
STATUTORY INSTRUMENTS

2016 No. 1093

**CONSUMER PROTECTION
HEALTH AND SAFETY**

The Lifts Regulations 2016

Made - - - - *15th November 2016*
Laid before Parliament *16th November 2016*
Coming into force - - *8th December 2016*

The Secretary of State is a Minister designated ^{M1} for the purposes of section 2(2) of the European Communities Act ^{M2} in relation to measures relating to lifts and safety components for use in lifts.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A ^{M3} of Schedule 2 to, the European Communities Act 1972.

Marginal Citations

M1 S.I. 1996/1912.

M2 1972 c.68. Section 2(2) was amended by the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#), [section 27\(1\)](#), and by the [European Union \(Amendment\) Act 2008 \(c.7\)](#), [Schedule](#), Part 1.

M3 Paragraph 1A of Schedule 2 was inserted by section 28 of the [Legislative and Regulatory Reform Act 2006](#) and amended by the [European Union \(Amendment\) Act 2008](#), [Schedule](#), Part 1.

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Lifts Regulations 2016 and come into force on 8th December 2016 (“the commencement date”).

Interpretation **E+W+S**

2.—(1) In these Regulations—

the “1974 Act” means the Health and Safety at Work etc. Act 1974 ^{M4};

the “1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978 ^{M5};

the “1987 Act” means the Consumer Protection Act 1987 ^{M6};

the “1997 Regulations” means the Lifts Regulations 1997 ^{M7};

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[^{F3}“approved body” has the meaning given to it in regulation 51 (approved bodies);]

“authorised representative” means a person established in the [^{F4}United Kingdom] appointed in accordance with regulation 24(1);

“carrier” means the part of a lift by which persons or goods are supported in order to be lifted or lowered;

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“conformity assessment” means the process demonstrating whether the essential health and safety requirements relating to a lift or a safety component for lifts have been fulfilled;

“conformity assessment body” means a person that performs conformity assessment activities, including calibration, testing, certification and inspection;

[^{F7}“declaration of conformity” means a declaration of conformity required to be drawn up in accordance with—

- (a) in relation to lifts, regulation 8(1)(a) (declaration of conformity and UK marking: installer); and
- (b) in relation to safety components for lifts, regulation 17(1)(a) (declaration of conformity and UK marking: manufacturer);]

the “Department” means the Department for the Economy in Northern Ireland;

[^{F8}“designated standard” has the meaning given to it in regulation 2A;]

the “Directive” means Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to lifts and safety components for lifts (recast) ^{M8}[^{F9}(as it has effect immediately before IP completion day);

“distributor” means a person in the supply chain, other than the manufacturer or the importer, who makes a safety component for lifts available on the market;

“economic operator” means an installer, manufacturer, authorised representative, importer or distributor;

“enforcing authority” means any person enforcing these Regulations under regulation 61 (enforcement);

“essential health and safety requirements” means the requirements set out in Schedule 1 (essential health and safety requirements);

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[^{F13}“importer” means a person who—

- (a) is established in the United Kingdom and places a safety component for lifts from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places a safety component for lifts on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;]

“installer” means a person who takes responsibility for the design, manufacture, installation and placing on the market of a lift;

“lift” means a lifting appliance—

- (a) serving specific levels,
- (b) having a carrier moving along guides which are rigid and inclined at an angle of more than 15 degrees to the horizontal, or along a fixed course even where it does not move along rigid guides, and,
- (c) intended for the transport of—
 - (i) persons,
 - (ii) persons and goods, or
 - (iii) 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;

“make available on the market” means the supply of a safety component for lifts for distribution, consumption or use on the [^{F14}market of Great Britain] in the course of a commercial activity, whether in return for payment or free of charge, and related expressions must be construed accordingly;

“manufacturer” means a person who—

- (a) manufactures a safety component for lifts, or has such a safety component designed or manufactured; and
- (b) markets that safety component under that person's name or trade mark;

“market surveillance authority” has the meaning set out in regulation 60 (designation of market surveillance authority);

“model lift” means a representative lift whose technical documentation shows the way in which the essential health and safety requirements will be met for lifts that conform to the model lift defined by objective parameters and which uses identical safety components for lifts;

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“place on the market” means—

- (a) make a safety component for lifts available on the [^{F18}market of Great Britain] for the first time; or
- (b) supply a lift for use on the [^{F18}market of Great Britain] in the course of a commercial activity, whether in return for payment or free of charge,

and related expressions must be construed accordingly;

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93^{M9};

“recall” means—

- (a) in relation to a lift, any measure aimed at achieving the dismantling and safe disposal of a lift; and
- (b) in relation to a safety component for lifts, any measure aimed at achieving the return of a safety component for lifts that has already been made available to the installer or to the end-user,

and related expressions must be construed accordingly;

[^{F19}“relevant conformity assessment procedure” means—

- (a) in relation to lifts, a conformity assessment procedure referred to in regulation 47 (conformity assessment procedures for lifts); and
- (b) in relation to safety components for lifts, a conformity assessment procedure referred to in regulation 48 (conformity assessment procedures for safety components for lifts);]

“relevant economic operator” means, in relation to a lift or a safety component for lifts, an economic operator who has obligations in respect of that lift or safety component under Part 2;

“safety component for lifts” means a component for lifts listed in Schedule 3 ^{F20} ...;

“technical documentation” has the meaning set out—

- (a) in relation to lifts, in regulation 7(b) (technical documentation and conformity assessment); or
- (b) in relation to safety components for lifts, regulation 16(b) (technical documentation and conformity assessment);

“technical specification” means a document that prescribes technical requirements to be fulfilled by a lift or a safety component for lifts;

[^{F21}“UK marking” means the marking in the form set out in Annex 2 of RAMS;

“UK national accreditation body” means the body appointed by the Secretary of State in accordance with Article 4 of RAMS;]

“withdraw” means taking any measure aimed at preventing a safety component for lifts in the supply chain from being made available on the market and related expressions must be construed accordingly.

[^{F22}(1A) Schedules 11 to 19 reproduce the provisions of Annexes IV to XII to the Directive (respectively) with amendments to correct deficiencies in retained EU law.

(1B) A reference to any provision of Schedules 11 to 19 is a reference to the equivalent provision of the relevant Annex to the Directive as set out in the relevant Schedule.]

(2) In these Regulations, a reference to a lift or a safety component for lifts being “in conformity with Part 2” means that—

- (a) the lift or the safety component for lifts is in conformity with the essential health and safety requirements; and
- (b) each relevant economic operator has complied with the obligations imposed on them under Part 2 which must be satisfied at or before the time at which they place the lift on the market or make the safety component for lifts available on the market.

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(4) In these Regulations, “risk” means a risk to the health and safety of persons and, where appropriate, to the safety of property, except in—

- (a) regulation 11 (monitoring of lifts placed on the market);
- (b) regulation 21 (monitoring of safety components for lifts made available on the market);
- (c) regulation 31 (monitoring of safety components for lifts made available on the market); and
- (d) Schedule 1 (essential health and safety requirements).

^{F24}(5)

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 2\(2\)\(a\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F2** Words in [reg. 2\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 2\(2\)\(b\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Words in [reg. 2\(1\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 2\(2\)\(c\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F4** Words in [reg. 2\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), [reg. 1\(2\)](#), [Sch. 5 para. 1\(1\)\(c\)](#)
- F5** Words in [reg. 2\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 2\(2\)\(e\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F6** Words in [reg. 2\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 2\(2\)\(f\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F7** Words in [reg. 2\(1\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 2\(2\)\(g\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F8** Words in [reg. 2\(1\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 2\(2\)\(h\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F9** Words in [reg. 2\(1\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 2\(2\)\(i\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#) and [S.I. 2020/852](#), [regs. 2\(2\), 4\(2\)](#), [Sch. 1 para. 1\(k\)\(ii\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F10** Words in [reg. 2\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 2\(2\)\(j\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F11** Words in [reg. 2\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 2\(2\)\(k\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

- F12** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(2)(l)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(2)(m)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 14(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F14** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(2)(n)** (with Sch. 22 para. 37) (as substituted by S.I. 2020/676, regs. 1(1), **4(10)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F15** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(2)(o)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(2)(p)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(2)(q)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(2)(r)** (with Sch. 22 para. 37) (as substituted by S.I. 2020/676, regs. 1(1), **4(10)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F19** Words in reg. 2(1) substituted (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), **Sch. 6 para. 2** (with reg. 2)
- F20** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(2)(s)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(2)(t)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Reg. 2(1A)(1B) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(3)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Reg. 2(3) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(4)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Reg. 2(5) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 2(4)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M4** 1974 c.37.
- M5** S.I. 1978/1039 (N.I. 9).
- M6** 1987 c.43.
- M7** S.I. 1997/831, amended by S.I. 2004/693, 2005/831, 2008/1597, 2011/1043, 2014/469 and 2015/1630.
- M8** OJ L 96, 29.3.2014, p.251.
- M9** OJ L 218, 13.8.2008, p. 30.

Interpretation **N.I.**

2.—(1) In these Regulations—

the “1974 Act” means the Health and Safety at Work etc. Act 1974 ^{F207};

- the “1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978 ^{F208};
- the “1987 Act” means the Consumer Protection Act 1987 ^{F209};
- the “1997 Regulations” means the Lifts Regulations 1997 ^{F210};
- “accreditation” has the meaning set out in point 10 of Article 2 of RAMS;
- “accreditation certificate” means a certificate, issued by the United Kingdom Accreditation Service or a national accreditation body in another [^{F211}relevant state], attesting that a conformity assessment body meets the notified body requirements;
- “authorised representative” means a person established in the [^{F212}relevant market] appointed in accordance with regulation 24(1);
- “carrier” means the part of a lift by which persons or goods are supported in order to be lifted or lowered;
- “CE marking” means a marking which takes the form set out Annex II to RAMS;
- “competent national authority” means an authority having responsibility for enforcing the law of a [^{F213}relevant state] which implements the Directive;
- “conformity assessment” means the process demonstrating whether the essential health and safety requirements relating to a lift or a safety component for lifts have been fulfilled;
- “conformity assessment body” means a person that performs conformity assessment activities, including calibration, testing, certification and inspection;
- the “Department” means the Department for the Economy in Northern Ireland;
- the “Directive” means Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to lifts and safety components for lifts (recast) ^{F214};
- “distributor” means a person in the supply chain, other than the manufacturer or the importer, who makes a safety component for lifts available on the market;
- “economic operator” means an installer, manufacturer, authorised representative, importer or distributor;
- “enforcing authority” means any person enforcing these Regulations under regulation 61 (enforcement);
- “essential health and safety requirements” means the requirements set out in Schedule 1 (essential health and safety requirements);
- “European Commission” means the Commission of the European Union;
- “EU declaration of conformity” means a declaration of conformity required to be drawn up in accordance with—
- (a) in relation to lifts, regulation 8(1)(a) (EU declaration of conformity and CE marking); and
 - (b) in relation to safety components for lifts, regulation 17(1)(a) (EU declaration of conformity and CE marking);
- “harmonised standard” has the meaning set out in point 1(c) of Article 2 of Regulation (EU) 1025/2012 of the European Parliament and of the Council on European standardisation ^{F215} (as amended from time to time);
- “importer” means a person who—
- (a) is established in the [^{F216}relevant market]; and
 - (b) places a safety component for lifts from a [^{F217}market outside of the relevant market on the relevant] market;

“installer” means a person who takes responsibility for the design, manufacture, installation and placing on the market of a lift;

“lift” means a lifting appliance—

- (a) serving specific levels,
- (b) having a carrier moving along guides which are rigid and inclined at an angle of more than 15 degrees to the horizontal, or along a fixed course even where it does not move along rigid guides, and,
- (c) intended for the transport of—
 - (i) persons,
 - (ii) persons and goods, or
 - (iii) 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;

“make available on the market” means the supply of a safety component for lifts for distribution, consumption or use on the [^{F218}relevant] market in the course of a commercial activity, whether in return for payment or free of charge, and related expressions must be construed accordingly;

“manufacturer” means a person who—

- (a) manufactures a safety component for lifts, or has such a safety component designed or manufactured; and
- (b) markets that safety component under that person's name or trade mark;

“market surveillance authority” has the meaning set out in regulation 60 (designation of market surveillance authority);

“model lift” means a representative lift whose technical documentation shows the way in which the essential health and safety requirements will be met for lifts that conform to the model lift defined by objective parameters and which uses identical safety components for lifts;

“national accreditation body” has the meaning set out in point 11 of Article 2 of RAMS;

[^{F219}“NI Protocol obligation” means any obligation created or arising by or under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;]

“notified body requirements” means the requirements set out in Schedule 4 (notified body requirements);

“Official Journal” means the Official Journal of the European Union;

“place on the market” means—

- (a) make a safety component for lifts available on the [^{F220}relevant] market for the first time; or
- (b) supply a lift for use on the [^{F220}relevant] market in the course of a commercial activity, whether in return for payment or free of charge,

and related expressions must be construed accordingly;

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93^{F221};

“recall” means—

- (a) in relation to a lift, any measure aimed at achieving the dismantling and safe disposal of a lift; and
- (b) in relation to a safety component for lifts, any measure aimed at achieving the return of a safety component for lifts that has already been made available to the installer or to the end-user,

and related expressions must be construed accordingly;

[^{F222}“relevant conformity assessment procedure” means—

- (a) in relation to lifts, a conformity assessment procedure referred to in regulation 47 (conformity assessment procedures for lifts); and
- (b) in relation to safety components for lifts, a conformity assessment procedure referred to in regulation 48 (conformity assessment procedures for safety components for lifts);]

“relevant economic operator” means, in relation to a lift or a safety component for lifts, an economic operator who has obligations in respect of that lift or safety component under Part 2;

[^{F223}“relevant market” means—

- (a) the market in Northern Ireland; and
- (b) the market of the EEA states;

“relevant state” means—

- (a) Northern Ireland; or
- (b) any EEA state;]

“safety component for lifts” means a component for lifts listed in Schedule 3 (list of safety components for lifts referred to in Article 1(1) of the Directive);

“technical documentation” has the meaning set out—

- (a) in relation to lifts, in regulation 7(b) (technical documentation and conformity assessment); or
- (b) in relation to safety components for lifts, regulation 16(b) (technical documentation and conformity assessment);

“technical specification” means a document that prescribes technical requirements to be fulfilled by a lift or a safety component for lifts;

[^{F224}“UK(NI) indication” means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;]

“withdraw” means taking any measure aimed at preventing a safety component for lifts in the supply chain from being made available on the market and related expressions must be construed accordingly.

(2) In these Regulations, a reference to a lift or a safety component for lifts being “in conformity with Part 2” means that—

- (a) the lift or the safety component for lifts is in conformity with the essential health and safety requirements; and
- (b) each relevant economic operator has complied with the obligations imposed on them under Part 2 which must be satisfied at or before the time at which they place the lift on the market or make the safety component for lifts available on the market.

(3) In these Regulations (except in Part 4 (conformity assessment bodies) and Schedules 4 (notified body requirements) and 6 (operational obligations of notified bodies)), “notified body” means—

- (a) a notified body within the meaning set out in regulation 51 (notified bodies); or
 - (b) a notified body under the laws of another [^{F225}relevant state] which implements the Directive.
- (4) In these Regulations, “risk” means a risk to the health and safety of persons and, where appropriate, to the safety of property, except in—
- (a) regulation 11 (monitoring of lifts placed on the market);
 - (b) regulation 21 (monitoring of safety components for lifts made available on the market);
 - (c) regulation 31 (monitoring of safety components for lifts made available on the market); and
 - (d) Schedule 1 (essential health and safety requirements).
- ^{F226}(5)

Extent Information

- E60** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F207** 1974 c.37.
- F208** S.I. 1978/1039 (N.I. 9).
- F209** 1987 c.43.
- F210** S.I. 1997/831, amended by S.I. 2004/693, 2005/831, 2008/1597, 2011/1043, 2014/469 and 2015/1630.
- F211** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 2(1)(a)(i)**
- F212** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 2(1)(b)**
- F213** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 2(1)(a)(ii)**
- F214** OJ L 96, 29.3.2014, p.251.
- F215** OJ L 316, 14.11.2012, p.12.
- F216** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 2(1)(c)(i)**
- F217** Words in reg. 2(1) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 2(1)(c)(ii)**
- F218** Word in reg. 2(1) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 2(1)(d)(i)**
- F219** Words in reg. 2(1) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 2(1)(e)**
- F220** Word in reg. 2(1) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 2(1)(d)(ii)**
- F221** OJ L 218, 13.8.2008, p. 30.

- F222** Words in reg. 2(1) substituted (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), **Sch. 6 para. 2** (with reg. 2)
- F223** Words in reg. 2(1) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 2(1)(f)**
- F224** Words in reg. 2(1) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(2), **Sch. 2 para. 9(2)**
- F225** Words in reg. 2(3)(b) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 2(2)**
- F226** Reg. 2(5) omitted (N.I.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 2(3)**

[^{F25}Designated standard

2A.—(1) Subject to paragraphs (6) and (7), in these Regulations a “designated standard” means a technical specification which is—

- (a) adopted by a recognised standardisation body [^{F26}or an international standardising body], for repeated or continuous application, with which compliance is not compulsory; and
- (b) designated by the Secretary of State by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

(2) For the purposes of paragraph (1), a “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

- (a) the characteristics required of a product, including—
 - (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and
 - (ii) the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures; and
- (b) production methods and processes relating to the product, where these have an effect on the characteristics of the product.

(3) For the purposes of this regulation a “recognised standardisation body” means any one of the following organisations—

- (a) the European Committee for Standardisation (CEN);
- (b) the European Committee for Electrotechnical Standardisation (Cenelec);
- (c) the European Telecommunications Standards Institute (ETSI);
- (d) the British Standards Institution (BSI).

[
^{F27}(3A) In this regulation “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time).]

(4) When considering whether the manner of publication of a reference is appropriate in accordance with paragraph (1)(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard.

(5) Before publishing the reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical specification is consistent with [^{F28}such] technical specifications adopted by the other recognised standardisation bodies [^{F29}or by international standardising bodies as the Secretary of State considers to be relevant.]

(6) The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph (1)(b).

(7) Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.

(8) In this regulation, a reference to a “product” is a reference to a lift or a safety component for lifts to which these Regulations apply.

(9) The Secretary of State may by regulations amend paragraph (3) to reflect any changes in the name or structure of the recognised standardisation bodies.

(10) Regulations made under paragraph (9) are to be made by statutory instrument.

(11) A statutory instrument containing regulations made under paragraph (9) is subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F25** Reg. 2A inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 3** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in reg. 2A(1)(a) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 11(a)**; S.I. 2020/1662, reg. 2(ee)
- F27** Reg. 2A(3A) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 11(b)**; S.I. 2020/1662, reg. 2(ee)
- F28** Word in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 11(c)(i)**; S.I. 2020/1662, reg. 2(ee)
- F29** Words in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 11(c)(ii)**; S.I. 2020/1662, reg. 2(ee)

Scope and application

3.—(1) Subject to paragraph (2), these Regulations apply to—

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

(2) These Regulations do not apply to—

- (a) lifts and safety components for lifts which have been placed on the market [^{F30}before] the commencement date;
- (b) the lifts specified in Schedule 2 (excluded lifts); and
- (c) safety components for the lifts referred to in paragraph (b).

(3) Nothing in these Regulations regarding the installation of a lift affects the application of the Construction Products Regulations 2013 ^{M10}.

Textual Amendments

- F30** Word in reg. 3(2)(a) substituted (8.12.2016) by [The Lifts \(Amendment\) Regulations 2016](#) (S.I. 2016/1186), regs. 1, 2

Marginal Citations

M10 S.I. 2013/1387.

Exception for trade fairs, exhibitions or demonstrations

4. Nothing in these Regulations prevents the showing of a lift or a safety component for lifts, which is not in conformity with Part 2, at a trade fair, exhibition or demonstration, provided that a visible sign clearly indicates that the lift or the safety component for lifts—

- (a) is not in conformity with Part 2; and
- (b) will not be placed on the market or made available on the market until it is brought into conformity with Part 2.

Lifts where risks are wholly or partly covered by other ^[F31]enactments] **E+W+S**

5. These Regulations do not apply to a lift or a safety component for lifts insofar as and to the extent that the essential health and safety requirements relate to risks wholly or partly covered by other specific ^[F32]enactments] applicable to that lift or safety component.

Extent Information

E2 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F31** Word in [reg. 5](#) heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 22 para. 4](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F32** Word in [reg. 5](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 22 para. 4](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Lifts where risks are wholly or partly covered by other ^[F227]NI Protocol obligation] **N.I.**

5. These Regulations do not apply to a lift or a safety component for lifts insofar as and to the extent that the essential health and safety requirements relate to risks wholly or partly covered by other specific ^[F228]NI Protocol obligation] applicable to that lift or safety component.

Extent Information

E61 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F227** Words in [reg. 5](#) heading substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 3\(1\)](#)
- F228** Words in [reg. 5](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 3\(1\)](#)

PART 2

Obligations of economic operators

Installers

Design, manufacture, installation and testing in accordance with essential health and safety requirements

6. Before placing a lift on the market, an installer must ensure that it has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements.

Technical documentation and conformity assessment **E+W+S**

7. Before placing a lift on the market, an installer must—
- (a) have a relevant conformity assessment procedure carried out; and
 - (b) draw up the technical documentation referred to—
 - (i) for a lift in respect of which the conformity assessment procedure in regulation 47(1) (a) is being carried out, in point 3 of Part B of Module B in [^{F33}Schedule 11];
 - (ii) for a lift in respect of which the conformity assessment procedure in regulation 47(1) (b) or 47(1)(d) is being carried out, in point 3.1(d) of Module H1 in [^{F34}Schedule 18];
 - (iii) for a lift in respect of which the conformity assessment procedure in regulation 47(1) (c) is being carried out, in point 3 of Module G in [^{F35}Schedule 15].

Extent Information

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F33** Words in reg. 7(b)(i) substituted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 22 para. 5(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F34** Words in reg. 7(b)(ii) substituted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 22 para. 5(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in reg. 7(b)(iii) substituted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 22 para. 5(c)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Technical documentation and conformity assessment **N.I.**

7. Before placing a lift on the market, an installer must—
- (a) have a relevant conformity assessment procedure carried out; and
 - (b) draw up the technical documentation referred to—
 - (i) for a lift in respect of which the conformity assessment procedure in regulation 47(1) (a) is being carried out, in point 3 of Part B of Module B in Annex IV to the Directive (as amended from time to time);

- (ii) for a lift in respect of which the conformity assessment procedure in regulation 47(1)(b) or 47(1)(d) is being carried out, in point 3.1(d) of Module H1 in Annex XI to the Directive (as amended from time to time);
- (iii) for a lift in respect of which the conformity assessment procedure in regulation 47(1)(c) is being carried out, in point 3 of Module G in Annex VIII to the Directive (as amended from time to time).

Extent Information

E62 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F36}Declaration] of conformity and [^{F37}UK] marking **E+W+S**

8.—(1) Where the conformity of a lift with the essential health and safety requirements has been demonstrated by a relevant conformity assessment procedure, before placing the lift on the market, the installer must—

- (a) draw up a declaration of conformity in accordance with regulation 49 (^{F38}... declaration of conformity);
 - (b) ensure that the declaration of conformity accompanies the lift; and
 - (c) affix the [^{F39}UK] marking in accordance with regulation 50 ([^{F39}UK] marking).
- (2) The installer must keep the ^{F40}... declaration of conformity up-to-date.

[^{F41}(3) Where a lift is subject to more than one enactment requiring the drawing up of a declaration of conformity, the installer must draw up a single declaration of conformity which identifies each enactment by its title.]

Extent Information

E4 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F36** Word in reg. 8 heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 6(2)(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F37** Word in reg. 8 heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 6(2)(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F38** Word in reg. 8(1)(a) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 6(3)(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F39** Word in reg. 8(1)(c) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 6(3)(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F40** Word in reg. 8(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 6(4)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F41 Reg. 8(3) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 6(5)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

EU declaration of conformity and CE marking **N.I.**

8.—(1) Where the conformity of a lift with the essential health and safety requirements has been demonstrated by a relevant conformity assessment procedure, before placing the lift on the market, the installer must—

- (a) draw up a declaration of conformity in accordance with regulation 49 (EU declaration of conformity);
 - (b) ensure that the declaration of conformity accompanies the lift; and
 - (c) affix the CE marking in accordance with regulation 50 (CE marking).
- (2) The installer must keep the EU declaration of conformity up-to-date.

(3) Where a lift is subject to more than one [^{F229}NI Protocol obligation] requiring a declaration of conformity to be drawn up, the installer must draw up a single declaration of conformity, which—

- (a) identifies the [^{F230}relevant] EU instruments; and
- (b) includes references to the publication of those EU instruments in the Official Journal.

Extent Information

E63 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F229** Words in [reg. 8\(3\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 3(2)(a)**
- F230** Word in [reg. 8\(3\)\(a\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 3(2)(b)**

Retention of technical documentation and ^{F42}... declaration of conformity **E+W+S**

9. An installer must keep the technical documentation, the ^{F43}... declaration of conformity and, where applicable, any approval decision, drawn up in respect of a lift for a period of 10 years beginning on the day on which the lift is placed on the market.

Extent Information

E5 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F42** Word in [reg. 9](#) heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 7** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F43 Word in reg. 9 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 7** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Retention of technical documentation and EU declaration of conformity **N.I.**

9. An installer must keep the technical documentation, the EU declaration of conformity and, where applicable, any approval decision, drawn up in respect of a lift for a period of 10 years beginning on the day on which the lift is placed on the market.

Extent Information

E64 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Labelling and instructions **E+W+S**

10.—(1) Before placing a lift on the market, an installer must—

(a) ensure that it is labelled with—

- (i) the name, registered trade name or registered trade mark of the installer;
- (ii) a single postal address at which the installer can be contacted; and
- (iii) the type, batch or serial number of the lift or other element allowing the lift to be identified; and

(b) ensure that it is accompanied by the instructions referred to in ^{F44}paragraph 7(2) of Schedule 1].

^{F45}(2) the information referred to in paragraph (1) must be clear, legible and in easily understandable English.]

^{F46}(3)

Extent Information

E6 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F44 Words in reg. 10(1)(b) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 6 para. 3** (with reg. 2)

F45 Reg. 10(2) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 8(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F46 Reg. 10(3) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 8(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Labelling and instructions **N.I.**

10.—(1) Before placing a lift on the market, an installer must—

(a) ensure that it is labelled with—

- (i) the name, registered trade name or registered trade mark of the installer;
 - (ii) a single postal address at which the installer can be contacted; and
 - (iii) the type, batch or serial number of the lift or other element allowing the lift to be identified; and
- (b) ensure that it is accompanied by the instructions referred to in [F231 paragraph 7(2) of Schedule 1].
- (2) The information referred to in paragraph (1) above must be—
- (a) in the case of the information referred to in paragraph (1)(a), in a language that can be easily understood by the end-users and the competent national authority in the [F232 relevant state] in which the lift is to be placed on the market;
 - (b) in the case of the information referred to in paragraph 1(b), in a language which can be easily understood by the end-users in the [F232 relevant state] in which the lift is to be placed on the market; and
 - (c) clear and understandable.
- (3) Where the lift is to be placed on the market in [F233 Northern Ireland] the language which can be easily understood by end-users is English.

