
STATUTORY INSTRUMENTS

1997 No. 831

The Lifts Regulations 1997

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(1) 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(2);
- (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 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(3); 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

(1) S.I.1991/2748.

(2) OJNo. L213, 7.9.95, p.1.

(3) 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.

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⁽⁴⁾; 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⁽⁵⁾, 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—

(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;

⁽⁴⁾ [1974 c. 37](#).

⁽⁵⁾ 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).

“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.