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Target Audience:

FOD Inspectors

HID staff in LD 1-4, LD6 and CD (Bands 0-4)

RISKS TO THE PUBLIC FROM UN/LOADING VEHICLES ON THE HIGHWAY

This OC gives advice on control measures and liaison necessary to reduce risks to members of the public when vehicles are un/loaded by lift trucks on the public highway outside workplaces

BACKGROUND

1 There have been a number of incidents where members of the public have been injured as a result of un/loading operations carried out on the public highway near to a workplace. One such incident led to judicial review of the actions of HSE. The activity in question involved the unloading of a lorry by means of a forklift truck operating from a builders yard. Members of public whether on foot or in a vehicle may be at risk (as well as the employees carrying out the operation and the attending lorry driver). This document does not cover security of loads or general rules for safe use of lift trucks or lorry loaders.

LAW

2 The Health and Safety at Work etc. Act will apply to work activities carried out on the highway - for guidance on the circumstances where inspectors should seek to apply the provisions of the Act rather than leave it to others to use more specific law see [OM 2003/103](#). The Health and Safety (Enforcing Authority) Regulations 1998 list in Schedule 1 activities, which if they are the main activities, determine that local authorities (LAs) are the enforcing authority for those premises. Currently this means that HSE will by default be the enforcing authority for all un/loading activities carried out on the road, ie outside premises subject to inspection by HSE **or** LA.

3 The reporting of injuries in connection with loading and the movement of a vehicle on the road is covered by RIDDOR reg.10(2)b which states that injury arising out of or in connection with the movement of a vehicle on a road will only be reportable if the person,

'was either himself engaged in, or was killed or suffered an injury as a result of the activities of another person who was at the time of the accident engaged in, work connected with the loading or unloading of any article or substance onto or off the vehicle'

4 If the premises involved in an incident are enforced by the LA then close liaison in any subsequent investigation is vital. There may also be a need to speak to the police and the Highways Authority. For guidance on action when non-reportable accidents come to our attention and on situations where there are overlaps between occupational health and

safety law and law applying to road traffic and highways see [OM 2003/103](#).

5 LOLER regs.6 and 8 will be pertinent. Other law enforced by other agencies will apply, eg Road Traffic Act and Highways Act. There are allowances made through local Orders in road traffic law for the un/loading of goods on the highway, eg with respect to parking or no waiting restrictions and so in some circumstances the stopping of the vehicle on the road side will not give rise to action by the police. However in other cases the stopped vehicle may be deemed to be an obstruction.

6 The loading operation typically involves the use of a lift truck. LTs are allowed journeys on the road of up to 1000 yards without having to meet the requirements of the Road Vehicle (Construction and Use) Regulations but would be expected to be registered and insured, the driver should normally have a full driving licence and as a minimum LTs need front and rear lights, rear reflector, indicators and hazard warning devices. For further details users should be referred to the bulletin published by the Fork Lift Truck Association (see references below) or the local police.

CONTROL MEASURES

7 The prime objective should be to remove the risk to members of the public by making arrangements for the lorry to park off the road and pavement area. This may be achieved by changing the layout of the yard or parking area to allow un/loading within the workplace site. Alternatively smaller delivery vehicles could be used. For construction operations the access of delivery vehicles should be considered at the design stage and appropriate rules incorporated into the construction phase safety plan. If the use of the highway is unavoidable then LAs may impose conditions on the practice and enforce in the event of contravention.

