STATUTORY INSTRUMENTS

1997 No. 831

HEALTH AND SAFETY

The Lifts Regulations 1997

Made - - - -	*14th March 1997*
Laid before Parliament	*17th March 1997*
Coming into force - -	*1st July 1997*

The Secretary of State, being a Minister designated (**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to lifts and the safety components for use in lifts, in exercise of the powers conferred on him by that section and of all his other enabling powers, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Lifts Regulations 1997 and shall come into force on 1st July 1997 except that regulation 2(1)(b) shall not have effect until the date of the coming into force of the Decision by the EEA Joint Committee by which the application of the Lifts Directive is extended to the EEA.

(2) The Electrically, Hydraulically and Oil-Electrically Operated Lifts (Components) (EEC Requirements) Regulations 1991(**3**) are revoked with effect from 1st July 1999.

Interpretation

2.—(1) In these Regulations—

(a) the "Lifts Directive" means the European Parliament and Council Directive 95/16/EC on the approximation of the laws of the Member States relating to lifts(**4**);

(b) except for the references to the European Communities in the definition of "the Commission" and in relation to the Official Journal, a reference to the Community includes

(**1**) S.I. 1996/1912.
(**2**) 1972 c. 68.
(**3**) S.I. 1991/2748.
(**4**) OJ No. L213, 7.9.95, p.l.

a reference to the EEA, and a reference to a member State includes a reference to an EEA State: for this purpose—

(i) the "EEA" means the European Economic Area;

(ii) an "EEA State" means a State which is a Contracting Party to the EEA Agreement; and

(iii) the "EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(**5**); and

(c) unless the context otherwise requires, a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations and a reference—

(i) to a paragraph in a regulation is a reference to a paragraph in that regulation; and

(ii) to an Annex, except for the references to Annex I to Directive 89/392/EEC (as amended) in Sections 1.1 and 5 of Annex I set out in Schedule 1, is a reference to an Annex of the Lifts Directive: for the purposes of these Regulations, Annexes I, II, III, IV, V and VI are respectively set out in Schedules 1, 2, 3, 4, 5 and 6 and Annexes VIII, IX, X, XI, XII, XIII and XIV are respectively set out in Schedules 7, 8, 9, 10, 11, 12 and 13.

(2) In these Regulations, unless the context otherwise requires—

"CE marking" or "CE conformity marking" means a marking consisting of the initials "CE" in the form shown in Schedule 3;

"the Commission" means the Commission of the European Communities;

"enforcement authority" means—

(a) in the case of a lift and a safety component for use in the workplace—

(i) in Great Britain, the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974(**6**); and

(ii) in Northern Ireland, the Department of Economic Development; or

(b) in the case of a lift and a safety component for private use or consumption—

(i) in Great Britain, the Secretary of State; and

(ii) in Northern Ireland, the Department of Economic Development;

"essential health and safety requirements" means the requirements set out in Schedule 1;

"harmonised standard" means a technical specification adopted by the European Committee for Standardisation or the European Committee for Electrotechnical Standardisation or both, upon a mandate from the Commission in accordance with Council Directive 83/189/EEC of 28th March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations(**7**), and of which the reference number is published in the Official Journal of the European Communities;

"installer of a lift" means the natural or legal person who takes responsibility for the design, manufacture, installation and placing on the market of the lift and who affixes the CE marking and draws up the EC declaration of conformity;

"lift" means an appliance serving specific levels, having a car moving—

(**5**) A Decision of the EEA Joint Committee will extend the application of the Lifts Directive to the EEA. That Decision has not been made at the date of making of these Regulations.

(**6**) 1974 c. 37.

(**7**) OJ No. L109, 26.4.83, p.8. Council Directive 83/189/EEC was amended by Council Directive 88/182/EEC (OJ No. L81, 26.3.88, p.75), Commission Decision 92/400/EEC (OJ No. L221, 6.8.92, p.55) and Directive 94/10/EC of the European Parliament and the Council (OJ No. L100, 19.4.94, p.30).

(a) along guides which are rigid; or

(b) along a fixed course even where it does not move along guides which are rigid (for example, a scissor lift),

and inclined at an angle of more than 15 degrees to the horizontal and intended for the transport of:

— persons,

— persons and goods,

— goods alone if the car is accessible, that is to say, a person may enter it without difficulty, and fitted with controls situated inside the car or within reach of a person inside;

"manufacturer of the safety components" means the natural or legal person who takes responsibility for the design and manufacture of the safety components and who affixes the CE marking and draws up the EC declaration of conformity;

"model lift" means a representative lift whose technical dossier shows the way in which the essential safety requirements will be met for lifts which conform to the model lift defined by objective parameters and which uses identical safety components;

"notified body" shall be construed in accordance with regulation 15;

"placing on the market of the lift" except in the definition of "responsible person" and for the purposes of regulations 9(3), 14 and 19, shall occur when the installer first makes the lift available to the user;

"relevant essential health and safety requirements" in relation to a lift or safety component means those provisions of the essential health and safety requirements which are applicable to that particular lift or safety component, as the case may be;

"responsible person" means,

(a) in the case of a lift, the installer of the lift;

(b) in the case of a safety component, the manufacturer of the safety component or his authorised representative established in the Community; or

(c) where neither the installer of the lift nor the manufacturer of the safety component nor the latter's authorised representative established in the Community, as the case may be, have fulfilled the requirements of regulation 8(2) or 9(2) applicable to the lift or safety component, the person who places the lift or the safety component on the market;

"safe" in relation to a lift or safety component, means that the lift or, in the case of a safety component, the lift in which it is to be installed, when properly installed and maintained and used for its intended purpose is not liable to endanger the health or safety of persons or, where appropriate, the safety of property, and cognate expressions shall be construed accordingly;

"safety component" means a component listed in Schedule 4;

"standard" or "standard referred to in Article 5" means a technical specification approved by a recognised standardising body for repeated or continuous application, with which compliance is not compulsory: and, for the avoidance of doubt, this definition includes a harmonised standard or a transposed harmonised standard;

"supply" includes offering to supply, agreeing to supply, exposing for supply and possessing for supply and cognate expressions shall be construed accordingly; and

"transposed harmonised standard" means a national standard of a member State which transposes a harmonised standard.

(3) Where a person—

(a) being the manufacturer of a lift or a safety component for his own use puts that lift or safety component, as the case may be, into service; or

(b) having imported a lift or a safety component from a country or territory outside the Community puts that lift or safety component, as the case may be, into service,

for the purposes of these Regulations, that person shall be a responsible person and shall be deemed to have placed that lift or safety component on the market.

PART II

APPLICATION

Lifts, safety components and components

3.—(1) Subject to regulations 4, 5, 6 and 7, these Regulations apply to—

(a) lifts permanently serving buildings or constructions; and

(b) safety components for use in such lifts.

(2) Nothing in these Regulations shall preclude the placing on the market of any component, other than a safety component,—

(a) which is intended to be incorporated into a lift to which these Regulations apply; and

(b) in respect of which a declaration is made by the manufacturer of that component or his authorised representative established in the Community that the component is intended for such incorporation.

(3) Nothing in these Regulations with regard to the installation of a lift shall affect the application of the Construction Products Regulations 1991(**8**).

Excluded lifts and safety components

4. These Regulations do not apply to—

(a) the lifts specified in Schedule 14; and

(b) safety components for the lifts referred to in paragraph (a).

Lifts and safety components placed on the market and put into service before 1st July 1997

5. These Regulations do not apply to any lift or safety component which is placed on the market and put into service before 1st July 1997.

Exclusion until 30th June 1999 of lifts and safety components complying with provisions in force on 29th June 1995

6.—(1) Subject to paragraph (2), these Regulations do not apply to a lift or safety component placed on the market and put into service on or before 30th June 1999 which complies with any health and safety provisions with which it would have been required to comply for it to be placed on the market and put into service in the United Kingdom on 29th June 1995.

(2) The exclusion provided in paragraph (1) does not apply in the case of a lift or a safety component which—

(**8**) S.I. 1991/1620.

(a) unless required to bear the CE marking pursuant to any other Community obligation, bears the CE marking or an inscription liable to be confused with it; or

(b) bears or is accompanied by any other indication, howsoever expressed, that it complies with the Lifts Directive.

Lifts where risks are wholly or partly covered by other directives

7. The requirements of these Regulations do not apply to a lift insofar as and to the extent that the relevant essential health and safety requirements relate to risks wholly or partly covered by other Community directives applicable to that lift.

PART III

GENERAL REQUIREMENTS

General duty relating to the placing on the market and putting into service of lifts

8.—(1) Subject to regulation 12, no person who is a responsible person shall place on the market and put into service any lift unless the requirements of paragraph (2) have been complied with in relation to it.

(2) The requirements in respect of any lift are that—

(a) it satisfies the relevant essential health and safety requirements and for the purpose of satisfying those requirements—

(i) where a transposed harmonised standard covers one or more of the relevant essential health and safety requirements, any lift constructed in accordance with that transposed harmonised standard shall be presumed to comply with that or, as the case may be, those essential health and safety requirements; and

(ii) by calculation or on the basis of design plans, it is permitted to demonstrate the similarity of a range of equipment to satisfy the essential safety requirements;

(b) the appropriate conformity assessment procedure in respect of the lift has been carried out in accordance with regulation 13(1);

(c) the CE marking has been affixed to it by the installer of the lift in accordance with Schedule 3;

(d) a declaration of conformity has been drawn up in respect of it by the installer of the lift containing the information listed in Part B of Schedule 2, taking account of the specifications given in the Schedule used for the conformity assessment procedure; and

(e) it is in fact safe.

(3) Any technical documentation or other information in relation to a lift required to be retained under the conformity assessment procedure used shall be retained by the person specified in that respect in that conformity assessment procedure for any period specified in that procedure.

General duty relating to the placing on the market and putting into service of safety components

9.—(1) Subject to regulation 12, no person who is a responsible person shall place on the market and put into service any safety component unless the requirements of paragraph (2) have been complied with in relation to it.

(2) The requirements in respect of any safety component are that—

(a) it satisfies the relevant essential health and safety requirements and for the purpose of satisfying those requirements where a transposed harmonised standard covers one or more of the relevant essential health and safety requirements, any safety component constructed in accordance with that transposed harmonised standard shall be presumed to be suitable to enable a lift on which it is correctly installed to comply with that or, as the case may be, those essential health and safety requirements;

(b) subject to paragraph (3), the appropriate conformity assessment procedure in respect of the safety component has been carried out in accordance with regulation 13(1);

(c) the CE marking has been affixed to it, or on a label inseparably attached to the safety component, by the manufacturer of that safety component or his authorised representative established in the Community in accordance with Schedule 3;

(d) a declaration of conformity has been drawn up in respect of it by the manufacturer of the safety component or his authorised representative established in the Community containing the information listed in Part A of Schedule 2, taking account of specifications given in the Schedule used for the conformity assessment procedure; and

(e) it is in fact safe.

(3) Any technical documentation or other information in relation to a safety component required to be retained under the conformity assessment procedure used shall be retained by the person specified in that respect in that conformity assessment procedure for any period specified in that procedure.

General duty relating to the supply of a lift or safety component

10. Subject to regulation 12, it shall be the duty of any person who supplies any lift or safety component but who is not a person to whom regulation 8 or 9 applies, to ensure that that lift or safety component, as the case may be, is safe.

Specific duties relating to the supply of information, freedom from obstruction of lift shafts and retention of documents

11.—(1) The person responsible for work on the building or construction where a lift is to be installed and the installer of the lift shall—

(a) keep each other informed of the facts necessary for, and

(b) take the appropriate steps to ensure,

the proper operation and safe use of the lift: in particular it shall be ensured that shafts intended for lifts do not contain any piping or wiring or fittings other than that necessary for the operation and safety of that lift.

(2) Where, in the case of a lift, for the purposes of regulation 8(2)(b) the appropriate conformity assessment procedure is one of the procedures set out in regulation 13(2)(a), (b) or (c), the person responsible for the design of the lift must supply to the person responsible for the construction, installation and testing all necessary documents and information for the latter person to be able to operate in absolute security.