Extent Information

E65 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F231 Words in reg. 10(1)(b) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018](#) (S.I. 2018/389), reg. 1(1), **Sch. 6 para. 3** (with reg. 2)

F232 Words in [reg. 10](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 3(3)(a)**

F233 Words in [reg. 10](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 3(3)(b)**

Monitoring of lifts placed on the market

11.—(1) When appropriate, having regard to the risks to the health and safety of end-users presented by a lift, the installer must investigate complaints that lifts installed by it are not in conformity with Part 2.

(2) An installer must keep a register and promptly make entries in that register of any—

- (i) complaints; and
- (ii) lifts that are not in conformity with Part 2.

(3) An installer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Duty to take action in respect of lifts placed on the market which are considered not to be in conformity **E+W+S**

12.—(1) An installer who considers, or has reason to believe, that a lift which that installer has placed on the market is not in conformity with Part 2, must immediately take the corrective measures necessary to bring that lift into conformity.

(2) Where the lift presents a risk, the installer must immediately inform the market surveillance authority ^{F47}... of the risk, giving details of—

- (a) the respect in which the lift is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E7 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F47 Words in [reg. 12\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 22 para. 9](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Duty to take action in respect of lifts placed on the market which are considered not to be in conformity **N.I.**

12.—(1) An installer who considers, or has reason to believe, that a lift which that installer has placed on the market is not in conformity with Part 2, must immediately take the corrective measures necessary to bring that lift into conformity.

(2) Where the lift presents a risk, the installer must immediately inform the market surveillance authority, and the competent national authorities of any other [^{F234}relevant state] in which the installer placed the lift on the market, of the risk, giving details of—

- (a) the respect in which the lift is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E66 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F234 Words in [reg. 12\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 3\(4\)](#)

Provision of information and cooperation

13.—(1) Following a reasoned request from the enforcing authority, and within such period as the enforcing authority may specify, an installer must provide the authority with all the information and documentation necessary to demonstrate that a lift is in conformity with Part 2—

- (a) in paper or electronic form; and

- (b) in a language that can be easily understood by the enforcing authority.
- (2) An installer must, at the request of the enforcing authority, cooperate with the authority on any action taken to—
 - (a) evaluate a lift in accordance with regulation 64 (evaluation of lifts or safety components for lifts presenting a risk); or
 - (b) eliminate the risks posed by a lift which the installer has placed on the market.

Specific duties relating to buildings or constructions in which lifts are installed

14. The person responsible for work on a building or construction where a lift is to be installed and the installer must—

- (a) provide each other with the necessary information, and
- (b) take the appropriate steps,

in order to ensure the proper operation and safe use of the lift, in particular they must take all necessary measures to ensure that shafts intended for lifts do not contain any piping or wiring or fittings other than that necessary for the operation and safety of the lift.

Manufacturers

Design and manufacture in accordance with essential health and safety requirements

15. Before placing a safety component for lifts on the market, a manufacturer must ensure that it has been designed and manufactured in accordance with the essential health and safety requirements.

Technical documentation and conformity assessment **E+W+S**

16. Before placing a safety component for lifts on the market, a manufacturer must—

- (a) have a relevant conformity assessment procedure carried out; and
- (b) draw up the technical documentation referred to—
 - (i) for a safety component for lifts in respect of which the conformity assessment procedure in regulation 48(a) or 48(b) is being carried out, in point 3 of Part A of Module B in [^{F48}Schedule 11];
 - (ii) for a safety component for lifts in respect of which the conformity assessment procedure in regulation 48(c) is being carried out, in point 3.1(d) of Module H in [^{F49}Schedule 14].

Extent Information

E8 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F48 Words in [reg. 16\(b\)\(i\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 22 para. 10\(a\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F49 Words in [reg. 16\(b\)\(ii\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 22 para. 10\(b\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Technical documentation and conformity assessment **N.I.**

16. Before placing a safety component for lifts on the market, a manufacturer must—
- (a) have a relevant conformity assessment procedure carried out; and
 - (b) draw up the technical documentation referred to—
 - (i) for a safety component for lifts in respect of which the conformity assessment procedure in regulation 48(a) or 48(b) is being carried out, in point 3 of Part A of Module B in Annex IV to the Directive (as amended from time to time);
 - (ii) for a safety component for lifts in respect of which the conformity assessment procedure in regulation 48(c) is being carried out, in point 3.1(d) of Module H in Annex VII to the Directive (as amended from time to time).

Extent Information

E67 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F50}Declaration] of conformity and [^{F51}UK] marking **E+W+S**

17.—(1) Where the conformity of a safety component for lifts with the essential health and safety requirements has been demonstrated by a relevant conformity assessment procedure, before placing the safety component for lifts on the market, the manufacturer must—

- (a) draw up a declaration of conformity in accordance with regulation 49 (^{F52}...declaration of conformity);
 - (b) ensure that it accompanies the safety component for lifts; and
 - (c) affix the [^{F53}UK] marking in accordance with regulation 50 ([^{F53}UK] marking).
- (2) The manufacturer must keep the ^{F54}... declaration of conformity up-to-date.

[^{F55}(3) Where a safety component for lifts is subject to more than one enactment requiring the drawing up of a declaration of conformity, the manufacturer must draw up a single declaration of conformity which identifies each enactment by its title.]

Extent Information

E9 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F50** Word in reg. 17 heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 11(2)(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F51** Word in reg. 17 heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 11(2)(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F52** Word in reg. 17(1)(a) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 11(3)(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F53** Word in reg. 17(1)(c) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 11(3)(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

- F54** Word in reg. 17(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 11(4)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F55** Reg. 17(3) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 11(5)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

EU declaration of conformity and CE marking **N.I.**

17.—(1) Where the conformity of a safety component for lifts with the essential health and safety requirements has been demonstrated by a relevant conformity assessment procedure, before placing the safety component for lifts on the market, the manufacturer must—

- (a) draw up a declaration of conformity in accordance with regulation 49 (EU declaration of conformity);
 - (b) ensure that it accompanies the safety component for lifts; and
 - (c) affix the CE marking in accordance with regulation 50 (CE marking).
- (2) The manufacturer must keep the EU declaration of conformity up-to-date.

(3) Where a safety component for lifts is subject to more than one [^{F235}N.I Protocol obligation] requiring a declaration of conformity to be drawn up, the manufacturer must draw up a single declaration of conformity, which—

- (a) identifies the EU instruments; and
- (b) includes references to the publication of those [^{F236}relevant] EU instruments in the Official Journal.

Extent Information

- E68** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F235** Words in reg. 17(3) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 3(5)(a)**
- F236** Word in reg. 17(3)(b) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 3(5)(b)**

Retention of technical documentation and ^{F56}... declaration of conformity **E+W+S**

18. A manufacturer must keep the technical documentation, the ^{F57}... declaration of conformity and, where appropriate, any approval decision, drawn up in respect of a safety component for lifts for a period of 10 years beginning on the day on which the safety component for lifts is placed on the market.

Extent Information

- E10** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F56** Word in reg. 18 heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 12** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F57** Word in reg. 18 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 12** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Retention of technical documentation and EU declaration of conformity **N.I.**

18. A manufacturer must keep the technical documentation, the EU declaration of conformity and, where appropriate, any approval decision, drawn up in respect of a safety component for lifts for a period of 10 years beginning on the day on which the safety component for lifts is placed on the market.

Extent Information

- E69** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Labelling and instructions **E+W+S**

- 19.—(1) Before placing a safety component for lifts on the market, a manufacturer must—
- (a) ensure that it is labelled with—
 - (i) the name, registered trade name or registered trade mark of the manufacturer;
 - (ii) a single postal address at which the manufacturer can be contacted; and
 - (iii) the type, batch or serial number of the safety component for lifts or other element allowing the safety component to be identified;
 - (b) ensure that it is accompanied by the instructions referred to in [^{F58}paragraph 7(1) of Schedule 1].

[^{F59}(2) The information referred to in paragraph (1) must be clear, legible and in easily understandable English.]

(3) Where the size or nature of the safety component for lifts does not allow the information referred to in paragraph (1)(a) to be indicated on the safety component for lifts, that information must be provided on the label referred to in regulation 50(2).

^{F60}(4)

Extent Information

- E11** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F58** Words in reg. 19(1)(b) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018](#) (S.I. 2018/389), reg. 1(1), **Sch. 6 para. 4** (with reg. 2)
- F59** Reg. 19(2) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 13(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F60 Reg. 19(4) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 13(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Labelling and instructions **N.I.**

- 19.**—(1) Before placing a safety component for lifts on the market, a manufacturer must—
- (a) ensure that it is labelled with—
 - (i) the name, registered trade name or registered trade mark of the manufacturer;
 - (ii) a single postal address at which the manufacturer can be contacted; and
 - (iii) the type, batch or serial number of the safety component for lifts or other element allowing the safety component to be identified;
 - (b) ensure that it is accompanied by the instructions referred to in [^{F237}paragraph 7(1) of Schedule 1].
- (2) The information referred to in paragraph (1) above must be—
- (a) in the case of the information referred to in paragraph (1)(a), in a language that can be easily understood by the end-users and the competent national authority in the [^{F238}relevant state] in which the safety component for lifts is to be made available to end-users;
 - (b) in the case of the information referred to in paragraph 1(b), in a language which can be easily understood by the end-users in the [^{F238}relevant state] in which the safety component for lifts is to be made available to end-users; and
 - (c) clear and understandable.
- (3) Where the size or nature of the safety component for lifts does not allow the information referred to in paragraph (1)(a) to be indicated on the safety component for lifts, that information must be provided on the label referred to in regulation 50(2).
- (4) Where the safety component for lifts is to be made available to end-users in [^{F239}Northern Ireland] the language which can be easily understood by end-users is English.

Extent Information

E70 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F237 Words in reg. 19(1)(b) substituted (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), **Sch. 6 para. 4** (with reg. 2)

F238 Words in reg. 19 substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 3(6)(a)**

F239 Words in reg. 19(4) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 3(6)(b)**

Compliance procedures for series production **E+W+S**

20.—(1) A manufacturer of safety components for lifts which are manufactured by series production must ensure that, before placing the safety component on the market, procedures are in place to ensure that any safety components so manufactured will be in conformity with Part 2.

(2) In doing so, the manufacturer must take adequate account of—

- (a) any change in safety component for lifts design or characteristics; and
- (b) any change in a [^{F61}designated] standard or in another technical specification by reference to which the ^{F62}... declaration of conformity was drawn up.

Extent Information

E12 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F61** Word in reg. 20(2)(b) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 14(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F62** Word in reg. 20(2)(b) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 14(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Compliance procedures for series production **N.I.**

20.—(1) A manufacturer of safety components for lifts which are manufactured by series production must ensure that, before placing the safety component on the market, procedures are in place to ensure that any safety components so manufactured will be in conformity with Part 2.

(2) In doing so, the manufacturer must take adequate account of—

- (a) any change in safety component for lifts design or characteristics; and
- (b) any change in a harmonised standard or in another technical specification by reference to which the EU declaration of conformity was drawn up.

Extent Information

E71 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Monitoring of safety components for lifts made available on the market

21.—(1) When appropriate, having regard to the risks to the health and safety of end-users presented by a safety component for lifts, the manufacturer must—

- (a) carry out sample testing of safety components for lifts manufactured by it which are made available on the market;
- (b) investigate complaints that safety components for lifts manufactured by it are not in conformity with Part 2;
- (c) keep distributors and installers informed of actions carried out under sub-paragraphs (a) and (b).

- (2) A manufacturer must keep a register and promptly make entries in that register of any—
- (i) complaints;
 - (ii) safety components for lifts that are not in conformity with Part 2; and
 - (iii) safety component for lifts recalls.
- (3) A manufacturer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Duty to take action in respect of safety components for lifts placed on the market which are considered not to be in conformity E+W+S

22.—(1) A manufacturer who considers, or has reason to believe, that a safety component for lifts which that manufacturer has placed on the market is not in conformity with Part 2, must immediately take the corrective measures necessary to—

- (a) bring the safety component for lifts into conformity;
- (b) withdraw the safety component for lifts; or
- (c) recall the safety component for lifts.

(2) Where the safety component for lifts presents a risk, the manufacturer must immediately inform the market surveillance authority^{F63} ... of the risk, giving details of—

- (a) the respect in which the safety components for lifts is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E13 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F63 Words in [reg. 22\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 22 para. 15](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Duty to take action in respect of safety components for lifts placed on the market which are considered not to be in conformity N.I.

22.—(1) A manufacturer who considers, or has reason to believe, that a safety component for lifts which that manufacturer has placed on the market is not in conformity with Part 2, must immediately take the corrective measures necessary to—

- (a) bring the safety component for lifts into conformity;
- (b) withdraw the safety component for lifts; or
- (c) recall the safety component for lifts.

(2) Where the safety component for lifts presents a risk, the manufacturer must immediately inform the market surveillance authority, and the competent national authorities of any other [^{F240}relevant state] in which the manufacturer made the safety component for lifts available on the market, of the risk, giving details of—

- (a) the respect in which the safety components for lifts is considered not to be in conformity with Part 2; and

- (b) any corrective measures taken.

Extent Information

E72 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F240 Words in [reg. 22](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 3\(7\)](#)

Provision of information and cooperation

23.—(1) Following a reasoned request from the enforcing authority, and within such period as the enforcing authority may specify, a manufacturer must provide the authority with all the information and documentation necessary to demonstrate that a safety component for lifts is in conformity with Part 2—

- (a) in paper or electronic form; and
- (b) in a language that can be easily understood by the enforcing authority.

(2) A manufacturer must, at the request of the enforcing authority, cooperate with the authority on any action taken to—

- (a) evaluate a safety component for lifts in accordance with regulation 64 (evaluation of lifts or safety components for lifts presenting a risk); or
- (b) eliminate the risks posed by a safety component for lifts which the manufacturer has placed on the market.

Authorised representatives

Appointment of authorised representatives **E+W+S**

24.—(1) An installer or a manufacturer may, by written mandate, appoint a person [^{F64} established in the United Kingdom] as their authorised representative to perform specified tasks on the installer or the manufacturer's behalf.

(2) The mandate must allow the authorised representative to do at least the following—

- (a) in relation to lifts covered by the mandate, perform the installer's obligations under—
 - (i) regulation 9 (retention of technical documentation and ^{F65}... declaration of conformity); and
 - (ii) regulation 13 (provision of information and cooperation);
- (b) in relation to safety components for lifts covered by the mandate, perform the manufacturer's obligations under—
 - (i) regulation 18 (retention of technical documentation and ^{F65}... declaration of conformity); and
 - (ii) regulation 23 (provision of information and cooperation).

(3) An installer or manufacturer may not be appointed to perform the installer's or manufacturer's obligations—

- (a) in relation to lifts, under regulation 6 (design, manufacture, installation and testing in accordance with essential health and safety requirements), regulation 7 (technical

documentation and conformity assessment) or regulation 8 (^{F65}... declaration of conformity and [^{F66}UK] marking);

- (b) in relation to safety components for lifts, under regulation 15 (design and manufacture in accordance with essential health and safety requirements), regulation 16 (technical documentation and conformity assessment) or regulation 17 (^{F65}... declaration of conformity and [^{F66}UK] marking).

(4) An authorised representative must comply with all the duties imposed on the installer or the manufacturer in relation to each obligation under these Regulations that the authorised representative is appointed by the installer or the manufacturer to perform.

(5) As far as those duties are concerned, as well as the penalties for failure to comply with those duties, references in these Regulations (except in this regulation) to the installer or to the manufacturer are to be taken as including a reference to the authorised representative.

(6) An installer or a manufacturer who has appointed an authorised representative to perform on their behalf an obligation under these Regulations remains responsible for the proper performance of that obligation.

Extent Information

- E14** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F64** Words in [reg. 24\(1\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 16\(a\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F65** Word in [reg. 24](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 16\(b\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F66** Word in [reg. 24](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 16\(c\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Appointment of authorised representatives **N.I.**

24.—(1) An installer or a manufacturer may, by written mandate, appoint a person as their authorised representative to perform specified tasks on the installer or the manufacturer's behalf.

(2) The mandate must allow the authorised representative to do at least the following—

- (a) in relation to lifts covered by the mandate, perform the installer's obligations under—
- (i) regulation 9 (retention of technical documentation and EU declaration of conformity); and
 - (ii) regulation 13 (provision of information and cooperation);
- (b) in relation to safety components for lifts covered by the mandate, perform the manufacturer's obligations under—
- (i) regulation 18 (retention of technical documentation and EU declaration of conformity); and
 - (ii) regulation 23 (provision of information and cooperation).

(3) An installer or manufacturer may not be appointed to perform the installer's or manufacturer's obligations—

- (a) in relation to lifts, under regulation 6 (design, manufacture, installation and testing in accordance with essential health and safety requirements), regulation 7 (technical documentation and conformity assessment) or regulation 8 (EU declaration of conformity and CE marking);
- (b) in relation to safety components for lifts, under regulation 15 (design and manufacture in accordance with essential health and safety requirements), regulation 16 (technical documentation and conformity assessment) or regulation 17 (EU declaration of conformity and CE marking).

(4) An authorised representative must comply with all the duties imposed on the installer or the manufacturer in relation to each obligation under these Regulations that the authorised representative is appointed by the installer or the manufacturer to perform.

(5) As far as those duties are concerned, as well as the penalties for failure to comply with those duties, references in these Regulations (except in this regulation) to the installer or to the manufacturer are to be taken as including a reference to the authorised representative.

(6) An installer or a manufacturer who has appointed an authorised representative to perform on their behalf an obligation under these Regulations remains responsible for the proper performance of that obligation.

Extent Information

E73 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Importers

Prohibition on placing on the market a safety component for lifts which is not in conformity with the essential health and safety requirements

25. An importer must not place a safety component for lifts on the market unless it is in conformity with the essential health and safety requirements.

Requirements which must be satisfied before an importer places a safety component for lifts on the market **E+W+S**

26.—(1) Before placing a safety component for lifts on the market, an importer must ensure that—

- (a) a relevant conformity assessment procedure has been carried out by the manufacturer;
- (b) the manufacturer has drawn up the technical documentation;
- (c) the safety component for lifts—
 - (i) bears the [^{F67}UK] marking; and
 - (ii) is accompanied by the ^{F68}... declaration of conformity and any required labels; and
- (d) the manufacturer has complied with the requirement in regulation 19 (labelling and instructions).

(2) In paragraph 1(c)(ii), “required labels” means any labels that are required to be attached to the safety component for lifts pursuant to regulation 19(3).

Extent Information

- E15** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F67** Word in reg. 26(1)(c)(i) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 22 para. 17\(a\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F68** Word in reg. 26(1)(c)(ii) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 22 para. 17\(b\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Requirements which must be satisfied before an importer places a safety component for lifts on the market **N.I.**

26.—(1) Before placing a safety component for lifts on the market, an importer must ensure that—

- (a) a relevant conformity assessment procedure has been carried out by the manufacturer;
- (b) the manufacturer has drawn up the technical documentation;
- (c) the safety component for lifts—
 - (i) bears the CE marking; and
 - (ii) is accompanied by the EU declaration of conformity and any required labels; and
- (d) the manufacturer has complied with the requirement in regulation 19 (labelling and instructions).

(2) In paragraph 1(c)(ii), “required labels” means any labels that are required to be attached to the safety component for lifts pursuant to regulation 19(3).

Extent Information

- E74** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Prohibition on placing on the market safety components for lifts considered not to be in conformity with the essential health and safety requirements

27.—(1) Where an importer considers, or has reason to believe, that a safety component for lifts is not in conformity with the essential health and safety requirements, the importer must not place the safety component for lifts on the market.

(2) Where the safety component for lifts presents a risk, the importer must inform the manufacturer and the market surveillance authority of that risk.

Information identifying importer **E+W+S**

28.—(1) Before placing a safety component for lifts on the market, an importer must indicate on the safety component for lifts—

- (a) the name, registered trade name or registered trade mark of the importer; and
- (b) a postal address at which the importer can be contacted.

(2) The information specified in paragraph (1) must be in a language which can be easily understood by end-users and the [^{F69}market surveillance authority].

[^{F70}(3) Paragraph (1) does not apply where—

(a) either—

(i) it is not possible to set out the information specified in paragraph (1) on the safety component for lifts; or

(ii) the importer has imported the safety component from an EEA state or Switzerland and places it on the market within the period of [^{F71}seven years] beginning with IP completion day; and

(b) before placing the safety component for lifts on the market, the importer sets out the information specified in paragraph (1)—

(i) on the packaging; or

(ii) in a document accompanying the safety component for lifts.]

Extent Information

F16 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F69 Words in [reg. 28\(2\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 22 para. 18\(a\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F70 [Reg. 28\(3\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 22 para. 18\(b\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [S.I. 2019/1246](#), [regs. 1\(3\), 5](#); [S.I. 2020/852](#), [regs. 2\(2\), 4\(2\)](#), [Sch. 1 para. 1\(k\)\(iii\)](#)); and [S.I. 2020/1460](#), [reg. 1\(4\)](#), [Sch. 3 para. 2\(1\)\(g\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F71 Words in [reg. 28\(3\)\(a\)\(ii\)](#) substituted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), [regs. 1\(1\), 4](#), [Sch. 3 \(i\)](#)

Information identifying importer **N.I.**

28.—(1) Before placing a safety component for lifts on the market, an importer must indicate on the safety component for lifts—

(a) the name, registered trade name or registered trade mark of the importer; and

(b) a postal address at which the importer can be contacted.

(2) The information specified in paragraph (1) must be in a language which can be easily understood by end-users and the competent national authority in the [^{F241}relevant state] in which the safety component for lift is to be made available to such end-users.

(3) Where it is not possible to indicate the information specified in paragraph (1) on the safety component for lifts, the importer must indicate that information—

(a) on the packaging; or

(b) in a document accompanying the safety component for lifts.

Extent Information

E75 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F241 Words in [reg. 28](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 3\(7\)](#)

Instructions **E+W+S**

29.—^{F72}(1) When placing a safety component for lifts on the market, an importer must ensure that it is accompanied by the instructions referred to in paragraph 7 of Schedule 1 and that they are clear, legible and in easily understandable English.]

^{F73}(2)

Extent Information

E17 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F72 [Reg. 29\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 22 para. 19\(a\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

F73 [Reg. 29\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 22 para. 19\(b\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Instructions **N.I.**

29.—(1) When placing a safety component for lifts on the market, an importer must ensure that it is accompanied by the instructions referred to in [^{F242}paragraph 7 (1) of Schedule 1] in a language which can be easily understood by end-users in the [^{F243}relevant state] in which the safety component for lifts is to be made available to such end-users.

(2) Where the safety component for lifts is being made available to end-users in [^{F244}Northern Ireland], the language which can be easily understood by end-users is English.

Extent Information

E76 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F242 Words in [reg. 29\(1\)](#) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), [reg. 1\(1\)](#), [Sch. 6 para. 5](#) (with [reg. 2](#))

- F243** Words in reg. 29 substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 3(8)(a)**
- F244** Words in reg. 29 substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 3(8)(b)**

Storage and transport

30. Where an importer has responsibility for a safety component for lifts, the importer must ensure that the conditions under which the safety component for lifts is stored or transported do not jeopardise its conformity with the essential health and safety requirements.

Monitoring of safety components for lifts made available on the market

31.—(1) When appropriate, having regard to the risks to the health and safety of end-users presented by a safety component for lifts, the importer must—

- (a) carry out sample testing of safety components for lifts made available on the market by the importer;
- (b) investigate complaints that safety components for lifts made available on the market by the importer are not in conformity with Part 2;
- (c) keep distributors and installers informed of any actions carried out under sub-paragraphs (a) and (b).

(2) An importer must keep a register and must promptly make entries in that register of any—

- (i) complaints;
- (ii) safety components for lifts that are not in conformity with Part 2; and
- (iii) safety components for lifts recalls.

(3) An importer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Duty to take action in respect of safety components for lifts placed on the market which are considered not to be in conformity

32.—(1) An importer who considers, or has reason to believe, that a safety component for lifts which that importer has placed on the market is not in conformity with Part 2, must immediately take the corrective measures necessary to—

- (a) bring the safety component for lifts into conformity;
- (b) withdraw the safety component for lifts; or
- (c) recall the safety component for lifts.

(2) Where the safety component for lifts presents a risk, the importer must immediately inform the market surveillance authority, and the competent national authorities of any other member State in which the importer made the safety component for lifts available on the market, of the risk, giving details of—

- (a) the respect in which the safety components for lifts is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Retention of technical documentation and ^{F74}...declaration of conformity **E+W+S**

33. An importer must, for a period of 10 years beginning on the day on which the safety component for lifts is placed on the market—

- (a) keep a copy of the ^{F75}... declaration of conformity and, where applicable, any approval decision, at the disposal of enforcing authorities; and
- (b) ensure that the technical documentation can be made available to enforcing authorities, upon request.

Extent Information

E18 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F74 Word in [reg. 33](#) heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 20](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F75 Word in [reg. 33](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 20](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Retention of technical documentation and EU declaration of conformity **N.I.**

33. An importer must, for a period of 10 years beginning on the day on which the safety component for lifts is placed on the market—

- (a) keep a copy of the EU declaration of conformity and, where applicable, any approval decision, at the disposal of enforcing authorities; and
- (b) ensure that the technical documentation can be made available to enforcing authorities, upon request.

Extent Information

E77 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Provision of information and cooperation

34.—(1) Following a reasoned request from the enforcing authority, and within such period as the enforcing authority may specify, an importer must provide the authority with all the information and documentation necessary to demonstrate that a safety component for lifts is in conformity with Part 2—

- (a) in paper or electronic form; and
- (b) in a language that can be easily understood by the enforcing authority.

(2) An importer must, at the request of the enforcing authority, cooperate with the authority on any action taken to—

- (a) evaluate a safety component for lifts in accordance with regulation 64 (evaluation of lifts or safety components for lifts presenting a risk); or

- (b) eliminate the risks posed by a safety component for lifts which the importer has placed on the market.

Cases in which obligations of manufacturers apply to importers

35.—(1) An economic operator who would, but for this regulation, be considered an importer (“A”), is to be considered a manufacturer for the purposes of these Regulations and is subject to the relevant obligations of the manufacturer under this Part, where A—

- (a) places a safety component for lifts on the market under A's own name or trademark; or
- (b) modifies a safety component for lifts already placed on the market in such a way that it may affect whether the safety component for lifts is in conformity with Part 2.

Distributors

Duty to act with due care

36. When making a safety component for lifts available on the market, a distributor must act with due care to ensure that it is in conformity with Part 2.

Requirements which must be satisfied before a distributor makes a safety component for lifts available on the market **E+W+S**

37.—(1) Before making a safety component for lifts available on the market, the distributor must ensure that—

- (a) the safety component for lifts—
 - (i) bears the [F76UK] marking;
 - (ii) is accompanied by the F77 ... declaration of conformity and the required documents; and
 - [F78(iii) is accompanied by the instructions referred to in paragraph 7 of Schedule 1 and that they are clear, legible and in easily understandable English;]
- (b) the manufacturer has complied with the requirements set out in regulation 19 (labelling and instructions); and
- (c) the importer has complied with the requirements set out in regulation 28 (information identifying importer).