8 Risks may be reduced by a combination of the following:

(1) identifying and documenting the system of work to be employed for un/loading operations and making it clear to all involved, including employers of visiting lorry drivers and the drivers themselves. Agreed un/loading rules/plans could be incorporated into delivery/order documents carried by the driver. An authorised person should have the power to refuse or stop the delivery on safety grounds;

(2) scheduling deliveries for a quiet time, (may be limited by LA planning restrictions on times of delivery and complaints from neighbours, especially if reversing alarms are used). Particular problems have been caused by loading at school arrival and departure times;

(3) using a lorry mounted crane to unload thereby reducing LT manoeuvring (checking that there is sufficient clearance around the crane lifting arms; that outriggers are used and that loads are not lifted over the public);

(4) customers specifying which side of the vehicle the goods should be put and which way the lorry should face in order to reduce LT activity to the pavement rather than the road. Features of the highway, eg camber and fall across the footway may increase the risk of LT overturn;

(5) turning the lorry around so that lift trucks can access loads directly and are not forced to travel around the ends of the lorry into traffic. Movements involving LTs crossing the traffic flow should be avoided;

(6) providing a competent and authorised signaller wearing high visibility clothing positioned in a safe place using agreed hand signals. Signallers should give priority to the passage of pedestrians and other road users. Signallers have no authority to stop traffic on the highway. If cones or barriers are to be used then the dutyholder should discuss their use with the police and highway authority. Pedestrians should not be directed into the road;

(7) when accessing from the pavement side it is important that the risks of loads on the other side of the vehicle being pushed off into the road are minimised, eg by keeping the curtain side and relevant load restraint in place;

(8) providing adequate lighting in hours of darkness.

ENFORCEMENT MANAGEMENT MODEL

9 It is not possible to provide meaningful Enforcement Management Model (EMM) guidance for all circumstances because the extremes of the situations likely to be encountered are very wide and what is reasonably practicable will vary. The benchmark will therefore vary from site to site. However, there are some precautions that will apply generally to most cases, eg trained driver, maintained vehicle, good visibility, competent signaller. The benchmark will therefore usually consist of these core precautions, plus any other site-specific precautions that have been determined by the risk assessment. Where any of these core precautions are not provided then the benchmark will not have been met. An example is where there is no signaller. If the work is done with competent LT drivers operating solely on a level pavement under the direction of a competent signaller then the risk is a remote likelihood of serious personal injury to a member of the public. This would be the benchmark. If the work is done in the same way but without the help of a signaller then the actual risk is a possible likelihood of serious personal injury. The risk gap therefore for frequent un/loading on the road without the help of a signaller is moderate. The standards are interpretative and the IEE would therefore be letter/inspection form.

10 Failure to carry out a suitable and sufficient risk assessment is a 'compliance' issue and the [EMM Table 5.2](#) should be used. The need for a risk assessment is defined in law so the IEE for no assessment, (or a generally inadequate one), is an Improvement Notice.

ACTION BY INSPECTORS

11 As part of their consideration of workplace transport at proactive visits inspectors should question where un/loading takes place and examine arrangements for any goods transfer on the public highway. Risk assessments should include the un/loading activity and an un/loading plan describing the package of control measures should be required. Pending change in the Health & Safety (Enforcing Authority) Regulations, where inspectors see gross malpractice outside any premises they should intervene.

12 Where lift trucks are habitually crossing the traffic flow or otherwise driving on the highway then liaison with the police and highway authority by the employer is vital.

USEFUL REFERENCES

13 HS(G)136: *Workplace Transport*.

14 HS(G)6: *Safety in working with Lift Trucks*.

15 HS(G)144: *Safe use of vehicles on construction sites.*

16 L117: *Rider operated lift trucks: operator training. ACoP and guidance.*

17 INDG313: *Safe unloading of steel stock.*

18 [SIM 3/2002/34](#): *Safe delivery of metal stock - written delivery plans.*

19 Department of Transport Code of Practice: *Safety of Loads on Vehicles.*

20 BS EN 12640: 2001: *Securing cargo on road vehicles: lashing points on commercial vehicles for goods.*

21 BS 7121 Part 4: *Safe use of cranes: lorry loaders.*

22 Fork Lift Truck Association Technical Bulletin 02: *Requirements for the use of fork lift trucks on public roads.*

23 Freight Transport Association: *Designing for deliveries.*

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