
STATUTORY INSTRUMENTS

2004 No. 129

The Cableway Installations Regulations 2004

PART II

General Requirements

Cableway installations—duties on the main contractor

4.—(1) The main contractor shall not carry out or permit to be carried out works for the construction or modification of a cableway installation unless he has obtained a stage 1 authorisation under regulation 13(1) in respect of that cableway installation.

(2) Before making an application for a stage 1 authorisation in relation to the construction or modification of a cableway installation the main contractor shall ensure that:—

- (a) a safety analysis is undertaken; and
- (b) a safety report is prepared.

(3) The main contractor shall ensure, in relation to the construction or modification of a cableway installation that—

- (a) that installation complies with—
 - (i) any relevant measures specified in the safety report,
 - (ii) special conditions (if any) imposed by the Executive under regulation 17(8), and
 - (iii) conditions imposed (if any) by the Secretary of State under regulation 19(3) with the stage 1 authorisation;
- (b) that installation complies with such of the essential requirements as relate to that type of installation;
- (c) a technical file has been compiled which contains—
 - (i) the safety analysis;
 - (ii) the safety report; and
 - (iii) the declarations of conformity and the accompanying technical documentation relating to any safety component or subsystem which forms a part of the cableway installation.

(4) In relation to the modification of a cableway installation, references in this regulation to “safety analysis”, “safety report”, “technical file” and “essential requirements” shall be construed as applying only to the modification of the cableway installation and its repercussions on the installation as a whole.

Cableway installations—putting into service

5.—(1) No person shall put into service a cableway installation unless a stage 2 authorisation has been obtained in respect of that installation.

Cableway installations—operation

6.—(1) The operator of any authorised cableway installation that is in service shall compile a log book in relation to that installation containing documents or information which—

- (a) sets out any—
 - (i) special conditions imposed under regulation 18(8) with the stage 2 authorisation,
 - (ii) measures specified in the safety report, and
 - (iii) conditions imposed by the Secretary of State under regulation 19(3) with the stage 2 authorisation,in respect of its putting into service or operation; and
- (b) records evidence of its servicing, supervision, adjustment and maintenance.

(2) The operator of any authorised cableway installation that is in service shall ensure that while that installation remains in service—

- (a) it complies with any measures specified in relation to its operation by the safety report;
- (b) it complies with such conditions (if any) as are imposed in relation to its putting into service by the Secretary of State under regulation 19(3);
- (c) the technical file is retained at the site of that installation; and
- (d) the log book is retained and updated.

Safety components—placing on the market

7.—(1) Subject to regulation 11, no person who is a responsible person shall place on the market any safety component unless—

- (a) the requirements of paragraph (2) have been complied with in relation to it; or
- (b) the safety component that he places on the market is identical to a safety component that he has already placed on the market and in relation to which the provisions of paragraph (2) have been met.

(2) The requirements in respect of any safety component are that—

- (a) it satisfies such of the essential requirements as relate to that component;
- (b) it permits the construction or modification of a cableway installation which will satisfy the essential requirements;
- (c) the appropriate conformity assessment procedure specified in regulation 9(1) has been carried out in respect of it by a notified body;
- (d) the CE conformity marking has been properly affixed to it, or on a label inseparably attached to it; and
- (e) it is accompanied by a declaration of conformity drawn up in respect of it.

(3) For the purposes of paragraph (2)(d) the CE conformity marking shall not be regarded as properly affixed to the safety component unless the person who has affixed the CE conformity marking—

- (a) affixes the said marking in a distinct, visible, and legible manner; and
- (b) in the case of safety components which are the subject of Community Directives other than the Cableways Directive which also provide for the affixing of the CE conformity marking, has complied with the requirements of those other Directives in respect to that safety component.

(4) No markings which—

- (a) are likely to deceive any person as regards the meaning and form of the CE conformity marking; or
- (b) reduce the visibility and legibility of the CE conformity marking, shall be affixed to the safety component.

(5) Any documentation or other information in relation to a safety component required to be retained under the conformity assessment procedure under paragraph (2)(c) shall be retained by the responsible person for any period specified in that procedure.

Subsystems—placing on the market

8.—(1) Subject to regulation 11, no person who is a responsible person shall place on the market any subsystem unless the requirements of paragraph (2) have been complied with in relation to it.

- (2) The requirements in respect of any subsystem are that—
- (a) it satisfies such of the essential requirements as relate to that subsystem;
 - (b) it permits the construction or modification of a cableway installation which will satisfy the essential requirements;
 - (c) a notified body has—
 - (i) carried out the conformity assessment procedure specified in regulation 9(2); and
 - (ii) drawn up the EC examination certificate and the technical documentation, and
 - (d) it is accompanied by—
 - (i) a declaration of conformity drawn up by the responsible person in respect of it, and
 - (ii) the technical documentation.

(3) Any documentation or other information in relation to a subsystem required to be retained under the conformity assessment procedure under paragraph (2)(c) shall be retained by the responsible person for any period specified in that procedure.

Subsystems and safety components—conformity assessment procedures

9.—(1) For the purposes of regulation 7(2)(c), the appropriate conformity assessment procedure shall be the procedure set out in Schedule 5.

(2) For the purposes of regulation 8(2)(c)(i), the appropriate conformity assessment procedure shall be the procedure set out in Schedule 7.

Subsystems and safety components—duties on persons other than the responsible person

10. Where in the case of a subsystem or safety component, any of the requirements of regulations 7 or 8 have not been met by the responsible person, such requirements shall be met by any person who—

- (a) places that subsystem or safety component on the market; or
- (b) manufactures that safety component for use in any cableway installation that he is constructing or modifying.

Subsystems and safety components—exceptions to placing on the market

11. For the purposes of regulations 7 or 8, a safety component or a subsystem shall not be regarded as being placed on the market where that safety component or subsystem—

- (a) will be put into service in a country outside the Community; or
- (b) is imported into the Community for re-export to a country outside the Community,

but this paragraph shall not apply in relation to a safety component if the CE conformity marking, or any inscription liable to be confused therewith, is affixed to the component or its label.

Conformity of cableway installations, subsystems and safety components with the provisions of these Regulations

12.—(1) Subject to paragraph (2) an authorised cableway installation shall be taken to conform with the requirements of regulation 4 unless there are reasonable grounds for suspecting that it does not so conform.

(2) Paragraph (1) does not apply where a person fails or refuses to make available to the Executive the log book and technical file which he is required to retain pursuant to regulation 6.

(3) Subject to paragraph (5), a safety component—

(a) which bears a CE conformity marking, or to which a label bearing the CE conformity marking has been inseparably attached; and

(b) which is accompanied by a declaration of conformity, in accordance with regulation 7;

shall be taken to conform with all of the provisions of these Regulations which apply to it unless there are reasonable grounds for suspecting that it does not so conform.

(4) Subject to paragraph (5), a subsystem which is accompanied by—

(a) a declaration of conformity; and

(b) the technical documentation required by the EC examination of that subsystem,

in accordance with regulation 8, shall be taken to conform with such of the essential requirements as relate to that subsystem unless there are reasonable grounds for suspecting that it does not so conform.

(5) Paragraphs (3) and (4) do not apply where a person fails or refuses to make available to the Executive the documentation which he is required to retain by any of the conformity assessment procedures which apply to the safety component or subsystem in question or a copy of that documentation.