- positioned and installed to reduce to as low as reasonably practicable the risk of the equipment or

the load striking people or the risk from the load drifting, falling freely or being released unintentionally;

- positioned to minimise the need to lift loads over people, eg when lifting bulk fertiliser bags into a spreader;
- fitted with suitable devices to minimise the risk from the load falling free. For example, a tractor foreloader or rear-mounted tractor fork-lift attachment fitted to a tractor which has no cab may need to have a protective barrier fitted at the back of the loader, high enough to prevent the load falling back onto the operator. (A roll bar, because of its position, will not provide enough operator protection as an alternative device for this purpose.)

Hooks or other devices provided for lifting should be of a type that reduces the risk of the load becoming displaced from them, eg a hook should have a retaining catch fitted wherever this is necessary for the safety of the operator or others.

### **Marking of lifting equipment**

- Machines used for lifting should have their safe working load marked on them. Examples are a crane mounted on a fertiliser spreader or a workshop hoist. A tractor foreloader would only need marking when used for non-agricultural purposes or with accessories for which it is not designed, eg a lifting hook beam or a chain and hook.
- Where the safe working load depends on the machine's configuration, then the operator will need clearly visible information to keep both machine and loads within the safe working limits for any particular configuration, eg with a telescopic loader.
- Accessories should be marked with any information needed for their safe use, eg a chain used for vertical lifting will need its safe working load marking. Attachments such as buckets, forks and bale grabs are not classed as accessories.
- Any carrier for lifting people should clearly display the maximum number of people to be carried and its safe working load.

### **Organisation of lifting operations**

Lifting operations should be properly planned, appropriately supervised and carried out in a safe manner. It is particularly important that:

- people planning a lifting operation should have adequate practical and theoretical knowledge and experience of planning similar lifting operations;
- you should organise work so that, where practicable, loads should not be carried or

- suspended over people;
- where possible people should not walk or stand under loads that have been left suspended;
- workers should have sufficient training and instructions so they can ensure that lifting equipment is safe to use. For example when an untrained casual worker uses a foreloader, training should be given on the daily checks needed to ensure the safety of hydraulic fittings and mounting points for attachments and the loader.

### **Thorough examination**

Lifting equipment may need to be thoroughly examined by a competent person when:

- it is first put into service;
- following major refurbishment or repair;
- after installation at a new location; and
- at intervals suitable to detect deterioration arising from wear and tear.

Thorough examination is to protect both operators and people in the vicinity of lifting operations who may be at risk if lifting equipment suddenly fails.

Equipment which lifts loads over or in close proximity to people should be thoroughly examined.

Lifting equipment such as:

- fork-lift trucks and foreloaders on tractors without adequate operator protection or where other people are working in the close vicinity will need thorough examination; and
- foreloaders on tractors with safety cabs, telescopic loaders and fork-lift trucks with operator protection and where no other people work in the vicinity will not normally need thorough examination.

While thorough examination of tractor foreloaders will not normally be necessary, a regular check of a foreloader's hydraulic hoses and mounting points for attachments should be part of normal safe operation and maintenance.

However, you should assess your work equipment and working practices for the risks involved and decide which items need thorough examination in your particular circumstances.

Where lifting equipment is assessed as needing a thorough examination, you should ensure that it is done:

- the first time it is put into service unless it has not been used before and has an EC declaration of conformity not more than 12 months old, or it is

second-hand and has a current report of thorough examination;

- at the following intervals where it is exposed to conditions which could cause deterioration and result in dangerous situations:
  - every six months for any equipment used for lifting people and for all accessories (such as chains and slings) and every twelve months for other lifting equipment; or
  - in accordance with the time intervals in an examination scheme prepared by a competent person;
- each time that exceptional circumstances occur which are liable to jeopardise the safety of the lifting equipment, eg after accident damage.

When lifting equipment requires a thorough examination you will need to arrange for this to be carried out by a competent person. This will normally be an independent competent person from outside the undertaking, such as an engineer.

You should ensure that the competent person chosen to carry out the thorough examination has the appropriate practical and theoretical knowledge and experience of the lifting equipment concerned to enable them to detect defects or weaknesses which it is the purpose of the examination to discover. Also they should be able to assess the importance of the defects in relation to the safety and continued use of the equipment.

When any lifting equipment which requires a thorough examination under this regulation leaves your business, then a copy of its current thorough examination report should be available, eg if you hire a fork-lift for your own use or you lend yours to a neighbour.

### **Reports and defects**

A competent person making a thorough examination for you should notify you immediately of any defect which is or could become a danger to people. The competent person should also send a copy of the report to HSE where there is an existing or imminent risk of serious personal injury. (Where the Local Authority is the enforcement body it should be sent to them instead.)

If you are notified of a defect you should ensure that the lifting equipment is not used before the defect is rectified, or that it is rectified within the time specified in the competent person's report.

## Records

Copies of EC declarations of conformity for any lifting equipment should be kept for as long as the equipment remains in use.

Information contained in any thorough examination report should be kept available for inspection.

## References

1 *Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998. Approved Code of Practice and Guidance* L113 HSE Books 1998 ISBN 0 978 7176 1628 2

## Further information

HSE priced and free publications are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA Tel: 01787 881165  
Fax: 01787 313995 Website: [www.hsebooks.co.uk](http://www.hsebooks.co.uk)  
(HSE priced publications are also available from bookshops and free leaflets can be downloaded from HSE's website: [www.hse.gov.uk](http://www.hse.gov.uk).)

For information about health and safety ring  
HSE's Infoline Tel: 0845 345 0055  
Fax: 0845 408 9566 Textphone: 0845 408 9577  
e-mail: [hse.infoline@natbrit.com](mailto:hse.infoline@natbrit.com) or write to HSE  
Information Services, Caerphilly Business Park,  
Caerphilly CF83 3GG.

**This leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.**

© *Crown copyright* This publication may be freely reproduced, except for advertising, endorsement or commercial purposes. First published 11/98. Please acknowledge the source as HSE.