



# Lift & Escalator Owner News

**Subject: Derogation from BEIS to the requirements of the Lifts regulations, Schedule 1, 3(2), 3(3) and 3(4) for lifts with refuge spaces not to BS EN 81-20**

## Background

LEIA's Technical Guidance Note No. 25rev1 "*Lifts Directive Annex 1, Essential Health and Safety Requirement (EHSR) 2.2; Guidance on application and on applying to BEIS for derogation*" ("the guidance") was published in 2016 on behalf of BEIS and the UK Notified Bodies (now Approved Bodies) for Lifts, with whom the guidance was produced and agreed.

The guidance set out the possibility that, for new lifts in existing buildings where the permanent refuge spaces defined in BS EN 81-20:2014/2020 clauses 5.2.5.7.1 and 5.2.5.8.1 can NOT be accommodated in either pit or headroom, it was acceptable to "comply with BS EN 81-21:2017 once published and harmonised" and that derogation was not required.

This has led to some confusion as EN 81-21 was finally published in 2018 and has not as yet been cited in the Official Journal of the EU. In the meantime the UK has left the EU and designated standards have replaced harmonised standards – BS EN 81-21:2018 is not listed on the BEIS website as a designated standard.

LEIA and the Approved Bodies for Lifts have, for some time, been requesting clarification from BEIS on how to revise the guidance. BEIS has now advised that it will require applications for derogation, for any installation where the requirement for refuge space cannot be met, irrespective of whether the installation requirements of EN 81-21 are met. BEIS has also indicated that it would work with us to amend the guidance. We will work with BEIS on this but in the meantime LEIA guidance is as follows.

## LEIA guidance on how to proceed for a new lift at the design stage

**For a new lift in a new building**, the published guidance is relevant and should be followed.

**For a new lift in an existing building**, the guidance should be read as follows:

- "BS EN 81-21:2017 Clause 5.6.2.4" should be read as "BS EN 81-21:2018, 5.5.2.4"
- "BS EN 81-21:2017 clause 5.8.2.4" should be read as "BS EN 81-21:2018, 5.7.2.4"
- Where the refuge spaces in BS EN 81-20:2014/2020, 5.2.5.7.1/ 5.2.5.8.1 cannot be accommodated, BS EN 81-21:2018 should be applied as minimum requirements. Derogation from BEIS should be obtained for all such new projects.
- The option allowed in the guidance to not apply for derogation if following BS EN 81-21 should be understood to be no longer be available for new projects.
- For new projects, we recommend that application is made at an early stage by the building owner/ designer to avoid delays and to establish feasibility prior to commencing work.
- Lift contractors should advise their Approved Body of the derogation and the technical measures they have used to create refuge spaces.