(3) A copy of the declaration of conformity referred to in regulation 8(2)(d) or 9(2)(d) shall—

(a) in the case of a lift, be supplied to the Commission, the member States and any other notified bodies, on request, by the installer of the lift together with a copy of the reports of the tests involved in the final inspection to be carried out as part of the appropriate conformity assessment procedure referred to in regulation 8(2)(b); and

(b) be retained, by the person who draws up that declaration, for a period of 10 years—

(i) in the case of a lift, from the date on which the lift was placed on the market; and

(ii) in the case of a safety component, from the date on which safety components of that type were last manufactured by that person.

Exceptions to placing on the market or supply in respect of certain lifts and safety components

12. For the purposes of regulation 8, 9 or 10, a lift or a safety component shall not be regarded as being placed on the market or supplied—

(a) where that lift or safety component—

(i) will be put into service in a country outside the Community; or

(ii) is imported into the Community for re-export to a country outside the Community,

save that this paragraph shall not apply if the CE marking, or any inscription liable to be confused therewith, is affixed thereto or, in the case of a safety component, to its label; or

(b) by the exhibition at trade fairs and exhibitions of that lift or safety component, in respect of which the provisions of these Regulations are not satisfied, if—

(i) a notice is displayed in relation to the lift or safety component in question to the effect—

(aa) that it does not satisfy those provisions; and

(bb) that it may not be placed on the market or supplied until those provisions are satisfied, in the case of a lift, by the installer of the lift and, in the case of a safety component, by the manufacturer of the safety component or his authorised representative established in the Community; and

(ii) adequate safety measures are taken to ensure the safety of persons.

Conformity assessment procedures

13.—(1) For the purposes of regulation 8(2)(b) or 9(2)(b), the appropriate conformity assessment procedure shall be—

(a) in the case of a lift, one of the procedures set out in paragraph (2); and

(b) in the case of a safety component, one of the procedures set out in paragraph (3).

(2) The procedures referred to in paragraph (1)(a) are as follows:

(a) if the lift was designed in accordance with a lift having undergone an EC type-examination as referred to in Schedule 5, it shall be constructed, installed and tested by implementing—

(i) the final inspection referred to in Schedule 6;

(ii) the quality assurance system referred to in Schedule 11; or

(iii) the quality assurance system referred to in Schedule 13,

and the procedures for the design and construction stages, on the one hand, and the installation and testing stages, on the other, may be carried out on the same lift;

(b) if the lift was designed in accordance with a model lift having undergone an EC type-examination as referred to in Schedule 5, it shall be constructed, installed and tested by implementing—

(i) the final inspection referred to in Schedule 6;

(ii) the quality assurance system referred to in Schedule 11; or

(iii) the quality assurance system referred to in Schedule 13,

and all permitted variations between a model lift and the lifts forming part of the lifts derived from that model lift must be clearly specified (with maximum and minimum values) in the technical dossier required as part of the appropriate conformity assessment procedure;

(c) if the lift was designed in accordance with a lift for which a quality assurance system pursuant to Schedule 12 was implemented, supplemented by an examination of the design if the latter is not wholly in accordance with the harmonised standards, it shall be installed and constructed and tested by implementing, in addition—

(i) the final inspection referred to in Schedule 6;

(ii) the quality assurance system in accordance with Schedule 11; or

(iii) the quality assurance system in accordance with Schedule 13;

(d) the unit verification procedure, referred to in Schedule 9, by a notified body; or

(e) the quality assurance system in accordance with Schedule 12, supplemented by an examination of the design if the latter is not wholly in accordance with the transposed harmonised standards.

(3) The procedures referred to in paragraph 1(b) are as follows:

(a) to submit the model of the safety component for EC type-examination in accordance with Schedule 5 and for production checks by a notified body in accordance with Schedule 10;

(b) to submit the model of the safety component for EC type-examination in accordance with Schedule 5 and operate a quality assurance system in accordance with Schedule 7 for checking production; or

(c) to operate a full quality assurance system in accordance with Schedule 8.

Requirements fulfilled by the person who places a lift or safety component on the market

14.—(1) Where in the case of a lift or a safety component, any of the requirements of regulations 8, 9, 11 and 13 to be fulfilled by the installer of the lift or the manufacturer of the safety component or, in the case of the latter, his authorised representative established in the Community, have not been so fulfilled such requirements may be fulfilled by the person who places that lift or safety component on the market.

(2) Nothing in this regulation shall affect the power of an enforcement authority to take action under Part IV of these Regulations in respect of the installer of the lift, the manufacturer of the safety component or, in the case of the latter, his authorised representative established in the Community in respect of a contravention of or a failure to comply with any of those requirements.

Notified bodies

15. For the purposes of these Regulations, a notified body is a body which has been appointed to carry out one or more of the conformity assessment procedures mentioned and referred to in regulation 13 which has been—

(a) appointed as a notified body in the United Kingdom pursuant to regulation 16; or

(b) appointed by a member State other than the United Kingdom, and has been notified by the member State concerned to the Commission and the other member States pursuant to Article 9(1) of the Lifts Directive.

Notified bodies appointed by the Secretary of State

16.—(1) The Secretary of State may from time to time appoint such persons as he thinks fit to be notified bodies for the purposes of these Regulations.

(2) An appointment—

(a) may relate to all descriptions of lifts or safety components or such descriptions (which may be framed by reference to any circumstances whatsoever) of lifts or safety components as the Secretary of State may from time to time determine;

(b) may be made subject to such conditions as the Secretary of State may from time to time determine, and such conditions may include conditions which are to apply upon or following termination of the appointment;

(c) shall, without prejudice to the generality of sub-paragraph (b) above, require that body, subject to paragraph (4), to carry out the procedures and specific tasks for which it has been appointed including (where so provided as part of those procedures) surveillance to ensure that the installer of the lift or manufacturer of the safety component or such other responsible person, as the case may be, duly fulfils the obligations arising out of the relevant conformity assessment procedure;

(d) shall be terminated upon 90 days' notice in writing to the Secretary of State, at the request of the notified body; and

(e) may be terminated if it appears to the Secretary of State that any of the conditions of the appointment are not complied with.

(3) Subject to paragraph (2)(d) and (e), an appointment under this regulation may be for the time being or for such period as may be specified in the appointment.

(4) A notified body appointed by the Secretary of State shall not be required to carry out the functions referred to in paragraph (2)(c) if—

(a) the documents submitted to it in relation to carrying out such functions are not in English or another language acceptable to that body;

(b) the person making the application has not submitted with its application the amount of the fee which the body requires to be submitted with the application pursuant to regulation 17; or

(c) the body reasonably believes that, having regard to the number of applications made to it in relation to its appointment under these Regulations which are outstanding, it will be unable to commence the required work within three months of receiving the application.

(5) If for any reason the appointment of a notified body is terminated under this regulation, the Secretary of State may—

(a) give such directions (either to the body the subject of the termination or to another notified body) for the purpose of making such arrangements for the determination of outstanding applications as he considers appropriate; and

(b) without prejudice to the generality of the foregoing, authorise another notified body to take over its functions in respect of such cases as he may specify.

(6) Where a notified body is minded to refuse to issue an EC type-examination certificate, it shall—

(a) give notice in writing to the applicant of the reasons why it is minded to do so; and

(b) give the applicant the opportunity to make representations within a period of 28 days of the said notice being given and consider any representations made within that period by the applicant.

Fees

17.—(1) Without prejudice to the power of the Secretary of State, where he is appointed as a notified body in the United Kingdom, to charge fees pursuant to regulations made under section 56

of the Finance Act 1973(**9**) and subject to paragraph (2), a notified body appointed by the Secretary of State may charge such fees in connection with, or incidental to, carrying out its duties in relation to the functions referred to in regulation 16(2)(c) as it may determine; provided that such fees shall not exceed the sum of the following—

(a) the costs incurred or to be incurred by the notified body in performing the relevant function; and

(b) an amount on account of profit which is reasonable in the circumstances having regard to—

(i) the character and extent of the work done or to be done by the body on behalf of the applicant; and

(ii) the commercial rate normally charged on account of profit for that work or similar work.

(2) The power in paragraph (1) includes the power to require the payment of fees or a reasonable estimate thereof in advance of carrying out the work requested by the applicant.

Conditions for lifts and safety components being taken to conform with the provisions of the Lifts Directive

18.—(1) Subject to paragraph (2), a lift or safety component which—

(a) bears the CE marking or, in the case of a safety component, the label attached to it bears that marking in accordance with regulation 8(2)(c) or 9(2)(c); and

(b) is accompanied by an EC declaration of conformity in accordance with regulation 8(2)(d) or 9(2)(d),

shall be taken to conform with all the provisions of these Regulations, which apply to it, including the appropriate conformity assessment procedure specified in regulation 13, unless there are reasonable grounds for suspecting that it does not so conform.

(2) Paragraph (1) does not apply in relation to an enforcement authority where a person fails or refuses to make available to the enforcement authority the documentation which he is required, by the conformity assessment procedure which applies to that lift or safety component, to retain or a copy thereof.

PART IV

ENFORCEMENT

Application of Schedule 15

19.—(1) Subject to paragraph (2), Schedule 15 shall have effect for the purposes of providing for the enforcement of these Regulations and for matters incidental thereto.

(2) Except in the case of a lift or safety component which, in the opinion of an enforcement authority, is liable to endanger the safety of persons and, where appropriate, of property, where an enforcement authority has reasonable grounds for suspecting that the CE marking has been affixed to a lift or safety component or, in the case of a safety component, to a label inseparably attached to it and in relation to which any provision of these Regulations has not been complied with it may serve notice in writing on—

(**9**) 1973 c. 51.

(a) the installer of the lift or the manufacturer of the safety component or, in the case of the latter, his authorised representative established in the Community; or

(b) in a case where neither the installer of the lift nor the manufacturer of the safety component nor, in the case of the latter, his authorised representative established in the Community has placed the lift or safety component, as the case may be, on the market, the person who places it on the market in the United Kingdom;

and subject to paragraph (3), no other action pursuant to Schedule 15 may be taken, and no proceedings may be brought pursuant to regulation 20, in respect of that lift or safety component until such notice has been given and the person to whom it is given has failed to comply with its requirements.

(3) Notwithstanding the provisions of paragraph (2), for the purpose of ascertaining whether or not the CE marking has been correctly affixed, action may be taken pursuant to section 20 of the Health and Safety at Work etc. Act 1974(**10**), or, in Northern Ireland, pursuant to Article 22 of the Health and Safety at Work (Northern Ireland) Order 1978(**11**) as it is applied by Schedule 15.

(4) A notice which is given under paragraph (2) shall—

(a) state that the enforcement authority suspects that the CE marking has not been correctly affixed to the lift, safety component or label, as the case may be;

(b) specify the respect in which it is so suspected and give particulars thereof;

(c) require the person to whom the notice is given—

(i) to secure that any lift or safety component to which the notice relates conforms as regards the provisions concerning the correct affixation of the CE marking within such period as may be specified in the notice; or

(ii) to provide evidence within that period, to the satisfaction of the enforcement authority, that the CE marking has been correctly affixed; and

(d) warn that person that if the non-conformity continues after, or if satisfactory evidence has not been provided within, the period specified in the notice, further action may be taken under the Regulations in respect of that lift or safety component or any lift or safety component of the same type placed on the market by that person.

Offences

20. Any person who—

(a) contravenes or fails to comply with regulation 8, 9, 10 or 11(1) or (2); or

(b) fails to supply or retain a copy of the declaration of conformity as required by regulation 11(3),

shall be guilty of an offence.

Penalties

21.—(1) A person guilty of an offence under regulation 20(a) shall be liable on summary conviction—

(a) to imprisonment for a term not exceeding 3 months; or

(b) to a fine not exceeding level 5 on the standard scale,

or to both.

(**10**) 1974 c. 37.
(**11**) S.I. 1978/1039 (N.I. 9).

(2) A person guilty of an offence under regulation 20(b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Defence of due diligence

22.—(1) Subject to the following provisions of this regulation, in proceeding against any person for an offence under regulation 20 it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where in any proceedings against any person for such an offence the defence provided by paragraph (1) involves an allegation that the commission of the offence was due—

(a) to the act or default of another; or

(b) reliance on information given by another,

that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than seven clear days before the hearing of the proceedings (or, in Scotland, the trial diet), he has served a notice under paragraph (3) below on the person bringing the proceedings.

(3) A notice under this paragraph shall give such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time he serves it.

(4) It is hereby declared that a person shall not be entitled to rely on the defence provided by paragraph (1) by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular—

(a) to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) to whether he had any reason to disbelieve the information.

