
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the European Parliament and Council Directive [95/16/EC](#) (OJNo. 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

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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.