
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose [Directive 2014/33/EU](#) of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of member States relating to lifts and safety components for lifts (recast) (OJ L 96, 29.3.2014, p.251) (“the Directive”).

The Directive repeals and replaces [Directive 95/16/EC](#) of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the member States relating to lifts (OJ L 213, 7.9.1995, p.1) which was implemented in the United Kingdom by the Lifts Regulations 1997 (S.I. 1997/831 (as amended)). These Regulations revoke and replace S.I. 1997/831.

Regulation 3 defines the scope of these Regulations. Regulation 4 provides an exception allowing the use of lifts and safety components for lifts which are not in conformity with Part 2 of the Regulations for the purposes of trade fairs, exhibitions and demonstrations. Regulation 5 provides an exception where the essential health and safety requirements relate to risks wholly or partly covered by other specific EU legislation.

Part 2 sets out the obligations of economic operators. Regulations 6 to 14 set out the obligations that are specific to installers of lifts. These obligations include ensuring that a lift has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements set out in Schedule 1, having a relevant conformity assessment procedure carried out before the lift is placed on the market, affixing the CE marking, labelling the lift, monitoring safety components for lifts that have been placed on the market and a duty to take action in respect of lifts which are considered not to be in conformity with Part 2.

Regulations 15 to 23 set out the obligations that are specific to manufacturers of safety components for lifts. These obligations include ensuring that a safety component for lifts has been designed and manufactured in accordance with the essential health and safety requirements set out in Schedule 1, having a relevant conformity assessment procedure carried out before the safety component for lifts is placed on the market, affixing the CE marking, labelling the safety component for lifts, monitoring safety components for lifts that have been placed on the market and a duty to take action in respect of safety components which are considered not be in conformity with Part 2.

Regulation 24 provides that an installer or a manufacturer may appoint a person as their authorised representative and sets out the tasks that an authorised representative can perform on the installer’s or the manufacturer’s behalf.

Regulations 25 to 35 set out the obligations that are specific to importers. These obligations include ensuring that they are not placing on the market safety components for lifts which are not in conformity with the essential health and safety requirements, checking that the manufacturer has carried out a relevant conformity assessment procedure and labelled the safety component for lifts correctly, indicating on the safety component the name and address of the importer, monitoring safety components for lifts that have been placed on the market and ensuring that the storage and transport of a safety component for lifts do not jeopardise its conformity with the essential health and safety requirements.

Regulations 36 to 42 set out the obligations that apply to distributors. These obligations include acting with due care to ensure that safety components for lifts that they place on the market are in conformity with Part 2, checking that the safety component for lifts bears the CE marking and is labelled correctly, ensuring that the storage and transport of a safety component for lifts do not

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jeopardise its conformity with the essential health and safety requirements and a duty to take action in respect of safety components which are considered not to be in conformity with Part 2.

Regulations 43 to 45 set out the obligations that apply to all economic operators. These obligations include ensuring that the EU declaration of conformity is prepared in or translated into the language required by the relevant member State and identifying economic operators.

Part 3 sets out provisions concerning the conformity assessment procedure, declarations of conformity and CE marking.

Part 4 sets out provisions concerning the bodies which carry out conformity assessment procedures under the Regulations.

Part 5 sets out provisions for market surveillance and enforcement. Regulation 60 identifies the market surveillance authority which has an obligation to enforce the Regulations in respect of lifts and safety components for such lifts for use in the workplace or for private use. Regulation 62 and Schedules 7 to 10 provide for the enforcement powers which the enforcing authorities are to have. Regulation 70 provides for the contravention of provisions of these Regulations to be an offence. Regulation 71 sets out the penalties that are to apply for offences under these Regulations.

Part 6 sets out transitional provisions and consequential amendments. Regulation 83 makes consequential amendments. Regulation 81 contains a provision requiring the Secretary of State to review these Regulations to consider whether the objectives intended to be achieved could be achieved by way of a system which imposes less regulation, and to make a report about this at least every five years.

A transposition note and full impact assessment of the impact that these Regulations will have on the costs of business, the voluntary sector and the public sector are available from the Single Market Product Safety Team, Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET and are also published with the Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.