F79(2)

(3) In paragraph 1(a)(ii), “required documents” means any labels or documents that are required to be provided with the safety component for lifts pursuant to—

- (a) regulation 19(3); and
- (b) regulation 28(3).

Extent Information

E19 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F76 Word in reg. 37(1)(a)(i) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 21(a)(i)** (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

- F77** Word in reg. 37(1)(a)(ii) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 21(a)(ii)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F78** Reg. 37(1)(a)(iii) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 21(a)(iii)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F79** Reg. 37(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 21(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Requirements which must be satisfied before a distributor makes a safety component for lifts available on the market **N.I.**

37.—(1) Before making a safety component for lifts available on the market, the distributor must ensure that—

- (a) the safety component for lifts—
 - (i) bears the CE marking;
 - (ii) is accompanied by the EU declaration of conformity and the required documents; and
 - (iii) is accompanied by the instructions referred to in [^{F245}paragraph 7(1) of Schedule 1] in a language which can be easily understood by end-users in the [^{F246}relevant state] in which the safety component for lifts is to be made available on the market;
- (b) the manufacturer has complied with the requirements set out in regulation 19 (labelling and instructions); and
- (c) the importer has complied with the requirements set out in regulation 28 (information identifying importer).

(2) Where the safety component for lifts is to be made available to end-users in [^{F247}Northern Ireland] the language which can be easily understood by end-users is English.

(3) In paragraph 1(a)(ii), “required documents” means any labels or documents that are required to be provided with the safety component for lifts pursuant to—

- (a) regulation 19(3); and
- (b) regulation 28(3).

Extent Information

- E78** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F245** Words in reg. 37(1)(a)(iii) substituted (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), **Sch. 6 para. 6** (with reg. 2)
- F246** Words in reg. 37 substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 3(9)(a)**
- F247** Words in reg. 37 substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 3(9)(b)**

Prohibition on making available on the market where the safety component for lifts is not considered to be in conformity with the essential health and safety requirements

38.—(1) Where a distributor considers, or has reason to believe, that a safety component for lifts is not in conformity with the essential health and safety requirements, the distributor must not make the safety component for lifts available on the market.

(2) Where the safety component for lifts presents a risk, the distributor must inform the following persons of that risk—

- (a) the manufacturer or the importer; and
- (b) the market surveillance authority.

Storage and transport

39. Where a distributor has responsibility for a safety component for lifts, the distributor must ensure that the conditions under which the safety component for lifts is stored or transported do not jeopardise its conformity with the essential health and safety requirements.

Duty to take action in respect of safety components for lifts made available on the market which are not in conformity with Part 2 E+W+S

40.—(1) A distributor, who considers, or has reason to believe, that a safety component for lifts which the distributor has made available on the market is not in conformity with Part 2, must make sure that the necessary corrective measures are taken to—

- (a) bring that safety component for lifts into conformity;
- (b) withdraw the safety component for lifts; or
- (c) recall the safety component for lifts.

(2) Where the safety component for lifts presents a risk, the distributor must immediately inform the market surveillance authority^{F80}... of that risk, giving details of—

- (a) the respect in which the safety component for lifts is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E20 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F80 Words in [reg. 40\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 22](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Duty to take action in respect of safety components for lifts made available on the market which are not in conformity with Part 2 N.I.

40.—(1) A distributor, who considers, or has reason to believe, that a safety component for lifts which the distributor has made available on the market is not in conformity with Part 2, must make sure that the necessary corrective measures are taken to—

- (a) bring that safety component for lifts into conformity;

- (b) withdraw the safety component for lifts; or
- (c) recall the safety component for lifts.

(2) Where the safety component for lifts presents a risk, the distributor must immediately inform the market surveillance authority, and the competent national authorities of the [^{F248}relevant states] in which the distributor has made the safety component for lifts available on the market, of that risk, giving details of—

- (a) the respect in which the safety component for lifts is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E79 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F248 Words in [reg. 40](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 3\(10\)](#)

Provision of information and cooperation

41.—(1) Following a reasoned request from an enforcing authority, and within such period as the authority may specify, a distributor must provide the authority with all the information and documentation, in paper or electronic form, necessary to demonstrate that a safety component for lifts is in conformity with Part 2.

(2) A distributor must, at the request of the enforcing authority, cooperate with the authority on any action taken to—

- (a) evaluate a safety component for lifts in accordance with regulation 64 (evaluation of lifts or safety components for lifts presenting a risk); and
- (b) eliminate the risks posed by a safety component for lifts which the distributor has made available on the market.

Cases in which obligations of manufacturers apply to distributors

42.—(1) An economic operator who would, but for this regulation, be considered a distributor (“A”), is to be considered a manufacturer for the purposes of these Regulations and is subject to the relevant obligations of the manufacturer under this Part, where A—

- (a) places a safety component for lifts on the market under A's own name or trademark; or
- (b) modifies a safety component for lifts already placed on the market in such a way that it may affect whether the safety component for lifts is in conformity with Part 2.

All economic operators

[^{F81}Translation of declaration of conformity

43.—(1) Before placing a lift on the market or making a safety component for lifts available on the market, an economic operator must ensure that the EU declaration of conformity is prepared in,

or translated into, the language required by the [^{F82}relevant state] in which the lift is to be placed on the market or the safety component for lifts is to be made available on the market.

(2) Where the lift is to be placed on the market or the safety component for lifts is to be made available on the market in [^{F83}Northern Ireland], the language required is English.]

Textual Amendments

- F81** Reg. 43 omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 23** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F82** Words in reg. 43 substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 3(11)(a)**
- F83** Words in reg. 43 substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 10 para. 3(11)(b)**

Identification of economic operators

44.—(1) An economic operator (“E”), who receives a request in relation to a safety component for lifts from the market surveillance authority before the end of the relevant period, must, within such period as the authority may specify, identify to the authority—

- (a) any other economic operator who has supplied E with the safety component for lifts; and
 - (b) any other economic operator to whom E has supplied the safety component for lifts.
- (2) The relevant period is—
- (a) for the information in paragraph (1)(a), a period of 10 years beginning on the day on which E was supplied with the safety component for lifts;
 - (b) for the information in paragraph (1)(b), a period of 10 years beginning on the day on which E supplied the safety component for lifts.

Prohibition on improper use of [^{F84}UK] marking **E+W+S**

45.—(1) An economic operator must not affix the [^{F85}UK] marking to a lift or a safety component for lifts unless—

- (a) that economic operator is the installer or the manufacturer; and
 - (b) the conformity of the lift or the safety component for lifts with the essential health and safety requirements has been demonstrated by a relevant conformity assessment procedure.
- (2) An economic operator must not affix a marking to a lift or a safety component for lifts (other than the [^{F85}UK] marking) which purports to attest that the lift or the safety component for lifts is in conformity with the essential health and safety requirements.
- (3) An economic operator must not affix to a lift or a safety component for lifts a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the [^{F85}UK] marking.
- (4) An economic operator must not affix to a lift or a safety component for lifts any other marking if the visibility, legibility and meaning of the [^{F85}UK] marking would be impaired as a result.

Extent Information

- E21** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F84** Word in [reg. 45](#) heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 24](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)
- F85** Word in [reg. 45](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 24](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Prohibition on improper use of CE marking **N.I.**

45.—(1) An economic operator must not affix the CE marking to a lift or a safety component for lifts unless—

- (a) that economic operator is the installer or the manufacturer; and
- (b) the conformity of the lift or the safety component for lifts with the essential health and safety requirements has been demonstrated by a relevant conformity assessment procedure.

(2) An economic operator must not affix a marking to a lift or a safety component for lifts (other than the CE marking) which purports to attest that the lift or the safety component for lifts is in conformity with the essential health and safety requirements.

(3) An economic operator must not affix to a lift or a safety component for lifts a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking.

(4) An economic operator must not affix to a lift or a safety component for lifts any other marking if the visibility, legibility and meaning of the CE marking would be impaired as a result.

Extent Information

- E80** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F86}Obligations which are met by complying with obligations in the Directive

45A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
 - (b) “CE marking” has the meaning given to it in [Article 2\(21\)](#);
 - (c) “harmonised standard” has the meaning given to it in [Article 2\(13\)](#).
- (2) Paragraph (3) applies where, before placing a lift on the market, the installer—
- (a) ensures that the lift has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements set out in [Annex I](#);
 - (b) ensures that the conformity assessment procedure that applies to that lift in accordance with [Article 16](#) has been carried out;
 - (c) draws up the technical documentation referred to in [Article 7\(2\)](#);

- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
 - (e) affixes a CE marking and other markings, in accordance with Articles 18 and 19(1) to (5);
 - (f) draws up an EU declaration of conformity, in accordance with Article 17; and
 - (g) ensures that the EU declaration of conformity is prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) the requirements of regulations 6, 7, 8(1) and 8(3) are to be treated as being satisfied;
 - (b) regulations 2(2)(a), 8(2), 9, 24(2), 24(3) and 45 apply subject to the modifications in paragraph (10);
 - (c) Part 3 does not apply; and
 - (d) regulation 68 does not apply.
- (4) Paragraph (5) applies where, before placing a safety component for lifts on the market, the manufacturer—
- (a) ensures that the safety component has been designed and manufactured in accordance with Article 5(2);
 - (b) ensures that the conformity assessment procedure that applies to that safety component in accordance with Article 15 has been carried out;
 - (c) ensures that the relevant technical documentation referred to in Article 8(2) is drawn up;
 - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
 - (e) affixes a CE marking and other markings, in accordance with Articles 18 and 19(1) to (5);
 - (f) draws up an EU declaration of conformity, in accordance with Article 17; and
 - (g) ensures that the EU declaration of conformity is prepared in or translated into English.
- (5) Where this paragraph applies—
- (a) the requirements of regulations 15, 16, 17(1) and (17)(3) are to be treated as being satisfied;
 - (b) regulations 2(2)(a), 17(2), 18, 20(2), 24(2), 24(3) and 45 apply subject to the modifications in paragraph (10);
 - (c) Part 3 does not apply; and
 - (d) regulation 68 does not apply.
- (6) Paragraph (7) applies where, before placing a safety component for lifts on the market, the importer ensures that—
- (a) the conformity assessment procedure that applies to that lift in accordance with Article 15 has been carried out;
 - (b) the manufacturer has drawn up the relevant technical documentation referred to in Article 8(2); and
 - (c) the safety component for lifts—
 - (i) bears the CE marking; and
 - (ii) is accompanied by the EU declaration of conformity drawn up in accordance with Article 17.
- (7) Where this paragraph applies—
- (a) the requirements of regulation 26(1)(a) to (c)(i) are to be treated as being satisfied;
 - (b) any requirement of regulation 26(1)(c)(ii), insofar as it relates to the declaration of conformity, is to be treated as being satisfied; and

- (c) regulations 2(2)(a), 27(1), 30 and 33 apply subject to the modifications in paragraph (10).
- (8) Paragraph (9) applies where, before making a safety component for lifts available on the market, a distributor ensures that the safety component for lifts—
- (a) bears the CE marking; and
 - (b) is accompanied by an EU declaration of conformity drawn up in accordance with Article 17.
- (9) Where this paragraph applies—
- (a) the requirements of regulations 37(1)(a)(i) are to be treated as being satisfied;
 - (b) any requirement of regulation 37(1)(a)(ii), insofar as it relates to the declaration of conformity, is to be treated as being satisfied; and
 - (c) regulations 2(2)(a), 38(1) and 39 apply subject to the modifications in paragraph (10).
- (10) The modifications referred to in paragraphs (3)(b), (5)(b), (7)(c) and 9(c) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
 - (c) any reference to “essential health and safety requirements” is to be read as a reference to the essential health and safety requirements referred to in Annex I;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard;
 - (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the conformity assessment procedure that applies to the lift or the safety component for the lift in accordance with Article 15 or Article 16, as the case may be;
 - (f) any reference to “technical documentation” is a reference to the relevant technical documentation set out in Annexes IV to XII.

Textual Amendments

F86 Regs. 45A-45D inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 25** (with Sch. 22 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), **2** and [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 14(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Conformity assessment procedure obligation which is met by complying with the Directive

45B.—(1) In this regulation, any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive.

(2) Paragraph (3) applies where, prior to the manufacture of a safety component, the manufacturer ensures that the conformity assessment procedure set out in Annex IV, Part A and referred to in Article 15(a) and (b) as EU-type examination, has been carried out in relation to a model of the safety component in accordance with Article 15(a) or (b).

(3) Where this paragraph applies—

- (a) the requirement in regulation 48(a) or (b) to submit the model of the safety component for the conformity assessment procedure referred to in that regulation as Type examination is to be treated as being satisfied;

- (b) any reference to “relevant conformity assessment procedure” in regulations 16(a), 17(1), 26(1)(a), 45(1)(b) and 49(b) is to be read as including the conformity assessment procedure referred to in Article 15(a) or (b) as EU-type examination; and
 - (c) any reference to “technical documentation” in regulations 16(b), 18, 26(1)(b) and 33(b) is to be read as including the technical documentation relating to the design of the safety component referred to in Annex IV, Part A.
- (4) Paragraph (5) applies where, a lift is designed and manufactured in accordance with a model lift that has undergone the conformity assessment procedure set out in Annex IV, Part B, referred to in Article 16(1)(a) as EU-type examination.
- (5) Where this paragraph applies—
- (a) the condition in regulation 47(1)(a) that the lift is designed and manufactured in accordance with a model lift which has undergone a Type examination set out in Part B of Schedule 11, is to be treated as being satisfied;
 - (b) any reference to “relevant conformity assessment procedure” in regulations 7(a), 8(1), 45(1)(b) and 49(b) is to be read as including the conformity assessment procedure set out in Annex IV, Part B and referred to in Article 16(1)(a) as EU-type examination; and
 - (c) any reference to “technical documentation” in regulations 7(b) and 9 is to be read as including the technical documentation relating to the design of the lift referred to in Annex IV, Part B.

Textual Amendments

F86 Regs. 45A-45D inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 25** (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 14(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Expiry of regulations 45A and 45B

45C.—(1) Subject to paragraph (2), regulation 45A ceases to have effect at the end of the period of [^{F87}four years] beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 38A—

- (a) any safety component for lifts which was placed on the market pursuant to regulation 45A may continue to be made available on the market on or after the expiry of regulation 45A;
- (b) any obligation to which a person was subject under regulation 45A in respect of a lift or safety component for lifts placed on the market pursuant to regulation 45A continues to have effect after the expiry of regulation 45A, in respect of that lift or safety component for lifts.

(3) Subject to paragraph (4), regulation 45B ceases to have effect at the end of the period of [^{F88}four years] beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 45B in relation to a lift or a safety component for lifts prior to the expiry of regulation 45B, regulation 45B continues to apply in respect of that lift or safety component for lifts where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.
- (5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after—
- (a) in relation to a safety component for lifts, the conformity assessment procedure set out in Annex IV, Part A of the Directive and referred to in Article 15(a) and (b) of the Directive as EU-type examination, has been carried out in relation to a model of the safety component for lifts in accordance with Article 15(a) or (b) of the Directive; or
 - (b) in relation to a lift that is designed and manufactured in accordance with a model, the conformity assessment procedure set out in Annex IV, Part B of the Directive, referred to in Article 16(1)(a) of the Directive as an EU-type examination has been carried out in relation to a model.

Textual Amendments

- F86** Regs. 45A-45D inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 25** (with Sch. 22 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 14(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F87** Words in [reg. 45C\(1\)](#) substituted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), 2, **Sch. 1 (1)**
- F88** Words in [reg. 45C\(3\)](#) substituted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), 2, **Sch. 1 (1)**

Qualifying Northern Ireland Goods

45D.—(1) Where paragraph (2) applies a safety component for lifts is to be treated as being in conformity with Part 2.

- (2) This paragraph applies where—
- (a) a safety component for lifts—
 - (i) is in conformity with Part 2, as that Part applies in Northern Ireland; and
 - (ii) is qualifying Northern Ireland goods; and
 - (b) an importer has complied with the obligations set out in paragraph (3).
- (3) The obligations referred to in paragraph (2)(b) are that, before placing the safety component for lifts on the market, the importer—
- (a) complies with regulation 28;
 - (b) ensures that—
 - (i) the relevant conformity assessment procedure has been carried out in accordance with Part 3, as that Part applies in Northern Ireland;
 - (ii) the manufacturer has drawn up the technical documentation; and
 - (iii) the safety component bears the CE marking.
- (4) In this regulation—
- “CE marking” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;
- “qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;
- “technical documentation” means the documentation a manufacturer must draw up in accordance with regulation 16(b), as it applies in Northern Ireland.]

Textual Amendments

F86 Regs. 45A-45D inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 25** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 14(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**

PART 3

Conformity assessment

Presumption of conformity **E+W+S**

46.—(1) A lift or a safety component for lifts which is in conformity with a [^{F89}designated] standard (or part of such a standard) ^{F90}... is to be presumed to be in conformity with the essential health and safety requirements covered by that standard (or that part of that standard).

(2) The presumption in paragraph (1) is rebuttable.

Extent Information

E22 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F89 Word in [reg. 46\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 26(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F90 Words in [reg. 46\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 22 para. 26(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Presumption of conformity **N.I.**

46.—(1) A lift or a safety component for lifts which is in conformity with a harmonised standard (or part of such a standard) the reference to which has been published in the Official Journal is to be presumed to be in conformity with the essential health and safety requirements covered by that standard (or that part of that standard).

(2) The presumption in paragraph (1) is rebuttable.

Extent Information

E81 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Conformity assessment procedures for lifts **E+W+S**

47.—(1) For the assessment of conformity of a lift, the installer must carry out one of the following procedures—

- (a) if the lift is designed and manufactured in accordance with a model lift that has undergone an [F91Type] examination set out in Part B of [F92Schedule 11]—
 - (i) final inspection for lifts set out in [F93Schedule 12];
 - (ii) conformity to type based on product quality assurance for lifts set out in [F94Schedule 17];
 - (iii) conformity to type based on production quality assurance for lifts set out in [F95Schedule 19];
- (b) if the lift is designed and manufactured under a quality assurance system approved in accordance with [F96Schedule 18]—
 - (i) final inspection for lifts set out in [F97Schedule 12];
 - (ii) conformity to type based on product quality assurance for lifts set out in [F98Schedule 17];
 - (iii) conformity to type based on production quality assurance for lifts set out in [F99Schedule 19];
- (c) conformity based on unit verification for lifts set out in [F100Schedule 15];
- (d) conformity based on full quality assurance plus design examination for lifts set out in [F101Schedule 18].

(2) Where one of the procedures in paragraph (1)(a) or (1)(b) is carried out and the person responsible for the design and manufacture of the lift and the person responsible for the installation and testing of the lift are not the same person, the former must supply to the latter all the necessary documents and information to enable the latter to ensure the correct and safe installation and testing of the lift.

(3) Where one of the procedures in paragraph (1)(a) is carried out, the installer must ensure that all permitted variations between the model lift and the lifts derived from the model lift are clearly specified (with maximum and minimum values) in the technical documentation referred to in regulation 7(b).

(4) When using the [F102]any of the procedures in paragraph (1)], in order to demonstrate the conformity of a lift with the essential health and safety requirements, the installer may demonstrate the similarity of a range of equipment—

- (a) by calculation;
- (b) on the basis of design plans; or
- (c) using both of the methods specified in sub-paragraphs (a) and (b).

Extent Information

- E23** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F91** Word in [reg. 47\(1\)\(a\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 22 para. 27\(2\)\(a\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F92** Words in [reg. 47\(1\)\(a\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 22 para. 27\(2\)\(b\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

- F93** Words in reg. 47(1)(a)(i) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 27(2)(c)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F94** Words in reg. 47(1)(a)(ii) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 27(2)(d)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F95** Words in reg. 47(1)(a)(iii) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 27(2)(e)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F96** Words in reg. 47(1)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 27(3)(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F97** Words in reg. 47(1)(b)(i) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 27(3)(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F98** Words in reg. 47(1)(b)(ii) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 27(3)(c)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F99** Words in reg. 47(1)(b)(iii) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 27(3)(d)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F100** Words in reg. 47(1)(c) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 27(4)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F101** Words in reg. 47(1)(d) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 27(5)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F102** Words in reg. 47(4) substituted (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), **Sch. 6 para. 7** (with reg. 2)

Conformity assessment procedures for lifts **N.I.**

47.—(1) For the assessment of conformity of a lift, the installer must carry out one of the following procedures—

- (a) if the lift is designed and manufactured in accordance with a model lift that has undergone an EU-type examination set out in Part B of Annex IV to the Directive (as amended from time to time)—
- (i) final inspection for lifts set out in Annex V to the Directive (as amended from time to time);
 - (ii) conformity to type based on product quality assurance for lifts set out in Annex X to the Directive (as amended from time to time);
 - (iii) conformity to type based on production quality assurance for lifts set out in Annex XII to the Directive (as amended from time to time);
- (b) if the lift is designed and manufactured under a quality assurance system approved in accordance with Annex XI to the Directive (as amended from time to time)—
- (i) final inspection for lifts set out in Annex V to the Directive (as amended from time to time);
 - (ii) conformity to type based on product quality assurance for lifts set out in Annex X to the Directive (as amended from time to time);

- (iii) conformity to type based on production quality assurance for lifts set out in Annex XII to the Directive (as amended from time to time);
 - (c) conformity based on unit verification for lifts set out in Annex VIII to the Directive (as amended from time to time);
 - (d) conformity based on full quality assurance plus design examination for lifts set out in Annex XI to the Directive (as amended from time to time).
- (2) Where one of the procedures in paragraph (1)(a) or (1)(b) is carried out and the person responsible for the design and manufacture of the lift and the person responsible for the installation and testing of the lift are not the same person, the former must supply to the latter all the necessary documents and information to enable the latter to ensure the correct and safe installation and testing of the lift.
- (3) Where one of the procedures in paragraph (1)(a) is carried out, the installer must ensure that all permitted variations between the model lift and the lifts derived from the model lift are clearly specified (with maximum and minimum values) in the technical documentation referred to in regulation 7(b).
- (4) When using the [F249 any of the procedures in paragraph (1)], in order to demonstrate the conformity of a lift with the essential health and safety requirements, the installer may demonstrate the similarity of a range of equipment—
- (a) by calculation;
 - (b) on the basis of design plans; or
 - (c) using both of the methods specified in sub-paragraphs (a) and (b).

Extent Information

E82 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F249 Words in reg. 47(4) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 6 para. 7** (with reg. 2)

Conformity assessment procedures for safety components for lifts **E+W+S**

- 48.** For the assessment of conformity of a safety component for lifts, the manufacturer must carry out one of the following procedures—
- (a) the model of the safety component for lifts must be submitted for [F103Type] examination set out in Part A of [F104Schedule 11] and the conformity to type must be ensured with random checking of the safety component for lifts set out in [F105Schedule 16];
 - (b) the model of the safety component for lifts must be submitted for [F103Type] examination set out in Part A of [F106Schedule 11] and be subject to conformity to type based on product quality assurance in accordance with [F107 Schedule 13];
 - (c) conformity based on full quality assurance set out in [F108Schedule 14].

Extent Information

E24 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F103** Word in reg. 48 substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 28(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F104** Words in reg. 48(a) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 28(b)(i)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F105** Words in reg. 48(a) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 28(b)(ii)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F106** Words in reg. 48(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 28(c)(i)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F107** Words in reg. 48(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 28(c)(ii)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F108** Words in reg. 48(c) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 28(d)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Conformity assessment procedures for safety components for lifts **N.I.**

48. For the assessment of conformity of a safety component for lifts, the manufacturer must carry out one of the following procedures—

- (a) the model of the safety component for lifts must be submitted for EU type examination set out in Part A of Annex IV to the Directive (as amended from time to time) and the conformity to type must be ensured with random checking of the safety component for lifts set out in Annex IX to the Directive (as amended from time to time);
- (b) the model of the safety component for lifts must be submitted for EU type examination set out in Part A of Annex IV to the Directive (as amended from time to time) and be subject to conformity to type based on product quality assurance in accordance with Annex VI to the Directive (as amended from time to time);
- (c) conformity based on full quality assurance set out in Annex VII to the Directive (as amended from time to time).

Extent Information

- E83** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F109}Declaration] of conformity **E+W+S**

- 49.** The ^{F110}...declaration of conformity for a lift or a safety component for lifts must—
- (a) state that the fulfilment of the essential health and safety requirements has been demonstrated in respect of the lift or the safety component for lifts;
 - (b) contain the elements specified in [^{F111}Schedules 12 to 19] for the relevant conformity assessment procedure carried out in respect of the lift or the safety component for lifts;
 - (c) have the model structure set out—

- (i) in relation to lifts, in Part 1 of Schedule 5 (^{F110}... declaration of conformity);
- (ii) in relation to safety components for lifts, in Part 2 of Schedule 5.

Extent Information

E25 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F109** Word in reg. 49 heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 29(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F110** Word in reg. 49 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 29(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F111** Words in reg. 49(b) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 29(c)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

EU declaration of conformity **N.I.**

- 49.** The EU declaration of conformity for a lift or a safety component for lifts must—
- (a) state that the fulfilment of the essential health and safety requirements has been demonstrated in respect of the lift or the safety component for lifts;
 - (b) contain the elements specified in Annexes V to XII to the Directive (as amended from time to time) for the relevant conformity assessment procedure carried out in respect of the lift or the safety component for lifts;
 - (c) have the model structure set out—
 - (i) in relation to lifts, in Part 1 of Schedule 5 (EU declaration of conformity);
 - (ii) in relation to safety components for lifts, in Part 2 of Schedule 5.

Extent Information

E84 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

^{F112}UK marking **E+W+S**

- 50.**—^{F113}(1) The UK marking must be affixed visibly, legibly, and indelibly—
- (a) to the lift carrier;
 - (b) to the safety component for lifts; or
 - (c) where paragraph (1A) applies, to—
 - (i) a label affixed to the lift carrier or the safety component; or
 - (ii) to a document accompanying the lift or the safety component.]

^{F114}(1A) For a period of [^{F115}seven years] beginning with IP completion day, the UK marking may be affixed to—

- (a) a label affixed to the lift carrier or the safety component; or
 - (b) to a document accompanying the lift or the safety component.]
- (2) Where [F116 paragraph (1A) does not apply and] it is not possible, on account of the nature of a safety component for lifts, to affix the [F117UK] marking in accordance with paragraph (1), the [F117UK] marking must be affixed to a label inseparably attached to the safety component for lifts.
- (3) The [F118UK] marking [F119 in respect of a] lift must be followed by the identification number of the [F120approved] body involved in any of the following conformity assessment procedures—
- (a) the final inspection referred to in [F121Schedule 12];
 - (b) unit verification referred to in [F122 Schedule 15];
 - (c) quality assurance referred to in [F123Schedules 17, 18 or 19].
- (4) The [F124 UK] marking [F125 in respect of a safety] component for lifts must be followed by the identification number of the [F120approved] body involved in any of the following conformity assessment procedures—
- (a) product quality assurance referred to in [F126Schedule 13];
 - (b) full quality assurance referred to in [F127 Schedule 14] ;
 - (c) conformity to type with random checking for safety components for lifts referred to in [F128Schedule 16] .
- (5) The identification number of the [F120approved] body must be affixed—
- (a) by the notified body itself; or
 - (b) under the instructions of the [F120approved] body, by the installer or the installer's authorised representative or by the manufacturer or the manufacturer's authorised representative.

