STATUTORY INSTRUMENTS

1986 No. 1500

HEALTH AND SAFETY

The Electrically Operated Lifts (EEC Requirements) Regulations 1986

Made - - -	1*st September* 1986
Laid before Parliament	8*th September* 1986
Coming into Operation	30*th September* 1986

The Secretary of State, being a Minister designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to technical requirements relating to electrically operated lifts and their components, in exercise of the powers conferred on him by that section and of all his other enabling powers, hereby makes the following Regulations:—

Citation, commencement and extent

1. These Regulations, which extend to Great Britain, may be cited as the Electrically Operated Lifts (EEC Requirements) Regulations 1986, and shall come into operation on 30th September 1986.

Interpretation

2.— (1) In these Regulations, unless the context otherwise requires, the following expressions have the following meanings—

"approved body" means a body appointed by the Secretary of State under Regulation 3;

"approved other body" means a body appointed under the law of Northern Ireland or of a member State other than the United Kingdom to carry out functions similar to those authorised to be carried out by an approved body under these Regulations;

"component" means—

(i) landing-door locking devices;

(ii) overspeed governors (car and counterweight);

(iii) safety gears (car and counterweight);

(iv) buffers (energy accumulation type with buffered return movement and energy dissipation buffers),

(**a**) S.I. 1986/947.
(**b**) 1972 c.68.

designed for use with a lift;

"the Directives" means the Directives adopted by the Council of the Communities concerning the approximation of the laws of Member States relating to common provisions for lifting and mechanical handling appliances(**a**) and concerning the approximation of the laws of the Member States relating to electrically operated lifts(**b**);

"EEC inspection" means the procedure by which an approved body or an approved other body, if so requested by the approved body, checks—

(a) whether lifts and components conform with the type of lift or component in respect of which an EEC type-examination certificate has been issued;

(b) whether adequate manufacturing control facilities are provided and adequate manufacturing control records are kept by or on behalf of the manufacturer;

(c) whether the manufacturer actually carries out adequate checks to verify whether lifts and components manufactured by him conform with the type of lifts or components in respect of which EEC type-examination certificates have been issued; and

(d) whether the EEC mark is being used correctly;

"EEC type-examination certificate" means a certificate that a type of lift or component conforms with the EEC type-examination requirements;

"EEC type-examination requirements" means the technical requirements referred to in Annex 1 of the Directive concerning the approximation of the laws of the member States relating to electrically operated lifts; and

"lift" means any permanently installed electrically operated hoisting appliance serving specific levels, having a car designed for the transport of persons or of persons and goods, suspended by ropes or chains and moving at least partially between guides which are vertical or inclined at an angle of less than 15° to the vertical, but excluding—

(i) lifts specially designed for military or research purposes, or those used as equipment on ships, on offshore prospecting and drilling rigs, in mines, or for the handling of radioactive materials;

(ii) lifts intended exclusively for the transport of goods;

(iii) passenger, goods or service lifts not driven by an electric motor, appliances actuated by fluids (such as oil and hydraulic lifts), or any of the following hoisting appliances: paternosters, rack-and-pinion elevators, screw-driven elevators, theatre elevators, loading appliances, skips, lifts and goods hoists on building or public works sites, construction or maintenance equipment and lifts specially constructed for transporting the handicapped.

(3) Any reference in these Regulations to a numbered Regulation or Schedule is a reference to the Regulation or Schedule so numbered in these Regulations.

(**a**) 84/528/EEC, OJ No. L300, 19.11.84, p.72.
(**b**) 84/529/EEC, OJ No. L300, 19.11.84, p.86, as amended by Commission Directive 86/312/EEC, OJ No. L196, 18.7.86, p.56.

Appointment of approved bodies

3. The Secretary of State shall appoint a body or bodies of persons in accordance with the conditions of the Directive adopted by the Council of the Communities concerning the approximation of the laws of the Member States relating to common provisions for lifting and mechanical handling appliances—

(a) to carry out examinations of lifts and components to ascertain whether or not they conform with the EEC type-examination requirements;

(b) to issue EEC type-examination certificates with respect to lifts and components;

(c) to carry out EEC inspections; and

(d) to do such other things as may be required or permitted under or in connection with these Regulations.