Liability of persons other than the principal offender

23.—(1) Where the commission by any person of an offence under regulation 20 is due to the act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under these Regulations (including where it is so guilty by virtue of paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) In this regulation, references to a "body corporate" include references to a partnership in Scotland and, in relation to such partnership, any reference to a director, manager, secretary or other similar officer of a body corporate is a reference to a partner.

Consequential amendments

24.—(1) In the Provision and Use of Work Equipment Regulations 1992(**12**)—

(**12**) S.I. 1992/2932.

(a) at the end of Schedule 1 there shall be added the following paragraph—

"**38.** European Parliament and Council Directive 95/16/EC on the approximation of the laws of the Member States relating to lifts (OJNo. L213, 7.9.95, p.1).”; and

(b) for the purposes of the enforcement of regulation 10 of those Regulations, these Regulations shall have effect as if the addition of the reference to the Lifts Directive in Schedule 1, effected by sub-paragraph (a) above, had been made by means of Regulations made under section 15 of the Health and Safety at Work etc. Act 1974.

(2) In the Provision and Use of Work Equipment Regulations (Northern Ireland) 1993(**13**)—

(a) in Schedule 1, after paragraph 23 there shall be added the following paragraph—

"**24.** European Parliament and Council Directive 95/16/EC on the approximation of the laws of the member States relating to lifts (OJ No. L213, 7.9.95, p.1).”; and

(b) for the purposes of the enforcement of regulation 10 of those Regulations, these Regulations shall have effect as if the addition of the reference to the Lifts Directive in Schedule 1, effected by sub-paragraph (a) above, had been made by means of Regulations made under Article 17 of the Health and Safety at Work (Northern Ireland) Order 1978(**14**).

Ian Taylor
Parliamentary Under-Secretary of State for
Science and Technology
Department of Trade and Industry

14th March 1997

(**13**) S.R. 1993 No. 19; Schedule 1 was substituted by S.R. 1995 No. 26 and amended by S.R. 1996 No. 109 and S.R. 1996 No. 247.
(**14**) S.I. 1978/1038 (N.I. 9).

SCHEDULE 1 Regulation 2(1)

(Annex I to the Lifts Directive)
ESSENTIAL HEALTH AND SAFETY REQUIREMENTS RELATING TO THE DESIGN AND CONSTRUCTION OF LIFTS AND SAFETY COMPONENTS

Preliminary Remarks

1. Obligations under essential health and safety requirements apply only where the lift or safety component is subject to the hazard in question when used as intended by the installer of the lift or the manufacturer of the safety components.

2. The essential health and safety requirements contained in the Directive are imperatives. However, given the present state of the art, the objectives which they lay down may not be attainable. In such cases, and to the greatest extent possible, the lift or safety components must be designed and built in such a way as to approximate to those objectives.

3. The safety-component manufacturer and the installer of the lift are under an obligation to assess the hazards in order to identify all those which apply to their products; they must then design and construct them taking account of the assessment.

4. In accordance with Article 14, the essential requirements laid down in Directive 89/106/EEC(**15**) not included in this Directive, apply to lifts.

1 GENERAL

(1.1) Application of Directive 89/392/EEC, as amended by Directives 91/368/EEC, 93/44/EEC and 93/68/EEC.(**16**)

Where the relevant hazard exists and is not dealt with in this Annex, the essential health and safety requirements of Annex I to Directive 89/392/EEC apply. The essential requirement of Section 1.1.2 of Annex 1 to Directive 89/392/EEC must apply in any event.

(1.2) Car

The car must be designed and constructed to offer the space and strength corresponding to the maximum number of persons and the rated load of the lift set by the installer.

In the case of lifts intended for the transport of persons, and where its dimensions permit, the car must be designed and constructed in such a way that its structural features do not obstruct or impede access and use by disabled persons and so as to allow any appropriate adjustments intended to facilitate its use by them.

(1.3) Means of suspension and means of support

The means of suspension and/or support of the car, its attachments and any terminal parts thereof must be selected and designed so as to ensure an adequate level of overall safety and to minimise the risk of the car falling, taking into account the conditions of use, the materials used and the conditions of manufacture.

Where ropes or chains are used to suspend the car, there must be at least two independent cables or chains, each with its own anchorage system. Such ropes and chains must have no joins or splices except where necessary for fixing or forming a loop.

(**15**) Council Directive 89/106/EEC on the approximation of the laws, regulations and administative provisions of the Member States relating to construction products (OJ No. L40, 11.2.89, p.12) has been implemented in the United Kingdom by S.I. 1991/1620 and the Essential Requirements laid down in that Directive are set out in Schedule 2 to those Regulations.

(**16**) The provisions of Council Directive 89/392/EEC on the approximation of the laws of the Member States relating to machinery (OJ No. L183, 29.6.89, p.9), as amended, has been implemented in the United Kingdom by S.I. 1992/3073, as amended by S.I. 1994/2063, and the essential health and safety requirements of Annex 1 to that Directive are set out in Schedule 3 to those Regulations.

(1.4) Control of loading (including overspeed)

(1.4.1) Lifts must be so designed, constructed and installed as to prevent normal starting if the rated load is exceeded.

(1.4.2) Lifts must be equipped with an overspeed limitation device(**17**).

These requirements do not apply to lifts in which the design of the drive system prevents overspeed.

(1.4.3) Fast lifts must be equipped with a speed-monitoring and speed-limiting device.

(1.4.4) Lifts driven by friction pulleys must be designed so as to ensure stability of the traction cables on the pulley.

(1.5) Machinery

(1.5.1) All passenger lifts must have their own individual lift machinery. This requirement does not apply to lifts in which the counterweights are replaced by a second car.

(1.5.2) The installer of the lift must ensure that the lift machinery and the associated devices of a lift are not accessible except for maintenance and in emergencies.

(1.6) Controls

(1.6.1) The controls of lifts intended for use by unaccompanied disabled persons must be designed and located accordingly.

(1.6.2) The function of the controls must be clearly indicated.

(1.6.3) The call circuits of a group of lifts may be shared or interconnected.

(1.6.4) Electrical equipment must be so installed and connected that:

— there can be no possible confusion with circuits which do not have any direct connection with the lift,

— the power supply can be switched while on load,

— movements of the lift are dependent on electrical safety devices in a separate electrical safety circuit,

— a fault in the electrical installation does not give rise to a dangerous situation.

2 HAZARDS TO PERSONS OUTSIDE THE CAR

(2.1) The lift must be designed and constructed to ensure that the space in which the car travels is inaccessible except for maintenance or in emergencies. Before a person enters that space, normal use of the lift must be made impossible.

(2.2) The lift must be designed and constructed to prevent the risk of crushing when the car is in one of its extreme positions.

The objective will be achieved by means of free space or refuge beyond the extreme positions.

However, in specific cases, in affording Member States the possibility of giving prior approval, particularly in existing buildings, where this solution is impossible to fulfil, other appropriate means may be provided to avoid this risk.

(2.3) The landings at the entrance and exit of the car must be equipped with landing doors of adequate mechanical resistance for the conditions of use envisaged.

An interlocking device must prevent during normal operation:

— starting movement of the car, whether or not deliberately activated, unless all landing doors are shut and locked,

(**17**) There are some linguistic errors in the English text of the Lifts Directive. The text of the Directive uses the word “governor” instead of “limitation device”.

— the opening of a landing door when the car is still moving and outside a prescribed landing zone.

However, all landing movements with the doors open shall be allowed in specified zones on condition that the levelling speed is controlled.

3 HAZARDS TO PERSONS IN THE CAR

(3.1) Lift cars must be completely enclosed by full-length walls, fitted floors and ceilings included, with the exception of ventilation apertures, and with full-length doors. These doors must be so designed and installed that the car cannot move, except for the landing movements referred to in the third sub-paragraph of Section 2.3, unless the doors are closed, and comes to a halt if the doors are opened.

The doors of the car must remain closed and interlocked if the lift stops between two levels where there is a risk of a fall between the car and the shaft or if there is no shaft.

(3.2) In the event of a power cut or failure of components the lift must have devices to prevent free fall or uncontrolled upward movements of the car.

The device preventing the free fall of the car must be independent of the means of suspension of the car.

This device must be able to stop the car at its rated load and at the maximum speed anticipated by the installer of the lift. Any stop occasioned by this device must not cause deceleration harmful to the occupants whatever the load conditions.

(3.3) Buffers must be installed between the bottom of the shaft and the floor of the car.

In this case, the free space referred to in Section 2.2 must be measured with the buffers totally compressed.

This requirement does not apply to lifts in which the car cannot enter the free space referred to in Section 2.2 by reason of the design of the drive system.

(3.4) Lifts must be so designed and constructed as to make it impossible for them to be set in motion if the device provided for in Section 3.2 is not in an operational position.

4 OTHER HAZARDS

(4.1) The landing doors and car doors or the two doors together, where motorised, must be fitted with a device to prevent the risk of crushing when they are moving.

(4.2) Landing doors, where they have to contribute to the protection of the building against fire, including those with glass parts, must be suitably resistant to fire in terms of their integrity and their properties with regard to insulation (containment of flames) and the transmission of heat (thermal radiation).

(4.3) Counterweights must be so installed as to avoid any risk of colliding with or falling on to the car.

(4.4) Lifts must be equipped with means enabling people trapped in the car to be released and evacuated.

(4.5) Cars must be fitted with two-way means of communication allowing permanent contact with a rescue service.

(4.6) Lifts must be so designed and constructed that, in the event of the temperature in the lift machine room exceeding the maximum set by the installer of the lift, they can complete movements in progress but refuse new commands(**18**).

(4.7) Cars must be designed and constructed to ensure sufficient ventilation for passengers, even in the event of a prolonged stoppage.

(4.8) The car should be adequately lit whenever in use or whenever a door is opened; there must also be emergency lighting.

(4.9) The means of communication referred to in Section 4.5 and the emergency lighting referred to in Section 4.8 must be designed and constructed so as to function even without the normal power supply. Their period of operation should be long enough to allow normal operation of the rescue procedure.

(4.10) The control circuits of lifts which may be used in the event of fire must be designed and manufactured so that lifts may be prevented from stopping at certain levels and allow for priority control of the lift by rescue teams.

5 MARKING

(5.1) In addition to the minimum particulars required for any machine pursuant to Section 1.7.3 of Annex I to Directive 89/392/EEC, each car must bear an easily visible plate clearly showing the rated load in kilograms and the maximum number of passengers which may be carried.

(5.2) If the lift is designed to allow people trapped in the car to escape without outside help, the relevant instructions must be clear and visible in the car.

6 INSTRUCTIONS FOR USE

(6.1) The safety components referred to in Annex IV must be accompanied by an instruction manual drawn up in an official language of the Member State of the lift installer or another Community language acceptable to him, so that:

— assembly,

— connection,

— adjustment, and

— maintenance,

can be carried out effectively and without danger.

(6.2) Each lift must be accompanied by documentation drawn up in the official language(s) of the Community, which may be determined in accordance with the Treaty(**19**) by the Member State in which the lift is installed. The documentation shall contain at least:

— an instruction manual containing the plans and diagrams necessary for normal use and relating to maintenance, inspection, repair, periodic checks and the rescue operations referred to in Section 4.4.

— a logbook in which repairs and, where appropriate, periodic checks can be noted.

(**18**) There are some linguistic errors in the English text of the Lifts Directive. The text of the Directive uses the words “lift machine” instead of “lift machine room”.

(**19**) This is a reference to the Treaty establishing the European Community.

SCHEDULE 2

Regulation 2(1)

(Annex II to the Lifts Directive)(**20**)

Content of the EC declaration of conformity for safety components(**35**)

A. The EC declaration of conformity must contain the following information:

— name and address of the manufacturer of the safety components(**36**),

— where appropriate, name and address of his authorised representative established in the Community (**36**),

— description of the safety component, details of type or series and serial number (if any),

— safety function of the safety component, if not obvious from the description,

— year of manufacture of the safety component,

— all relevant provisions with which the safety component complies,

— where appropriate, reference to harmonized standards used,

— where appropriate, name, address and identification number of the notified body which carried out the EC type-examination in accordance with Article 8(1)(a)(i) and (ii),

— where appropriate, reference to the EC type-examination certificate issued by that notified body,

— where appropriate, name, address and identification number of the notified body which carried out the production checks in accordance with Article 8(1)(a)(ii),

— where appropriate, name, address and identification number of the notified body which checked the system of quality assurance implemented by the manufacturer in accordance with Article 8 (1) (a) (iii),

— identification of the signatory empowered to act on behalf of the manufacturer of the safety components or his authorised representative established in the Community.

