



STATUTORY INSTRUMENTS.

S.I. No. 406 of 2008



EUROPEAN COMMUNITIES (LIFTS) (AMENDMENT) REGULATIONS
2008

(Prn. A8/1647)

EUROPEAN COMMUNITIES (LIFTS) (AMENDMENT) REGULATIONS
2008

I, MARY COUGHLAN, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Article 24 of Directive 2006/42/EC of the European Parliament and of the Council¹ of 17 May 2006 on machinery, and amending Directive 95/16/EC² (recast), hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Lifts) (Amendment) Regulations 2008.

(2) The European Communities (Lifts) Regulations 1998 (S.I. No. 246 of 1998) and these Regulations may be cited together as the European Communities (Lifts) Regulations 1998 to 2008.

2. These Regulations come into operation on 29 December 2009.

3. Regulation 2 paragraph (1) of the European Communities (Lifts) Regulations 1998 is amended—

(a) by substituting “ ‘Authority’ means the Health and Safety Authority;” for “ ‘the Authority’ means the National Authority for Occupational Safety and Health;”,

(b) by inserting “ ‘carrier’ means a part of the lift by which persons or goods, or both, are supported in order to be lifted or lowered;”,

(c) by substituting “ ‘Directive’ means European Parliament and Council Directive 95/16/EC of 29 June 1995 on the approximation of the laws of the Member States relating to lifts, as amended by Article 24 of Directive 2006/42/EC of the European Parliament and of the Council on machinery, and amending Directive 95/16/EC (recast);” for “ ‘the Directive’ means European Parliament and Council Directive 95/16/EC of 29 June 1995 on the approximation of the laws of the Member States relating to lifts;”, and

(d) by substituting for the definition of “lift” the following—

“ ‘lift’ means a lifting appliance serving specific levels, having a carrier moving along guides which are rigid and inclined at an angle of more than 15 degrees to the horizontal, intended for the transport of—

¹OJ No. L157, 9.6.2006, p. 24.

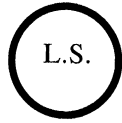
²OJ No. L213, 7.9.1995, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th October, 2008.*

- (a) persons,
- (b) persons and goods,
- (c) goods alone if the carrier is accessible, that is to say a person may enter it without difficulty, and fitted with controls situated inside the carrier or within reach of a person inside the carrier, or
- (d) lifting appliances moving along a fixed course even where they do not move along guides which are rigid,

but does not include—

- (i) lifting appliances whose speed is not greater than 0.15 m/s,
- (ii) construction site hoists,
- (iii) cableways, including funicular railways,
- (iv) lifts specially designed and constructed for military or police purposes,
- (v) lifting appliances from which work can be carried out,
- (vi) mine winding gear,
- (vii) lifting appliances intended for lifting performers during artistic performances,
- (viii) lifting appliances fitted in means of transport,
- (ix) lifting appliances connected to machinery and intended exclusively for access to workstations including maintenance and inspection points on the machinery,
- (x) rack and pinion trains, or
- (xi) escalators and mechanical walkways;”.



GIVEN under my Official Seal,
17 October 2008

MARY COUGHLAN
Minister for Enterprise, Trade and Employment.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations come into effect 29 December 2009 and implement Article 24 of Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC of 29 June 1995. (The other provisions of that Directive are transposed into Irish law by the European Communities (Machinery) Regulations 2008).

These Regulations amend the European Communities (Lifts) Regulations 1998 by amending the definitions of “Authority” and “lift”, and insert a new definition for “carrier”. The reference to “Directive 95/16/EC” is updated to include a reference “as amended by Article 24 of Directive 2006/42/EC...”

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