Textual Amendments

- F112** Word in reg. 50 heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 30(2)** (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F113** Reg. 50(1) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 30(3)** (as substituted by [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 14(4)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F114** Reg. 50(1A) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 30(3A)** (as inserted by [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 14(4)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F115** Words in reg. 50(1A) substituted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), 3, **Sch. 2 (k)**
- F116** Words in reg. 50(2) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 30(3C)** (as inserted by [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 14(4)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F117** Word in reg. 50(2) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 30(3B)(a)** (as inserted by [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 14(4)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F118** Word in reg. 50(3) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 30(3B)(b)** (as inserted by [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 14(4)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**

- F119** Words in reg. 50(3) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 30(3D)** (as inserted by S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 14(4)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F120** Word in reg. 50 substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 30(4)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F121** Words in reg. 50(3)(a) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 30(5)(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F122** Words in reg. 50(3)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 30(5)(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F123** Words in reg. 50(3)(c) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 30(5)(c)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F124** Word in reg. 50(4) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 30(3B)(c)** (as inserted by S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 14(4)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F125** Words in reg. 50(4) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 30(6)(ia)** (as inserted by S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 14(4)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F126** Words in reg. 50(4)(a) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 30(6)(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F127** Words in reg. 50(4)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 30(6)(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F128** Words in reg. 50(4)(c) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 22 para. 30(6)(c)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

CE marking **N.I.**

50.—(1) The CE marking must be affixed visibly, legibly and indelibly to the lift carrier or the safety component for lifts.

(2) Where it is not possible, on account of the nature of a safety component for lifts, to affix the CE marking in accordance with paragraph (1), the CE marking must be affixed to a label inseparably attached to the safety component for lifts.

(3) The CE marking on a lift must be followed by the identification number of the notified body involved in any of the following conformity assessment procedures—

- (a) the final inspection referred to in Annex V to the Directive (as amended from time to time);
- (b) unit verification referred to in Annex VIII to the Directive (as amended from time to time);
- (c) quality assurance referred to in Annexes X, XI or XII to the Directive (as amended from time to time).

(4) The CE marking on a safety component for lifts must be followed by the identification number of the notified body involved in any of the following conformity assessment procedures—

- (a) product quality assurance referred to in Annex VI to the Directive (as amended from time to time);
- (b) full quality assurance referred to in Annex VII to the Directive (as amended from time to time);

- (c) conformity to type with random checking for safety components for lifts referred to in Annex IX to the Directive (as amended from time to time).
- (5) The identification number of the notified body must be affixed—
 - (a) by the notified body itself; or
 - (b) under the instructions of the notified body, by the installer or the installer's authorised representative or by the manufacturer or the manufacturer's authorised representative.

Extent Information

E85 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F129}UK(NI) indication

50A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the lift or safety component, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

- (a) visibly, legibly and indelibly; and
- (b) before a lift or safety component is placed on the market in Northern Ireland.

(3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 50.

(4) The UK(NI) indication must be affixed by—

- (a) the manufacturer; or
- (b) the manufacturer's authorised representative.

(5) When placing a lift or safety component on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Textual Amendments

F129 Regs. 50A, 50B inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), [Sch. 2 para. 9\(3\)](#)

Register of notified bodies established in the United Kingdom

50B.—(1) The Secretary of State must ensure that—

- (a) each notified body established in the United Kingdom is assigned an identification number; and
- (b) there is a register of—
 - (i) notified bodies established in the United Kingdom;
 - (ii) their notified body identification number;
 - (iii) the activities for which they have been notified;
 - (iv) any restrictions on those activities.

(2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.

(3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).]

Textual Amendments

F129 Regs. 50A, 50B inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), **Sch. 2 para. 9(3)**

[^{F130}PART 4

[^{F130}Notification of conformity assessment bodies][^{F130}Approval of Conformity Assessment Bodies]

Textual Amendments

F130 Pt. 4 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 31** (with Sch. 22 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [S.I. 2020/852](#), regs. 2(2), 4(2), **Sch. 1 para. 1(k)(iv)(v)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Approved bodies **E+W+S**

- 51.**—(1) An approved body is a conformity assessment body which—
- has been approved by the Secretary of State pursuant to the procedure set out in regulation 52 (approval of conformity assessment bodies); or
 - immediately before IP completion day was a notified body in respect of which the Secretary of State had taken no action under regulation 57(1) or (2) as they had effect immediately before IP completion day to suspend or withdraw the body's status as a notified body.
- (2) Paragraph (1) has effect subject to regulation 55 (restriction, suspension or withdrawal of approval).
- (3) In this Part—
- “notified body” means a body—
- which the Secretary of State had before IP completion day notified to the European Commission and the member State of the European Union, in accordance with Article 20 of the Directive; and
 - in respect of which no objections had been raised, as referred to in regulation 51(1)(b), as it had effect immediately before IP completion day; and
- “approved body requirements” means the requirements set out in Schedule 4.

Extent Information

E26 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Notified bodies **N.I.**

- 51.—(1) For the purposes of this Part, a notified body is a conformity assessment body—
- (a) which has been notified by the Secretary of State to the European Commission and the other [^{F250}relevant states]—
 - (i) under regulation 52 (notification); or
 - (ii) by the Secretary of State, before the date that these Regulations come into force, in accordance with Article 28 of the Directive (as amended from time to time); and
 - (b) in respect of which no objections [^{F251}, other than an immaterial objection,] are raised by the European Commission or the other [^{F252}relevant states]—
 - (i) within two weeks of the date of notification, where the notification is accompanied by an accreditation certificate; or
 - (ii) within two months of the date of notification, where the notification is not accompanied by an accreditation [^{F253}certificate;]
 - [^{F254}(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the conformity assessment body is established in the United Kingdom; or
 - (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.]
- (2) Paragraph (1) has effect subject to regulation 57 (changes to notifications).

Extent Information

- E86** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F250** Words in [reg. 51\(1\)\(a\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 4\(1\)\(a\)](#)
- F251** Words in [reg. 51\(1\)\(b\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 4\(1\)\(b\)\(i\)](#)
- F252** Words in [reg. 51\(1\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 4\(1\)\(b\)\(ii\)](#)
- F253** Word in [reg. 51\(1\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 4\(1\)\(b\)\(iii\)](#)
- F254** [Reg. 51\(1\)\(c\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 4\(1\)\(c\)](#)

Approval of conformity assessment bodies **E+W+S**

52.—(1) The Secretary of State may approve only those conformity assessment bodies that qualify for approval.

(2) A conformity assessment body qualifies for approval if the first and second conditions below are met.

(3) The first condition is that the conformity assessment body has applied to the Secretary of State to become an approved body and that application is accompanied by—

- (a) a description of—
 - (i) the conformity assessment activities that the conformity assessment body intends to carry out;
 - (ii) the relevant conformity assessment procedure in respect of which the conformity assessment body claims to be competent;
 - (iii) the product in respect of which the conformity assessment body claims to be competent, where “product” has the meaning given to it in Regulation 2A(8); and
- (b) either—
 - (i) an accreditation certificate; or
 - (ii) the documentary evidence necessary for the Secretary of State to verify, recognise and regularly monitor the conformity assessment body's compliance with the approved body requirements.

(4) The second condition is that the Secretary of State is satisfied that the conformity assessment body meets the approved body requirements.

(5) For the purposes of paragraph (4), the Secretary of State may accept an accreditation certificate, provided in accordance with paragraph (3)(b), as sufficient evidence that the conformity assessment body meets the approved body requirements.

(6) When deciding whether to approve a conformity assessment body that qualifies for approval, the Secretary of State may—

- (a) have regard to any other matter which appears to the Secretary of State to be relevant; and
- (b) set conditions that the conformity assessment body must meet.

(7) For the purposes of this regulation “accreditation certificate” means a certificate, issued by the UK national accreditation body, attesting that a conformity assessment body meets the approved body requirements.

Extent Information

E27 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Notification **N.I.**

52.—(1) The Secretary of State may notify to the European Commission and other [^{F255} relevant states] only those conformity assessment bodies that qualify for notification.

(2) A conformity assessment body qualifies for notification if the first and second conditions below are met.

(3) The first condition is that the conformity assessment body has applied to the Secretary of State to become a notified body and the application is accompanied by—

- (a) a description of—
 - (i) the conformity assessment activities that the conformity assessment body intends to carry out;
 - (ii) the conformity assessment procedures for which the conformity assessment body claims to be competent; and

- (iii) the lift or safety component for lifts for which the conformity assessment body claims to be competent; and either
 - (b) an accreditation certificate; or
 - (c) the documentary evidence necessary for the Secretary of State to verify, recognise and regularly monitor the conformity assessment body's compliance with the notified body requirements.
- (4) The second condition is that the Secretary of State is satisfied that the conformity assessment body meets the notified body requirements.
- (5) For the purposes of paragraph (4), the Secretary of State may accept an accreditation certificate, provided in accordance with paragraph (3)(b), as sufficient evidence that the conformity assessment body meets the notified body requirements.
- (6) When deciding whether to notify a conformity assessment body that qualifies for notification to the European Commission and the other [^{F255} relevant states], the Secretary of State may—
- (a) have regard to any other matter which appears to the Secretary of State to be relevant; and
 - (b) set conditions that the conformity assessment body must meet.
- (7) The Secretary of State must inform the European Commission of the United Kingdom's procedures for assessment and notification of conformity assessment bodies, and any changes to those procedures.

Extent Information

E87 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F255 Words in [reg. 52](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 4\(2\)](#)

Presumption of conformity of approved bodies **E+W+S**

53.—(1) Where a conformity assessment body demonstrates its conformity with the criteria laid down in a designated standard (or part of such standard), the Secretary of State is to presume that the conformity assessment body meets the approved body requirements covered by that standard (or that part of that standard).

(2) The presumption in paragraph (1) is rebuttable.

Extent Information

E28 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Presumption of conformity of notified bodies **N.I.**

53.—(1) Where a conformity assessment body demonstrates its conformity with the criteria laid down in a harmonised standard (or part of such a standard), the reference of which has been published in the Official Journal, the Secretary of State is to presume that the conformity assessment body meets the notified body requirements covered by that standard (or part of that standard).

(2) The presumption in paragraph (1) is rebuttable.

Extent Information

E88 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Monitoring **E+W+S**

54. The Secretary of State must monitor each approved body with a view to verifying that the body—

- (a) continues to meet the approved body requirements;
- (b) meets any conditions set—
 - (i) in accordance with regulation 52(6)(b); or
 - (ii) in the case of an approved body which was a notified body immediately before IP completion day, in accordance with regulation 52(6)(b) as it applied immediately before IP completion day; and
- (c) carries out its functions in accordance with these Regulations.

Extent Information

E29 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Contents of notification **N.I.**

54. A notification under regulation 52 must include—

- (a) details of—
 - (i) the conformity assessment activities in respect of which the conformity assessment body has made its application for notification;
 - (ii) the conformity assessment procedures in respect of which the conformity assessment body has made its application for notification;
 - (iii) the lift or the safety component for lifts in respect of which the conformity assessment body has made its application for notification; and either
- (b) an accreditation certificate; or
- (c) carries out its functions in accordance with these Regulations.
 - (i) the conformity assessment body's competence; and
 - (ii) the arrangements in place to ensure that the conformity assessment body will be monitored regularly and will continue to meet the notified body requirements.

Extent Information

E89 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Restriction, suspension or withdrawal of approval **E+W+S**

55.—(1) Where the Secretary of State determines that an approved body—

- (a) no longer meets an approved body requirement, or
- (b) is failing to fulfil its obligations under these Regulations, other than a condition referred to in regulation 54(b),

the Secretary of State must restrict, suspend or withdraw the body's status as an approved body under regulation 51 (approved bodies).

(2) Where the Secretary of State determines that an approved body no longer meets a condition referred to in regulation 54(b), the Secretary of State may restrict, suspend or withdraw the body's status as an approved body under regulation 51.

(3) In deciding what action is required under paragraph (1) or (2), the Secretary of State must have regard to the seriousness of the non-compliance.

(4) Before taking action under paragraph (1) or (2), the Secretary of State must—

- (a) give notice in writing to the approved body of the proposed action and the reasons for it;
- (b) give the approved body an opportunity to make representations to the Secretary of State regarding the proposed action within a reasonable period from the date of the notice; and
- (c) consider any such representations made by the approved body.

(5) Where the Secretary of State has taken action in respect of an approved body under paragraph (1) or (2), or where an approved body has ceased its activity, the approved body must, at the request of the Secretary of State—

- (a) transfer its files relating to the activities it has undertaken as an approved body to another approved body or to the Secretary of State; or
- (b) keep its files relating to the activities it has undertaken as an approved body available for the Secretary of State and market surveillance authorities for a period of 10 years from the date they were created.

(6) The activities undertaken as an approved body referred to in paragraph (5) include any activities that the body has undertaken as a notified body.

Extent Information

E30 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Restriction, suspension or withdrawal of approval **N.I.**

55.—(1) The Secretary of State must monitor each notified body with a view to verifying that the notified body—

- (a) continues to meet the notified body requirements;
- (b) meets any conditions set in accordance with regulation 52(6)(b); and
- (c) carries out its functions in accordance with these Regulations.

(2) The Secretary of State must inform the European Commission of the United Kingdom's procedures for the monitoring of notified bodies, and any changes to those procedures.

Extent Information

E90 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Operational matters in relation to approved bodies **E+W+S**

56.—(1) Subject to the terms of its appointment, an approved body must carry out the conformity assessment activities and procedures—

- (a) in respect of which the body's approval was given under regulation 51; or
- (b) in respect of which the body's notification as a notified body was made.

(2) Where an approved body carries out a conformity assessment procedure, it must do so in accordance with Schedule 6.

(3) An approved body must make provision for a manufacturer to be able to make an appeal against a refusal by the approved body—

- (a) to issue a Type-examination certificate referred to in Schedule 11; or
- (b) to affix, or cause to be affixed, the body's identification number pursuant to regulation 50.

Extent Information

E31 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

United Kingdom Accreditation Service **N.I.**

56. The Secretary of State may authorise the United Kingdom Accreditation Service to carry out the following activities on behalf of the Secretary of State—

- (a) assessing whether a conformity assessment body meets the notified body requirements; and
- (b) monitoring notified bodies (in accordance with regulation 55).

Extent Information

E91 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Subsidiaries and contractors **E+W+S**

57.—(1) An approved body may subcontract specific conformity assessment activities, or use a subsidiary to carry out such activities provided—

- (a) the body is satisfied that the subcontractor or subsidiary meets the approved body requirements;
- (b) the body has informed the Secretary of State that it is satisfied that the subcontractor or subsidiary meets those requirements; and
- (c) the economic operator for whom the activities are to be carried out has consented to the activities being carried out by that person.

(2) The approved body which subcontracts specific conformity assessment activities or uses a subsidiary to carry out such activities remains responsible for the proper performance of those activities (irrespective of where the subcontractor or subsidiary is established).

(3) Where an approved body subcontracts, or uses a subsidiary to carry out, a specific conformity assessment activity, the approved body must, for a period of 10 years beginning on the day on which the activity is first carried out, keep available for inspection by the Secretary of State all relevant documentation concerning—

- (a) the assessment of the qualifications of the subcontractor or the subsidiary; and
- (b) the conformity assessment activity carried out by the subcontractor or subsidiary.

(4) In this regulation “subsidiary” has the meaning given to it in section 1159 of the Companies Act 2006.

Extent Information

E32 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Changes to notifications **N.I.**

57.—(1) Where the Secretary of State determines that a notified body—

- (a) no longer meets a notified body requirement, or
- (b) is failing to fulfil any of its obligations under these Regulations, other than conditions set in accordance with regulation 52(6), the Secretary of State must restrict, suspend or withdraw the body's status as a notified body under regulation 51.

(2) Where the Secretary of State determines that a notified body no longer meets a condition set in accordance with regulation 52(6), the Secretary of State may restrict, suspend or withdraw the body's status as a notified body under regulation 51.

(3) In deciding what action is required under paragraph (1) or (2), the Secretary of State must have regard to the seriousness of the failure.

(4) Before taking action under paragraph (1) or (2), the Secretary of State must—

- (a) give notice in writing to the notified body that the Secretary of State intends to take such action and the reasons for taking such action; and
- (b) give the notified body an opportunity to make representations within a reasonable period from the date of that notice and consider any such representations.

(5) Where the Secretary of State takes action under paragraph (1) or (2), the Secretary of State must immediately inform the European Commission and the other [^{F256}relevant states].

(6) Where the Secretary of State has taken action in respect of a notified body under paragraph (1) or (2), or where a notified body has ceased its activity, the body must—

- (a) on the request of the Secretary of State, transfer its files relating to the activities it has undertaken as a notified body to another notified body or to the Secretary of State;
- (b) in the absence of a request under sub-paragraph (a), ensure that its files relating to the activities it has undertaken as a notified body are kept available for the Secretary of State and each enforcing authority for a period of 10 years beginning on the day on which the relevant document was created.

Extent Information

E92 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F256 Words in [reg. 57\(5\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 4\(3\)](#)

Register of approved bodies **E+W+S**

58.—(1) The Secretary of State must—

- (a) assign an approved body identification number to each approved body; and
- (b) compile and maintain a register of—
 - (i) approved bodies;
 - (ii) their approved body notification numbers;
 - (iii) the activities for which they have been approved; and
 - (iv) any restrictions on those activities.

(2) The register referred to in paragraph (1) must be made publicly available.

Extent Information

E33 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Register of approved bodies **N.I.**

58. When a notified body carries out a relevant conformity assessment procedure, Schedule 6 has effect (operational obligations of notified bodies).

Extent Information

E93 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

UK national accreditation body **E+W+S**

59. The Secretary of State may authorise the UK national accreditation body to carry out the following activities on behalf of the Secretary of State—

- (a) assessing whether a conformity assessment body meets the approved body requirements;
- (b) monitoring approved bodies in accordance with regulation 54; and
- (c) compiling and maintaining the register of approved bodies, in accordance with regulation 58.]

Extent Information

E34 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Subsidiaries and contractors **N.I.**

59.—(1) Where a notified body subcontracts specific conformity assessment activities, or has such activities carried out by a subsidiary, the activities are only to be treated as having been carried out by a notified body for the purposes of regulations 47 (conformity assessment procedures for lifts) and regulation 48 (conformity assessment procedures for safety components for lifts) where the conditions in paragraphs (2) and (3) are met.

(2) The notified body must—

- (a) ensure that the subcontractor or subsidiary meets the notified body requirements; and
- (b) inform the Secretary of State accordingly.

(3) The notified body must have obtained the agreement of the client to the use of a subcontractor or subsidiary.

(4) Where a notified body subcontracts specific conformity assessment activities, or has such activities carried out by a subsidiary, the notified body must for a period of at least 10 years beginning on the day on which the activities are carried out, keep available for inspection by the Secretary of State the documentation concerning—

- (a) the assessment of the qualifications of the subcontractor or the subsidiary; and
- (b) the conformity assessment activities carried out by the subcontractor or subsidiary.

(5) When monitoring a notified body in accordance with regulation 55, the Secretary of State must treat the notified body as responsible for the tasks performed by a subcontractor or subsidiary, wherever the subcontractor or subsidiary is established.

Extent Information

E94 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

PART 5

Market surveillance and enforcement

Designation of market surveillance authority

60.—(1) In Great Britain—

- (a) in relation to lifts for use in the workplace or safety components for such lifts, the Health and Safety Executive, and
- (b) in relation to lifts for private use and consumption or safety components for such lifts, the Secretary of State,

is the market surveillance authority.

(2) In Northern Ireland, the Department is the market surveillance authority.

(3) The Secretary of State and the Department may appoint a person to act on their behalf for the purposes of market surveillance under these Regulations and RAMS (in its application to lifts and safety components for lifts).

Enforcement

61.—(1) The market surveillance authority must enforce these Regulations, and RAMS in its application to lifts and safety components for lifts, or ensure that they are enforced.

(2) The Secretary of State and the Department may appoint a person to act on their behalf for the purposes of enforcing these Regulations and RAMS in its application to lifts and safety components for lifts.

(3) Where the enforcing authority is not also the market surveillance authority, the enforcing authority must notify the market surveillance authority of the proposed action.

(4) In Scotland, only the Lord Advocate may commence proceedings for an offence.

Enforcement powers

62.—(1) Schedule 7 (enforcement powers of the Secretary of State and the Department under the 1987 Act) is to have effect where the enforcing authority is the Secretary of State or in relation to lifts for private use and consumption or safety components for such lifts, the Department.

(2) Schedule 8 (enforcement powers of the Health and Safety Executive under the 1974 Act) is to have effect where the enforcing authority is the Health and Safety Executive.

(3) Schedule 9 (enforcement powers of the Department under the 1978 Order) is to have effect where the enforcing authority is the Department in relation to lifts for use in the work place or safety components for such lifts.

(4) In addition to the powers available to an enforcing authority under paragraph (1), (2) or (3), the authority may use the powers set out in Schedule 10 (compliance, withdrawal and recall notices).

Exercise of enforcement powers **E+W+S**

63. When enforcing these Regulations, the enforcing authority must exercise its powers in a manner which is consistent with—

- (a) regulation 64 (evaluation of lifts or safety components for lifts presenting a risk);
- (b) regulation 65 (enforcement action in respect of lifts or safety components for lifts which are not in conformity and which present a risk);
- ^{F131}(c)
- (d) regulation 67 (enforcement action in respect of lifts or safety components for lifts which are in conformity, but present a risk);
- (e) regulation 68 (enforcement action in respect of formal non-compliance); and
- (f) regulation 69 (restrictive measures).

Extent Information

E35 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F131 Reg. 63(c) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 32 (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Exercise of enforcement powers **N.I.**

63. When enforcing these Regulations, the enforcing authority must exercise its powers in a manner which is consistent with—

- (a) regulation 64 (evaluation of lifts or safety components for lifts presenting a risk);
- (b) regulation 65 (enforcement action in respect of lifts or safety components for lifts which are not in conformity and which present a risk);
- (c) regulation 66 (EU safeguard procedure);
- (d) regulation 67 (enforcement action in respect of lifts or safety components for lifts which are in conformity, but present a risk);
- (e) regulation 68 (enforcement action in respect of formal non-compliance); and
- (f) regulation 69 (restrictive measures).

Extent Information

E95 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Evaluation of lifts or safety components for lifts presenting a risk

64.—(1) Where the market surveillance authority has sufficient reason to believe that a lift or safety component for lifts presents a risk, the market surveillance authority must carry out an evaluation in relation to the lift or the safety component for lifts covering the relevant requirements of Part 2 applying in respect of that lift or safety component for lifts.

(2) Where an enforcing authority other than the market surveillance authority has sufficient reason to believe that a lift or safety component for lifts presents a risk, that enforcing authority must carry out an evaluation in relation to the lift or the safety component for lifts covering the relevant requirements of Part 2 applying in respect of that lift or safety component for lifts.

Enforcement action in respect of lifts and safety components for lifts which are not in conformity and which present a risk **E+W+S**

65.—(1) Where, in the course of the evaluation referred to in regulation 64, an enforcing authority finds that—

- (a) the lift is not in conformity with Part 2, it must, without delay, require the installer to take appropriate corrective actions to bring the lift into conformity with those requirements within a prescribed period;
- (b) the safety component for lifts is not in conformity with Part 2, it must, without delay, require a relevant economic operator to—
 - (i) take appropriate corrective actions to bring the safety component for lifts into conformity with those requirements within a prescribed period;
 - (ii) withdraw the safety component for lifts within a prescribed period; or

(iii) recall the safety component for lifts within a prescribed period.

(2) The enforcing authority must inform the [^{F132}approved] body which carried out the conformity assessment procedure in respect of the lift or the safety component for lifts of—

- (a) the respect in which the lift or safety component for lifts is not in conformity with Part 2; and
- (b) the actions which the enforcing authority is requiring the relevant economic operator to take.

(3) Where the enforcing authority is not the Secretary of State and it considers that the lack of conformity referred to in paragraph (1) is not restricted to the United Kingdom, it must notify the Secretary of State of—

- (a) the results of the evaluation; and
- (b) the actions which it has required the economic operator to take.

^{F133}(4)

(5) Where the relevant economic operator does not take adequate corrective action within the prescribed period, the enforcing authority must take appropriate measures to—

- (a) in relation to a lift—
 - (i) prohibit or restrict the lift being placed on the market in the United Kingdom;
 - (ii) prohibit or restrict the use of the lift; or
 - (iii) recall the lift.
- (b) in relation to a safety component for lifts—
 - (i) prohibit or restrict the safety component for lifts being made available on the market in the United Kingdom;
 - (ii) withdraw the safety component for lifts from the United Kingdom market; or
 - (iii) recall the safety component for lifts.

(6) Where the enforcing authority is not the Secretary of State and it takes measures under paragraph (5), it must notify the Secretary of State of those measures without delay.

^{F134}(7)

(8) The notifications in [^{F135}paragraph (6)] must include details about the lift or safety component for lifts and, in particular—

- (a) the data necessary for the identification of the lift or the safety component for lifts which is not in conformity with Part 2;
- (b) the origin of the lift or the safety component for lifts;
- (c) the nature of the lack of conformity alleged and the risk involved;
- (d) the nature and duration of the measures taken;
- (e) the arguments put forward by the relevant economic operator; and
- (f) whether the lack of conformity is due to either of the following—
 - (i) failure of the lift or the safety component for lifts to meet requirements relating to a risk;
 - (ii) shortcomings in a harmonised standards referred to in regulation 46 (presumption of conformity) conferring a presumption of conformity.

(9) In this regulation, “prescribed period” means a period which is—

- (a) prescribed by the enforcing authority; and

- (b) reasonable and commensurate with the nature of the risk presented by the lift or safety component for lifts.

Extent Information

E36 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F132** Word in reg. 65(2) substituted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 22 para. 33(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F133** Reg. 65(4) omitted (E.W.S.) (31.12.2020) by virtue of *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 22 para. 33(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F134** Reg. 65(7) omitted (E.W.S.) (31.12.2020) by virtue of *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 22 para. 33(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F135** Words in reg. 65(8) substituted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 22 para. 33(c)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Enforcement action in respect of lifts and safety components for lifts which are not in conformity and which present a risk **N.I.**

65.—(1) Where, in the course of the evaluation referred to in regulation 64, an enforcing authority finds that—

- (a) the lift is not in conformity with Part 2, it must, without delay, require the installer to take appropriate corrective actions to bring the lift into conformity with those requirements within a prescribed period;
- (b) the safety component for lifts is not in conformity with Part 2, it must, without delay, require a relevant economic operator to—
- (i) take appropriate corrective actions to bring the safety component for lifts [^{F257}from the market in Northern Ireland] into conformity with those requirements within a prescribed period;
- (ii) withdraw the safety component for lifts [^{F258}from the market in Northern Ireland] within a prescribed period; or
- (iii) recall the safety component for lifts within a prescribed period.

(2) The enforcing authority must inform the notified body which carried out the conformity assessment procedure in respect of the lift or the safety component for lifts of—

- (a) the respect in which the lift or safety component for lifts is not in conformity with Part 2; and
- (b) the actions which the enforcing authority is requiring the relevant economic operator to take.