Content of the EC declaration of conformity for installed lifts(**37**)

B. The EC declaration of conformity must contain the following information:

— name and address of the installer of the lift(**38**),

— description of the lift, details of the type or series, serial number and address where the lift is fitted,

— year of installation of the lift,

— all relevant provisions to which the lift conforms,

— where appropriate, reference to harmonised standards used,

— where appropriate, name, address and identification number of the notified body which carried out the EC type-examination of the model of the lift in accordance with Article 8(2), (i) and (ii),

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(**20**) The provisions of Article 8(1)(a)(i), (ii) and (iii) are respectively set out in regulation 13(3)(a), (b) and (c) and the provisions of Article 8(2)(i), (ii), (iii), (iv) and (v) are respectively set out in regulation 13(2)(a), (b), (c), (d) and (e).

(**35**) **The declaration must be drafted in the same language as the instruction manual referred to in Annex 1, Section 6.1, and be either typewritten or printed.**

(**36**) Business name, full address; in the case of an authorised representative, also indicate the business name and address of the manufacturer of the safety component.

(**36**) Business name, full address; in the case of an authorised representative, also indicate the business name and address of the manufacturer of the safety component.

(**37**) **This declaration must be drafted in the same language as the instruction manual referred to in Annex 1, Section 6.2, and be either typewritten or printed.**

(**38**) Business name and full address.

— where appropriate, reference of the EC type-examination certificate,

— where appropriate, name, address and identification number of the notified body which carried out the verification of the lift in accordance with Article 8(2)(iv),

— where appropriate, name, address and identification number of the notified body which carried out the final inspection of the lift in accordance with the first indent of Article 8(2), (i), (ii) and (iii),

— where appropriate, name, address, and identification number of the notified body which inspected the quality assurance system implemented by the installer in accordance with the second and third indents of Article (8)(2), (i), (ii), (iii) and (v),

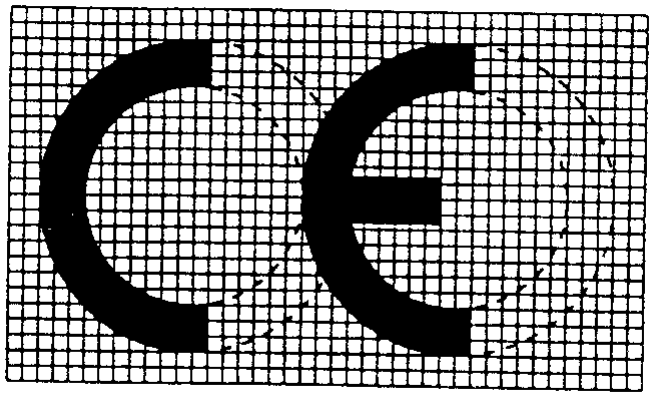
— identification of the signatory having been empowered to act on behalf of the lift installer.

SCHEDULE 3

Regulations 2(2), 8(2)(c) and 9(2)(c)

THE CE CONFORMITY MARKING AND OTHER INSCRIPTIONS
(Articles 8(4) and 10 and Annex III to the Lifts Directive)

1. The CE conformity marking shall consist of the initials "CE" taking the following form:



2. If the CE marking is reduced or enlarged, the proportions given in the above drawing must be respected.

3. The various components of the CE marking must have substantially the same vertical dimension, which may not be less than five millimetres. This minimum dimension may be waived for small-scale safety components.

4. The CE marking shall be followed by the identification number of the notified body that deals with

— the procedures referred to in Article 8(1)(a)(ii) or (iii)(**21**),

— the procedures referred to in Article 8(2)(**22**).

5. The CE marking shall be affixed to every lift car distinctly and visibly in accordance with Section 5 of Annex 1(**23**) and on each of the safety components listed in Annex IV(**24**) or, where that is not possible, on a label inseparably attached to the safety component.

(**21**) This is a reference to the procedures specified in regulation 13(3) (b) and (c).
(**22**) This is a reference to the procedures specified in regulation 13(2).
(**23**) This is a reference to Section 5 of the Essential Health and Safety Requirements set out in Schedule 1.

6. Subject to paragraph 7 below, where a lift or safety component is the subject of other Community directives concerning other aspects and which also provide for the affixing of the CE marking, such marking shall indicate that the lift or safety component is also presumed to conform to the provisions of those other directives.

7. Where one or more of the other Community directives referred to in paragraph 6 above allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity only to the directives applied by the installer of the lift or the manufacturer of the safety component. In this case, particulars of the directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by the directives and accompanying such lift or safety component.

8. The affixing on the lifts or safety components of markings which are likely to mislead third parties as to the meaning and form of the CE marking are prohibited. Any other marking may be affixed to the lift or safety component, provided that the visibility and legibility of the CE marking are not thereby reduced.

SCHEDULE 4

Regulation 2(1)

(Annex IV to the Lifts Directive)

LIST OF SAFETY COMPONENTS REFERRED TO IN ARTICLE 1(1) AND ARTICLE 8(1)

1. Devices for locking landing doors.

2. Devices to prevent falls referred to in Section 3.2 of Annex I to prevent the car from falling or unchecked upward movements.

3. Overspeed limitation devices.

(a) (a) Energy-accumulating buffers:

— either non-linear,

— or with damping of the return movement.

(b) Energy-dissipating buffers(**25**).

5. Safety devices fitted to jacks of hydraulic power circuits where these are used as devices to prevent falls.

6. Electric safety devices in the form of safety switches containing electronic components.

(**24**) Annex IV is set out in Schedule 4.

(**25**) There are some linguistic errors in the English text of the Lifts Directive. The text of the Directive uses the words “shock absorbers” instead of “buffers”.

SCHEDULE 5 Regulation 2(1)

(Annex V to the Lifts Directive)
EC TYPE-EXAMINATION
(module B)

A EC type-examination of safety components

(1) EC type-examination is the procedure whereby a notified body ascertains and certifies that a representative specimen of a safety component will permit the lift to which it is correctly fitted to satisfy the relevent requirements of the Directive.

(2) The application for EC type-examination must be lodged by the manufacturer of the safety component, or his authorised representative established in the Community, with a notified body of his choice.

The application must include:

— the name and address of the manufacturer of the safety component and of his authorised representative, if the application is made by the latter, and the place of manufacture of the safety components,

— a written declaration that the same application has not been lodged with any other notified body,

— a technical dossier,

— a representative specimen of the safety component or details of the place where it can be examined. The notified body may make reasoned requests for further specimens.

(3) The technical dossier must allow an assessment of the conformity and adequacy of the safety component to enable a lift to which it is correctly fitted to conform with the provisions of the Directive.

In so far as is necessary for the purpose of assessing conformity, the technical dossier should include the following:

— a general description of the safety component, including its area of use (in particular possible limits on speed, load and power) and conditions (in particular explosive environments and exposure to the elements),

— design and manufacturing drawings or diagrams,

— essential requirement(s) taken into consideration and the means adopted to satisfy it (them) (e.g. a harmonised standard),

— results of any tests or calculations performed or subcontracted by the manufacturer,

— a copy of the assembly instructions for the safety components,

— steps taken at the manufacturing stage to ensure that series-produced safety components conform to the safety component examined.

(4) The notified body must:

— examine the technical dossier to assess how far it can meet the desired aims,

— examine the safety component to check its adequacy in terms of the technical dossier,

— perform or have performed the appropriate checks and tests necessary to check whether the solutions adopted by the manufacturer of the safety component meet the requirements of the Directive allowing the safety component to carry out its function when correctly fitted on a lift.

(5) If the representative specimen of the safety component complies with the provisions of the Directive applicable to it, the notified body must issue an EC type-examination certificate to the applicant. The certificate must contain the name and address of the manufacturer of the

safety component, the conclusions of the check, any conditions of validity of the certificate and the particulars necessary to identify the approved type.

The Commission, the Member States and the other notified bodies may obtain a copy of the certificate and, on a reasoned request, a copy of the technical dossier and reports of examinations, calculations and tests carried out. If the notified body refuses to issue an EC type-examination certificate to the manufacturer, it must state the detailed grounds for refusal. Provision must be made for an appeal procedure.

(6) The manufacturer of the safety component or his authorised representative established in the Community must inform the notified body of any alterations, even of a minor nature, which he has made or plans to make to the approved safety component, including new extensions or variants not specified in the original technical dossier (see the first indent of Section 3). The notified body must examine the alterations and inform the applicant whether the EC type-examination certificate remains valid(**39**).

(7) Each notified body must communicate to the Member States the relevant information concerning:

— EC type-examination certificates issued,

— EC type-examination certificates withdrawn.

Each notified body must also communicate to the other notified bodies the relevant information concerning the EC type-examination certificates it has withdrawn.

(8) EC type-examination certificates and the dossiers and correspondence relating to EC type-examination procedures must be drawn up in an official language of the Member State where the notified body is established or in a language acceptable to it.

(9) The manufacturer of the safety component or his authorised representative must keep with the technical documentation copies of EC type-examination certificates and their additions for a period of 10 years after the last safety component has been manufactured.

Where neither the manufacturer of a safety component nor his authorised representative is established in the Community, the obligation to keep the technical documentation available falls to the person who places the safety component on the Community market.

B EC type-examination of lifts

(1) EC type-examination is the procedure whereby a notified body ascertains and certifies that a model lift, or that a lift for which there is no provision for an extension or variant, satisfies the requirements of the Directive.

(2) The application for EC type-examination must be lodged by the installer of the lift with a notified body of his choice.

The application must include:

— the name and address of the installer of the lift,

— a written declaration that the same application has not been lodged with any other notified body,

— a technical dossier,

— details of the place where the model lift can be examined. The model lift submitted for examination must include the terminal parts and be capable of serving at least three levels (top, middle and bottom).

(3) The technical dossier must allow an assessment of the conformity of the lift with the provisions of the Directive and an understanding of the design and operation of the lift.

(**39**) If the notified body deems it necessary, it may either issue an addition to the original EC type-examination certificate or ask for a fresh application to be submitted.

In so far as is necessary for the purpose of assessing conformity, the technical dossier should include the following:

— a general description of the representative model of the lift. The technical dossier should indicate clearly all possible extensions to the representative model of the lift under examination (see Article 1 (4)),

— design and manufacturing drawings or diagrams,

— essential requirements taken into consideration and the means adopted to satisfy them (e.g. a harmonised standard),

— a copy of the EC declarations of conformity of the safety components used in the manufacture of the lift,

— results of any tests or calculations performed or subcontracted by the manufacturer,

— a copy of the lift instruction manual,

— steps taken at the installation stage to ensure that the series-produced lift conforms to the provisions of the Directive.

(4) The notified body must:

— examine the technical dossier to assess how far it can meet the desired aims,

— examine the representative model of the lift to check that it has been manufactured in accordance with the technical dossier,

— perform or have performed the appropriate checks and tests necessary to check that the solutions adopted by the installer of the lift meet the requirements of the Directive and allow the lift to comply with them.

(5) If the model lift complies with the provisions of the Directive applicable to it, the notified body must issue an EC type-examination certificate to the applicant. The certificate must contain the name and address of the lift installer, the conclusions of the check, any conditions of validity of the certificate and the particulars necessary to identify the approved type.

The Commission, the Member States and the other notified bodies may obtain a copy of the certificate and, on a reasoned request, a copy of the technical dossier and reports of examinations, calculations and tests carried out.

If the notified body refuses to issue an EC type-examination certificate to the manufacturer, it must state the detailed grounds for refusal. Provision must be made for an appeal procedure.

(6) The installer of the lift must inform the notified body of any alterations, even of a minor nature, which he has made or plans to make to the approved lift, including new extensions or variants not specified in the original technical dossier (see the first indent of Section 3). The notified body must examine the alterations and inform the applicant whether the EC type-examination certificate remains valid(**40**).

(7) Each notified body must communicate to the Member States the relevant information concerning:

— EC type-examination certificates issued,

— EC type-examination certificates withdrawn.

Each notified body must also communicate to the other notified bodies the relevant information concerning the EC type-examination certificates it has withdrawn.

(**40**) If the notified body deems it necessary, it may either issue an addition to the original EC type-examination certificate or ask for a fresh application to be submitted.

