
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) OJ No. 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.

PART II

APPLICATION

Lifts, safety components and components

3.—(1) Subject to regulations 4, 5, 6 and 7, these Regulations apply to—

- (a) lifts permanently serving buildings or constructions; and
- (b) safety components for use in such lifts.

(2) Nothing in these Regulations shall preclude the placing on the market of any component, other than a safety component,—

- (a) which is intended to be incorporated into a lift to which these Regulations apply; and
- (b) in respect of which a declaration is made by the manufacturer of that component or his authorised representative established in the Community that the component is intended for such incorporation.

(3) Nothing in these Regulations with regard to the installation of a lift shall affect the application of the Construction Products Regulations 1991⁽⁶⁾.

Excluded lifts and safety components

4. These Regulations do not apply to—
- (a) the lifts specified in Schedule 14; and
 - (b) safety components for the lifts referred to in paragraph (a).

Lifts and safety components placed on the market and put into service before 1st July 1997

5. These Regulations do not apply to any lift or safety component which is placed on the market and put into service before 1st July 1997.

Exclusion until 30th June 1999 of lifts and safety components complying with provisions in force on 29th June 1995

6.—(1) Subject to paragraph (2), these Regulations do not apply to a lift or safety component placed on the market and put into service on or before 30th June 1999 which complies with any health and safety provisions with which it would have been required to comply for it to be placed on the market and put into service in the United Kingdom on 29th June 1995.

(2) The exclusion provided in paragraph (1) does not apply in the case of a lift or a safety component which—

- (a) unless required to bear the CE marking pursuant to any other Community obligation, bears the CE marking or an inscription liable to be confused with it; or
- (b) bears or is accompanied by any other indication, howsoever expressed, that it complies with the Lifts Directive.

Lifts where risks are wholly or partly covered by other directives

7. The requirements of these Regulations do not apply to a lift insofar as and to the extent that the relevant essential health and safety requirements relate to risks wholly or partly covered by other Community directives applicable to that lift.

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—

(6) S.I. 1991/1620.

- (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(7) 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.

PART IV

ENFORCEMENT

Application of Schedule 15

19.—(1) Subject to paragraph (2), Schedule 15 shall have effect for the purposes of providing for the enforcement of these Regulations and for matters incidental thereto.

(2) Except in the case of a lift or safety component which, in the opinion of an enforcement authority, is liable to endanger the safety of persons and, where appropriate, of property, where an enforcement authority has reasonable grounds for suspecting that the CE marking has been affixed to a lift or safety component or, in the case of a safety component, to a label inseparably attached to it and in relation to which any provision of these Regulations has not been complied with it may serve notice in writing on—

- (a) 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; or
- (b) in a case where neither the installer of the lift nor the manufacturer of the safety component nor, in the case of the latter, his authorised representative established in the Community has placed the lift or safety component, as the case may be, on the market, the person who places it on the market in the United Kingdom;

and subject to paragraph (3), no other action pursuant to Schedule 15 may be taken, and no proceedings may be brought pursuant to regulation 20, in respect of that lift or safety component until such notice has been given and the person to whom it is given has failed to comply with its requirements.

(3) Notwithstanding the provisions of paragraph (2), for the purpose of ascertaining whether or not the CE marking has been correctly affixed, action may be taken pursuant to section 20 of the Health and Safety at Work etc. Act 1974⁽⁸⁾, or, in Northern Ireland, pursuant to Article 22 of the Health and Safety at Work (Northern Ireland) Order 1978⁽⁹⁾ as it is applied by Schedule 15.

(4) A notice which is given under paragraph (2) shall—

- (a) state that the enforcement authority suspects that the CE marking has not been correctly affixed to the lift, safety component or label, as the case may be;
- (b) specify the respect in which it is so suspected and give particulars thereof;
- (c) require the person to whom the notice is given—

⁽⁸⁾ 1974 c. 37.

⁽⁹⁾ S.I. 1978/1039 (N.I. 9).

- (i) to secure that any lift or safety component to which the notice relates conforms as regards the provisions concerning the correct affixation of the CE marking within such period as may be specified in the notice; or
 - (ii) to provide evidence within that period, to the satisfaction of the enforcement authority, that the CE marking has been correctly affixed; and
- (d) warn that person that if the non-conformity continues after, or if satisfactory evidence has not been provided within, the period specified in the notice, further action may be taken under the Regulations in respect of that lift or safety component or any lift or safety component of the same type placed on the market by that person.

Offences

20. Any person who—

- (a) contravenes or fails to comply with regulation 8, 9, 10 or 11(1) or (2); or
- (b) fails to supply or retain a copy of the declaration of conformity as required by regulation 11(3),

shall be guilty of an offence.

Penalties

21.—(1) A person guilty of an offence under regulation 20(a) shall be liable on summary conviction—

- (a) to imprisonment for a term not exceeding 3 months; or
- (b) to a fine not exceeding level 5 on the standard scale,

or to both.

(2) A person guilty of an offence under regulation 20(b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Defence of due diligence

22.—(1) Subject to the following provisions of this regulation, in proceeding against any person for an offence under regulation 20 it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where in any proceedings against any person for such an offence the defence provided by paragraph (1) involves an allegation that the commission of the offence was due—

- (a) to the act or default of another; or
- (b) reliance on information given by another,

that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than seven clear days before the hearing of the proceedings (or, in Scotland, the trial diet), he has served a notice under paragraph (3) below on the person bringing the proceedings.

(3) A notice under this paragraph shall give such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time he serves it.

(4) It is hereby declared that a person shall not be entitled to rely on the defence provided by paragraph (1) by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular—

- (a) to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) to whether he had any reason to disbelieve the information.

Liability of persons other than the principal offender

23.—(1) Where the commission by any person of an offence under regulation 20 is due to the act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under these Regulations (including where it is so guilty by virtue of paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) In this regulation, references to a “body corporate” include references to a partnership in Scotland and, in relation to such partnership, any reference to a director, manager, secretary or other similar officer of a body corporate is a reference to a partner.

Consequential amendments

24.—(1) In the Provision and Use of Work Equipment Regulations 1992(**10**)—

- (a) at the end of Schedule 1 there shall be added the following paragraph—

“**38.** European Parliament and Council Directive [95/16/EC](#) on the approximation of the laws of the Member States relating to lifts (OJNo. L213, 7.9.95, p.1).”; and

- (b) for the purposes of the enforcement of regulation 10 of those Regulations, these Regulations shall have effect as if the addition of the reference to the Lifts Directive in Schedule 1, effected by sub-paragraph (a) above, had been made by means of Regulations made under section 15 of the Health and Safety at Work etc. Act 1974.

(2) In the Provision and Use of Work Equipment Regulations (Northern Ireland) 1993(**11**)—

- (a) in Schedule 1, after paragraph 23 there shall be added the following paragraph—

“**24.** European Parliament and Council Directive [95/16/EC](#) on the approximation of the laws of the member States relating to lifts (OJ No. L213, 7.9.95, p.1).”; and

- (b) for the purposes of the enforcement of regulation 10 of those Regulations, these Regulations shall have effect as if the addition of the reference to the Lifts Directive in Schedule 1, effected by sub-paragraph (a) above, had been made by means of Regulations made under Article 17 of the Health and Safety at Work (Northern Ireland) Order 1978(**12**).

(10) S.I. [1992/2932](#).

(11) S.R. [1993 No. 19](#); Schedule 1 was substituted by S.R. [1995 No. 26](#) and amended by S.R. [1996 No. 109](#) and S.R. [1996 No. 247](#).

(12) S.I. [1978/1038 \(N.I. 9\)](#).

14th March 1997

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