(3) Where the enforcing authority is not the Secretary of State and it considers that the lack of conformity referred to in paragraph (1) is not restricted to [^{F259}Northern Ireland], it must notify the Secretary of State of—

- (a) the results of the evaluation; and

(b) the actions which it has required the economic operator to take.

(4) ^{F260}Subject to paragraph (4A),] where the Secretary of State receives notification under paragraph (3), or otherwise considers that the lack of conformity referred to in paragraph (1) is not restricted to ^{F261}Northern Ireland], the Secretary of State must inform the European Commission and the other ^{F262}relevant states] of—

(a) the results of the evaluation; and

(b) the actions which the enforcing authority has required the economic operator to take.

^{F263}(4A) Paragraph (4) does not require the Secretary of State to inform the Commission or the other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.]

(5) Where the relevant economic operator does not take adequate corrective action within the prescribed period, the enforcing authority must take appropriate measures to—

(a) in relation to a lift—

(i) prohibit or restrict the lift being placed on the market in ^{F264}Northern Ireland];

(ii) prohibit or restrict the use of the lift; or

(iii) recall the lift.

(b) in relation to a safety component for lifts—

(i) prohibit or restrict the safety component for lifts being made available on the market in ^{F265}Northern Ireland];

(ii) withdraw the safety component for lifts from the ^{F266}market in Northern Ireland]; or

(iii) recall the safety component for lifts.

(6) Where the enforcing authority is not the Secretary of State and it takes measures under paragraph (5), it must notify the Secretary of State of those measures without delay.

(7) Where the Secretary of State receives notification under paragraph (6), or takes measures under paragraph (5), the Secretary of State must notify the European Commission and the other ^{F267}relevant states] of those measures without delay.

(8) The notifications in paragraphs (6) and (7) must include details about the lift or safety component for lifts and, in particular—

(a) the data necessary for the identification of the lift or the safety component for lifts which is not in conformity with Part 2;

(b) the origin of the lift or the safety component for lifts;

(c) the nature of the lack of conformity alleged and the risk involved;

(d) the nature and duration of the measures taken;

(e) the arguments put forward by the relevant economic operator; and

(f) whether the lack of conformity is due to either of the following—

(i) failure of the lift or the safety component for lifts to meet requirements relating to a risk;

(ii) shortcomings in a harmonised standards referred to in regulation 46 (presumption of conformity) conferring a presumption of conformity.

(9) In this regulation, “prescribed period” means a period which is—

(a) prescribed by the enforcing authority; and

(b) reasonable and commensurate with the nature of the risk presented by the lift or safety component for lifts.

Extent Information

- E96** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F257** Words in [reg. 65\(1\)\(b\)\(ii\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(a\)\(i\)](#)
- F258** Words in [reg. 65\(1\)\(b\)\(iii\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(a\)\(ii\)](#)
- F259** Words in [reg. 65\(3\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(b\)](#)
- F260** Words in [reg. 65\(4\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(c\)\(i\)](#)
- F261** Words in [reg. 65\(4\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(c\)\(ii\)](#)
- F262** Words in [reg. 65\(4\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(c\)\(iii\)](#)
- F263** [Reg. 65\(4A\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(d\)](#)
- F264** Words in [reg. 65\(5\)\(a\)\(i\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(e\)\(i\)](#)
- F265** Words in [reg. 65\(5\)\(b\)\(i\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(e\)\(i\)](#)
- F266** Words in [reg. 65\(5\)\(b\)\(ii\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(e\)\(ii\)](#)
- F267** Words in [reg. 65\(7\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(1\)\(f\)](#)

EU safeguard procedure

66.—^[F136](1) Where another ^[F137]relevant state] has initiated the procedure under Article 38 of the Directive (as amended from time to time), each enforcing authority (other than the Secretary of State) must, without delay, inform the Secretary of State of—

- (a) any measures taken by the enforcing authority in respect of the lift or the safety component for lifts; and
- (b) any additional information which the enforcing authority has at its disposal relating to the lack of conformity of the lift or the safety component for lifts.

(2) Where another [F138 relevant state] has initiated the procedure under Article 38 of the Directive (as amended from time to time), the Secretary of State must, without delay, inform the European Commission and the other [F139 relevant states] of—

- (a) any measures taken by an enforcing authority [F140 in Northern Ireland] in respect of the lift or the safety component for lifts;
- (b) any additional information which an enforcing authority has at its disposal relating to the lack of conformity of the lift or the safety component for [F141 lifts].

F142(c)

(3) Where a measure taken by another [F143 relevant state] in respect of a lift or a safety component for lifts is considered justified under Article 38(7) of the Directive (as amended from time to time), the market surveillance authority must ensure that appropriate measures, such as the withdrawal of a safety component for lifts are taken [F144 in Northern Ireland] in respect of the lift or the safety component for lifts without delay.

(4) Where a measure taken by another [F145 relevant state] in respect of a lift or a safety component for lifts is considered justified by the European Commission under Article 39(1) of the Directive (as amended from time to time), the market surveillance authority must take the necessary measures to ensure that—

- (a) the placing on the market or use of the lift is restricted or prohibited or that the lift is recalled; or
- (b) that safety component for lifts is withdrawn from [F146 market in Northern Ireland].

(5) Where the market surveillance authority is not the Secretary of State and it has taken action under paragraph (3) or (4), it must inform the Secretary of State.

(6) Where the Secretary of State receives notification under paragraph (5), or has taken action under paragraphs (3) or (4), the Secretary of State must inform the European Commission of the action taken [F147 in respect of Northern Ireland].

F148(7)

Textual Amendments

- F136** Reg. 66 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 34** (with Sch. 22 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F137** Words in [reg. 66\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 5(2)(a)**
- F138** Words in [reg. 66\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 5(2)(b)(i)**
- F139** Words in [reg. 66\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 5(2)(b)(ii)**
- F140** Words in [reg. 66\(2\)\(a\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 5(2)(b)(iii)**
- F141** Word in [reg. 66\(2\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 10 para. 5(2)(b)(iv)**

- F142** Reg. 66(2)(c) omitted (N.I.) (31.12.2020) by virtue of *The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)*, reg. 1(b), **Sch. 10 para. 5(2)(b)(v)**
- F143** Words in reg. 66(3) substituted (N.I.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)*, reg. 1(b), **Sch. 10 para. 5(2)(c)(i)**
- F144** Words in reg. 66(3) inserted (N.I.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)*, reg. 1(b), **Sch. 10 para. 5(2)(c)(ii)**
- F145** Words in reg. 66(4) substituted (N.I.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)*, reg. 1(b), **Sch. 10 para. 5(2)(d)(i)**
- F146** Words in reg. 66(4) substituted (N.I.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)*, reg. 1(b), **Sch. 10 para. 5(2)(d)(ii)**
- F147** Words in reg. 66(6) inserted (N.I.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)*, reg. 1(b), **Sch. 10 para. 5(2)(e)**
- F148** Reg. 66(7) omitted (N.I.) (31.12.2020) by virtue of *The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112)*, reg. 1(b), **Sch. 10 para. 5(2)(f)**

Enforcement action in respect of lifts and safety components for lifts which are in conformity, but present a risk E+W+S

67.—(1) Where, having carried out an evaluation under regulation 64, an enforcing authority finds that although a lift or a safety component for lifts is in conformity with Part 2, it presents a risk, the enforcing authority must require a relevant economic operator to take appropriate measures to—

- (a) in relation to a lift—
 - (i) ensure that the lift concerned, when placed on the market, no longer presents a risk;
 - (ii) recall the lift within a prescribed period; or
 - (iii) prohibit or restrict the use of the lift within a prescribed period;
- (b) in relation to a safety component for lifts—
 - (i) ensure that the safety component for lifts concerned, when placed on the market, no longer presents a risk;
 - (ii) withdraw the safety component for lifts within a prescribed period; or
 - (iii) recall the safety component for lifts within a prescribed period.

(2) Where an enforcing authority is not the Secretary of State and it takes measures under paragraph (1), it must notify the Secretary of State immediately.

^{F149}(3)

(4) The [^{F150}notice referred to in paragraph (2)] must include details about the lift or the safety component for lifts and, in particular—

- (a) the data necessary for the identification of the lift or the safety component for lifts concerned;
- (b) the origin and the supply chain of the lift or the safety component for lifts;
- (c) the nature of the risk involved; and
- (d) the nature and duration of the measures taken by the enforcing authority.

- (5) In this regulation, “prescribed period” means a period which is—
- (a) prescribed by the enforcing authority; and
 - (b) reasonable and commensurate with the nature of the risk presented by the lift or the safety component for lifts.

Extent Information

E37 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F149 Reg. 67(3) omitted (E.W.S.) (31.12.2020) by virtue of *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 22 para. 35(a)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F150 Words in reg. 67(4) substituted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 22 para. 35(b)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Enforcement action in respect of lifts and safety components for lifts which are in conformity, but present a risk **N.I.**

67.—(1) Where, having carried out an evaluation under regulation 64, an enforcing authority finds that although a lift or a safety component for lifts is in conformity with Part 2, it presents a risk, the enforcing authority must require a relevant economic operator to take appropriate measures to—

- (a) in relation to a lift—
 - (i) ensure that the lift concerned, when placed on the market, no longer presents a risk;
 - (ii) recall the lift [^{F268}from Northern Ireland] within a prescribed period; or
 - (iii) prohibit or restrict the use of the lift [^{F269}from Northern Ireland] within a prescribed period;
- (b) in relation to a safety component for lifts—
 - (i) ensure that the safety component for lifts concerned, when placed on the market, no longer presents a risk;
 - (ii) withdraw the safety component for lifts [^{F270}from Northern Ireland] within a prescribed period; or
 - (iii) recall the safety component for lifts [^{F271}from Northern Ireland] within a prescribed period.

(2) Where an enforcing authority is not the Secretary of State and it takes measures under paragraph (1), it must notify the Secretary of State immediately.

(3) Where the Secretary of State receives notification under paragraph (2), or takes measures under paragraph (1), the Secretary of State must notify the European Commission and the other [^{F272}relevant states] immediately.

(4) The notices referred to in paragraphs (2) and (3) must include details about the lift or the safety component for lifts and, in particular—

- (a) the data necessary for the identification of the lift or the safety component for lifts concerned;
- (b) the origin and the supply chain of the lift or the safety component for lifts;

- (c) the nature of the risk involved; and
 - (d) the nature and duration of the measures taken by the enforcing authority.
- (5) In this regulation, “prescribed period” means a period which is—
- (a) prescribed by the enforcing authority; and
 - (b) reasonable and commensurate with the nature of the risk presented by the lift or the safety component for lifts.

Extent Information

E97 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F268 Words in [reg. 67\(1\)\(a\)\(ii\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(3\)\(a\)](#)

F269 Words in [reg. 67\(1\)\(a\)\(iii\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(3\)\(a\)](#)

F270 Words in [reg. 67\(2\)\(b\)\(ii\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(3\)\(b\)](#)

F271 Words in [reg. 67\(2\)\(b\)\(iii\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(3\)\(b\)](#)

F272 Words in [reg. 67\(3\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 5\(3\)\(c\)](#)

Enforcement action in respect of formal non-compliance **E+W+S**

68.—(1) Where an enforcing authority makes one of the following findings relating to a lift or the safety component for lifts, it must require a relevant economic operator to put an end to the non-compliance concerned within a specified period—

- (a) the ^{F151}[UK] marking—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulations 45 (prohibition on improper use of ^{F151}[UK] marking) and 50 (^{F151}[UK] marking);
- (b) where ^{F152}[an approved] body is involved in the production control phase for the lift or the safety component for lifts, the identification number of ^{F153}[the approved] body—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulation 50;
- (c) the ^{F154}... declaration of conformity—
 - (i) has not been drawn up; or
 - (ii) has been drawn up otherwise than in accordance with regulations 8 (^{F154}... declaration of conformity and ^{F151}[UK] marking) and 17 (^{F154}... declaration of conformity and ^{F151}[UK] marking) and 49 (^{F154}... declaration of conformity);

- (d) the technical documentation is either not available or not complete;
 - (e) the following information that is required to be included in the labelling is absent, false or incomplete—
 - (i) in relation to lifts, the information specified in regulation 10(1);
 - (ii) in relation to safety components for lifts, the information specified in regulation 19(1) and 28(1); or
 - (f) any other administrative requirement imposed on the manufacturer or importer under Part 2 has not been fulfilled.
- (2) The enforcing authority must not commence proceedings under these Regulations, or take any other enforcement action under these Regulations, against the relevant economic operator in respect of the non-compliance concerned until the specified period has elapsed.
- (3) Where the non-compliance referred to in paragraph (1) persists, the enforcing authority must take appropriate measures to—
- (a) in relation to a lift—
 - (i) restrict or prohibit the use of the lift; or
 - (ii) recall the lift;
 - (b) in relation to a safety component for lifts—
 - (i) restrict or prohibit the safety component for lifts being made available on the market;
 - (ii) ensure that the safety component for lifts is withdrawn; or
 - (iii) ensure that the safety component for lifts is recalled.
- (4) This regulation does not apply where a lift or a safety component for lifts presents a risk.

Extent Information

E38 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F151** Word in reg. 68 substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 36(a) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F152** Words in reg. 68(1)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 36(b)(i) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F153** Words in reg. 68(1)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 36(b)(ii) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F154** Word in reg. 68(1)(c) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 36(c) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Enforcement action in respect of formal non-compliance **N.I.**

68.—(1) Where an enforcing authority makes one of the following findings relating to a lift or the safety component for lifts, it must require a relevant economic operator to put an end to the non-compliance concerned within a specified period—

- (a) the CE marking—

- (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulations 45 (prohibition on improper use of CE marking) and 50 (CE marking);
- [^{F273}(aa) the UK(NI) indication—
- (i) has not been affixed, in contravention of regulation 50A; or
 - (ii) has been affixed other than in accordance with regulation 50A;]
- (b) where a notified body is involved in the production control phase for the lift or the safety component for lifts, the identification number of the notified body—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulation 50;
 - (c) the EU declaration of conformity—
 - (i) has not been drawn up; or
 - (ii) has been drawn up otherwise than in accordance with regulations 8 (EU declaration of conformity and CE marking) and 17 (EU declaration of conformity and CE marking) and 49 (EU declaration of conformity);
 - (d) the technical documentation is either not available or not complete;
 - (e) the following information that is required to be included in the labelling is absent, false or incomplete—
 - (i) in relation to lifts, the information specified in regulation 10(1);
 - (ii) in relation to safety components for lifts, the information specified in regulation 19(1) and 28(1); or
 - (f) any other administrative requirement imposed on the manufacturer or importer under Part 2 has not been fulfilled.
- (2) The enforcing authority must not commence proceedings under these Regulations, or take any other enforcement action under these Regulations, against the relevant economic operator in respect of the non-compliance concerned until the specified period has elapsed.
- (3) Where the non-compliance referred to in paragraph (1) persists, the enforcing authority must take appropriate measures to—
- (a) in relation to a lift—
 - (i) restrict or prohibit the use of the lift; or
 - (ii) recall the lift;
 - (b) in relation to a safety component for lifts—
 - (i) restrict or prohibit the safety component for lifts being made available on the market;
 - (ii) ensure that the safety component for lifts is withdrawn; or
 - (iii) ensure that the safety component for lifts is recalled.
- (4) This regulation does not apply where a lift or a safety component for lifts presents a risk.

Extent Information

E98 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F273 Reg. 68(1)(aa) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(2), **Sch. 2 para. 9(4)**

Restrictive measures

69. When enforcing these Regulations, an enforcing authority must comply with the requirements of Article 21 of RAMS in relation to any measure to—

- (a) in relation to a lift—
 - (i) prohibit or restrict a lift being placed on the market;
 - (ii) prohibit or restrict the use of a lift; or
 - (iii) recall a lift;
- (b) in relation to a safety component for lifts—
 - (i) prohibit the safety component for lifts being made available on the market;
 - (ii) withdraw a safety component for lifts; or
 - (iii) recall a safety component for lifts.

Offences

70.—(1) It is an offence for a person to contravene or fail to comply with any requirement of regulation 6 to 12, 13(2), 14 to 22, 23(2), 25 to 33, 34(2), 36 to 40, 41(2), 44 or 45.

(2) It is an offence for any person to contravene or fail to comply with any requirement of a withdrawal or recall notice served on that person by an enforcing authority under these Regulations.

Penalties **E+W+S**

71.—(1) Subject to paragraph (2), a person guilty of an offence under regulation 70 is liable on summary conviction—

- (a) in England and Wales, to a fine or imprisonment for a term not exceeding 3 months or to both;
- (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or to both.

(2) A person guilty of an offence under regulation 9, 13(2), 18, 23(2), 34(2) or 41(2) is liable on summary conviction —

- (a) in England and Wales, to a fine;
- (b) in Scotland or Northern Ireland, to a fine not exceeding the level 5 on the standard scale.

Extent Information

E39 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Penalties **N.I.**

71.—(1) Subject to paragraph (2) [^{F274}and (3)], a person guilty of an offence under regulation 70 is liable on summary conviction—

- (a) in England and Wales, to a fine or imprisonment for a term not exceeding 3 months or to both;
 - (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or to both.
- (2) A person guilty of an offence under regulation 9, 13(2), 18, 23(2), 34(2) or 41(2) is liable on summary conviction —
- (a) in England and Wales, to a fine;
 - (b) in Scotland or Northern Ireland, to a fine not exceeding the level 5 on the standard scale.
- [^{F275}(3) A person guilty of an offence under regulation 70(2) insofar as the requirement relates to a UK(NI) indication is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

Extent Information

E99 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F274 Words in [reg. 71\(1\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 9\(5\)\(a\)](#)

F275 [Reg. 71\(3\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 9\(5\)\(b\)](#)

Defence of due diligence

72.—(1) Subject to paragraph (2), (4) and (6), in proceedings for an offence under regulation 70, it is a defence for a person (“P”) to show that P took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) P may not rely on a defence under paragraph (1) which involves a third party allegation unless P has—

- (a) served a notice in accordance with paragraph (3); or
- (b) obtained the leave of the court.

(3) The notice must—

- (a) give any information in P's possession which identifies or assists in identifying the person who—
 - (i) committed the act or default; or
 - (ii) supplied the information on which P relied.
- (b) be served on the person bringing the proceedings not less than 7 clear days before—
 - (i) in England, Wales and Northern Ireland, the hearing of the proceedings;
 - (ii) in Scotland, the trial diet.

(4) P may not rely on a defence under paragraph (1) which involves an allegation that the commission of the offence was due to reliance on information supplied by another person unless it was reasonable for P to have relied upon the information, having regard in particular—

- (a) to the steps that P took, and those which might reasonably have been taken, for the purpose of verifying the information; and

(b) to whether P had any reason to disbelieve the information.

(5) In this regulation, “third party allegation” means an allegation that the commission of the offence was due—

- (a) to the act or default of another person; or
- (b) to reliance on information supplied by another person.

Liability of persons other than principal offender

73.—(1) Where the commission of an offence by one person (“A”) under regulation 70 is due to anything which another person (“B”) did or failed to do in the course of business, B is guilty of the offence and may be proceeded against and punished, whether or not proceedings are taken against A.

(2) Where a body corporate commits an offence, a relevant person is also guilty of the offence where the body corporate's offence was committed—

- (a) with the consent or connivance of the relevant person; or
- (b) as a result of the negligence of the relevant person.

(3) In paragraph (2), “relevant person” means—

- (a) a director, manager, secretary or other similar officer of the body corporate;
- (b) in relation to a body corporate managed by its members, a member of that body corporate performing managerial functions;
- (c) in relation to a Scottish partnership, a partner; or
- (d) a person purporting to act as a person described in sub-paragraphs (a), (b) or (c).

Time limit for prosecution of offences

74.—(1) In England and Wales, an information relating to an offence under regulation 70 may be so tried if it is laid within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the knowledge of the prosecutor.

(2) In Scotland—

- (a) summary proceedings for an offence under regulation 70 may be commenced before the end of 12 months after the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to the Lord Advocate's knowledge; and
- (b) section 136(3) of the Criminal Procedure (Scotland) Act 1995^{M11} (time limit for certain offences) applies for the purpose of this paragraph as it applies for the purpose of that section.

(3) In Northern Ireland summary proceedings for an offence under regulation 70 may be instituted within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to the knowledge of the prosecutor.

(4) No proceedings may be brought more than 3 years after the commission of the offence.

(5) For the purposes of this regulation a certificate of the prosecutor (or in Scotland, the Lord Advocate) as to the date on which the evidence referred to paragraphs (1), (2) or (3) came to light, is conclusive evidence.

(6) This regulation has effect subject to—

- (a) in England and Wales and Scotland, paragraphs 1(o) and 2(n) of Schedule 8 (enforcement powers of the Health and Safety Executive under the 1974 Act);
- (b) in Northern Ireland, paragraphs 1(o) and 2(n) of Schedule 9 (enforcement powers of the Department under the 1978 Order).

Marginal Citations

M11 1995 c.46.

Service of documents

75.—(1) Any document required or authorised by these Regulations to be served on a person may be served by—

- (a) delivering it to that person in person;
- (b) leaving it at that person's proper address; or
- (c) sending it by post or electronic means to that person's proper address.

(2) In the case of a body corporate, a document may be served on a director of that body.

(3) In the case of a partnership, a document may be served on a partner or a person having control or management of the partnership business.

(4) For the purposes of this regulation, “proper address” means—

- (a) in the case of a body corporate or its director—
 - (i) the registered or principal office of that body; or
 - (ii) the email address of the secretary or clerk of that body;
- (b) in the case of a partnership, a partner or person having control or management of the partnership business—
 - (i) the principal office of the partnership; or
 - (ii) the email address of a partner or person having that control or management;
- (c) in any other case, a person's last known address, which includes an email address.

(5) If a person to be served with a document has specified an address in the United Kingdom (other than that person's proper address) at which that person or someone on that person's behalf will accept service, that address must also be treated as that person's proper address.

(6) In this regulation, “partnership” includes a Scottish partnership.

Recovery of expenses of enforcement

76.—(1) This regulation applies where a person commits an offence under regulation 70.

(2) The court may (in addition to any other order it may make as to costs or expenses) order the person to reimburse the enforcing authority for any expenditure which the enforcing authority has incurred in investigating the offence.

Action by enforcing authority

77.—(1) An enforcing authority may itself take action which an economic operator could have been required to take by a notice served under these Regulations where the conditions for serving such a notice are met and either—

- (a) the enforcing authority has been unable to identify any economic operator on whom to serve such a notice; or
- (b) the economic operator on whom such a notice has been served has failed to comply with it.

(2) If the enforcing authority has taken action as a result of the condition in paragraph (1)(b) being met, the authority may recover from the economic operator, as a civil debt, any costs or expenses reasonably incurred by the enforcing authority in taking the action.

- (3) A civil debt recoverable under paragraph (2) may be recovered summarily—
- (a) in England and Wales by way of a complaint pursuant to section 58 of the Magistrates' Courts Act 1980 ^{M12};
 - (b) in Northern Ireland in proceedings under article 62 of the Magistrates' Courts (Northern Ireland) Order 1981 ^{M13}.

Marginal Citations

M12 1980 c.43; section 58 was amended by the [Crime and Courts Act 2013 \(c.22\)](#), [Schedule 10 paragraph 40](#).

M13 [S.I. 1981/1675](#) (NI 26).

Appeals against notices

78.—(1) An application for an order to vary or set aside the terms of a notice served under these Regulations may be made—

- (a) by the economic operator on whom the notice has been served; and
- (b) in the case of a notice other than a recall notice, by a person having an interest in the lift or safety component for lifts article in respect of which the notice has been served.

(2) An application must be made before the end of the period of 21 days beginning with the day on which the notice was served.

(3) The appropriate court may only make an order setting aside a notice served under these Regulations if satisfied—

- (a) that the lift or safety component for lifts to which the notice relates is in conformity with Part 2; or
- (b) that the enforcing authority failed to comply with regulation 63 (exercise of enforcement powers) when serving the notice.

(4) On an application to vary the terms of a notice served under these Regulations, the appropriate court may vary the terms of the notice as it considers appropriate.

(5) In this regulation—

- (a) the “appropriate court” is to be determined in accordance with regulation 79 (appropriate court for appeals against notices); and
- (b) “notice” means any of the following—
 - (i) a prohibition notice served in accordance with Schedule 7 (enforcement powers of the Secretary of State and the Department under the 1987 Act);
 - (ii) a notice to warn served in accordance with Schedule 7;
 - (iii) a suspension notice served in accordance with Schedule 7;
 - (iv) a compliance notice served in accordance with Schedule 10 (compliance, withdrawal and recall notices);
 - (v) a withdrawal notice served in accordance with Schedule 10;
 - (vi) a recall notice served in accordance with Schedule 10.

Appropriate court for appeals against notices

79.—(1) In England and Wales or Northern Ireland, the appropriate court for the purposes of regulation 78 is—

- (a) the court in which proceedings have been brought in relation to the lift or the safety component for lifts for an offence under regulation 70 (offences);
 - (b) an employment tribunal seized of appeal proceedings against a notice which relates to the lift or the safety component for lifts and which has been served under or by virtue of paragraph 1 of Schedule 8 (enforcement powers of the Health and Safety Executive under the 1974 Act);
 - (c) in Northern Ireland, an industrial tribunal seized of appeal proceedings against a notice which relates to the lift or the safety component for lifts and which has been served under or by virtue of paragraph 1 of Schedule 9 (enforcement powers of the Department under the 1978 Order);
 - (d) in any other case, a magistrates' court.
- (2) In Scotland, the appropriate court for the purposes of regulation 78 is—
- (a) the sheriff of a sheriffdom in which the person making the appeal resides or has a registered or principal office; or
 - (b) an employment tribunal seized of appeal proceedings against a notice which relates to the lift or the safety component for lifts and which has been served under or by virtue of paragraph 1 of Schedule 8.
- (3) A person aggrieved by an order made by a magistrates' court in England and Wales or Northern Ireland pursuant to an application under regulation 78, or by a decision of such a court not to make such an order, may appeal against that order or decision—
- (a) in England and Wales, to the Crown Court;
 - (b) in Northern Ireland, to the county court.

Compensation

80.—(1) When an enforcing authority, other than the Health and Safety Executive or, in relation to lifts for use in the workplace or safety components for such lifts, the Department, serves a relevant notice in respect of a lift or a safety component for lifts, that authority is liable to pay compensation to a person having an interest in the lift or the safety component for lifts for any loss or damage suffered by reason of the notice if both of the conditions in paragraph (2) are met.

- (2) The conditions are that—
- (a) the lift or the safety component for lifts in respect of which the relevant notice was served neither—
 - (i) presents a risk; nor
 - (ii) contravenes any requirement of these Regulations; and
 - (b) the relevant notice was not served because of neglect or default by a relevant economic operator.
- (3) In this regulation, “relevant notice” means a suspension, withdrawal or recall notice (as referred to in regulation 78(5)(b)).