(8) EC type-examination certificates and the dossiers and correspondence relating to EC type-examination procedures must be drawn up in one of the official languages of the Member State where the notified body is established or in a language acceptable to it.

(9) The installer of the lift must keep with the technical documentation copies of EC type-examination certificates and their additions for a period of at least 10 years after the last lift has been manufactured in conformity with the representative model of the lift.

SCHEDULE 6

Regulation 2(1)

(Annex VI to the Lifts Directive)
FINAL INSPECTION

1. Final inspection is the procedure whereby the installer of the lift who fulfils the obligations of Section 2 ensures and declares that the lift which is being placed on the market satisfies the requirements of the Directive. The installer of the lift shall affix the CE marking in the car of each lift and draw up an EC declaration of conformity.

2. The installer of the lift shall take all steps necessary to ensure that the lift being placed on the market conforms with the model lift described in the EC type-examination certificate and the essential health and safety requirements applicable to it.

3. The installer of the lift shall keep a copy of the EC declaration of conformity and the final inspection certificate referred to in Section 6 for 10 years from the date when the lift was placed on the market.

4. A notified body chosen by the installer of the lift shall carry out or have carried out the final inspection of the lift about to be placed on the market. The appropriate tests and checks defined by the applicable standard(s) referred to in Article 5, or equivalent tests, must be carried out in order to ensure conformity of the lift with the relevant requirements of the Directive.

These checks and tests shall cover in particular:

(a) examination of the documentation to check that the lift conforms with the representative model of the lift approved in accordance with Annex V.B;

(b)
- operation of the lift both empty and at maximum load to ensure correct installation and operation of the safety devices (end stops, locking devices, etc.),
- operation of the lift at both maximum load and empty to ensure the correct functioning of the safety devices in the event of loss of power,
- static test with a load equal to 1.25 times the nominal load.

The nominal load shall be that referred to in Annex I, Section 5.

After these tests, the notified body shall check that no distortion or deterioration which could impair the use of the lift has occurred.

5. The notified body must receive the following documents:

- the plan of the complete lift,
- the plans and diagrams necessary for final inspection, in particular control circuit diagrams,
- a copy of the instruction manual referred to in Annex I, Section 6.2.

The notified body may not require detailed plans or precise information not necessary for verifying the conformity of the lift about to be placed on the market with the model lift described in the EC type-examination declaration.

6. If the lift satisfies the provisions of the Directive, the notified body shall affix or have affixed its identification number adjacent to the CE marking in accordance with Annex III(**26**) and shall draw up a final inspection certificate which mentions the checks and tests carried out.

The notified body shall fill in the corresponding pages in the logbook referred to in Annex 1, Section 6.2.

If the notified body refuses to issue the final inspection certificate, it must state the detailed reasons for refusal and recommend means whereby acceptance may be obtained. Where the installer of the lift again applies for final inspection, he must apply to the same notified body.

7. The final inspection certificate, dossiers and correspondence relating to the acceptance procedures shall be drawn up in one of the official languages of the Member State where the notified body is established or in a language acceptable to it.

SCHEDULE 7

Regulation 2(1)

(Annex VIII to the Lifts Directive)
PRODUCT QUALITY ASSURANCE
(module E)

1. Product quality assurance is the procedure whereby the manufacturer of the safety component who satisfies Section 2 ensures and declares that the safety components are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them and ensures and declares that the safety component will enable a lift to which it is correctly fitted to satisfy the provisions of the Directive.

The manufacturer of the safety component or his authorized representative established in the Community must affix the CE marking to each safety component and draw up an EC declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for surveillance as specified in Section 4.

2. The manufacturer must apply an approved quality assurance system for final inspection of the safety component and testing as specified in Section 3, and must be subject to surveillance as specified in Section 4.

3 Quality assurance system

(3.1) The manufacturer of the safety component must lodge an application for assessment of his quality assurance system for the safety components concerned with a notified body of his choice.

The application must include:

- all relevant information for the safety components envisaged,
- the documentation on the quality assurance system,
- the technical documentation of the approved safety components and a copy of the EC type-examination certificates.

(3.2) Under the quality assurance system, each safety component must be examined and appropriate tests as set out in the relevant standards referred to in Article 5 or equivalent tests must be carried out in order to ensure its conformity to the relevant requirements of the Directive.

All the elements, requirements and provisions adopted by the manufacturer of the safety components must be documented in a systematic and orderly manner in the form of written

(**26**) The relevant provision from Annex III is set out in paragraph 4 of Schedule 3.

measures, procedures and instructions. This quality assurance system documentation must ensure a common understanding of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

(a) the quality objectives;

(b) the organizational structure, responsibilities and powers of the management with regard to safety component quality;

(c) the examinations and tests that will be carried out after manufacture;

(d) the means to verify the effective operation of the quality assurance system;

(e) quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

(3.3) The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in Section 3.2. It must presume conformity with these requirements in respect of quality assurance systems that implement the relevant harmonized standard(**41**).

The auditing team must have at least one member with experience of assessment in the lift technology concerned. The assessment procedure must include a visit to the premises of the safety component manufacturer.

The decision must be notified to the manufacturer of the safety components. The notification must contain the conclusions of the examination and the reasoned assessment decision.

(3.4) The manufacturer of the safety components must undertake to discharge the obligations arising from the quality assurance system as approved and to ensure that it is maintained in an appropriate and efficient manner.

The manufacturer of the safety components or his authorized representative established in the Community must keep the notified body which has approved the quality assurance system informed of any intended updating of the quality assurance system.

The notified body must assess the modifications proposed and decide whether the modified quality assurance system still satisfies the requirements referred to in Section 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

4 Surveillance under the responsibility of the notified body

(4.1) The purpose of surveillance is to make sure that the manufacturer of the safety component duly fulfils the obligations arising out of the approved quality assurance system.

(4.2) The manufacturer must allow the notified body access for inspection purposes to the inspection, testing and storage locations and provide it with all necessary information, in particular:

— the quality assurance system documentation,

— the technical documentation,

— the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

(4.3) The notified body must periodically carry out audits to ensure that the manufacturer of the safety components maintains and applies the quality assurance system and must provide an audit report to the manufacturer of the safety components.

(**41**) This harmonised standard will be EN 29003, supplemented where necessary to take account of the specific features of safety components.

(4.4) Additionally, the notified body may pay unexpected visits to the manufacturer of the safety component.

At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality assurance system where necessary; it must provide the manufacturer of the safety components with a visit report and, if a test has been carried out, with a test report.

5. The manufacturer must, for a period ending 10 years after the last safety component has been manufactured, keep at the disposal of the national authorities:

— the documentation referred to in the third indent of the second paragraph of Section 3.1,

— the updating referred to in the second paragraph of Section 3.4,

— the decisions and reports from the notified body which are referred to in the final paragraph of Section 3.4 and in Sections 4.3 and 4.4.

6. Each notified body must forward to the other notified bodies the relevant information concerning the quality assurance system approvals issued and withdrawn.

SCHEDULE 8

Regulation 2(1)

(Annex IX to the Lifts Directive)
FULL QUALITY ASSURANCE
(module H)

1. Full quality assurance is the procedure whereby the manufacturer of the safety component who satisfies the obligations of Section 2 ensures and declares that the safety components satisfy the requirements of the Directive that apply to them and that the safety component will enable a lift to which it is correctly fitted to satisfy the requirements of the Directive.

The manufacturer or his authorized representative established in the Community must affix the CE marking to each safety component and draw up an EC declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for the surveillance as specified in Section 4.

2. The manufacturer must operate an approved quality assurance system for design, manufacture and final inspection of the safety components and testing as specified in Section 3 and must be subject to surveillance as specified in Section 4.

3 Quality assurance system

(3.1) The manufacturer must lodge an application for assessment of his quality assurance system with a notified body. The application must include:

— all relevant information on safety components,

— the documentation on the quality assurance system.

(3.2) The quality assurance system must ensure compliance of the safety components with the requirements of the Directive that apply to them and enable lifts to which they have been correctly fitted to satisfy those requirements.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written measures, procedures and instructions. This quality assurance system documentation must ensure a common understanding of the quality policies and procedures such as quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

— the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the design and quality of the safety components,

— the technical design specifications, including standards, that will be applied and, where the standards referred to in Article 5 will not be applied in full, the means that will be used to ensure that the essential requirements of the Directive that apply to the safety components will be met,

— the design control and design verification techniques, processes and systematic actions that will be used when designing the safety components,

— the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,

— the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,

— the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.,

— the means of monitoring the achievement of the required design and product quality and the effective operation of the quality assurance system.

(3.3) The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in Section 3.2. It must presume compliance with these requirements in respect of quality assurance systems that implement the relevant harmonized standard(**42**).

The auditing team must have at least one member with experience of assessment in the lift technology concerned. The assessment procedure must include a visit to the manufacturer's premises.

The decision must be notified to the manufacturer of the safety components. The notification must contain the conclusions of the examination and the reasoned assessment decision.

(3.4) The manufacturer of the safety components must undertake to discharge the obligations arising from the quality assurance system as approved and to ensure that it is maintained in an appropriate and efficient manner.

The manufacturer or his authorized representative established in the Community must keep the notified body which has approved the quality assurance system informed of any intended updating of the quality assurance system.

The notified body must assess the modifications proposed and decide whether the modified quality assurance system will still satisfy the requirements referred to in Section 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

4 Surveillance under the responsibility of the notified body

(4.1) The purpose of surveillance is to make sure that the manufacturer of the safety components duly fulfils the obligations arising out of the approved quality assurance system.

(4.2) The manufacturer of the safety components must allow the notified body access for inspection purposes to the design, manufacture, inspection and testing, and storage locations, and must provide it with all necessary information, in particular:

— the quality assurance system documentation,

(**42**) This harmonised standard will be EN 29001, supplemented where necessary to take account of the specific features of safety components.

— the quality records provided for in the design part of the quality system, such as results of analyses, calculations, tests, etc.,

— the quality records provided for in the manufacturing part of the quality assurance system, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

(4.3) The notified body must periodically carry out audits to make sure that the manufacturer of the safety components maintains and applies the quality assurance system and must provide an audit report to the manufacturer of the safety components.

(4.4) Additionally, the notified body may pay unexpected visits to the manufacturer of the safety components. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality assurance system where necessary; it must provide the manufacturer of the safety components with a visit report and, if a test has been carried out, with a test report.

5. The manufacturer of the safety components or his authorized representative must, for a period of 10 years after the last safety component has been manufactured, keep at the disposal of the national authorities:

— the documentation referred to in the second indent of the second paragraph of Section 3.1,

— the updating referred to in the second paragraph of Section 3.4,

— the decisions and reports from the notified body which are referred to in the final paragraph of Section 3.4 and in Sections 4.3 and 4.4.

Where neither the manufacturer of the safety components nor his authorized representative is established in the Community, the obligation to keep the technical documentation available falls to the person who places the safety component on the Community market.

6. Each notified body must forward to the other notified bodies the relevant information concerning the quality assurance system approvals issued and withdrawn.

7. The dossiers and correspondence relating to the full quality assurance procedures must be drawn up in one of the official languages of the Member State where the notified body is established or in a language acceptable to it.

SCHEDULE 9

Regulation 2(1)

(Annex X to the Lifts Directive)
UNIT VERIFICATION
(module G)

1. Unit verification is the procedure whereby the installer of a lift ensures and declares that a lift which is being placed on the market and which has obtained the certificate of conformity referred to in Section 4 complies with the requirements of the Directive. The installer of the lift must affix the CE marking in the car of the lift and draw up an EC declaration of conformity.

2. The lift installer shall apply to a notified body of his choice for unit verification.

The application shall contain:

— the name and address of the installer of the lift and the location where the lift is installed,

— a written declaration to the effect that a similar application has not been lodged with another notified body,

— a technical dossier.

3. The purpose of the technical dossier is to enable the conformity of the lift with the requirements of the Directive to be assessed and the design, installation and operation of the lift to be understood.

So far as relevant for conformity assessment, the technical dossier shall contain the following:

— a general description of the lift,

— design and manufacturing drawings and diagrams,

— the essential requirements in question and the solution adopted to meet them (e.g. harmonised standard),

— the results of any tests or calculations carried out or subcontracted by the installer of the lift,

— a copy of the instructions for use of the lift,

— a copy of the EC type-examination certificates of the safety components used.

