

SCHEDULE 22

Amendment of the Lifts Regulations 2016

Insertion of regulations 45A and 45B

25. After regulation 45 insert—

“Obligations which are met by complying with obligations in the Directive

45A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
- (b) “CE marking” has the meaning given to it in Article 2(21);
- (c) “harmonised standard” has the meaning given to it in Article 2(13).

(2) Paragraph (3) applies where, before placing a lift on the market, the installer—

- (a) ensures that the lift has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements set out in Annex I;
- (b) ensures that the conformity assessment procedure that applies to that lift in accordance with Article 16 has been carried out;
- (c) draws up the technical documentation referred to in Article 7(2);
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (e) affixes a CE marking and other markings, in accordance with Articles 18 and 19(1) to (5);
- (f) draws up an EU declaration of conformity, in accordance with Article 17; and
- (g) ensures that the EU declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 6, 7, 8(1) and 8(3) are to be treated as being satisfied;
- (b) regulations 2(2)(a), 8(2), 9, 24(2), 24(3) and 45 apply subject to the modifications in paragraph (10);
- (c) Part 3 does not apply; and
- (d) regulation 68 does not apply.

(4) Paragraph (5) applies where, before placing a safety component for lifts on the market, the manufacturer—

- (a) ensures that the safety component has been designed and manufactured in accordance with Article 5(2);
- (b) ensures that the conformity assessment procedure that applies to that safety component in accordance with Article 15 has been carried out;
- (c) ensures that the relevant technical documentation referred to in Article 8(2) is drawn up;

- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
 - (e) affixes a CE marking and other markings, in accordance with Articles 18 and 19(1) to (5);
 - (f) draws up an EU declaration of conformity, in accordance with Article 17; and
 - (g) ensures that the EU declaration of conformity is prepared in or translated into English.
- (5) Where this paragraph applies—
- (a) the requirements of regulations 15, 16, 17(1) and (17)(3) are to be treated as being satisfied;
 - (b) regulations 2(2)(a), 17(2), 18, 20(2), 24(2), 24(3) and 45 apply subject to the modifications in paragraph (10);
 - (c) Part 3 does not apply; and
 - (d) regulation 68 does not apply.
- (6) Paragraph (7) applies where, before placing a safety component for lifts on the market, the importer ensures that—
- (a) the conformity assessment procedure that applies to that lift in accordance with Article 15 has been carried out;
 - (b) the manufacturer has drawn up the relevant technical documentation referred to in Article 8(2); and
 - (c) the safety component for lifts—
 - (i) bears the CE marking; and
 - (ii) is accompanied by the EU declaration of conformity drawn up in accordance with Article 17.
- (7) Where this paragraph applies—
- (a) the requirements of regulation 26(1)(a) to (c)(i) are to be treated as being satisfied;
 - (b) any requirement of regulation 26(1)(c)(ii), insofar as it relates to the declaration of conformity, is to be treated as being satisfied; and
 - (c) regulations 2(2)(a), 27(1), 30 and 33 apply subject to the modifications in paragraph (10).
- (8) Paragraph (9) applies where, before making a safety component for lifts available on the market, a distributor ensures that the safety component for lifts—
- (a) bears the CE marking; and
 - (b) is accompanied by an EU declaration of conformity drawn up in accordance with Article 17.
- (9) Where this paragraph applies—
- (a) the requirements of regulations 37(1)(a)(i) are to be treated as being satisfied;
 - (b) any requirement of regulation 37(1)(a)(ii), insofar as it relates to the declaration of conformity, is to be treated as being satisfied; and
 - (c) regulations 2(2)(a), 38(1) and 39 apply subject to the modifications in paragraph (10).
- (10) The modifications referred to in paragraphs (3)(b), (5)(b), (7)(c) and 9(c) are that—

- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
- (b) any reference to “UK marking” is to be read as a reference to the CE marking;
- (c) any reference to “essential health and safety requirements” is to be read as a reference to the essential health and safety requirements referred to in Annex I;
- (d) any reference to “designated standard” is to be read as a reference to a harmonised standard;
- (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the lift or the safety component for the lift in accordance with Article 15 or Article 16, as the case may be;
- (f) any reference to “technical documentation” is a reference to the relevant technical documentation set out in Annexes IV to XII.

Conformity assessment procedure obligation which is met by complying with the Directive

45B.—(1) In this regulation, any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive.

(2) Paragraph (3) applies where, prior to the manufacture of a safety component, the manufacturer ensures that the conformity assessment procedure set out in Annex IV, Part A and referred to in Article 15(a) and (b) as EU-type examination, has been carried out in relation to a model of the safety component in accordance with Article 15(a) or (b).

(3) Where this paragraph applies—

- (a) the requirement in regulation 48(a) or (b) to submit the model of the safety component for the conformity assessment procedure referred to in that regulation as Type examination is to be treated as being satisfied;
- (b) any reference to “relevant conformity assessment procedure” in regulations 16(a), 17(1), 26(1)(a), 45(1)(b) and 49(b) is to be read as including the conformity assessment procedure referred to in Article 15(a) or (b) as EU-type examination; and
- (c) any reference to “technical documentation” in regulations 16(b), 18, 26(1)(b) and 33(b) is to be read as including the technical documentation relating to the design of the safety component referred to in Annex IV, Part A.

(4) Paragraph (5) applies where, a lift is designed and manufactured in accordance with a model lift that has undergone the conformity assessment procedure set out in Annex IV, Part B, referred to in Article 16(1)(a) as EU-type examination.

(5) Where this paragraph applies—

- (a) the condition in regulation 47(1)(a) that the lift is designed and manufactured in accordance with a model lift which has undergone a Type examination set out in Part B of Schedule 11, is to be treated as being satisfied;
- (b) any reference to “relevant conformity assessment procedure” in regulations 7(a), 8(1), 45(1)(b) and 49(b) is to be read as including the conformity assessment procedure set out in Annex IV, Part B and referred to in Article 16(1)(a) as EU-type examination; and
- (c) any reference to “technical documentation” in regulations 7(b) and 9 is to be read as including the technical documentation relating to the design of the lift referred to in Annex IV, Part B.”