EEC type-examination certificates

4.— (1) An application for an EEC type-examination certificate shall be made to the approved body by or on behalf of a manufacturer in writing and shall contain the information and documents set out in Schedule 1, and shall be accompanied by an undertaking in the form set out in Schedule 2.

(2) Where in pursuance of this Regulation an application is made to an approved body in respect of a type of lift or component then no other application in any Member State for an EEC type-examination certificate in respect of a lift or component of that type shall be made by or on behalf of the same manufacturer, and any application made to an approved body which to the knowledge of the approved body is contrary to this paragraph shall be rejected by the approved body.

(3) Where the approved body is satisfied on application made to it and after examination of the lift or component in respect of which the application was made that the lift or component conforms with the EEC type-examination requirements and after payment of the prescribed fee it shall grant an EEC type-examination certificate in the form set out in Schedule 3 in respect of tl lift or component which shall be valid for a period of 10 years.

(4) Where the approved body is satisfied on application made to it and after examination of the lift or component in respect of which the application was made that the lift or component does not conform with the EEC type-examination requirements and after payment of the prescribed fee it shall issue a full test failure report for such lift or component which states the reasons for the issue of such report and informs the applicant of his right to apply for review of the decision of the approved body under Regulation 8.

(5) The approved body may after payment of the prescribed fee extend the period of validity of an EEC type-examination certificate issued or extended under these Regulations by a period of ten years provided that the type of lift or component in respect of which the application is made complies with the technical requirements laid down in the Directives relating to such lift or component; and if the approved body refuses to grant such extension it shall inform the applicant of his right to apply for a review of the decision of the approved body under Regulation 8.

(6) The prescribed fee payable under paragraphs (3), (4) and (5) of this Regulation in every case shall be equal to the sum of:—

(a) the costs of the approved body of and in connection with the functions carried out or to be carried out by it under these Regulations ("the relevant service"); and

(b) an amount on account of profit which is reasonable in the circumstances having regard to—

(i) the character and the extent of the work done or to be done by the approved body in providing the relevant service, and

(ii) the commercial rate normally charged on account of profit for that work or similar work.

(7) An approved body shall issue an EEC type-examination certificate and may extend the period of validity of such a certificate under these Regulations subject to the conditions set out in the form of undertaking specified in Schedule 2.

(8) If it appears to the approved body which so issued or extended the period of validity of an EEC type-examination certificate that there has been a breach of any condition subject to which the certificate was issued or extended, or if it so appears to the Secretary of State, the approved body, or the Secretary of State as the case may be, may by notice under Regulation 7 suspend or withdraw the EEC type-examination certificate issued or extended subject to such conditions and in the case of a decision by the approved body it shall inform the applicant of his right to apply for review of the decision under Regulation 8.

Certificate of conformity and EEC mark of conformity

5. The manufacturer of a lift or component which conforms with a type of lift or component in respect of which an EEC type-examination certificate issued under these Regulations or under the law of Northern Ireland or of a Member State other than the United Kingdom is in force may issue a certificate of conformity in the form set out in Schedule 4 that such lift or component conforms with that type, and may place on the lift or component the EEC mark of conformity in the form set out in Schedule 5.

EEC inspections

6. The approved body may carry out EEC inspections in Great Britain of lifts and components in respect of which EEC type-examination certificates have been issued under these Regulations or under the law of Northern Ireland or of a Member State other than the United Kingdom if requested to do so by the approved other body which granted the EEC type-examination certificate, and for that purpose may enter into premises where any such lift or component is for the time being held by or on behalf of the manufacturer and remove any such lift or component as a sample.

Suspension and withdrawal of EEC type-examination certificate

7.— (1) If the approved body, after checking a lift or component of the same type as that in respect of which an EEC type-examination certificate issued

under these Regulations or under the law of Northern Ireland is in force, or after receipt of a report from an approved other body made at the request of the approved body, is satisfied that an item of a lift or component has not been manufactured to conform with the EEC type-examination requirements in respect of such item or if a condition subject to which the EEC type-examination certificate was granted has not been fulfilled, the approved body shall give notice of that fact to the holder of that EEC type-examination certificate and such notice shall specify—

(a) the respects in which the item does not so conform or the condition has not been fulfilled;

(b) that unless steps are taken which ensure that such item does so conform or the condition is so fulfilled within a specified period the certificate will be suspended or withdrawn; and

(c) if the approved body thinks fit, that the certificate will be suspended immediately.

