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STATUTORY INSTRUMENTS

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**2018 No. 816**

**The Cableway Installations Regulations 2018**

**PART 1**

**Preliminary**

**Citation and commencement**

1. These Regulations may be cited as the Cableway Installations Regulations 2018 and come into force on 30th July 2018.

**Revocations**

2. The following instruments are revoked—
- (a) the Cableway Installations Regulations 2004(1); and
  - (b) the Cableway Installations (Amendment) Regulations 2004(2).

**Interpretation**

3. In these Regulations—
- “the 1974 Act” means the Health and Safety at Work etc. Act 1974(3);
  - “the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978(4);

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(1) [S.I. 2004/129](#), amended by [S.I. 2004/1230](#), [2006/599](#), [2008/960](#), [2011/1043](#), [2016/1093](#).

(2) [S.I. 2004/1230](#).

(3) [1974 c. 37](#); section 20 was amended by the Civil Partnership Act [2004 \(c. 33\)](#), Schedule 27, paragraph 49 and the Investigatory Powers Act [2016 \(c. 25\)](#), Schedule 2, paragraph 1; section 22 was amended by the Consumer Protection Act [1987 \(c. 43\)](#), Schedule 3, paragraph 2; section 23 was amended, in relation to England and Wales, by the Fire and Rescue Services Act [2004 \(c. 21\)](#) Schedule 1, paragraph 44 and by [S.I. 2005/1541](#) and, in relation to Scotland, by [S.S.I. 2005/383](#), [2006/475](#) and by the Police and Fire Reform (Scotland) Act [2012 \(asp 8\)](#), Schedule 7, Part 2, paragraph 49; section 24(2) was amended by the Employment Rights (Dispute Resolution) Act [1998 \(c. 8\)](#), section 1(2)(a); section 25A was inserted by the Consumer Protection Act [1987 \(c. 43\)](#), Schedule 3, paragraph 3; section 27 was amended by the Employment Act [1989 \(c. 38\)](#), Schedule 6, paragraph 10 and Schedule 7, Part 1, by the Energy Act [2013 \(c. 32\)](#), Schedule 12, Part 1, paragraph 7 and by [S.I. 2008/960](#); section 27A was inserted by the Consumer Protection Act [1987 \(c.43\)](#), Schedule 3, paragraph 4 and was amended by the Commissioners for Revenue and Customs Act [2005 \(c. 11\)](#), Schedule 4, paragraph 18 and by the Energy Act [2013 \(c. 32\)](#), Schedule 12, Part 1, paragraph 8; section 33 was amended by the Employment Protection Act [1975 \(c. 71\)](#), Schedule 15, paragraph 11 and Schedule 18, by the Consumer Protection Act [1987 \(c.43\)](#) Schedule 3, paragraph 6, by the Forgery and Counterfeiting Act [1981 \(c.45\)](#) Schedule, Part 1, by the Offshore Safety Act [1992 \(c. 15\)](#), section 4(2) to (6) and Schedule 2 and by the Health and Safety (Offences) Act [2008 \(c. 20\)](#) section 1(1); section 34 was amended by the Criminal Procedure (Scotland) Act [1975 \(c. 21\)](#), Schedule 9, paragraph 51, by the Gas Act [1986 \(c.44\)](#) Schedule 7, paragraph 18, by [S.I. 2008/960](#), by the Coroners and Justice Act [2009 \(c. 25\)](#), Schedule 21, Part 1, paragraph 25, in relation to Scotland, by the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act [2016 \(asp 2\)](#), Schedule 2, paragraph 2; section 38 was amended by the Environment Act [1995 \(c. 25\)](#) Schedule 22, paragraph 30(7) and by [S.I. 2013/755](#) Schedule 2, Part 1, paragraph 113; section 42 was amended by the Health and Safety (Offences) Act [2008 \(c. 20\)](#), Schedule 3, paragraph 2(2) and (3); Schedule 3A was inserted by the Health and Safety (Offences) Act [2008 \(c. 20\)](#), section 1(2) and Schedule 1, and amended by [S.I. 2015/664](#).

(4) [S.I. 1978/1039 \(N.I. 9\)](#). Relevant amendments are as follows: Article 22 was amended by the Civil Partnership Act [2004 \(c. 33\)](#) Schedule 29, paragraph 27; article 24 was amended by the Consumer Protection (Northern Ireland) Order 1987 ([S.I. 1987/2049 \(N.I. 20\)](#)), Schedule 2, paragraph 3; article 25 was amended by the Fire and Rescue Services (Northern Ireland) Order 2006 ([S.I. 2006/1254 \(N.I. 9\)](#)) Schedule 3, paragraph 11; article 26 was amended by the Industrial Training (Northern

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93(5);

“Regulation 2016/424/EU” means Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC(6);

“authorised cableway installation” means a cableway installation which has been given a stage 1 or stage 2 authorisation or both;

“cableway installation” has the meaning given by Article 3(1) of Regulation 2016/424/EU;

“cableway installation documentation” means the documentation concerning the characteristics of the cableway installation referred to in Article 9(2) of Regulation 2016/424/EU;