4. The notified body must examine the technical dossier and the lift and carry out the appropriate tests as set out in the relevant standard(s) referred to in Article 5 of the Directive, or equivalent tests, to ensure its conformity with the relevant requirements of this Directive.

If the lift meets the requirements of this Directive, the notified body shall affix, or cause to be affixed, its identification number adjacent to the CE marking in accordance with Annex III and shall draw up a certificate of conformity relating to the tests carried out.

The notified body shall fill in the corresponding pages of the logbook referred to in Section 6.2 of Annex I.

If the notified body refuses to issue the certificate of conformity, it must state in detail its reasons for refusing and indicate how conformity can be achieved. When the installer of the lift reapplies for verification he must apply to the same notified body.

5. The certificate of conformity and the dossiers and correspondence relating to unit verification procedures must be drawn up in an official language of the Member State where the notified body is established or in a language acceptable to it.

6. The installer of the lift shall keep with the technical dossier a copy of the certificate of conformity for a period of 10 years from the date on which the lift is placed on the market.

SCHEDULE 10

Regulation 2(1)

(Annex XI to the Lifts Directive)
CONFORMITY TO TYPE WITH RANDOM CHECKING
(module C)

1. Conformity to type is the procedure whereby the manufacturer of the safety components or his authorised representative established in the Community ensures and declares that the safety components are in conformity with the type as described in the EC type certificate and satisfy the requirements of the Directive that apply to them and enable any lift to which they are correctly fitted to satisfy the essential health and safety requirements of the Directive.

The manufacturer of the safety components, or his authorised representative established in the Community, must affix the CE marking to each safety component and draw up an EC declaration of conformity.

2. The manufacturer of the safety components must take all measures necessary to ensure that the manufacturing process assures conformity of the manufactured safety components with the type as described in the EC type-examination certificate and with the requirements of the Directive that apply to them.

3. The manufacturer of the safey components or his authorised representative must keep a copy of the EC declaration of conformity for a period of 10 years after the last safety component has been manufactured.

Where neither the manufacturer of the safety components nor his authorised representative is established in the Community, the obligation to keep the technical documentation available falls to the person who places the safety components on the Community market.

4. A notified body chosen by the manufacturer must carry out or have carried out checks on safety components at random intervals. An adequate sample of the finished safety components, taken on site by the notified body, must be examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, must be carried out to check the conformity of production to the relevant requirements of the Directive. In those cases where one or more of the safety components checked do not conform, the notified body must take appropriate measures.

The points to be taken into account when checking the safety components will be defined by joint agreement between all the notified bodies responsible for this procedure, taking into consideration the essential characteristics of the safety components referred to in Annex IV.

On the responsibility of the notified body, the manufacturer must affix that body's identification number during the manufacturing process.

5. The dossiers and correspondence relating to the random checking procedures referred to in Section 4 must be drawn up in one of the official languages of the Member State where the notified body is established or in a language acceptable to it.

SCHEDULE 11

Regulation 2(1)

(Annex XII to the Lifts Directive)
PRODUCT QUALITY ASSURANCE FOR LIFTS
(module E)

1. Product quality assurance is the procedure whereby the installer of a lift who satisfies Section 2 ensures and declares that the lifts installed are in conformity with the type as described in the EC type-examination certificate and satisfy the requirements of the Directive that apply to them.

The installer of a lift must affix the CE marking to each lift and draw up an EC declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for surveillance as specified in Section 4.

2. The installer of a lift must apply an approved quality assurance system for final inspection of the lift and testing as specifed in Section 3, and must be subject to surveillance as specified in Section 4.

3 Quality assurance system

(3.1) The installer of a lift must lodge an application for assessment of his quality assurance system for the lifts concerned with a notified body of his choice.

The application must include:

— all relevant information for the lifts envisaged,

— the documentation on the quality assurance system,

— the technical documentation on the approved lifts and a copy of the EC type-examination certificates.

(3.2) Under the quality assurance system, each lift must be examined and appropriate tests as set out in the relevant standards referred to in Article 5 or equivalent tests must be carried out in order to ensure its conformity to the relevant requirements of the Directive.

All the elements, requirements and provisions adopted by the installer of a lift must be documented in a systematic and orderly manner in the form of written measures, procedures and instructions. This quality assurance system documentation must ensure a common understanding of the quality programmes, plans, manuals and quality records.

It must contain in particular an adequate description of:

(a) the quality objectives,

(b) the organisational structure, responsibilities and powers of the management with regard to lift quality,

(c) the examinations and tests that will be carried out before placing on the market, including at the very least the tests laid down in Annex VI, 4(b),

(d) the means to verify the effective operation of the quality assurance system,

(e) quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

(3.3) The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in Section 3.2. It must presume conformity with these requirements in respect of quality assurance systems that implement the relevant harmonized standard(**43**).

The auditing team must have at least one member with experience of assessment in the lift technology concerned. The assessment procedure must include a visit to the premises of the lift installer and a visit to the installation site.

The decision must be notified to the lift installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

(3.4) The installer of a lift must undertake to discharge the obligations arising from the quality assurance system as approved and to ensure that it is maintained in an appropriate and efficient manner.

The installer of a lift must keep the notified body which has approved the quality assurance system informed of any intended updating of the quality assurance system.

The notified body must assess the modifications proposed and decide whether the modified quality assurance system still satisfies the requirements referred to in Section 3.2 or whether a reassessment is required.

It must notify its decision to the lift installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

4 Surveillance under the responsibility of the notified body

(4.1) The purpose of surveillance is to make sure that the installer of a lift duly fulfils the obligations arising out of the approved quality assurance system.

(4.2) The installer of a lift must allow the notified body access for inspection purposes to the inspection and testing locations and provide it with all necessary information, in particular:

— the quality assurance system documentation,

— the technical documentation,

— the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

(**43**) This harmonised standard will be EN 29003, supplemented where necessary to take account of the specific features of the lifts.

(4.3) The notified body must periodically carry out audits to ensure that the installer of a lift maintains and applies the quality assurance system and must provide an audit report to the lift installer.

(4.4) Additionally, the notified body may pay unexpected visits to the lift installation sites.

At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality assurance system where necessary and of the lift; it must provide the lift installer with a visit report and, if a test has been carried out, with a test report.

5. The installer of a lift must, for a period of 10 years after the last lift has been manufactured, keep at the disposal of the national authorities:

— the documentation referred to in the third indent of the second paragraph of Section 3.1,

— the updating referred to in the second paragraph of Section 3.4,

— the decisions and reports from the notified body which are referred to in the final paragraph of Section 3.4 and in Sections 4.3 and 4.4.

6. Each notified body must forward to the other notified bodies the relevant information concerning the quality assurance system approvals issued and withdrawn.

SCHEDULE 12

Regulation 2(1)

(Annex XIII to the Lifts Directive)
FULL QUALITY ASSURANCE FOR LIFTS
(module H)

1. Full quality assurance is the procedure whereby the installer of a lift who satisfies the obligations of Section 2 ensures and declares that lifts satisfy the requirements of the Directive that apply to them.

The installer of a lift must affix the CE marking on each lift and draw up an EC declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for the surveillance as specified in Section 4.

2. The installer of a lift must operate an approved quality assurance system for design, manufacture, assembly, installation and final inspection of the lifts and testing as specified in Section 3 and must be subject to surveillance as specified in Section 4.

3 Quality assurance system

(3.1) The installer of a lift must lodge an application for assessment of his quality assurance system with a notified body.

The application must include:

— all relevant information on the lifts, in particular information which makes for an understanding of the relationship between the design and operation of the lift and enables conformity with the requirements of the Directive to be assessed,

— the documentation on the quality assurance system.

(3.2) The quality assurance system must ensure conformity of the lifts with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the lift installer must be documented in a systematic and orderly manner in the form of written measures, procedures

and instructions. This quality assurance system documentation must ensure a common understanding of the procedures such as programmes, plans, manuals and quality records.

It must contain in particular an adequate description of:

— the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the design and quality of the lifts,

— the technical design specifications, including standards that will be applied and, where the standards referred to in Article 5 of the Directive will not be applied in full, the means that will be used to ensure that the requirements of the Directive that apply to the lifts will be met,

— the design control and design verification techniques, processes and systematic actions that will be used when designing the lifts,

— the examinations and tests that will be carried out on acceptance of the supplies of materials, components and sub-assemblies,

— the corresponding assembly, installation and quality control techniques, processes and systematic actions that will be used,

— the examinations and tests that will be carried out before (inspection of installation conditions: shaft, housing of machinery, etc.), during and after installation (including at the very least the tests laid down in Annex VI, Section 4 (b)),

— the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.,

— the means of monitoring the achievement of the required design and installation quality and the effective operation of the quality assurance system.

Design inspection

(3.3) When the design is not entirely in accordance with harmonized standards, the notified body must ascertain whether the design conforms to the provisions of the Directive and, if it does, issue an `EC design examination certificate' to the installer, stating the limits of the certificate's validity and giving the details required for identification of the approved design.

Assessment of the quality assurance system

(3.4) The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in Section 3.2. It must presume compliance with these requirements in respect of quality assurance systems that implement the relevant harmonized standard(**44**).

The auditing team must have at least one member with experience of assessment in the lift technology concerned.

The assessment procedure must include a visit to the lift installer's premises and a visit to an installation site.

The decision must be notified to the lift installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

(3.5) The lift installer must undertake to discharge the obligations arising from the quality assurance system as approved and to ensure that it is maintained in an appropriate and efficient manner.

The lift installer must keep the notified body that has approved the quality assurance system informed of any intended updating of the quality assurance system.

(**44**) This harmonised standard will be EN 29001, supplemented where necessary to take account of the specific features of the lifts.

The notified body must assess the modifications proposed and decide whether the modified quality assurance system will still satisfy the requirements referred to in Section 3.2 or whether a reassessment is required.

It must notify its decision to the lift installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

4 Surveillance under the responsibility of the notified body

(4.1) The purpose of surveillance is to make sure that the installer of a lift duly fulfils the obligations arising out of the approved quality assurance system.

(4.2) The lift installer must allow the notified body access for inspection purposes to the design, manufacture, assembly, installation, inspection and testing and storage locations, and must provide it with all necessary information, in particular:

— the quality assurance system documentation,

— the quality records provided for in the design part of the quality assurance system, such as results of analyses, calculations, tests, etc.,

— the quality records provided for in the part of the quality assurance system concerning acceptance of supplies and installation, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

(4.3) The notified body must periodically carry out audits to make sure that the installer of a lift maintains and applies the quality assurance system and must provide the installer with an audit report.

(4.4) Additionally, the notified body may pay unexpected visits to the premises of a lift installer or to the assembly site of a lift. At the time of such visits, the notified body may carry out tests or have them carried out in order to check the proper functioning of the quality assurance system where necessary; it must provide the lift installer with a visit report and, if a test has been carried out, with a test report.

5. The installer of a lift must, for a period of 10 years after the lift has been placed on the market, keep at the disposal of the national authorities:

— the documentation referred to in the second indent of the second paragraph of Section 3.1,

— the updating referred to in the second paragraph of Section 3.5,

— the decisions and reports from the notified body which are referred to in the final paragraph of Section 3.5 and in Sections 4.3 and 4.4.

Where the installer is not established in the Community, this obligation falls to the notified body.

6. Each notified body shall forward to the other notified bodies the relevant information concerning the quality assurance systems issued and withdrawn.

7. The dossiers and correspondence relating to the full quality assurance procedures must be drawn up in one of the official languages of the Member State where the notified body is established or in a language acceptable to it.

SCHEDULE 13 Regulation 2(1)

(Annex XIV to the Lifts Directive)
PRODUCTION QUALITY ASSURANCE
(module D)

1. Production quality assurance is the procedure whereby the installer of a lift who satisfies the obligations of Section 2 ensures and declares that the lifts satisfy the requirements of the Directive that apply to them. The installer of the lift must affix the CE marking to each lift and draw up a written declaration of conformity. The CE marking must be accompanied by the identification symbol of the notified body responsible for surveillance as specified in Section 4.

2. The installer of the lift must operate an approved quality assurance system for production, installation, final lift inspection and testing as specified in Section 3 and is subject to surveillance as specified in Section 4.

3 Quality assurance system

(3.1) The installer must lodge an application for assessment of his quality assurance system with a notified body of his choice. The application must include:

— all relevant information for the lifts,

— the documentation concerning the quality assurance system,

— the technical documentation of the approved type and a copy of the EC type-examination certificate.