PART 6

Miscellaneous

Review **E+W+S**

81.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.
- (3) The report must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning on the commencement date.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

Extent Information

E40 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Review **N.I.**

- 81.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other [^{F276}relevant states].
- (3) The report must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning on the commencement date.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

Extent Information

E100 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F276 Words in [reg. 81\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 10 para. 6](#)

Transitional provisions **E+W+S**

82.—(1) For the purposes of these Regulations, a certificate or approval decision issued by a notified body under the 1997 Regulations, or any enactment of another member State which implemented the 1995 Directive, is to be treated as a certificate or approval decision issued under the Directive.

(2) In this regulation, “1995 Directive” means Directive [95/16/EC](#) of the European Parliament and of the Council on the approximation of the laws of the member States relating to lifts ^{M14}.

[^{F155}(3) [^{F156}In paragraphs (4) to (8)]—

“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day;

“product” means a lift or a safety component to lifts to which these Regulations apply.

(4) Subject to paragraph (5), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 22 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(5) Paragraph (4) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the member States of any matter; or
- (b) any obligation to take action outside of the United Kingdom in respect of that product.

(6) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under regulations 47 or 48 as they had effect immediately before IP completion day in relation to that product,

that action has effect as if it had been done under regulations 47 or 48 as they have effect on and after IP completion day.]

[^{F157}(7) Subject to paragraph (8), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market; and
- (b) an installer or a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 15 or 16 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 47 or 48.

(8) Paragraph (7) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.]

Extent Information

- E41** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F155** Reg. 82(3)-(6) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 22 para. 37](#) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), [Sch. 1 para. 1\(k\)\(vi\)-\(viii\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F156** Words in reg. 82(3) substituted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), [14\(2\)\(a\)](#)
- F157** Reg. 82(7)(8) inserted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), [14\(2\)\(b\)](#)

Marginal Citations

- M14** OJ L 213, 7.9.1995, p.1; as last amended by Regulation (EU) No 1025/2012 of the European Parliament and of the council of 25 October 2012 (OJ L 316, 14.11.2012, p.12).

Transitional provisions **N.I.**

82.—(1) For the purposes of these Regulations, a certificate or approval decision issued by a notified body under the 1997 Regulations, or any enactment of another member State which implemented the 1995 Directive, is to be treated as a certificate or approval decision issued under the Directive.

(2) In this regulation, “1995 Directive” means Directive [95/16/EC](#) of the European Parliament and of the Council on the approximation of the laws of the member States relating to lifts.

Extent Information

- E101** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Consequential revocations, savings and amendments **E+W+S**

83.—(1) Subject to paragraph (2), the 1997 Regulations are revoked.

(2) [^{F158}Subject to the modifications made in paragraph (3A), the] 1997 Regulations continue to apply, as if they had not been revoked, to lifts and safety components for lifts placed on the market before the commencement date.

(3) Accordingly, despite their repeal by paragraph (12)—

- (a) the entry in paragraph 3(3) of Schedule 5 to the Consumer Rights Act 2015 ^{M15};
- (b) the entries in paragraph 9(3) of that Schedule; and
- (c) the entry in paragraph 10 of that Schedule relating to the 1997 Regulations,

relating to the 1997 Regulations, continue to have effect [^{F159}, subject to the modifications made in paragraph (3A),] in relation to lifts and safety components for lifts placed on the market before the commencement date.

[^{F160}(3A) The modifications referred to in paragraphs (2) and (3) are as follows—

- (a) any reference to the “Community” is to be read as including the United Kingdom;
 - (b) any reference to a “member State” is to be read as including the United Kingdom;
 - (c) in regulation 11(3) omit paragraph (a);
 - (d) in Schedule 5 in Part A and in Part B—
 - (i) in paragraph (5) omit the words from “The Commission” to “carried out.”; and
 - (ii) in paragraph (7) omit the words after “issued”;
 - (e) in Schedules 7, 8, 11,12 and 13—
 - (i) in paragraph (5), for “national” substitute “ enforcement ”; and
 - (iv) in paragraph (6) omit “and withdrawn”;
 - (f) in paragraph (6) of Schedule 15, omit “with a view to this information being passed by him to the Commission”.]
- (4) In Schedule 1 to the Provision and Use of Work Equipment Regulations 1998 ^{M16}—
- (a) omit the entry relating to the 1997 Regulations; and
 - (b) insert a new entry at the end, as follows—
 - (i) in the first column, add “ The Lifts Regulations 2016 ”; and
 - (ii) in the second column, add “ SI 2016/1093 ”.
- (5) For the purposes of the enforcement of regulation 10 of the Provision and Use of Work Equipment Regulations 1998, those Regulations have effect as if the addition of the reference to the Lifts Regulations 2016 in Schedule 1 to those Regulations, effected by paragraph (4), had been made by means of regulations made under section 15 of the 1974 Act.
- (6) Schedule 2 to the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 ^{M17} is amended as follows—
- (a) omit the entry relating to the 1997 Regulations; and
 - (b) insert a new entry at the end, as follows—
 - (i) in the first column, add “ The Lifts Regulations 2016 ”; and
 - (ii) in the second column, add “ SI 2016/1093 ”.
- (7) For the purposes of the enforcement of regulation 10 of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999, those Regulations have effect as if the addition of the reference to the Lifts Regulations 2016 in Schedule 2 to those Regulations, effected by paragraph (6), had been made by means of regulations made under Article 17 of the 1978 Order.
- (8) The Lifting Operations and Lifting Equipment Regulations 1998 ^{M18} are amended as follows—
- (a) in regulation 2(1), in the definition of “EC declaration of conformity”, for “regulation 8(2) (d) of the Lifts Regulations 1997”, substitute “ regulation 49 of the Lifts Regulations 2016 ”; and
 - (b) in regulation 9(1)(b), for “the Lifts Regulations 1997”, substitute “ the Lifts Regulations 2016 ”.
- (9) The Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999 ^{M19} are amended as follows—
- (a) in regulation 2, in the definition of “EC declaration of conformity”, for “regulation 8(2) (d) of the Lifts Regulations 1997”, substitute “ regulation 49 of the Lifts Regulations 2016 ”; and
 - (b) in regulation 9(1)(b), for “the Lifts Regulations 1997”, substitute “ the Lifts Regulations 2016 ”.

(10) In regulation 3(2)(a) of the Cableway Installations Regulations 2004 ^{M20}, for “the Lifts Regulations 1997”, substitute “ the Lifts Regulations 2016 ”.

(11) In Schedule 1 to the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information Specification) Order 2004 ^{M21}, for “Lifts Regulations 1997”, substitute “ Lifts Regulations 2016 ”.

(12) Subject to paragraph (3), Schedule 5 to the Consumer Rights Act 2015 is amended as follows—

- (a) in paragraph 3(3), for “paragraph 3(1) of Schedule 15 to the Lifts Regulations 1997 (SI 1997/831)”, substitute “ regulation 61(1) and (2) of the Lifts Regulations 2016 (SI 2016/1093) ”;
- (b) in paragraph 9(3)—
 - (i) for “Lifts Regulations 1997 (SI 1997/831)”, substitute “ Lifts Regulations 2016 (SI 2016/1093) ”;
 - (ii) for “relevant products (within the meaning of Schedule 15 to the Regulations) for private use and consumption”, substitute “ lifts for private use and consumption and safety components for such lifts ”;
- (c) in paragraph 10—
 - (i) omit the entry “paragraph 2(a) or 3(1) of Schedule 15 to the Lifts Regulations 1997 (SI 1997/831)”; and
 - (ii) at the appropriate place, insert—

“regulation 61(1) or (2) of the Lifts Regulations 2016 (SI 2016/1093);”.

Extent Information

E42 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F158 Words in [reg. 83\(2\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 38\(a\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F159 Words in [reg. 83\(3\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 38\(b\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F160 [Reg. 83\(3A\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 22 para. 38\(c\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Marginal Citations

M15 2015 c.15.

M16 [S.I. 1998/2306](#), to which there are amendments not relevant to these Regulations.

M17 [S.R. 1999/305](#), to which there are amendments not relevant to these Regulations.

M18 [S.I. 1998/2307](#), to which there are amendments not relevant to these Regulations.

M19 [S.R. 1999 No. 304](#), to which there are amendments not relevant to these Regulations.

M20 [S.I. 2004/129](#), to which there are amendments not relevant to these Regulations.

M21 [S.I. 2004/693](#), to which there are amendments not relevant to these Regulations.

Consequential revocations, savings and amendments **N.I.**

- 83.—(1) Subject to paragraph (2), the 1997 Regulations are revoked.
- (2) The 1997 Regulations continue to apply, as if they had not been revoked, to lifts and safety components for lifts placed on the market before the commencement date.
- (3) Accordingly, despite their repeal by paragraph (12)—
- (a) the entry in paragraph 3(3) of Schedule 5 to the Consumer Rights Act 2015 ^{F277};
 - (b) the entries in paragraph 9(3) of that Schedule; and
 - (c) the entry in paragraph 10 of that Schedule relating to the 1997 Regulations,
- relating to the 1997 Regulations, continue to have effect in relation to lifts and safety components for lifts placed on the market before the commencement date.
- (4) In Schedule 1 to the Provision and Use of Work Equipment Regulations 1998 ^{F278}—
- (a) omit the entry relating to the 1997 Regulations; and
 - (b) insert a new entry at the end, as follows—
 - (i) in the first column, add “ The Lifts Regulations 2016 ”; and
 - (ii) in the second column, add “ SI 2016/1093 ”.
- (5) For the purposes of the enforcement of regulation 10 of the Provision and Use of Work Equipment Regulations 1998, those Regulations have effect as if the addition of the reference to the Lifts Regulations 2016 in Schedule 1 to those Regulations, effected by paragraph (4), had been made by means of regulations made under section 15 of the 1974 Act.
- (6) Schedule 2 to the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 ^{F279} is amended as follows—
- (a) omit the entry relating to the 1997 Regulations; and
 - (b) insert a new entry at the end, as follows—
 - (i) in the first column, add “ The Lifts Regulations 2016 ”; and
 - (ii) in the second column, add “ SI 2016/1093 ”.
- (7) For the purposes of the enforcement of regulation 10 of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999, those Regulations have effect as if the addition of the reference to the Lifts Regulations 2016 in Schedule 2 to those Regulations, effected by paragraph (6), had been made by means of regulations made under Article 17 of the 1978 Order.
- (8) The Lifting Operations and Lifting Equipment Regulations 1998 ^{F280} are amended as follows—
- (a) in regulation 2(1), in the definition of “EC declaration of conformity”, for “regulation 8(2) (d) of the Lifts Regulations 1997”, substitute “ regulation 49 of the Lifts Regulations 2016 ”; and
 - (b) in regulation 9(1)(b), for “the Lifts Regulations 1997”, substitute “ the Lifts Regulations 2016 ”.
- (9) The Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999 ^{F281} are amended as follows—
- (a) in regulation 2, in the definition of “EC declaration of conformity”, for “regulation 8(2) (d) of the Lifts Regulations 1997”, substitute “ regulation 49 of the Lifts Regulations 2016 ”; and
 - (b) in regulation 9(1)(b), for “the Lifts Regulations 1997”, substitute “ the Lifts Regulations 2016 ”.

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

(10) In regulation 3(2)(a) of the Cableway Installations Regulations 2004 ^{F282}, for “the Lifts Regulations 1997”, substitute “ the Lifts Regulations 2016 ”.

(11) In Schedule 1 to the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information Specification) Order 2004 ^{F283}, for “Lifts Regulations 1997”, substitute “ Lifts Regulations 2016 ”.

(12) Subject to paragraph (3), Schedule 5 to the Consumer Rights Act 2015 is amended as follows—

- (a) in paragraph 3(3), for “paragraph 3(1) of Schedule 15 to the Lifts Regulations 1997 (SI 1997/831)”, substitute “ regulation 61(1) and (2) of the Lifts Regulations 2016 (SI 2016/1093) ”;
- (b) in paragraph 9(3)—
 - (i) for “Lifts Regulations 1997 (SI 1997/831)”, substitute “ Lifts Regulations 2016 (SI 2016/1093) ”;
 - (ii) for “relevant products (within the meaning of Schedule 15 to the Regulations) for private use and consumption”, substitute “ lifts for private use and consumption and safety components for such lifts ”;
- (c) in paragraph 10—
 - (i) omit the entry “paragraph 2(a) or 3(1) of Schedule 15 to the Lifts Regulations 1997 (SI 1997/831)”; and
 - (ii) at the appropriate place, insert—

“regulation 61(1) or (2) of the Lifts Regulations 2016 (SI 2016/1093);”.

Extent Information

E102 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F277 2015 c.15.

F278 S.I. 1998/2306, to which there are amendments not relevant to these Regulations.

F279 S.R. 1999/305, to which there are amendments not relevant to these Regulations.

F280 S.I. 1998/2307, to which there are amendments not relevant to these Regulations.

F281 S.R. 1999 No. 304, to which there are amendments not relevant to these Regulations.

F282 S.I. 2004/129, to which there are amendments not relevant to these Regulations.

F283 S.I. 2004/693, to which there are amendments not relevant to these Regulations.

Department for Business, Energy and Industrial
Strategy

Margot James
Parliamentary Under Secretary of State, Minister
for Small Business, Consumers and Corporate
Responsibility

SCHEDULE 1

Regulation 2(1)

Essential Health and Safety Requirements

Preliminary remarks **E+W+S**

1.—(1) Obligations under essential health and safety requirements apply only where the corresponding risk exists for the lift or safety component for lifts in question when used as intended by the installer or the manufacturer.

(2) The essential health and safety requirements contained in [^{F161}this Schedule] are imperatives. However, given the present state of the art, the objectives which they lay down may not be attainable. In such cases, and to the greatest extent possible, the lift or safety components for lifts must be designed and constructed in such a way as to approximate to those objectives.

(3) The manufacturer and the installer are under an obligation to carry out a risk assessment in order to identify all the risks which apply to their products; they must then design and construct them taking account of the assessment.

Extent Information

E43 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F161 Words in Sch. 1 para. 1(2) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 39(2)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Preliminary remarks **N.I.**

1.—(1) Obligations under essential health and safety requirements apply only where the corresponding risk exists for the lift or safety component for lifts in question when used as intended by the installer or the manufacturer.

(2) The essential health and safety requirements contained in the Directive are imperatives. However, given the present state of the art, the objectives which they lay down may not be attainable. In such cases, and to the greatest extent possible, the lift or safety components for lifts must be designed and constructed in such a way as to approximate to those objectives.

(3) The manufacturer and the installer are under an obligation to carry out a risk assessment in order to identify all the risks which apply to their products; they must then design and construct them taking account of the assessment.

Extent Information

E103 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

General **E+W+S**

2.—(1) The general requirements are as follows.

Application of [^{F162}the Supply of Machinery (Safety) Regulations 2008/1597]

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

(2) Where the relevant risk exists and is not dealt with in [^{F163}this Schedule], the essential health and safety requirements of [^{F164}Schedule 2 to the Supply of Machinery (Safety) Regulations 2008/1597] apply. The essential health and safety requirements of point [^{F165}paragraph 1.1.2 of Schedule 2 to the Supply of Machinery (Safety) Regulations 2008/1597] apply in any event.

Carrier

(3) The carrier of each lift must be a car. This car must be designed and constructed to offer the space and strength corresponding to the maximum number of persons and the rated load of the lift set by the installer.

(4) Where the lift is intended for the transport of persons, and where its dimensions permit, the car must be designed and constructed in such a way that its structural features do not obstruct or impede access and use by disabled persons and so as to allow any appropriate adjustments intended to facilitate its use by them.

Means of suspension and means of support

(5) The means of suspension and/or support of the car, its attachments and any terminal parts thereof must be selected and designed so as to ensure an adequate level of overall safety and to minimise the risk of the car falling, taking into account the conditions of use, the materials used and the conditions of manufacture.

(6) Where ropes or chains are used to suspend the car, there must be at least two independent cables or chains, each with its own anchorage system. Such ropes and chains must have no joins or splices except where necessary for fixing or forming a loop.

Control of loading (including overspeed)

(7) Lifts must be so designed, constructed and installed as to prevent normal starting if the rated load is exceeded.

(8) Lifts must be equipped with an overspeed governor.

(9) [^{F166}The requirement of sub-paragraph (8)] do not apply to lifts in which the design of the drive system prevents overspeed.

(10) Fast lifts must be equipped with a speed-monitoring and speed-limiting device.

(11) Lifts driven by friction pulleys must be designed so as to ensure stability of the traction cables on the pulley.

Machinery

(12) All passenger lifts must have their own individual lift machinery. This requirement does not apply to lifts in which the counterweights are replaced by a second car.

(13) The installer must ensure that the lift machinery and the associated devices of a lift are not accessible except for maintenance and in emergencies.

Controls

(14) The controls of lifts intended for use by unaccompanied disabled persons must be designed and located accordingly.

(15) The function of the controls must be clearly indicated.

(16) The call circuits of a group of lifts may be shared or interconnected.

(17) Electrical equipment must be so installed and connected that—

- (a) there can be no possible confusion with circuits which do not have any direct connection with the lift;

- (b) the power supply can be switched while on load;
- (c) movements of the lift are dependent on electrical safety devices in a separate electrical safety circuit;
- (d) a fault in the electrical installation does not give rise to a dangerous situation.

Extent Information

E44 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F162 Words in Sch. 1 para. 2(2) heading substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 39(3) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F163 Words in Sch. 1 para. 2(2) substituted (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), Sch. 6 para. 8(a)(i) (with reg. 2)

F164 Words in Sch. 1 para. 2 substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 39(4)(a) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F165 Words in Sch. 1 para. 2 substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 39(4)(b) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F166 Words in Sch. 1 para. 2(9) substituted (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), Sch. 6 para. 8(a)(ii) (with reg. 2)

General **N.I.**

2.—(1) The general requirements are as follows.

Application of Directive 2006/42/EC

(2) Where the relevant risk exists and is not dealt with in [^{F284}this Schedule], the essential health and safety requirements of Annex I to Directive 2006/42/EC of the European Parliament and of the Council apply. The essential health and safety requirements of point 1.1.2 of Annex I to Directive 2006/42/EC apply in any event.

Carrier

(3) The carrier of each lift must be a car. This car must be designed and constructed to offer the space and strength corresponding to the maximum number of persons and the rated load of the lift set by the installer.

(4) Where the lift is intended for the transport of persons, and where its dimensions permit, the car must be designed and constructed in such a way that its structural features do not obstruct or impede access and use by disabled persons and so as to allow any appropriate adjustments intended to facilitate its use by them.

Means of suspension and means of support

(5) The means of suspension and/or support of the car, its attachments and any terminal parts thereof must be selected and designed so as to ensure an adequate level of overall safety and to

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

minimise the risk of the car falling, taking into account the conditions of use, the materials used and the conditions of manufacture.

(6) Where ropes or chains are used to suspend the car, there must be at least two independent cables or chains, each with its own anchorage system. Such ropes and chains must have no joins or splices except where necessary for fixing or forming a loop.

Control of loading (including overspeed)

(7) Lifts must be so designed, constructed and installed as to prevent normal starting if the rated load is exceeded.

(8) Lifts must be equipped with an overspeed governor.

(9) [^{F285}The requirement of sub-paragraph (8)] do not apply to lifts in which the design of the drive system prevents overspeed.

(10) Fast lifts must be equipped with a speed-monitoring and speed-limiting device.

(11) Lifts driven by friction pulleys must be designed so as to ensure stability of the traction cables on the pulley.

Machinery

(12) All passenger lifts must have their own individual lift machinery. This requirement does not apply to lifts in which the counterweights are replaced by a second car.

(13) The installer must ensure that the lift machinery and the associated devices of a lift are not accessible except for maintenance and in emergencies.

Controls

(14) The controls of lifts intended for use by unaccompanied disabled persons must be designed and located accordingly.

(15) The function of the controls must be clearly indicated.

(16) The call circuits of a group of lifts may be shared or interconnected.

(17) Electrical equipment must be so installed and connected that—

- (a) there can be no possible confusion with circuits which do not have any direct connection with the lift;
- (b) the power supply can be switched while on load;
- (c) movements of the lift are dependent on electrical safety devices in a separate electrical safety circuit;
- (d) a fault in the electrical installation does not give rise to a dangerous situation.

Extent Information

E104 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F284 Words in Sch. 1 para. 2(2) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 6 para. 8(a)(i)** (with reg. 2)

F285 Words in Sch. 1 para. 2(9) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 6 para. 8(a)(ii)** (with reg. 2)

Risks for persons outside the car **E+W+S**

3.—(1) The lift must be designed and constructed to ensure that the space in which the car travels is inaccessible except for maintenance or in emergencies. Before a person enters that space, normal use of the lift must be made impossible.

(2) The lift must be designed and constructed to prevent the risk of crushing when the car is in one of its extreme positions.

(3) The objective will be achieved by means of free space or refuge beyond the extreme positions.

(4) However, in specific cases, in affording [^{F167}the Secretary of State] the possibility of giving prior approval, particularly in existing buildings, where this solution is impossible to fulfil, other appropriate means may be provided to avoid this risk.

(5) The landings at the entrance and exit of the car must be equipped with landing doors of adequate mechanical resistance for the conditions of use envisaged.

(6) An interlocking device must prevent during normal operation—

(a) starting movement of the car, whether or not deliberately activated, unless all landing doors are shut and locked;

(b) the opening of a landing door when the car is still moving and outside a prescribed landing zone.

(7) However, all landing movements with the doors open are allowed in specified zones on condition that the levelling speed is controlled.

Extent Information

E45 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F167 Words in Sch. 1 para. 3(4) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 39(4A)** (as inserted by [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 14(5)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Risks for persons outside the car **N.I.**

3.—(1) The lift must be designed and constructed to ensure that the space in which the car travels is inaccessible except for maintenance or in emergencies. Before a person enters that space, normal use of the lift must be made impossible.

(2) The lift must be designed and constructed to prevent the risk of crushing when the car is in one of its extreme positions.

(3) The objective will be achieved by means of free space or refuge beyond the extreme positions.

(4) However, in specific cases, in affording [^{F286}relevant states] the possibility of giving prior approval, particularly in existing buildings, where this solution is impossible to fulfil, other appropriate means may be provided to avoid this risk.

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (5) The landings at the entrance and exit of the car must be equipped with landing doors of adequate mechanical resistance for the conditions of use envisaged.
- (6) An interlocking device must prevent during normal operation—
- (a) starting movement of the car, whether or not deliberately activated, unless all landing doors are shut and locked;
 - (b) the opening of a landing door when the car is still moving and outside a prescribed landing zone.
- (7) However, all landing movements with the doors open are allowed in specified zones on condition that the levelling speed is controlled.

Extent Information

E105 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F286 Words in [Sch. 1 para. 3\(4\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 10 para. 7\(1\)](#)

Risks for persons in the car

4.—(1) Lift cars must be completely enclosed by full-length walls, fitted floors and ceilings included, with the exception of ventilation apertures, and with full-length doors. These doors must be so designed and installed that the car cannot move, except for the landing movements referred to in [^{F168}paragraph 3 (7)], unless the doors are closed, and comes to a halt if the doors are opened.

(2) The doors of the car must remain closed and interlocked if the lift stops between two levels where there is a risk of a fall between the car and the shaft or if there is no shaft.

(3) In the event of a power cut or failure of components the lift must have devices to prevent free fall or uncontrolled movements of the car.

(4) The device preventing the free fall of the car must be independent of the means of suspension of the car.

(5) This device must be able to stop the car at its rated load and at the maximum speed anticipated by the installer. Any stop occasioned by this device must not cause deceleration harmful to the occupants whatever the load conditions.

(6) Buffers must be installed between the bottom of the shaft and the floor of the car.

(7) In this case, the free space referred to in [^{F169}paragraph 3(3)] must be measured with the buffers totally compressed.

(8) This requirement does not apply to lifts in which the car cannot enter the free space referred to in [^{F170}paragraph 3(3)] by reason of the design of the drive system.

(9) Lifts must be so designed and constructed as to make it impossible for them to be set in motion if the device provided for in [^{F171}sub-paragraphs (3) to (5)] is not in an operational position.

Textual Amendments

- F168** Words in Sch. 1 para. 4(1) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 6 para. 8(b)(i)** (with reg. 2)
- F169** Words in Sch. 1 para. 4(7) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 6 para. 8(b)(ii)** (with reg. 2)
- F170** Words in Sch. 1 para. 4(8) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 6 para. 8(b)(iii)** (with reg. 2)
- F171** Words in Sch. 1 para. 4(9) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 6 para. 8(b)(iv)** (with reg. 2)

Other risks

5.—(1) The landing doors and car doors or the two doors together, where motorised, must be fitted with a device to prevent the risk of crushing when they are moving.

(2) Landing doors, where they have to contribute to the protection of the building against fire, including those with glass parts, must be suitably resistant to fire in terms of their integrity and their properties with regard to insulation (containment of flames) and the transmission of heat (thermal radiation).

(3) Counterweights must be so installed as to avoid any risk of colliding with or falling on to the car.

(4) Lifts must be equipped with means enabling people trapped in the car to be released and evacuated.

(5) Cars must be fitted with two-way means of communication allowing permanent contact with a rescue service.

(6) Lifts must be so designed and constructed that, in the event of the temperature in the lift machine exceeding the maximum set by the installer, they can complete movements in progress but refuse new commands.

(7) Cars must be designed and constructed to ensure sufficient ventilation for passengers, even in the event of a prolonged stoppage.

(8) The car should be adequately lit whenever in use or whenever a door is opened; there must also be emergency lighting.

(9) The means of communication referred to in ^{F172}sub-paragraph (5)] and the emergency lighting referred to in point 4.8 must be designed and constructed so as to function even without the normal power supply. Their period of operation should be long enough to allow normal operation of the rescue procedure.

(10) The control circuits of lifts which may be used in the event of fire must be designed and manufactured so that lifts may be prevented from stopping at certain levels and allow for priority control of the lift by rescue teams.

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

Textual Amendments

F172 Words in [Sch. 1 para. 5\(9\)](#) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), [Sch. 6 para. 8\(c\)\(i\)](#) (with reg. 2)

Marking **E+W+S**

6.—(1) In addition to the minimum particulars required for any machine pursuant to point ^[F173]paragraph 1.7.3 of Schedule 2 to the Supply of Machinery (Safety) Regulations 2008/1597], each car must bear an easily visible plate clearly showing the rated load in kilograms and the maximum number of passengers which may be carried.

(2) If the lift is designed to allow people trapped in the car to escape without outside help, the relevant instructions must be clear and visible in the car.

Extent Information

E46 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F173 Words in [Sch. 1 para. 6\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 22 para. 39\(5\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Marking **N.I.**

6.—(1) In addition to the minimum particulars required for any machine pursuant to point 1.7.3 of Annex I to Directive [2006/42/EC](#), each car must bear an easily visible plate clearly showing the rated load in kilograms and the maximum number of passengers which may be carried.

(2) If the lift is designed to allow people trapped in the car to escape without outside help, the relevant instructions must be clear and visible in the car.

Extent Information

E106 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Instructions

7.—(1) The safety components for lifts listed in Schedule 3 must be accompanied by instructions, so the following can be carried out effectively and without danger—

- (a) assembly;
- (b) connection;
- (c) adjustment;
- (d) maintenance.