“conformity assessment body” has the meaning given by Article 3(23) of Regulation 2016/424/EU;

“distributor” has the meaning given by Article 3(16) of Regulation 2016/424/EU;

“economic operator” has the meaning given by Article 3(17) of Regulation 2016/424/EU;

“entry into service” has the meaning given by Article 3(12) of Regulation 2016/424/EU;

“essential requirements” means the essential requirements set out in Annex II to Regulation 2016/424/EU and required to be met under Article 6 of that Regulation;

“EU declaration of conformity” means the declaration of conformity referred to in Article 19 of Regulation 2016/424/EU;

“the Executive” means—

(a) in Great Britain, the Health and Safety Executive(7); and

(b) in Northern Ireland, the Health and Safety Executive for Northern Ireland(8);

“importer” has the meaning given by Article 3(15) of Regulation 2016/424/EU;

“main contractor” means a person who:

(a) commissions the construction or modification of a cableway installation; or

(b) constructs or modifies a cableway installation which that person intends to put into service;

“manufacturer” has the meaning given by Article 3(13) of Regulation 2016/424/EU;

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Ireland) Order 1984 (S.I. 1984/1159 (N.I. 9)), Schedule 4; article 27A was inserted by the Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20)), Schedule 2, paragraph 4; article 29 was amended by the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998 (S.I. 1998/2795 (N.I. 18)), Schedule 1, paragraph 14; article 29A was inserted by the Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20)), Schedule 2, paragraph 5 and amended by the Commissioner for Revenue and Customs Act 2005 (c. 11), Schedule 4, paragraph 19; article 31 was amended by the Criminal Justice (Northern Ireland) Order 1986 (S.I. 1986/1883 (N.I. 15)), article 9 and Schedule 5, the Consumer Protection (Northern Ireland) Order (S.I. 1987/2049 (N.I. 20)) Schedule 2, paragraph 7, and by the Health and Safety (Offences) Act 2008 (c. 20), section 1(3) article 34A was inserted by the Health and Safety at Work (Amendment) (Northern Ireland) Order 1978, (S.I. 1998/2795 (N.I. 18)), Schedule 1, paragraph 16; article 39 was amended by the Health and Safety (Offences) Act 2008 (c. 20), Schedule 3, paragraph 3(2) and (3); Schedule 3A was inserted by the Health and Safety (Offences) Act 2008 (c. 20), Schedule 2.

(5) O.J. No. L 218, 13.8.2008, p.30.

(6) O.J. No. L 81, 31.3.2016, p.1.

(7) Established under section 10 of the 1974 Act as substituted by S.I. 2008/960.

(8) Formerly known as the Health and Safety Agency for Northern Ireland which was established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)). Article 3(1) of the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998 (S.I. 1998/2795 (N.I. 18)) changed its name to the Health and Safety Executive for Northern Ireland.

“modification” means any work in relation to a cableway installation (including any work in relation to the characteristics, subsystems or safety components of such installation) which could materially affect the capability, capacity or safety of the cableway installation;

“notified body” means a conformity assessment body which has been notified by the Secretary of State to the European Commission and other member States-

- (a) under Article 22 of Regulation 2016/424/EU; or
- (b) under regulation 15(9) of the Cableway Installations Regulations 2004 before the coming into force of these Regulations;

“operator” in relation to a cableway installation means a person who, for the time being has, or is intending to have, management of that installation;

“Regulatory Provisions” means these Regulations, Regulation 2016/424/EU and RAMS;

“safe” in relation to a cableway installation, or a subsystem and safety component incorporated or to be incorporated into a cableway installation, means that it is not liable to endanger the health or safety of persons or property, when properly installed, maintained and operated in accordance with its intended purpose;

“safety analysis” means the safety analysis required to be carried out under Article 8 of Regulation 2016/424/EU;

“safety component” has the meaning given by Article 3(4) of Regulation 2016/424/EU;

“safety report” means the report setting out the results of the safety analysis required under Article 8(5) of Regulation 2016/424/EU;

“stage 1 authorisation” means an authorisation of work for the construction or modification of a cableway installation given by the Secretary of State under regulation 8(1);

“stage 2 authorisation” means an authorisation for the putting into service of a cableway installation given by the Secretary of State under regulation 8(3);

“subsystem” has the meaning given by Article 3(2) of Regulation 2016/424/EU;

“technical file” means a file relating to a cableway installation which contains the safety report, the EU declaration of conformity and other documents relating to the conformity of subsystems and safety components as well as the documentation concerning the characteristics of the cableway installation as referred to in Article 9(2) of Regulation 2016/424/EU;

“writing” includes any text transmitted using electronic communications that is received, or accessible by the person to whom it is sent, in legible form.

## **Scope**

4.—(1) The cableway installations listed in the Schedule are categorised as historic, cultural or heritage installations for the purposes of point (b) of Article 2(2) of Regulation 2016/424/EU.

(2) The provisions of Parts 2 to 4 of these Regulations do not apply to the cableway installations referred to in paragraph 1, unless significant changes are made in their design or construction, including subsystems or safety components specifically designed for them.