(3.2) The quality assurance system must ensure compliance of the lifts with the requirements of the Directive that apply to them.

All the elements, requirements and provisions adopted by the installer of a lift shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality assurance system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

— the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the quality of the lifts,

— the manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,

— the examinations and tests that will be carried out before, during and after installation(**45**),

— the quality records, such as inspection reports and test data, calibration data, qualification reports of the personnel concerned, etc.,

— the means to monitor the achievement of the required lift quality and the effective operation of the quality assurance system.

(3.3) The notified body must assess the quality assurance system to determine whether it satisfies the requirements referred to in Section 3.2. It presumes conformity with these requirements in respect of quality assurance systems that implement the relevant harmonized standard(**46**).

The auditing team must have at least one member with experience of assessment in the lift technology concerned. The assessment procedure must include an inspection visit to the installer's premises.

(**45**) These tests include at least the tests provided for in Annex VI, Section 4(b).
(**46**) This harmonised standard will be EN 29002, supplemented where necessary to take account of the specific nature of the lifts.

The decision must be notified to the installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

(3.4) The installer must undertake to discharge the obligations arising from the quality assurance system as approved and to ensure that it is maintained in an appropriate and efficient manner.

The installer shall keep the notified body that has approved the quality assurance system informed of any intended updating of the quality assurance system.

The notified body must assess the modifications proposed and decide whether the modified quality assurance system will still satisfy the requirements referred to in Section 3.2 or whether a re-assessment is required.

It must notify its decision to the installer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

4 Surveillance under the responsibility of the notified body

(4.1) The purpose of surveillance is to make sure that the installer duly fulfils the obligations arising out of the approved quality assurance system.

(4.2) The installer must allow the notified body access for inspection purposes to the manufacture, inspection, assembly, installation, testing and storage locations and must provide it with all necessary information, in particular:

— the quality assurance system documentation,

— the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

(4.3) The notified body must periodically carry out audits to make sure that the installer maintains and applies the quality assurance system and must provide an audit report to the installer.

(4.4) Additionally the notified body may pay unexpected visits to the installer. During such visits the notified body may carry out, or cause to be carried out, tests to verify that the quality assurance system is functioning correctly, if necessary. The notified body must provide the installer with a visit report and, if a test has taken place, with a test report.

5. The installer must, for a period of 10 years after the last lift has been manufactured, keep at the disposal of the national authorities:

— the documentation referred to in the second indent of Section 3.1,

— the updating referred to in the second paragraph of Section 3.4,

— the decisions and reports from the notified body which are referred to in the final paragraph of Section 3.4, Sections 4.3 and 4.4.

6. Each notified body must give the other notified bodies the relevant information concerning the quality assurance system approvals issued and withdrawn.

7. Documentation and correspondence relating to the production quality assurance procedures shall be drawn up in an official language of the Member State in which the notified body is established or in a language acceptable to it.

SCHEDULE 14

Regulation 4

EXCLUDED LIFTS

— cableways, including funicular railways, for the public or private transportation of persons,

— lifts specially designed and constructed for military or police purposes,

— mine winding gear,
— theatre elevators,
— lifts fitted in means of transport,
— lifts connected to machinery and intended exclusively for access to the workplace,
— rack and pinion trains,
— construction-site hoists intended for lifting persons or persons and goods.

SCHEDULE 15

Regulation 19

ENFORCEMENT

Enforcement in Great Britain

1. In Great Britain in relation to relevant products for use in the workplace—

(a) it shall be the duty of the Executive to make adequate arrangements for the enforcement of these Regulations, and accordingly a reference in the provisions applied for the purposes of such enforcement by sub-paragraph (b) below to an "enforcing authority" shall be construed as a reference to the Executive;

(b) sections 19 to 28(**27**), 33 to 35(**28**), 38, 39, 41 and 42 of the 1974 Act shall apply for the purposes of providing for the enforcement of these Regulations and in respect of proceedings for contravention thereof as if—

(i) references to relevant statutory provisions were references to those sections as applied by this paragraph and to these Regulations;

(ii) references to articles, substances, articles and substances, or plant, were references to relevant products;

(iii) references to the field of responsibility of an enforcing authority, however expressed, were omitted;

(iv) in section 20, subsection (3) were omitted;

(v) in section 23, subsections (3), (4) and (6) were omitted;

(vi) in section 33—

(aa) in subsection (1) the whole of paragraphs (a) to (d) were omitted;

(bb) subsection (1A) were omitted;

(cc) in subsection (2), the reference to paragraph (d) of subsection (1) were omitted;

(dd) subsection (2A) were omitted;

(ee) for subsection (3) there were substituted the following:—

(**27**) In section 22, subsections (1) and (2) were amended and subsection (4) was added by paragraph 2, of Schedule 3 to, and section 36 of, the Consumer Protection Act 1987 (c. 43). Sections 25A and 27A were inserted by paragraphs 3 and 4 respectively, and section 28(1)(a) was amended by paragraph 5, of Schedule 3 to, and section 36 of, 1987 c. 43; section 27 was amended by the repeal of subsection (2)(b) and the word "or" immediately preceding it by section 29(3) and (4) of, and paragraph 10(1) and (2) of Schedule 6 and Schedule 7 to, the Employment Act 1989 (c. 38), and in subsection (3) by section 33(1) of, and paragraph 7(a) of Part II of Schedule 3 to, the Employment Act 1988 (c. 19) and section 29(3) of, and paragraph 10(3) of Schedule 6 to, 1989 c. 38.

(**28**) Section 33 was amended in subsection (1) in paragraph (h) by section 36 of, and paragraph 6 of Schedule 3 to, 1987 c. 43, and in paragraph (m) by section 30 of, and Part I of the Schedule to, the Forgery and Counterfeiting Act 1981 (c. 45); in subsection (2) as it applies to England and Wales by section 46 of the Criminal Justice Act 1982 (c. 48).

"(3) A person guilty of an offence under any paragraph of subsection (1) above not mentioned in subsection (2) above or of an offence under subsection (1)(e) above not falling within that subsection shall be liable—

(a) on summary conviction, to a fine not exceeding level 5 on the standard scale; or

(b) on conviction on indictment—

(i) in the case of an offence under subsection (1)(g), (j) or (o), to imprisonment for a term not exceeding two years, or a fine, or both; or

(ii) in all other cases, to a fine."; and

(ff) subsection (4) were omitted;

(vii) in section 34—

(aa) paragraphs (a) and (b) were omitted from subsection (1); and

(bb) in subsection (3) for "six months" there were substituted "twelve months"; and

(viii) in section 42, subsections (4) and (5) were omitted; and

(c) sections 36(1) and (2) and 37 shall apply in relation to offences under section 33 as applied by sub-paragraph (b)(vi) above.

2. In Great Britain in relation to relevant products for private use and consumption—

(a) these Regulations may be enforced by the Secretary of State;

(b) sections 14, 15, 28 to 35, 37, 38, 44 and 47 of the 1987 Act shall apply for the purposes of providing for the enforcement of these Regulations and in respect of proceedings for contravention thereof as if—

(i) references to safety provisions were references to these Regulations;

(ii) references to goods were references to relevant products as the context may require;

(iii) in section 14, in sub-section (6), for "six months" there were substituted "three months";

(iv) in sections 28, 29, 30, 33, 34 and 35, the words "or any provision made by or under Part III of this Act" on each occasion that they occur, were omitted;

(v) in section 28, sub-sections (3), (4) and (5) were omitted;

(vi) in section 29, sub-section (4) was omitted;

(vii) in section 30, sub-sections (7) and (8) were omitted; and

(viii) in section 38(1), paragraphs (a) to (b) were omitted;

(c) sections 39 and 40 of the 1987 Act shall apply to offences under section 32 of that Act as it is applied to these Regulations by sub-paragraph (b) above; and

(d) in England and Wales, a magistrates' court may try an information in respect of an offence committed under these Regulations if the information is laid within twelve months from the time when the offence is committed, and in Scotland summary proceedings for such an offence may be begun at any time within twelve months from the time when the offence is committed.

Enforcement in Northern Ireland in relation to relevant products

3.—(1) In Northern Ireland it shall be the duty of the Department of Economic Development to make adequate arrangements for the enforcement of these Regulations in relation to relevant

products and a reference in the provisions applied to these Regulations by sub-paragraph (2) below to an "enforcing authority" or to its "field of responsibility" (however expressed) shall be construed accordingly.

(2) In Northern Ireland, in relation to relevant products for use in the workplace—

(a) for the purposes of providing for the enforcement of these Regulations and in respect of proceedings for contravention thereof, Articles 21 to 33(**29**), 35, 36, 38 and 39 of the Order shall apply as if—

(i) references to relevant statutory provisions were references to those Articles as applied by this paragraph and to these Regulations;

(ii) references to articles, substances, articles and substances, or plant, were references to relevant products;

(iii) in Article 22, paragraph (3) was omitted;

(iv) in Article 25, paragraphs (3), (4) and (5) were omitted;

(v) in Article 31—

(aa) in paragraph (1), the whole of sub-paragraphs (a) to (d) were omitted;

(bb) paragraph (1A) was omitted;

(cc) in paragraph (2), the reference to sub-paragraph (d) of paragraph (1) was omitted;

(dd) paragraph (2A) was omitted;

(ee) paragraph (3) was omitted;

(ff) for paragraph (4) there was substituted the following:–

"(4) A person guilty of an offence under any sub-paragraph of paragraph (1) not mentioned in paragraph (2) or of an offence under paragraph (1)(e) not falling within paragraph (2) shall be liable—

(a) on summary conviction to a fine not exceeding level 5 on the standard scale; or

(b) on conviction on indictment—

(i) in the case of an offence under paragraph (1)(g), (j) or (o), to imprisonment for a term not exceeding two years, or a fine, or both; or

(ii) in all other cases, to a fine"; and

(gg) paragraph (5) was omitted;

(vi) in Article 32—

(aa) sub-paragraphs (a) and (b) were omitted from paragraph (1); and

(**29**) Article 24(1) and (2) was amended, and Article 24(3) substituted, by Article 28 of, and paragraph 3 of Schedule 2 to, the Consumer Protection (Northern Ireland) Order 1987 S.I. 1987/2049 (N.I. 20). Article 26(4) was repealed by Article 35 of, and Schedule 4 to, the Industrial Training (Northern Ireland) Order 1984 S.I. 1984/1159 (N.I. 9). Articles 27A and 29A were inserted, and Articles 30(1)(a) and 31(1)(h), amended by Article 28 of, and paragraphs 4, 5, 6 and 7 respectively of Schedule 2, to S.I. 1987/2049 (N.I. 20). Article 29(2) to (4) was repealed by Article 10(1)(c) of the Statistics of Trade and Employment (Northern Ireland) Order 1988 S.I. 1988/595 (N.I. 3). Article 31(1)(j) was amended by Article 10(1)(c) of S.I. 1988/595 (N.I. 3); Article 31(1)(m) was amended by Article 13(3) of, and Schedule 5 to, the Criminal Justice (Northern Ireland) Order 1986 S.I. 1986/1883 (N.I. 15); Article 31(1A) and (2A) was respectively inserted by Article 6(3) and 6(4) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 S.I. 1992/1728 (N.I. 17); Article 31(4) was amended by Article 6(5) of S.I. 1992/1728 (N.I. 17); Article 31(5)(d) and (6) was repealed by Article 6(6) of S.I. 1992/1728 (N.I. 17); and Article 31(7) was repealed by section 30 of, and Part III of the Schedule to, the Forgery and Counterfeiting Act 1981 (c. 45). There are other amendments to Articles 31 and 32 which are not relevant to these Regulations.

(bb) in paragraph (3), for "six months" there was substituted "twelve months"; and

(vii) in Article 39, paragraphs (4) and (5) were omitted; and

(b) Articles 34(1) and (2) shall apply in relation to offences under Article 31 as it is applied by sub-paragraph (2)(a) above.

(3) In Northern Ireland, in relation to relevant products for private use and consumption—

(a) the provisions of paragraph 2(b) and (c) of this Schedule shall have effect; and

(b) a magistrates' court may try a complaint in respect of an offence committed under these Regulations if the complaint is made within twelve months from the time when the offence is committed.