(2) Each lift must be accompanied by instructions. The instructions must contain at least the following documents—

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (a) instructions containing the plans and diagrams necessary for normal use and relating to maintenance, inspection, repair, periodic checks and the rescue operations referred to in [^{F174}paragraph 5 (4)];
- (b) a logbook in which repairs and, where appropriate, periodic checks can be noted.

Textual Amendments

F174 Words in Sch. 1 para. 7(2)(a) substituted (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 6 para. 8(d)** (with reg. 2)

SCHEDULE 2

Regulation 3(2)(b)

Excluded lifts

1. Lifting appliances whose speed is not greater than 0.15m/s.
2. Construction site hoists.
3. Cableways, including funicular railways.
4. Lifts specially designed and constructed for military or police purposes.
5. Lifting appliances from which work can be carried out.
6. Mine winding gear.
7. Lifting appliances intended for lifting performers during artistic performances.
8. Lifting appliances fitted in means of transport.
9. Lifting appliances connected to machinery and intended exclusively for access to workstations including maintenance and inspection points on the machinery.
10. Rack and pinion trains.
11. Escalators and mechanical walkways.

SCHEDULE 3

Regulation 2(1)

List of safety components [^{F175}referred to in Article 1(1) of the Directive]

Textual Amendments

F175 Words in [Sch. 3](#) heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 40** (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

1. Devices for locking landing doors.
2. Devices to prevent falls referred to in [^{F176}paragraph 4, sub-paragraphs (3) to (5)] of Schedule 1 to prevent the car from falling or uncontrolled movements.

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

Textual Amendments

F176 Words in Sch. 3 para. 2 substituted (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), Sch. 6 para. 9 (with reg. 2)

3. Overspeed limitation devices.
 - (a) (a) Energy-accumulating buffers:
 - (i) non-linear, or
 - (ii) with damping of the return movement.
 - (b) Energy-dissipating buffers.
5. Safety devices fitted to jacks of hydraulic power circuits where these are used as devices to prevent falls.
6. Electric safety devices in the form of safety circuits containing electric components.

SCHEDULE 4

Regulation 2(1)

[^{F177}Notified][^{F177}Approved] body requirements

Textual Amendments

F177 Word in Sch. 4 heading substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 41(a) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

1. A conformity assessment body must be established in the United Kingdom and have legal personality.
- 2.—(1) A conformity assessment body must be a third party body independent of the organisation or the lift or safety component for lifts it assesses.
 - (2) A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of lifts or safety components for lifts which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered to be independent under sub-paragraph (1).
- 3.—(1) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of lifts or safety components for lifts, nor the representative of any of those parties.
 - (2) Sub-paragraph (1) does not preclude the use of assessed lifts or safety components for lifts that are necessary for the operations of the conformity assessment body or the use of such lifts or safety components for lifts for personal purposes.
 - (3) Sub-paragraph (1) does not preclude the possibility of exchange of technical information between the manufacturer or the installer and the conformity assessment body.
4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not be directly involved in the design,

manufacture or construction, the marketing, installation, use or maintenance of lifts or safety components for lifts, or represent the parties engaged in those activities.

5. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not engage in activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are [^{F178}approved] (including consultancy services).

6. A conformity assessment body must ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

7. A conformity assessment body and its personnel must carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and must be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons who have an interest in those activities.

8. A conformity assessment body must be capable of carrying out all of the conformity assessment activities in relation to which it has been, or is to be, [^{F179}approved], whether those activities are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

9. A conformity assessment body must have at its disposal—

- (a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment activities;
- (b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures, and have appropriate policies and procedures in place that distinguish between tasks it carries out as [^{F180}an approved] body and other activities;
- (c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

10. A conformity assessment body must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and must have access to the necessary equipment or facilities.

11. The personnel responsible for carrying out conformity assessment activities must have—

- (a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been [^{F181}approved];
- (b) satisfactory knowledge of the requirements of the assessments which the personnel carry out and adequate authority to carry out those assessments;
- (c) appropriate knowledge and understanding of the essential health and safety requirements, the applicable harmonised standards, the Directive and these Regulations;
- (d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

12. A conformity assessment body must be able to demonstrate the impartiality of its top level management and the personnel responsible for carrying out the conformity assessment activities.

13. The remuneration of the top level management and the personnel responsible for carrying out the conformity assessment activities must not depend on the number of assessments carried out or on the results of those assessments.

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

14. A conformity assessment body must have, and must satisfy the Secretary of State that it has, adequate civil liability insurance in respect of its activities.

15. A conformity assessment body must ensure that its personnel observe professional secrecy with regard to all information obtained in carrying out their tasks in accordance with these Regulations and that proprietary rights are protected.

16. Paragraph 15 does not prevent the personnel from providing information to the Secretary of State or an enforcing authority.

17. A conformity assessment body must participate in, or ensure that its personnel who are responsible for carrying out the conformity assessment activities are informed of, the relevant standardisation activities and the activities of [^{F182}any coordination group of approved bodies for lifts established by the Secretary of State] and must apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

SCHEDULE 5

Regulation 49(c)

[^{F183}EU] declaration of conformity

Textual Amendments

F183 Word in Sch. 5 heading omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 42(2) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

PART 1

[^{F184}EU] declaration of conformity for lifts

Textual Amendments

F184 Word in Sch. 5 Pt. 1 heading omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 42(4) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

1. The ^{F185}... declaration of conformity for lifts must be drafted in the same language as the instructions referred to in [^{F186}paragraph 7(2)] of Schedule 1 and contain the following information—

- (a) business name and address of the installer;
- (b) where appropriate, business name and address of the authorised representative;
- (c) description of the lift, details of the type or series, serial number and address where the lift is installed;
- (d) year of installation of the lift;
- (e) all relevant provisions to which the lift conforms;
- (f) a statement that the lift is in conformity with [^{F187}relevant enactments];
- (g) where appropriate, reference(s) to harmonised standard(s) used;

- (h) where appropriate, the name, address and identification number of the [F188 approved] body which carried out the [F189 Type] examination of lifts set out in Part B of [F190 Schedule 11] and the reference of the [F189 Type] examination certificate issued by that [F188 approved] body;
- (i) where appropriate, the name, address and identification number of the [F188 approved] body which carried out the unit verification for lifts set out in [F191 Schedule 15];
- (j) where appropriate, the name, address and identification number of the [F188 approved] body which carried out the final inspection for lifts set out in [F192 Schedule 12];
- (k) where appropriate, the name, address, and identification number of the [F188 approved] body which approved the quality assurance system operated by the installer in accordance with the conformity assessment procedure set out in [F193 Schedules 17, 18 or 19];
- (l) the name and function of the person empowered to sign the declaration on behalf of the installer or the installer's authorised representative;
- (m) place and date of signature;
- (n) signature.

PART 2

[F194 EU] declaration of conformity for safety components for lifts

Textual Amendments

F194 Word in Sch. 5 Pt. 2 heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 22 para. 42\(6\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

2. The ^{F195}... declaration of conformity for safety components for lifts must contain the following information—

- (a) business name and address of the manufacturer;
- (b) where appropriate, business name and address of the authorised representative;
- (c) description of the safety component for lifts, details of type or series and serial number (if any); it may, where necessary for the identification of the safety component for lifts, include an image;
- (d) safety function of the safety component for lifts, if not obvious from the description;
- (e) year of manufacture of the safety component for lifts;
- (f) all relevant provisions with which the safety component for lifts complies;
- (g) a statement that the safety component for lifts is in conformity with the relevant Union harmonisation legislation;
- (h) where appropriate, reference(s) to harmonised standard(s) used;
- (i) where appropriate, the name, address and identification number of the [F188 approved] body which carried out the [F196 Type] examination of safety components for lifts set out in Part A of [F197 Schedule 11 and Schedule 13], and the reference of the [F196 Type] examination certificate issued by that [F188 approved] body;

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- (j) where appropriate, the name, address and identification number of the [F188 approved] body which carried out the conformity to type with random checking for safety components for lifts set out in [F198 Schedule 16];
- (k) where appropriate, the name, address and identification number of the [F188 approved] body which approved the quality system operated by the manufacturer in accordance with the conformity assessment procedure set out in [F199 Schedule 13 or 14];
- (l) the name and function of the person empowered to sign the declaration on behalf of the manufacturer or the manufacturer's authorised representative;
- (m) place and date of signature;
- (n) signature.

SCHEDULE 6

Regulation 58

Operational obligations of [F200 notified][F200 approved] bodies

Textual Amendments

F200 Word in Sch. 6 heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 43(a)** (with Sch. 22 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

1. [F201 A notified][F201 An approved] body must carry out conformity assessments in accordance with the relevant conformity assessment procedures.

Textual Amendments

F201 Words in Sch. 6 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 43(b)** (with Sch. 22 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

2. [F201 A notified][F201 An approved] body must carry out conformity assessments in a proportionate manner, avoiding unnecessary burdens on economic operators.

Textual Amendments

F201 Words in Sch. 6 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 43(b)** (with Sch. 22 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

3. [F201 A notified][F201 An approved] body must perform its activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

Textual Amendments

F201 Words in Sch. 6 substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 43(b) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

4. ^{F201}A notified]^{F201}An approved] body must respect the degree of rigour and the level of protection required to ensure that the lift or the safety component for lifts is in conformity with the requirements of these Regulations.

Textual Amendments

F201 Words in Sch. 6 substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 22 para. 43(b) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

5. Where a notified body finds that essential health and safety requirements or corresponding harmonised standards or other technical specifications have not been met by an installer or a manufacturer, it must require the installer or the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity or an approval decision.

6. Where, in the course of the monitoring of conformity following the issue of a certificate or an approval decision, a notified body finds that a lift or safety component for lifts is no longer in conformity with the essential health and safety requirements, it must require the installer or the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate of conformity or approval decision (if necessary).

7. Where ^{F202}the approved] body has required an installer or a manufacturer to take corrective measures and the installer or the manufacturer has failed to take such measures, or those measures have not had the required effect, ^{F202}the approved] body must restrict, suspend or withdraw any certificate of conformity or approval decision.

8. Paragraph 9 applies where a notified body is minded to—

- (a) refuse to issue a certificate of conformity or approval decision; or
- (b) restrict, suspend or withdraw a certificate of conformity or approval decision.

9. Where this paragraph applies, ^{F203}the approved] body must—

- (a) give the person applying for the certificate or approval decision, or the person to whom the certificate or approval decision was given, a notice in writing giving reasons and specifying the date on which the refusal, restriction, suspension or withdrawal is intended to take effect;
- (b) give the person applying for the certificate or approval decision, or the person to whom the certificate or approval decision was given, an opportunity to make representations within a reasonable period from the date of the notice; and
- (c) take account of any such representations before taking its decision.

10. ^{F201}A notified]^{F201}An approved] body must inform the Secretary of State of—

- (a) any refusal, restriction, suspension or withdrawal of a certificate of conformity or approval decision;
- (b) any circumstances affecting the scope of, or conditions for, notification under regulation 52 (notification);

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (c) any request for information which it has received from an enforcing authority regarding conformity assessment activities; and
- (d) on request, conformity assessment activities performed within the scope of its notification under regulation 52 and any other activity performed, including cross-border activities and subcontracting.

Textual Amendments

F201 Words in Sch. 6 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\), reg. 1, Sch. 22 para. 43\(b\)](#) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

11. [^{F201}A notified][^{F201}An approved] body must make provision in its contracts with its clients enabling such clients to appeal against a decision—

- (a) to refuse to issue a certificate of conformity or approval decision; or
- (b) to restrict, suspend or withdraw a certificate of conformity or approval decision.

Textual Amendments

F201 Words in Sch. 6 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\), reg. 1, Sch. 22 para. 43\(b\)](#) (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

12. [^{F201}An approved] body must provide other bodies [^{F204}approved by the Secretary of State] carrying out similar conformity assessment activities covering the same type of lifts or the same safety components for lifts with relevant information on issues relating to negative and, on request, positive conformity assessment results.

13. [^{F201}An approved] body must participate in the work of [^{F205}any coordination group of approved bodies for lifts established by the Secretary of State], directly or by means of its designated representatives.

SCHEDULE 7

Regulation 62(1)

Enforcement powers of the Secretary of State and the Department under the 1987 Act

Enforcement powers under the 1987 Act

1. For the purposes of enforcing these Regulations, the following sections of the 1987 Act apply subject to the modifications in paragraph 2—

- (a) section 13 (prohibition notices and notices to warn);
- (b) section 14 (suspension notices);
- (c) section 16 (forfeiture: England and Wales and Northern Ireland);
- (d) section 17 (forfeiture: Scotland);
- (e) section 18 (power to obtain information);
- (f) section 29 (powers of search etc);
- (g) section 30 (provisions supplemental to s 29);

- (h) section 31 (powers of customs officer to detain goods);
- (i) section 33 (appeals against detention of goods);
- (j) section 34 (compensation for seizure and detention);
- (k) section 35 (recovery of expenses of enforcement);
- (l) section 37 (power of Commissioners for Revenue and Customs to disclose information);
- (m) section 45 (interpretation);
- (n) section 46(1) (meaning of “supply”); and
- (o) Schedule 2 (prohibition notices and notices to warn).

Modifications to the 1987 Act

2. The sections of the 1987 Act referred to in paragraph 1 are to apply as if—
 - (a) in section 13—
 - (i) in subsection (1), “relevant” were omitted on each occasion that it appears;
 - (ii) in subsection (1), for “unsafe”, on each occasion that it appears, there were substituted “ non-compliant ”;
 - (iii) in subsection (2), the words from “; and the Secretary of State may” to the end were omitted; and
 - (iv) subsections (4) to (7) were omitted;
 - (b) in section 14—
 - (i) in subsection (1), after “any safety provision has been contravened in relation to any goods”, there were inserted “ or that any goods present a risk ”;
 - (ii) in subsection (2)(b), after “a safety provision has been contravened in relation to the goods”, there were inserted “ or that the goods present a risk ”;
 - (iii) in subsection (2)(c), “under section 15 below” were omitted; and
 - (iv) subsections (6) to (8) were omitted;
 - (c) in section 16—
 - (i) in subsection (1), after “a contravention in relation to the goods of a safety provision”, there were inserted “ or that the goods present a risk ”;
 - (ii) for subsection (2)(b) there were substituted—
 - “(b) where an application with respect to some or all of the goods has been made to a magistrates' court under regulation 78 (appeals against notices) of the Lifts Regulations 2016 or section 33, to that court; and”;
 - (iii) in subsection (3), after “a contravention in relation to the goods of a safety provision”, there were inserted “ or that the goods present a risk ”;
 - (iv) after subsection (4) there were inserted —
 - “(4A) A court may infer for the purposes of this section that any goods present a risk if it is satisfied that such a risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
 - (v) in subsection (6), for “Subject to subsection (7) below, where” there were substituted “ Where ”; and
 - (vi) subsection (7) were omitted;
 - (d) in section 17—

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (i) in subsection (1), after “a contravention of a safety provision”, there were inserted “ or where the goods present a risk ”;
- (ii) in subsection (6), after “a contravention in relation to those goods of a safety provision”, there were inserted “ or that those goods present a risk ”; and
- (iii) after subsection (7), there were inserted—
 - “(7A) The sheriff may infer for the purposes of this section that any goods present a risk if satisfied that such risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
- (e) in section 18, subsections (3) and (4) were omitted;
- (f) in section 29—
 - (i) in subsection (4)(a), after “any contravention of any safety provision in relation to the goods”, there were inserted “ or whether the goods present a risk ”;
 - (ii) in subsection (4)(b), after “any such contravention”, there were inserted “ or whether the goods present a risk ”; and
 - (iii) in subsection (7), after “a contravention of any safety provision”, there were inserted “ or prevent goods from presenting risk ”;
- (g) in section 30—
 - (i) after subsection (2)(a)(ii), for “and”, there were substituted—
 - “or
 - (iii) that any goods which any officer has power to inspect under section 29(4) are on any premises and their inspection is likely to demonstrate that they present a risk; and”;
 - (ii) subsections (5), (7) and (8) were omitted;
- (h) in section 31(1), for “Part II of this Act, or by section 29(4) of this Act”, there were substituted “ the Lifts Regulations 2016 ”;
- (i) in section 34(1)—
 - (i) at the end of paragraph (a), “and” were omitted;
 - (ii) after paragraph (a), there were inserted—
 - “(aa) the goods do not present a risk; and”;
- (j) in section 37(1), for “Part II of this Act”, there were substituted “ the Lifts Regulations 2016 ”;
- (k) in section 45(1)—
 - (i) the definitions of “conditional sale agreement”, “credit-sale agreement”, “gas”, “motor vehicle”, “personal injury”, “subordinate legislation” and “substance” were omitted;
 - (ii) for the definition of “enforcement authority” there were substituted—
 - ““enforcement authority” means an enforcing authority within the meaning of regulation 2(1) of the Lifts Regulations 2016;”;
 - (iii) for the definition of “goods” there were substituted—
 - ““goods” means a lift or safety component for lifts within the meaning of regulation 2(1) of the Lifts Regulations 2016;”;
 - (iv) after the definition of “modifications”, there were inserted—

- “non-compliant”, in relation to any goods, means that—
 - (a) a safety provision has been contravened in relation to the goods; or
 - (b) the goods present a risk;
- (v) after the definition of “premises”, there were inserted—
 - “present a risk” means present a risk within the meaning set out in regulation 2(4) of the Lifts Regulations 2016;”;
- (vi) for the definition of “safety provision” there were substituted—
 - “safety provision” means any provision of the Lifts Regulations 2016;”;
- (vii) for the definition of “safety regulations” there were inserted—
 - “safety regulations” means the Lifts Regulations 2016;”
- (l) in section 46(1), the words “and, in relation to gas or water, those references are to be construed as including references to providing the service by which the gas or water is made available for use” were omitted; and
- (m) in Schedule 2—
 - (i) for “unsafe”, on each occasion that it appears, there were substituted “ non-compliant ”; and
 - (ii) for “safe”, on each occasion that it appears, there were substituted “ not non-compliant ”.

SCHEDULE 8

Regulation 62(2)

Enforcement powers of the Health and Safety Executive under the 1974 Act

Enforcement powers under the 1974 Act

1. For the purposes of enforcing these Regulations, the following sections of the 1974 Act apply subject to the modifications in paragraph 2—

- (a) Section 10(1) (establishment of the Executive);
- (b) section 19 (appointment of inspectors);
- (c) section 20 (powers of inspectors);
- (d) section 21 (improvement notices);
- (e) section 22 (prohibition notices);
- (f) section 23 (provisions supplementary to ss 21 and 22);
- (g) section 24 (appeal against improvement or prohibition notice);
- (h) section 25 (power to deal with cause of imminent danger);
- (i) section 25A (power of customs officer to detain articles and substances);
- (j) section 26 (power of enforcing authorities to indemnify inspectors);
- (k) section 27 (obtaining of information by the Executive, enforcing authorities etc);
- (l) section 27A (information communicated by Commissioners for Revenue and Customs);
- (m) section 28 (restrictions on disclosure of information);
- (n) section 33 (offences);
- (o) section 34 (extension of time for bringing summary proceedings);

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (p) section 35 (venue);
- (q) section 39 (prosecution by inspectors);
- (r) section 41 (evidence); and
- (s) section 42 (power of court to order cause of offence to be remedied or, in certain cases, forfeiture).

Modifications to the 1974 Act

2. The sections of the 1974 Act referred to in paragraph 1 are to apply as if—
 - (a) references to “relevant statutory provisions” were references to—
 - (i) the provisions of the 1974 Act set out in paragraph 1, as modified by this paragraph; and
 - (ii) these Regulations;
 - (b) references to “risk” were references to “risk” within the meaning of regulation 2(4) of these Regulations;
 - (c) in section 19—
 - (i) in subsection (1), for “Every enforcing authority” there were substituted “ The Executive ”;
 - (ii) in subsection (1), “within its field of responsibility” were omitted;
 - (iii) in subsection (2)(a), for “specified; and” there were substituted “ so specified. ”;
 - (iv) in subsection (2), paragraph (b) were omitted; and
 - (v) in subsection (3), for “enforcing authority which appointed him” there were substituted “ Executive ”;
 - (d) in section 20—
 - (i) in subsection (1), “within the field of responsibility of the enforcing authority which appointed him” were omitted;
 - (ii) in subsection (2)(c)(i), for “his (the inspector's) enforcing authority” there were substituted “ the Executive ”;
 - (iii) in subsection 2(h), for “him to have caused or to be likely to cause danger to health or safety”, there were substituted “contravene the relevant statutory provisions or present a risk; and
 - (iv) subsection (3) were omitted;
 - (e) in section 21—
 - (i) before paragraph (a), there were inserted—

“(za) is placing on the market a lift, or making available on the market a safety component for lifts, which presents a risk;”;
 - (ii) after “specifying the”, there were inserted “ risk, or ”; and
 - (iii) after “requiring that person to”, there were inserted “ address the risk or ”;
 - (f) for section 22(2) there were substituted—

“(2) An inspector may serve a notice (in this Part referred to as “a prohibition notice”) on a person if, as regards any activities to which this section applies, the inspector is of the opinion that, as carried on or likely to be carried on by or under the control of the person in question, the activities involve or, as the case may be, will involve—

 - (a) a risk; or

- (b) a contravention of a relevant statutory provision.”;
- (g) in section 23, subsections (3), (4) and (6) were omitted;
- (h) in section 25A(1)—
 - (i) for “any enforcing authority or inspector”, there were substituted “ the Executive or an inspector ”; and
 - (ii) for “the authority”, there were substituted “ the Executive ”;
- (i) in section 26, for each of the following references there were substituted “ the Executive ”
 - (i) “the enforcing authority which appointed him”;
 - (ii) “that authority”; and
 - (iii) “the authority”;
- (j) in section 27—
 - (i) in subsection (1)(a), “or” were omitted;
 - (ii) in subsection (1)(b) were omitted;
 - (iii) in subsection (1), “or, as the case may be, to the enforcing authority in question” were omitted;
 - (iv) subsection (3)(a) were omitted; and
 - (v) in subsection (3)(b) for “functions; and” there were substituted “ functions. ”;
- (k) in section 27A(2)—
 - (i) for “an enforcing authority” there were substituted “ the Executive ”; and
 - (ii) the words from “, other than the Office for Nuclear Regulation” to the end were omitted;
- (l) in section 28—
 - (i) in subsection (1)(a), “, other than the Officer for Nuclear Regulation (or an inspector appointed by it),” were omitted;
 - (ii) in subsection (1)(a), “, by virtue of section 43A(6) below” were omitted;
 - (iii) in subsection (3)(a), “or any enforcing authority” were omitted;
 - (iv) in subsection (4), “or an enforcing authority” were omitted;
 - (v) in subsection (4), “(including, in the case of an enforcing authority, any inspector appointed by it)” were omitted;
 - (vi) in subsection (5)(a), “or the purposes of the enforcing authority in question in connection with the relevant statutory provisions” were omitted;
 - (vii) in subsection (7), “14(4)(a) or” were omitted;
 - (viii) in subsection (7), for paragraph (b), there were substituted—
 - “(b) for the purposes of any legal proceedings or for the purposes of a report of any such proceedings;”; and
 - (ix) subsection (9B) were omitted;
- (m) in section 33—
 - (i) in subsection (1), paragraphs (a) to (i) and (k) to (m) were omitted;
 - (ii) for subsection (2), there were substituted—
 - “(2) A person guilty of an offence under section 33 is liable on summary conviction—

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (i) in England and Wales, to a fine or imprisonment for a term not exceeding 3 months, or to both;
- (ii) in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months, or to both;” and
- (iii) subsection (3) were omitted;
- (n) in section 34—
 - (i) in subsection (1), paragraphs (a) and (b) were omitted;
 - (ii) in subsection (1), for the words from “and it appears” to the end, there were substituted “ and it appears from the investigation or, in a case falling within paragraph (d), from the proceedings at the inquiry, that any of the relevant statutory provisions was contravened at a time which is material in relation to the subject-matter of the investigation or inquiry, summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months of the conclusion of the investigation or inquiry. ”; and
 - (iii) subsections (3) to (6) were omitted;
- (o) in section 35, for “any enforcing authority”, there were substituted “ the Executive ”;
- (p) in section 39(1), for “enforcing authority which appointed him” there were substituted “ Executive ”; and
- (q) in section 42, subsections (3A), (4) and (5) were omitted.

SCHEDULE 9

Regulation 62(3)

Enforcement powers of the Department under the 1978 Order

Enforcement powers under the 1978 Order

1. For the purposes of enforcing these Regulations, the following sections of the 1978 Order apply subject to the modifications in paragraph 2—

- (a) Article 12(1) (establishment of the Executive)
- (b) Article 21 (appointment of inspectors);
- (c) Article 22 (powers of inspectors);
- (d) Article 23 (improvement notices);
- (e) Article 24 (prohibition notices);
- (f) Article 25 (provisions supplementary to Articles 23 and 24);
- (g) Article 26 (appeal against improvement or prohibition notice);
- (h) Article 27 (power to deal with cause of imminent danger);
- (i) Article 27A (power of customs officer to detain articles and substances);
- (j) Article 28 (power of enforcing authorities to indemnify their inspectors);
- (k) Article 29 (obtaining of information);
- (l) Article 29A (information communicated by Commissioners for Revenue and Customs);
- (m) Article 30 (restrictions on disclosure of information);
- (n) Article 31 (offences);

- (o) Article 32 (extension of time for bringing summary proceedings);
- (p) Article 33 (venue);
- (q) Article 36 (prosecutions by inspectors);
- (r) Article 38 (evidence); and
- (s) Article 39 (power of court to order cause of offence to be remedied and, in certain cases, forfeiture).