(2) If the approved body decides to suspend or withdraw an EEC type-examination certificate it shall immediately give notice of the decision to the holder of the certificate and to the Secretary of State.

(3) A notice to a holder of an EEC type-examination certificate of suspension or withdrawal given under paragraph (2) of this Regulation shall specify the date on which the suspension or withdrawal is to take effect and shall specify the grounds for the decision and shall inform the holder of the certificate of his right to apply for a review of the decision under Regulation 8.

(4) The suspension or withdrawal of an EEC type-examination certificate shall not affect the validity of any certificate of conformity or EEC mark of conformity issued or placed on a lift or component under Regulation 5 or under the law of Northern Ireland.

Review

8.— (1) A person who is aggrieved by a decision given by an approved body under Regulations 4(4), (5) or (8) or 7(1), (2) or (3) may, in accordance with paragraphs (2) and (3) of this Regulation, apply to the Secretary of State to review the decision and on such application the Secretary of State—

(a) shall have the like powers and duties as an approved body has on an application for an EEC type-examination certificate or an extension of the period thereof or under Regulation 4(4), (5) or (8) or Regulation 7(1), (2) or (3),

(b) may hold an inquiry in connection therewith, and

(c) may appoint an assessor for the purpose of assisting him with his review or any such inquiry.

(2) An application under paragraph (1) of this Regulation shall be made by notice to the Secretary of State, and shall be lodged with him not later than fourteen days from the date of the decision in respect of which the application for review is made.

(3) A notice of application for review under this Regulation shall state the

grounds on which the application is made and shall be accompanied by the following documents—

(a) where the application is for review of a decision under Regulation 4(4) copies of the information and documents which, in accordance with Regulation 4(1), were contained in or accompanied the application under that Regulation for the certificate in question, and

(b) where the application for review relates to the extension of the period of a certificate or the suspension or withdrawal of a certificate, a copy of that certificate.

Peter Morrison,
Minister of State for Industry,
Department of Trade and Industry.

1st September 1986.

SCHEDULE 1 Regulation 4(1)

INFORMATION AND DOCUMENTS TO BE PROVIDED BY THE APPLICANT FOR EEC TYPE-EXAMINATION

The following information and documents shall be given in English:

- the names and addresses of the applicant, manufacturer and authorised representative if different.
- the category of lift and/or component.
- its intended use and any prohibited use.
- its trade name, if any, or type.
- the technical characteristics of the lift and/or component.
- the position on the lift and/or component where the EEC mark of conformity is to be affixed.
- a statement certifying that no other application for EEC type-examination has been submitted for the same type of lift and/or component.
- any documents relating to national approval already granted and the components used which have been granted EEC component type-approval or have undergone EEC type-examination.

Two copies are to be provided of all required documents.

Regulation 4(1) SCHEDULE 2

FORM OF UNDERTAKING BY MANUFACTURER OR AUTHORISED REPRESENTATIVE ESTABLISHED IN THE COMMUNITY

Category, type and make or trade name of lift or lift component:

.....

I/We undertake as a condition of issue of an EEC type-examination certificate and the use of the EEC mark of conformity to comply with the following conditions:

1. To inform the approved body granting the EEC type-examination certificate of

(a) the places where the lifts and/or lift components are manufactured and/or warehoused, as requested by the approved body; and

(b) the date on which manufacture commences;

and to provide such other information as the approved body may reasonably require.

2. To allow representatives of the approved body, or of an approved other body as defined in the Regulations, if requested to do so by the approved body,

(a) access for the purpose of EEC inspection to the places of manufacture and/or warehousing;

(b) to take samples of lifts and/or lift components for EEC inspection purposes; and

(c) access to manufacturing control records kept by or on behalf of the manufacturer;

and to provide any information relating to such EEC inspection as may be reasonably required.

3. To carry out adequate manufacturing control and inspection or to ensure that it is carried out, including keeping adequate records.

4. To have at my/our disposal the necessary equipment for monitoring the conformity of items manufactured with the lift or lift component in relation to which the EEC type-examination certificate is granted.