Forfeiture of relevant products for private use or consumption: England and Wales and Northern Ireland

4.—(1) An enforcement authority in England and Wales or Northern Ireland may apply under this paragraph for an order for the forfeiture of any relevant product for private use or consumption on the grounds that there has been a contravention in relation thereto of regulation 8, 9, 10 or 11(1) or (2).

(2) An application under this paragraph may be made—

(a) where proceedings have been brought in a magistrates' court in respect of an offence in relation to some or all of the relevant products under regulation 20 to that court; and

(b) where no application for the forfeiture of the relevant product has been made under sub-paragraph (a) above, by way of complaint to a magistrates' court.

(3) On an application under this paragraph the court shall make an order for the forfeiture of the relevant products only if it is satisfied that there has been a contravention in relation thereto of regulation 8, 9, 10 or 11(1) or (2).

(4) For the avoidance of doubt it is hereby declared that a court may infer for the purposes of this paragraph that there has been a contravention in relation to any relevant products of regulation 8, 9, 10 or 11(1) or (2) if it is satisfied that that regulation has been contravened in relation to a relevant product which is representative of that relevant product (whether by reason of being of the same design or part of the same consignment or batch or otherwise).

(5) Any person aggrieved by an order made under this paragraph by a magistrates' court, or by a decision of such court not to make such an order, may appeal against that order or decision—

(a) in England and Wales, to the Crown Court

(b) in Northern Ireland, to the county court,

and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of an order pending the making and determination of any appeal (including any application under section 111 of the Magistrates' Courts Act 1980(**30**), or Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981(**31**) (statement of Case)).

(6) Subject to sub-paragraph (7) below, where any relevant product is forfeited under this paragraph it shall be destroyed in accordance with such directions as the court may give.

(7) On making an order under this paragraph a magistrates' court may, if it considers it appropriate to do so, direct that the relevant product to which the order relates shall (instead of being destroyed) be released, to such person as the court may specify, on condition that that person—

(a) does not supply the relevant product to any person otherwise than—

(**30**) 1980 c. 43.
(**31**) S.I. 1981/1675 (N.I. 26).

(i) to a person who carries on a business of buying relevant products of the same description as the first mentioned product and repairing or reconditioning it; or

(ii) as scrap (that is to say, for the value of materials included in the relevant product rather than for the value of the relevant product itself); and

(b) complies with any order to pay costs or expenses which has been made against that person in the proceedings for the order for forfeiture.

Forfeiture of relevant products for private use or consumption: Scotland

5.—(1) In Scotland a sheriff may make an order for forfeiture of any relevant product for private use or consumption in relation to which there has been a contravention of any provision of regulation 8, 9, 10 or 11(1) or (2)—

(a) on an application by the procurator-fiscal made in the manner specified in section 134 of the Criminal Procedure (Scotland) Act 1995(**32**); or

(b) where a person is convicted of any offence in respect of any such contravention, in addition to any other penalty which the sheriff may impose.

(2) The procurator-fiscal making an application under sub-paragraph (1)(a) above shall serve on any person appearing to him to be the owner of, or otherwise to have an interest in, the relevant product to which the application relates a copy of the application, together with a notice giving him the opportunity to appear at the hearing of the application to show cause why the relevant product should not be forfeited.

(3) Service under sub-paragraph (2) above shall be carried out, and such service may be proved, in the manner specified for citation of an accused in summary proceedings under the Criminal Procedure (Scotland) Act 1995.

(4) Any person upon whom a notice is served under sub-paragraph (2) above and any other person claiming to be the owner of, or otherwise to have an interest in, the relevant product to which an application under this paragraph relates shall be entitled to appear at the hearing of the application to show cause why the relevant product as the case may be should not be forfeited.

(5) The sheriff shall not make an order following an application under sub-paragraph (1)(a) above—

(a) if any person on which notice is served under sub-paragraph (2) above does not appear, unless service of the notice on that person is proved; or

(b) if no notice under sub-paragraph (2) above has been served, unless the court is satisfied that in the circumstances it was reasonable not to serve notice on any person.

(6) The sheriff shall make an order under this paragraph only if he is satisifed that there has been a contravention in relation to the relevant product of regulation 8, 9, 10 or 11(1) or (2).

(7) For the avoidance of doubt it is declared that the sheriff may infer for the purposes of this paragraph that there has been a contravention in relation to any relevant product of regulation 8, 9, 10 or 11(1) or (2) if he is satisfied that that regulation has been contravened in relation to a relevant product which is representative of that relevant product (whether by reason of being of the same design or part of the same consignment or batch or otherwise).

(8) Where an order for the forfeiture of any relevant product is made following an application by the procurator-fiscal under sub-paragraph (1)(a) above, any person who appeared, or was entitled to appear, to show cause why it should not be forfeited may, within twenty-one days of the making of the order, appeal to the High Court by Bill of Suspension on the ground of an alleged miscarriage

(**32**) 1995 c. 46.

of justice; and section 182(5)(a) to (e) of the Criminal Procedure (Scotland) Act 1995 shall apply to an appeal under this sub-paragraph as it applies to a stated case under Part X of that Act.

(9) An order following an application under sub-paragraph (1)(a) above shall not take effect—

(a) until the end of the period of twenty-one days beginning with the day after the day on which the order is made; or

(b) if an appeal is made under sub-paragraph (8) above within that period, until the appeal is determined or abandoned.

(10) An order under sub-paragraph (1)(b) shall not take effect—

(a) until the end of the period within which an appeal against the order could be brought under the Criminal Procedure (Scotland) Act 1995; or

(b) if an appeal is made within that period, until the appeal is determined or abandoned.

(11) Subject to sub-paragraph (12) below, relevant products forfeited under this paragraph shall be destroyed in accordance with such directions as the sheriff may give.

(12) If he thinks fit, the sheriff may direct the relevant product to be released to such person as he may specify, on condition that that person does not supply it to any person otherwise than—

(a) to a person who carries on a business of buying relevant products of the same description as the first-mentioned relevant product and repairing or reconditioning it; or

(b) as scrap (that is to say, for the value of materials included in the relevant product rather than for the value of the relevant product itself).

Duty of enforcement authority to inform Secretary of State of action taken

6. An enforcement authority shall, where action has been taken by it to prohibit or restrict the placing on the market, the supply or putting into service (whether under these Regulations or otherwise) of any relevant product which bears the CE marking, forthwith inform the Secretary of State of the action taken, and the reasons for it, with a view to this information being passed by him to the Commission.

Savings

7. Nothing in these Regulations shall authorise an enforcement authority to bring proceedings in Scotland for an offence.

Interpretation

8. In this Schedule—

"the 1974 Act" means the Health and Safety at Work etc. Act 1974(**33**);

"the 1987 Act" means the Consumer Protection Act 1987(**34**);

"the Executive" means the Health and Safety Executive established under section 10 of the 1974 Act;

"the Order" means the Health and Safety at Work (Northern Ireland) Order 1978; and

"relevant product" means a lift or safety component, as the case may be, to which these Regulations apply.

(**33**) 1974 c. 37.
(**34**) 1987 c. 43.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the European Parliament and Council Directive 95/16/EC (OJ No. L213, 7.9.95, p.1) on the approximation of the laws of the Member States relating to lifts ("the Directive"). They come into force on 1st July 1997 except that regulation 2(1)(b), which relates to the extension of the Directive to the European Economic Area, shall not have effect until the coming into force of the relevant Decision of the EEA Joint Committee. The Regulations revoke, with effect from 1st July 1999, the Electrically, Hydraulically and Oil-Electrically Operated Lifts (Components) (EEC Requirements) Regulations 1991 (S.I.1991/2748) (regulation 1(2)).

For the purposes of the Regulations, relevant definitions are contained in regulation 2.

Part II provides for the application of the Regulations. They apply to lifts (as defined) permanently serving buildings or constructions and the safety components specified in Annex IV of the Directive (set out in Schedule 4) for use in such lifts (regulation 3). Regulation 3 also clarifies the position in respect of components (other than "safety components") intended for incorporation into lifts and the requirements in the Construction Product Regulations 1991 (S.I. 1991/1620) concerning the installation of lifts.

The Regulations do not apply to:

(a) the lifts specified in Schedule 14 or safety components for such lifts (regulation 4);

(b) lifts or safety components placed on the market and put into service before 1st July 1997 (regulation 5);

(c) lifts or safety components placed on the market and put into service before 1st July 1999 if they comply with the health and safety provisions in force in the United Kingdom on 29th June 1995 and do not bear the CE marking (unless required by another Community Directive) or any indication of compliance with the Directive (regulation 6); or

(d) lifts in respect of which and to the extent to which the "relevant essential health and safety requirements" (as defined) relate to risks wholly or partly covered by other Community Directives (regulation 7).

Part III sets out the general requirements relating to the placing on the market and putting into service of lifts and safety components by a "responsible person" (as defined). A person is deemed to be a "responsible person" when he manufactures a lift or safety component for his own use or imports a lift or safety component from a third country (regulation 2(3)). A "responsible person" may fulfil the general requirements (regulation 14) in certain circumstances. A lift or safety component must satisfy the relevant essential health and safety requirements and be safe; in addition the appropriate conformity assessment procedure (detailed in regulation 13) must have been carried out, a declaration of conformity drawn up in respect of the product, and the CE marking must have been affixed to the product by the "responsible person" (regulations 8 and 9). Any person, other than the "responsible person", who supplies a lift or safety component must ensure that it is safe (regulation 10). Some specific duties are imposed on various persons in respect of the supply of information for the proper operation and safe use of a lift, in particular to ensure that lift shafts are free from obstructions; there are also requirements relating to the supply of copies of the declaration of conformity and its retention (regulation 11). A lift or safety component shall not be regarded as being placed on the market or supplied in the circumstances described in regulation 12.

The essential health and safety requirements are set out in Schedule 1 and in that connection, there is a definition of "relevant essential health and safety requirements" in regulation 2. There

is a presumption that the relevant essential health and safety requirements are met if the lift or safety component complies with transposed harmonised standards (regulations 8(2)(a) and 9(2)(a)). Regulation 13 describes the various conformity assessment procedures available in respect of lifts and safety components (Schedules 5, 6, and 7 to 13). The content of the EC declaration of conformity which is to be drawn up in respect of a safety component and a lift is set out in Schedule 2. Requirements relating to the CE marking and other inscriptions for these products are set out in Schedule 3. For the purposes of these Regulations there is a definition of "safe" in regulation 2. Regulation 14 describes the circumstances when a person other than the installer of the lift or the manufacturer of the safety component (or the latter's authorised representative established in the Community) may be fulfilled by the person who places the lift or safety component on the market; however, the regulation also provides that this provision shall not affect the power of an enforcement authority to take action under Part IV of the Regulations in respect of that installer, manufacturer or authorised representative.

Regulation 15 describes a body which can be a "notified body" for the purposes of these Regulations and the provisions of regulation 16 relate to "notified bodies" appointed by the Secretary of State. Regulation 17 provides for the United Kingdom notified bodies to charge fees.

Regulation 18 describes the circumstances under which a lift or safety component might be taken to conform with the provisions of the Directive.

Part IV and Schedule 15 relate to the enforcement of the Regulations. In Great Britain, the Health and Safety Executive are to enforce the Regulations in respect of lifts and safety components intended for use in the workplace and the Secretary of State is the enforcement authority in respect of such products for private use; in Northern Ireland, the Department of Economic Development is the enforcement authority in respect of all such products. Except in the case of a lift or safety component which is considered to be unsafe, where an enforcement authority suspects that the CE marking has been incorrectly affixed to a lift or safety component (or the latter's label) a notice may be served requiring compliance with the provisions of the Directive; it is only following a breach of that notice that enforcement action can be taken in those circumstances. However, specific enforcement provisions can be used for the purpose of ascertaining whether or not the CE marking has been correctly affixed. Any person who contravenes regulations 8, 9, 10 or 11 shall be guilty of an offence under regulation 20 and the penalties attracted by those offences are set out in regulation 21. A defence of due diligence is provided in regulation 22 and the liability of persons other than the principal offender is set out in regulation 23.

Some consequential amendments of the law in Great Britain and Northern Ireland are made by regulation 24.

A Compliance Cost Assessment in respect of these Regulations is available and a copy can be obtained from the Department of Trade and Industry, Standards and Technical Regulations Directorate, 3rd Floor, 151 Buckingham Palace Road, London SW1W 9SS. A copy has also been placed in the libraries of both Houses of Parliament.