



# Tail Lift

Are you asking the right questions?



This guide provides some basic information and highlights your legal responsibilities in the use, maintenance and examination of tail lifts.

It is written in a simple question and answer format and is intended to be used as a basic guide to clarify current legislation that applies to tail lifts and tail lift manufacturers' recommendations.

It is important that you refer to the relevant regulations and approved code of practice to familiarise yourself with your duties (see useful reading section at the back).

## THE LAW

### I have a vehicle with a tail lift, what does the law require me to do?

- You should decide and record how you are to use the tail lift safely.
- You should train the people who are to operate the tail lift in its safe use.
- You should maintain the tail lift so it is always safe to use. Following your manufacturer's maintenance instructions is considered best practice.
- You should have regular thorough examinations performed by a competent person and keep the reports for two years.
- You should keep records.

These are all legal requirements.

### What records should I keep?

Enforcement authorities may ask for any of the following records:

- The manufacturer's handbook including the Declaration of Conformity.
- Maintenance work and any repairs, including the weight test certificate.
- A record of the past two years' thorough examinations.
- Records of any staff training.

You should also keep your risk assessments and any other documentation including your Safe System of Work.

### What is my legal responsibility?

If you are an employer or self-employed person providing lifting equipment for use at work, or you have control of the use of lifting equipment, then the Lifting Operations and Lifting Equipment Regulations (LOLER) will apply to you.

LOLER requires lifting equipment, including tail lifts, provided for use at work, to be strong and stable enough for the particular use and marked to indicate safe working loads, as well as being installed and positioned to minimise any risk.

The work should be planned, organised and performed by properly trained people. Tail lifts should be subject to ongoing thorough examination by a competent person. Records should be kept.

## EXTRAinfo

### Which laws apply to me?

- Health and Safety at Work Act 1974 (HSWA)
- Management of Health and Safety at Work Regulations 1999 (MHSWR)
- Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)
- Provision and Use of Work Equipment Regulations 1998 (PUWER)

## LOLER & STE

### What is a LOLER thorough examination?

This is a detailed examination of the tail lift components to ensure the tail lift is safe for continued use.

### Who enforces LOLER?

Health and Safety Inspectors from the HSE (Health & Safety Executive) and local authorities enforce these regulations.

### What is the difference between a LOLER examination and a Statutory Thorough Examination?

There is none, just a use of different terminology. LOLER is the actual legislation, a Statutory Thorough Examination (STE) is an examination referred to within LOLER.

### What happens if I don't carry out LOLER examinations?

You could be subject to enforcement action including being fined in a court of law. It is a legal requirement that you have a current report of thorough examination (STE) for the tail lift as fitted to the vehicle.

### How often does my tail lift need an STE?

It is a requirement of legislation that tail lifts are regularly examined at a frequency of no more than six months apart. Some exceptions apply, but these are extremely rare.

### Who can carry out a thorough examination?

The thorough examination should be carried out by a person who is competent and impartial. This is someone who has appropriate practical and theoretical knowledge as well as experience of lifting equipment and can recognise potential defects that might be a safety risk to people if the tail lift continues to be used.

### Who decides if a person is competent?

It is your responsibility to ensure that the person carrying out the STE is competent.

### As the operator with no technical knowledge how am I supposed to make that decision?

Regardless of your knowledge, it is your legal responsibility to ensure that the competent person has the appropriate practical and theoretical knowledge. Assistance in finding a suitable competent person can be sought via your manufacturer, a trade association or UKAS (United Kingdom Accreditation Service).

### Does that mean I don't need to get my tail lift serviced?

No, you still need to have your tail lift maintained. Tail Lift maintenance and LOLER thorough examinations are not the same. The easiest way to understand the difference between the two is to compare the LOLER thorough examination to a vehicle MOT inspection.

## STE

### How does an STE differ from a service?

The competent person assesses the rate of deterioration of the equipment, identifies any defects and certifies that the equipment is safe for continued use for the next six months. No maintenance or repair work is done during an STE.

### Can I carry out a service at the same time as a STE?

The STE must be independent of the service.