Signed Position

On behalf of .....

Date

SCHEDULE 3 Regulation 4(3)

EEC TYPE-EXAMINATION CERTIFICATE

Name of the approved body .....

.....

.....

EEC type-examination certificate .....

.....

.....

.....

EEC type-examination No .....

1. Category, type and make or trade name .....
2. Manufacturer's name and address .....

   .....

   .....
3. Name and address of certificate holder .....

   .....

   .....
4. Date of submission for EEC type-examination .....
5. Certificate issued on the basis of the following requirements: The compliance with the undertakings dated ..... given by the manufacturer or authorised representative established in the Community.
   Other conditions:— .....

   .....
6. Test laboratory .....
7. Date and number of laboratory report .....
8. Date of EEC type-examination .....
9. The following documents, bearing the EEC type-examination number shown above, are annexed to this certificate .....

   .....
10. Any additional information .....

    .....

    .....

Place ....
(Date)

.....
(Signature)

Regulation 5

SCHEDULE 4

EEC CERTIFICATE OF CONFORMITY

I, the undersigned, ...
(Surname and first names)

hereby certify that the equipment — installation — component — lifting or mechanical handling appliance (1)

1. Category .....

2. Manufactured by .....

.....

3. Type .....

4. Serial No .....

5. Year of manufacture .....

conforms to

—the type(s) approved (EEC type-approval/component type-approval) (1)

—the type(s) examined (EEC type-examination) (1)

as shown in the table below

Separate Directives	In the case of type approval/ component type-approval (1)			In the case of type-examination (1)		
	No	date	Member State	No	date	approved body

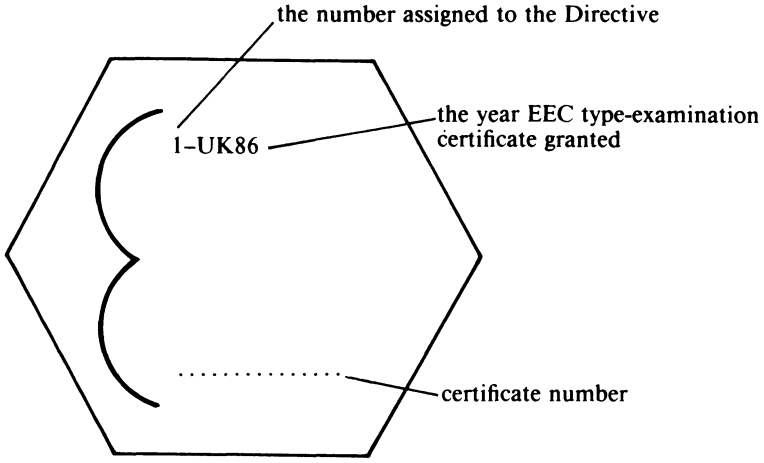
Done at ....
(Date) (Signature)

.....
(Position)

(1) Delete as appropriate.

SCHEDULE 5 Regulation 5

EEC MARK OF CONFORMITY



Note:

1. Letters and digits must be at least 5 mm high.
2. The mark must be visibly, legibly and indelibly fixed to each lift and lift component.
3. The figure 86 is for purposes of illustration and refers to an EEC type-examination in 1986.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations implement Council Directives 84/528/EEC, and 84/529/EEC (OJ No. L300 pp. 72–94), as amended by Commission Directive 86/312/EEC (OJ No. L196 pp. 56–57). The Regulations apply to electrically operated lifts and components as defined in the Regulations. The Regulations provide:

(a) for the appointment by the Secretary of State of approved bodies whose decisions may be reviewed by the Secretary of State. (Regulations 3 and 8)

(b) for application to be made by or on behalf of a manufacturer for the issue by an approved body subject to conditions of EEC type-examination certificates for lifts and components which comply with the technical requirements in Annex 1 to Directive 84/529/EEC. (Regulation 4)

(c) for the issue of certificates of conformity and the use of the EEC mark of conformity. (Regulation 5)

(d) for EEC inspections in Great Britain including the right of entry and the taking of samples by the approved body to ensure compliance with EEC requirements and for the suspension and withdrawal of EEC type-examination certificates. (Regulations 6 and 7)

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