
STATUTORY INSTRUMENTS

1997 No. 831

The Lifts Regulations 1997

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(1) 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.