### Who can maintain and repair my tail lift?

Repairs should only be undertaken by suitably qualified persons using appropriate repair techniques and procedures. One way of doing this is to use a repairer approved by the manufacturer to ensure the tail lift is maintained to a reliable standard, i.e. that it's in a sound mechanical and electrical state, safe to use and has all the safety features required to ensure that accident risk is minimised.

### How often does my tail lift need servicing?

Generally at least every six months, although this timescale may need to be reduced if the tail lift is heavily used or damaged. Your tail lift manufacturer should be able to advise.

### Does my tail lift need weight testing?

The competent person should decide whether a weight test is required as part of the thorough examination.

Tail lift manufacturers recommend that an annual weight test is carried out as part of their maintenance requirements.

### Do I need to carry out risk assessments?

Yes – the law requires operators to carry out risk assessments on the use of their tail lifts. This should be documented and cover all aspects of the use of the tail lift fitted to the vehicle (see useful reading section).

### What if I do not service and maintain my tail lift?

It is your legal duty to maintain the tail lift in a good, safe and workable condition. You should be able to demonstrate this to the enforcement authorities if required. If you don't then you could be subject to enforcement action, including being prosecuted even if you have not had an accident.

## BEST PRACTICE SUMMARY

**Assess** how you will use the tail lift safely.

**Train** those who are using the tail lift to do so safely.

**Service** your tail lift to keep it safe and reliable.

**Examine.** Get a thorough examination report every 6 months.

**Record** all of the above and keep those records.





## Useful reading/contacts

- 1 Safe use of work equipment. Provision and use of Work Equipment Regulations 1998 (PUWER) and ACoP L22 ISBN: 0717616266
- 2 Lifting Operations and Lifting Equipment Regulations (LOLER 1998) and ACoP L113 ISBN: 0717624641
- 3 The Management of Health & Safety at Work Regulations 1999 and ACoP (21) ISBN: 0110856252
- 4 The Health & Safety at Work etc. Act 1974 ISBN: 0105437743
- 5 Tail Lift Specification Guide for Road Vehicles (SOE IRTE publication)
- 6 Five Steps to Risk Assessment (HSE) (INDG 163)(rev2)\*
- 7 Managing Health & Safety – Five Steps to Success (INDG 275)\*
- 8 Simple Guide to the Provision and Use of Work Equipment (INDG 291)\*
- 9 Using Work Equipment Safely (INDG 229)\*
- 10 Simple Guide to the Lifting Operations and Lifting Equipment Regulations 1998 (INDG 290)\*
- 11 HSE Contract Research Report 429/2002, Annex 12 – Thorough Examination of Lorry Tail Lift\*
- 12 Use, Maintenance and Examination of Tail Lifts Guidance (Available from [www.soe.org.uk](http://www.soe.org.uk))

\* Documents available for free download from HSE's website (<http://www.hse.gov.uk/pubns/leaflets.htm>)

Copies of the Regulations can be downloaded from [www.opsi.gov.uk](http://www.opsi.gov.uk). The approved Codes of Practice are priced publications available from HSE Books and all good booksellers.

## Useful contacts

ALEM	Association of Loading and Elevating Equipment Manufacturers	<a href="http://www.alem.org.uk">www.alem.org.uk</a>
HSE	Health and Safety Executive	<a href="http://www.hse.gov.uk">www.hse.gov.uk</a>
SAFed	Safety Assessment Federation	<a href="http://www.safed.co.uk">www.safed.co.uk</a>
SOE	Society of Operations Engineers	<a href="http://www.soe.org.uk">www.soe.org.uk</a>
UKAS	United Kingdom Accreditation Service	<a href="http://www.ukas.com">www.ukas.com</a>

This document has been prepared with input from the major tail lift manufacturers, maintenance contractors, repairers, in-service inspection bodies, SOE and HSE. This guide has no legal status but where reference is made to legislation, if this applies to you, compliance is a statutory requirement. As such, it is important that you refer to the regulations and approved code of practice, where appropriate, to familiarise yourself with your duties.