Modifications to the 1978 Order

2. The sections referred to in paragraph 1 apply as if—
 - (a) references to “relevant statutory provisions” were references to—
 - (i) the provisions of the 1978 Order set out in paragraph 1, as modified by this paragraph; and
 - (ii) these Regulations;
 - (b) references to “risk” were references to “risk” within the meaning of regulation 2(4) of these Regulations;
 - (c) in Article 21—
 - (i) in paragraph (1), for “Every enforcing authority” there were substituted “ the Department ”;
 - (ii) in paragraph (1), “within its field of responsibility” were omitted;
 - (iii) in sub-paragraph (2)(a), for “specified; and” there were substituted “ so specified. ”;
 - (iv) sub-paragraph 2(b) were omitted; and
 - (v) in paragraph (3), for “enforcing authority which appointed him” there were substituted “ Department ”;
 - (d) in Article 22—
 - (i) in paragraph (1), “within the field of responsibility of the enforcing authority which appointed him” were omitted;
 - (ii) in sub-paragraph (2)(c)(i), for “his (the inspector's) enforcing authority” there were substituted “ the Department ”;
 - (iii) in sub-paragraph 2(h), for “him to have caused or to be likely to cause danger to health or safety”, there were substituted “ contravene the relevant statutory provisions or present a risk ”; and
 - (iv) paragraph (3) were omitted;
 - (e) in Article 23—
 - (i) before paragraph (a), there were inserted—

“(za) is placing on the market a lift, or making available on the market a safety component for lifts, which presents a risk;”;
 - (ii) in paragraph (ii), after “specifying the”, there were inserted “ risk or ”; and
 - (iii) in paragraph (iv), after “requiring that person to”, there were inserted “ address the risk or ”;
 - (f) for Article 24(2), for “of serious personal injury” there were substituted “ or a contravention of a relevant statutory provision ”;
 - (g) in Article 25, paragraphs (3), (4) and (5) were omitted;
 - (h) in Article 27A(1)—

- (i) for “any enforcing authority or inspector”, there were substituted “ the Department or an inspector ”;
- (ii) for “the authority”, there were substituted “ the Department ”;
- (i) in Article 28, for each of the following references there were substituted “ the Department ”
 - (i) “the enforcing authority which appointed him”;
 - (ii) “that authority”; and
 - (iii) “the authority”;
- (j) in Article 29(1)—
 - (i) in subparagraph (b)—
 - (aa) for “an enforcing authority”, there were substituted “ the Department ”;
 - (bb) for “the authority's functions”, there were substituted “ its functions ”;
 - (ii) for “the Department concerned or the Executive”, there were substituted “ the Department ”; and
 - (iii) for “the Executive or, as the case may be, to the enforcing authority in question”, there were substituted “ the Department ”;
- (k) in Article 29A(2), for “an enforcing authority” there were substituted “ the Department ”;
- (l) in Article 30—
 - (i) for “Executive”, on each occasion that it appears, there were substituted “ Department ”;
 - (ii) in paragraph (3)(a), “or any enforcing authority” were omitted;
 - (iii) in paragraph (4), “or an enforcing authority” were omitted;
 - (iv) in paragraph (4), “or authority (including, in the case of an enforcing authority, any inspector appointed by it)” were omitted;
 - (v) in paragraph (5)(a), “or the purposes of the enforcing authority in question in connection with the relevant statutory provisions as the case may be” were omitted;
 - (vi) in paragraph (6), “16(4)(a) or” were omitted; and
 - (vii) in paragraph (6), for paragraph (b), there were substituted---
 - “(b) for the purposes of any legal proceedings or for the purposes of a report of any such proceedings;”;
- (m) in Article 31—
 - (i) in paragraph (1), the sub-paragraphs (a) to (i) and (k) to (m) were omitted;
 - (ii) for paragraph (2), there were substituted—
 - “(2) A person guilty of an offence under Article 31 is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 5 on the standard scale or both.”; and
 - (iii) paragraph (3) were omitted;
- (n) in Article 32—
 - (i) in paragraph (1), sub-paragraphs (a) and (b) were omitted;
 - (ii) in paragraph (1), for the words from “and it appears” to the end, there were substituted “ and it appears from the investigation at the inquest that any of the relevant statutory provisions was contravened at a time which is material in relation to the subject-matter of the inquest, summary proceedings against any person liable

to be proceeded against in respect of the contravention may be commenced at any time within three months of the conclusion of the inquest.”; and

- (iii) paragraphs (3) and (4) were omitted;
- (o) in Article 33, for “any enforcing authority”, there were substituted “ the Department ”;
- (p) in Article 36, for “enforcing authority which appointed him” there were substituted “ Department ”; and
- (q) in Article 39, paragraphs (3A), (4) and (5) were omitted.

SCHEDULE 10

Regulation 62(4)

Compliance, withdrawal and recall notices

Compliance notice

1.—(1) An enforcing authority may serve a compliance notice on a relevant economic operator in respect of a lift or a safety component for lifts if the authority has reasonable grounds for believing that there is non-compliance.

(2) A compliance notice must—

- (a) require the relevant economic operator on which it is served to—
 - (i) end the non-compliance within such period as may be specified in the notice; or
 - (ii) provide evidence, within such period as may be specified in the notice, demonstrating to the satisfaction of the enforcing authority that the non-compliance has not in fact occurred; and
- (b) warn the economic operator that, if the non-compliance persists or if satisfactory evidence has not been produced under sub-paragraph (a) within the period specified in the notice, further action may be taken in respect of—
 - (i) the lift or lifts of the same type placed on the market by the relevant economic operator;
 - (ii) the safety component for lifts or safety components for lifts of the same type made available on the market by the relevant economic operator.

(3) A compliance notice may include directions as to the measures to be taken by the economic operator to secure compliance, including different ways of securing compliance.

(4) Subject to paragraph (5), an enforcing authority may revoke or vary a compliance notice by serving a notification on the economic operator.

(5) An enforcing authority may not vary a compliance notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

Withdrawal notice **E+W+S**

2.—(1) An enforcing authority may serve a withdrawal notice on a relevant economic operator in respect of a safety component for lifts if the authority has reasonable grounds for believing that—

- (a) the safety component for lifts has been made available on the market; and
- (b) there is non-compliance.

(2) A withdrawal notice must prohibit the relevant economic operator from making the safety component for lifts available on the market without the consent of the enforcing authority.

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

(3) A withdrawal notice may require the relevant economic operator to take action to alert end-users to any risk presented by the safety component for lifts.

(4) A withdrawal notice may require the relevant economic operator to keep the enforcing authority informed of the whereabouts of any safety component for lifts referred to in the notice.

(5) A consent given by the enforcing authority pursuant to a withdrawal notice, may impose such conditions on the making available on the market as the enforcing authority considers appropriate.

(6) Subject to paragraph (7), an enforcing authority may revoke or vary a withdrawal notice by serving a notification on the economic operator.

(7) An enforcing authority may not vary a withdrawal notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

(8) A withdrawal notice has effect throughout the United Kingdom.

Extent Information

E58 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Withdrawal notice **N.I.**

2.—(1) An enforcing authority may serve a withdrawal notice on a relevant economic operator in respect of a safety component for lifts if the authority has reasonable grounds for believing that—

- (a) the safety component for lifts has been made available on the market; and
- (b) there is non-compliance.

(2) A withdrawal notice must prohibit the relevant economic operator from making the safety component for lifts available on the market without the consent of the enforcing authority.

(3) A withdrawal notice may require the relevant economic operator to take action to alert end-users to any risk presented by the safety component for lifts.

(4) A withdrawal notice may require the relevant economic operator to keep the enforcing authority informed of the whereabouts of any safety component for lifts referred to in the notice.

(5) A consent given by the enforcing authority pursuant to a withdrawal notice, may impose such conditions on the making available on the market as the enforcing authority considers appropriate.

(6) Subject to paragraph (7), an enforcing authority may revoke or vary a withdrawal notice by serving a notification on the economic operator.

(7) An enforcing authority may not vary a withdrawal notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

(8) A withdrawal notice has effect throughout [^{F289} Northern Ireland].

Extent Information

E118 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F289 Words in [Sch. 10 para. 2\(8\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 10 para. 7\(2\)](#)

Recall notice **E+W+S**

3.—(1) The enforcing authority may serve a recall notice on a relevant economic operator in respect of a lift or a safety component for lifts if the authority has reasonable grounds for believing that—

- (a) the lift has been placed on the market or the safety component for lifts has been made available to end-users; and
- (b) there is non-compliance.

(2) A recall notice must require the relevant economic operator to use reasonable endeavours to organise the dismantling and safe disposal of the lift or the return of the safety component for lifts from end-users to the relevant economic operator or another person specified in the notice.

(3) A recall notice may—

- (a) require the recall to be effected in accordance with a code of practice;
- (b) require the relevant economic operator to—
 - (i) contact end-users in order to inform them of the recall, to the extent that it is practicable to do so;
 - (ii) publish a notice in such form and such manner as is likely to bring to the attention of end-users any risk the lift or the safety component for lifts poses and the fact of the recall; or
 - (iii) make arrangements for the collection or return of the safety component for lifts from end-users or its disposal; or
- (c) impose such additional requirements on the relevant economic operator as are reasonable and practicable with a view to achieving the dismantling and safe disposal of a lift or the return of the safety component for lifts.

(4) In determining what requirements to include in a recall notice, the enforcing authority must take into consideration the need to encourage distributors and end-users to contribute to its implementation.

(5) A recall notice may only be issued by the enforcing authority where—

- (a) other action which it may require under these Regulations would not suffice to address the non-compliance;
- (b) the action being undertaken by the relevant economic operator is unsatisfactory or insufficient to address the non-compliance;
- (c) the enforcing authority has given not less than 10 days' notice to the relevant economic operator of its intention to serve such a notice; and
- (d) the enforcing authority has taken account of any advice obtained under sub-paragraph (6).

(6) A relevant economic operator which has received notice from the enforcing authority of an intention to serve a recall notice may at any time prior to the service of the recall notice require the authority to seek the advice of such person as the Institute determines on the questions of—

- (a) whether there is non-compliance; and
- (b) whether the issue of a recall notice would be proportionate.

(7) Sub-paragraphs (5)(b), (c) and (d) do not apply in the case of a lift or safety component for lifts presenting a serious risk requiring, in the view of the enforcing authority, urgent action.

(8) Where a relevant economic operator requires the enforcing authority to seek advice under sub-paragraph (6), that relevant economic operator is to be responsible for the fees, costs and expenses of the Institute and of the person appointed by the Institute to advise the enforcing authority.

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

(9) In this regulation, “Institute” means the charitable organisation with registered number 803725 and known as the Chartered Institute of Arbitrators.

(10) A recall notice served by the enforcing authority may require the relevant economic operator to keep the authority informed of the whereabouts of a safety component for lifts to which the recall notice relates, so far as the relevant economic operator is able to do so.

(11) Subject to paragraph (12), an enforcing authority may revoke or vary a recall notice by serving a notification on the economic operator.

(12) An enforcing authority may not vary a recall notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

(13) A recall notice has effect throughout the United Kingdom.

Extent Information

E59 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Recall notice **N.I.**

3.—(1) The enforcing authority may serve a recall notice on a relevant economic operator in respect of a lift or a safety component for lifts if the authority has reasonable grounds for believing that—

- (a) the lift has been placed on the market or the safety component for lifts has been made available to end-users; and
- (b) there is non-compliance.

(2) A recall notice must require the relevant economic operator to use reasonable endeavours to organise the dismantling and safe disposal of the lift or the return of the safety component for lifts from end-users to the relevant economic operator or another person specified in the notice.

(3) A recall notice may—

- (a) require the recall to be effected in accordance with a code of practice;
- (b) require the relevant economic operator to—
 - (i) contact end-users in order to inform them of the recall, to the extent that it is practicable to do so;
 - (ii) publish a notice in such form and such manner as is likely to bring to the attention of end-users any risk the lift or the safety component for lifts poses and the fact of the recall; or
 - (iii) make arrangements for the collection or return of the safety component for lifts from end-users or its disposal; or
- (c) impose such additional requirements on the relevant economic operator as are reasonable and practicable with a view to achieving the dismantling and safe disposal of a lift or the return of the safety component for lifts.

(4) In determining what requirements to include in a recall notice, the enforcing authority must take into consideration the need to encourage distributors and end-users to contribute to its implementation.

(5) A recall notice may only be issued by the enforcing authority where—

- (a) other action which it may require under these Regulations would not suffice to address the non-compliance;

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (b) the action being undertaken by the relevant economic operator is unsatisfactory or insufficient to address the non-compliance;
 - (c) the enforcing authority has given not less than 10 days' notice to the relevant economic operator of its intention to serve such a notice; and
 - (d) the enforcing authority has taken account of any advice obtained under sub-paragraph (6).
- (6) A relevant economic operator which has received notice from the enforcing authority of an intention to serve a recall notice may at any time prior to the service of the recall notice require the authority to seek the advice of such person as the Institute determines on the questions of—
- (a) whether there is non-compliance; and
 - (b) whether the issue of a recall notice would be proportionate.
- (7) Sub-paragraphs (5)(b), (c) and (d) do not apply in the case of a lift or safety component for lifts presenting a serious risk requiring, in the view of the enforcing authority, urgent action.
- (8) Where a relevant economic operator requires the enforcing authority to seek advice under sub-paragraph (6), that relevant economic operator is to be responsible for the fees, costs and expenses of the Institute and of the person appointed by the Institute to advise the enforcing authority.
- (9) In this regulation, “Institute” means the charitable organisation with registered number 803725 and known as the Chartered Institute of Arbitrators.
- (10) A recall notice served by the enforcing authority may require the relevant economic operator to keep the authority informed of the whereabouts of a safety component for lifts to which the recall notice relates, so far as the relevant economic operator is able to do so.
- (11) Subject to paragraph (12), an enforcing authority may revoke or vary a recall notice by serving a notification on the economic operator.
- (12) An enforcing authority may not vary a recall notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.
- (13) A recall notice has effect throughout [^{F290} Northern Ireland].

Extent Information

E119 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F290 Words in [Sch. 10 para. 3\(13\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 10 para. 7\(2\)](#)

Interpretation

4. In this Schedule, “non-compliance” means that the lift or safety component for lifts—
- (a) presents a risk; or
 - (b) is not in conformity with Part 2 or RAMS in its application to lifts or safety components for lifts.

[^{F206}SCHEDULE 11

Regulations 47 and 48

TYPE EXAMINATION FOR LIFTS AND SAFETY
COMPONENTS FOR LIFTS (Annex IV to the Directive)

Textual Amendments

F206 Schs. 11-19 inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 22 para. 44** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

MODULE B

A. Type examination of safety components for lifts

1. Type examination is the part of a conformity assessment procedure in which an approved body examines the technical design of a safety component for lifts and verifies and attests that the technical design of the safety component for lifts satisfies the applicable essential health and safety requirements of Schedule 1 and will enable a lift in which it is correctly incorporated to satisfy those requirements.

2. The application for Type examination shall be lodged by the manufacturer, or his authorised representative, with a single approved body of his choice.

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well and the place of manufacture of the safety components for lifts;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) the technical documentation;
- (d) a representative specimen of the safety component for lifts or details of the place where it can be examined. The approved body may request further specimens if needed for carrying out the test programme;
- (e) the supporting evidence for the adequacy of the technical design solution. This supporting evidence shall mention any documents, including other relevant technical specifications, that have been used, in particular where the relevant designated standards have not been applied in full. The supporting evidence shall include, where necessary, the results of tests carried out in accordance with other relevant technical specifications by the appropriate laboratory of the manufacturer, or by another testing laboratory on his behalf and under his responsibility.

3. The technical documentation shall make it possible to assess whether the safety component for lifts meets the conditions referred to in point 1 and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the safety component for lifts.

The technical documentation shall contain, where applicable, the following:

- (a) a description of the safety component for lifts, including its area of use (in particular possible limits on speed, load and power) and conditions (in particular explosive environments and exposure to the elements);
 - (b) design and manufacturing drawings and diagrams;
 - (c) explanations necessary for the understanding of those drawings and diagrams and the operation of the safety component for lifts;
 - (d) a list of the designated standards applied in full or in part and, where those designated standards have not been applied, descriptions of the solutions adopted to enable the safety component for lifts to meet the conditions referred to in point 1, including a list of other relevant technical specifications applied. In the event of partly applied designated standards, the technical documentation shall specify the parts which have been applied;
 - (e) results of design calculations performed by or for the manufacturer;
 - (f) test reports;
 - (g) a copy of the instructions for the safety components for lifts;
 - (h) steps taken at the manufacturing stage to ensure that series-produced safety components for lifts conform to the safety component for lifts examined.
4. The approved body shall:
- (a) examine the technical documentation and the supporting evidence to assess the adequacy of the technical design of the safety component for lifts;
 - (b) agree with the applicant on a location where the examinations and tests will be carried out;
 - (c) verify that the representative specimen(s) has(have) been manufactured in conformity with the technical documentation, and identify the elements which have been designed in accordance with the applicable provisions of the relevant designated standards, as well as the elements which have been designed in accordance with other relevant technical specifications;
 - (d) carry out appropriate examinations and tests, or have them carried out, to check whether, where the manufacturer has chosen to apply the specifications of the relevant designated standards, these have been applied correctly;
 - (e) carry out appropriate examinations and tests, or have them carried out, to check whether, where the specifications of the relevant designated standards have not been applied, the solutions adopted by the manufacturer applying other relevant technical specifications enable the safety component for lifts to meet the conditions referred to in point 1.

The approved body shall draw up an evaluation report that records the examinations, verifications and tests carried out and their outcome. Without prejudice to its obligations vis-à-vis the Secretary of State, the approved body shall release the content of that report, in full or in part, only with the agreement of the manufacturer.

5. Where the type of the safety component for lifts meets the conditions referred to in point 1, the body shall issue a type examination certificate to the manufacturer. That certificate shall contain the name and address of the manufacturer the conclusions of the Type examination, any conditions of validity of the certificate and the particulars necessary to identify the approved type.

The Type examination certificate may have one or more annexes attached.

The Type examination certificate and its annexes shall contain all relevant information to allow the conformity of manufactured safety components for lifts with the examined type to be evaluated and to allow for in-service control.

Where the type of the safety component for lifts does not satisfy the conditions referred to in point 1, the approved body shall refuse to issue a type examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal.

The approved body shall keep a copy of the Type examination certificate, its annexes and additions, as well as the technical documentation and the evaluation report, for 15 years from the date of issue of that certificate.

6. The approved body shall keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved type may no longer meet the conditions referred to in point 1 and shall determine whether such changes require further investigation. If so, the approved body shall inform the manufacturer accordingly.

7. The manufacturer shall inform the approved body that holds the technical documentation relating to the Type examination certificate of any modification to the approved type that may affect the conformity of the safety component for lifts with the conditions referred to in point 1 or the conditions of validity of the Type examination certificate.

The approved body shall examine the modification and inform the applicant whether the Type examination certificate remains valid or whether further examinations, verifications or tests are needed. As appropriate, the approved body shall issue an addition to the original Type examination certificate or ask for a new application for a type examination to be submitted.

8. Each approved body shall inform the Secretary of State concerning the Type examination certificates and any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of such certificates and any additions thereto refused, suspended or otherwise restricted.

Each approved body shall inform the other approved bodies concerning the Type examination certificates and any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, concerning such certificates and/or additions thereto which it has issued.

9. The other approved bodies may, on request, obtain a copy of the Type examination certificates and additions thereto.

10. The manufacturer shall keep with the technical documentation a copy of the Type examination certificates, its annexes and additions at the disposal of the enforcing authorities for 10 years after the safety component for lifts has been placed on the market.

11. Authorised representative

The manufacturer's authorised representative may lodge the application referred to in point 2 and fulfil the obligations set out in points 7 and 10, provided that they are specified in the mandate.

B. Type examination of lifts

1. Type examination of lifts is the part of a conformity assessment procedure in which an approved body examines the technical design of a model lift, or a lift for which there is no provision for an extension or variant, and verifies and attests that the technical design of the model lift or the lift meets the applicable essential health and safety requirements set out in Schedule 1.

Type examination of a lift includes an examination of a representative specimen of a complete lift.

2. The application for Type examination shall be lodged by the installer or his authorised representative with a single approved body of his choice.

The application shall include:

- (a) the name and address of the installer; and, if the application is lodged by the authorised representative, his name and address as well;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) the technical documentation;
- (d) details of the place where the specimen lift can be examined. The specimen lift submitted for examination shall include the terminal parts and be capable of serving at least three levels (top, middle and bottom);
- (e) the supporting evidence for the adequacy of the technical design solution. This supporting evidence shall mention any documents, including other relevant technical specifications that have been used, in particular where the relevant designated standards have not been applied in full. The supporting evidence shall include, where necessary, the results of tests carried out in accordance with other relevant technical specifications by the appropriate laboratory of the installer, or by another testing laboratory on his behalf and under his responsibility.

3. The technical documentation shall make it possible to assess the conformity of the lift with the applicable essential health and safety requirements set out in Schedule 1.

The technical documentation shall contain, where applicable, the following:

- (a) a description of the model lift indicating clearly all the permitted variations of the model lift;
- (b) design and manufacturing drawings and diagrams;
- (c) explanations necessary for the understanding of those drawings and diagrams and of the operation of the lift;
- (d) a list of the essential health and safety requirements taken into consideration;
- (e) a list of the designated standards applied in full or in part and, where those designated standards have not been applied, descriptions of the solutions adopted to meet the essential health and safety requirements of these Regulations, including a list of other relevant technical specifications applied. In the event of partly applied designated standards, the technical documentation shall specify the parts which have been applied;
- (f) a copy of the declarations of conformity of the safety components for lifts incorporated in the lift;
- (g) results of design calculations performed by or for the installer;
- (h) test reports;
- (i) a copy of the instructions referred to in point 7.2 of Schedule 1;
- (j) steps taken at the installation stage to ensure that the series-produced lift conforms to the essential health and safety requirements set out in Schedule 1.

4. The approved body shall:

- (a) examine the technical documentation and supporting evidence to assess the adequacy of the technical design of the model lift or of the lift for which there is no provision for an extension or variant;
- (b) agree with the installer on a location where the examinations and tests will be carried out;
- (c) examine the specimen lift to check that it has been manufactured in accordance with the technical documentation, and identify the elements which have been designed in accordance with the applicable provisions of the relevant designated standards, as well as the elements which have been designed in accordance with other relevant technical specifications;

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (d) carry out appropriate examinations and tests, or have them carried out, to check whether, where the installer has chosen to apply the specifications of the relevant designated standards, these have been applied correctly;
- (e) carry out appropriate examinations and tests, or have them carried out, to check whether, where the specifications of the relevant designated standards have not been applied, the solutions adopted by the installer applying other relevant technical specifications meet the corresponding essential health and safety requirements of these Regulations.

5. The approved body shall draw up an evaluation report that records the examinations, verifications and tests carried out and their outcome. Without prejudice to its obligations vis-à-vis the Secretary of State, the approved body shall release the content of that report, in full or in part, only with the agreement of the installer.

6. Where the type meets the essential health and safety requirements set out in Schedule 1 applicable to the lift concerned, the approved body shall issue a Type examination certificate to the installer. That certificate shall contain the name and address of the installer, the conclusions of the Type examination, any conditions of validity of the certificate and the particulars necessary to identify the approved type.

The Type examination certificate may have one or more annexes attached.

The Type examination certificate and its annexes shall contain all the information necessary to enable the conformity of lifts with the approved type to be assessed during the final inspection.

Where the type does not comply with the essential health and safety requirements set out in Schedule 1, the approved body shall refuse to issue a Type examination certificate and shall inform the installer accordingly, giving detailed reasons for its refusal.

The approved body shall keep a copy of the Type examination certificate, its annexes and additions, as well as the technical documentation and the evaluation report for 15 years from the date of issue of that certificate.

7. The approved body shall keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved type may no longer comply with the essential health and safety requirements set out in Schedule 1, and shall determine whether such changes require further investigation. If so, the approved body shall inform the installer accordingly.

8. The installer shall inform the approved body of any modifications to the approved type, including variations not specified in the original technical documentation, that may affect the conformity of the lift with the essential health and safety requirements set out in Schedule 1 or the conditions of validity of the Type examination certificate.

The approved body shall examine the modification and inform the installer whether the Type examination certificate remains valid or whether further examinations, verifications or tests are needed. As appropriate the approved body shall issue an addition to the original Type examination certificate or ask for a new application for a Type examination to be submitted.

9. Each approved body shall inform the Secretary of State concerning the Type examination certificates and any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of such certificates and any additions thereto refused, suspended or otherwise restricted.

Each approved body shall inform the other approved bodies concerning the Type examination certificates and any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, concerning such certificates and additions thereto which it has issued.

10. The other approved bodies may, on request, obtain a copy of the Type examination certificates and additions thereto.

11. The installer shall keep with the technical documentation a copy of the Type examination certificate, including its annexes and additions, at the disposal of the enforcing authorities for 10 years after the lift has been placed on the market.

12. Authorised representative

The installer's authorised representative may lodge the application referred to in point 2 and fulfil the obligations set out in points 8 and 11, provided that they are specified in the mandate.

SCHEDULE 12

Regulations 47 and 50

FINAL INSPECTION FOR LIFTS (Annex V to the Directive)

1. Final inspection is the part of a conformity assessment procedure whereby an approved body ascertains and certifies that a lift subject to a Type examination certificate or designed and manufactured according to an approved quality system satisfies the essential health and safety requirements set out in Schedule 1.

Obligations of the installer

2. The installer shall take all measures necessary to ensure that the lift being installed complies with the applicable essential health and safety requirements set out in Schedule 1 and with one of the following:

- (a) an approved type described in a Type examination certificate;
- (b) a lift designed and manufactured in accordance with a quality system pursuant to Schedule 18 and the design examination certificate if the design is not wholly in accordance with the designated standards.

Final inspection

3. An approved body chosen by the installer shall carry out the final inspection of the lift about to be placed on the market in order to check the conformity of the lift with the applicable essential health and safety requirements set out in Schedule 1.

3.1. The installer shall lodge an application for final inspection with a single approved body of his choice and shall provide to the approved body the following documents:

- (a) the plan of the complete lift;
- (b) the plans and diagrams necessary for final inspection, in particular control circuit diagrams;
- (c) copy of the instructions referred to in Schedule 1, point 7.2;
- (d) a written declaration that the same application has not been lodged with any other approved body.

The approved body may not require detailed plans or precise information not necessary for verifying the conformity of the lift.

The appropriate examinations and tests set out in the relevant designated standard(s) or equivalent tests shall be carried out in order to check the conformity of the lift with the applicable essential health and safety requirements set out in Schedule 1.

3.2. The examinations shall include at least one of the following:

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- (a) examination of the documents referred to in point 3.1 to check that the lift conforms with the approved type described in the Type examination certificate pursuant to Schedule 11, Part B;
- (b) examination of the documents referred to in point 3.1 to check that the lift conforms with the lift designed and manufactured in accordance with an approved quality system pursuant to Schedule 18 and if the design is not wholly in accordance with the designated standards, with the design examination certificate.

3.3. The tests of the lift shall include at least the following:

- (a) operation of the lift both empty and at maximum load to ensure correct installation and operation of the safety devices (end stops, locking devices, etc.);
- (b) operation of the lift at both maximum load and empty to ensure the correct functioning of the safety devices in the event of loss of power;
- (c) static test with a load equal to 1.25 times the rated load.

The rated load shall be that referred to in Schedule 1, paragraph 6.

After these tests, the approved body shall check that no distortion or deterioration which could impair the use of the lift has occurred.

4. If the lift satisfies the essential health and safety requirements set out in Schedule 1, the approved body shall affix or have affixed its identification number adjacent to the UK marking in accordance with regulation 8 (declaration of conformity and UK marking) and regulation 50 (UK marking) and shall issue a final inspection certificate which mentions the examinations and tests carried out.

The approved body shall fill in the corresponding pages in the logbook referred to in Schedule 1, paragraph 7(2).

If the approved body refuses to issue the final inspection certificate, it shall state the detailed reasons for refusal and indicate the necessary corrective measures to be taken. Where the installer again applies for final inspection, he shall apply to the same approved body.

UK marking and declaration of conformity

5

5.1. The installer shall affix the UK marking in the car of each lift which satisfies the essential health and safety requirements of these Regulations, and, under the responsibility of the approved body referred to in point 3.1, the latter's identification number adjacent to the UK marking in the car of each lift.

5.2. The installer shall draw up a written declaration of conformity for each lift and keep a copy of the Declaration of conformity and the final inspection certificate at the disposal of the enforcing authorities for 10 years after the placing on the market of the lift. A copy of the Declaration of conformity shall be made available to the relevant authorities upon request.

Authorised representative

6. The installer's obligations set out in points 3.1 and 5 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

SCHEDULE 13

Regulation 48

CONFORMITY TO TYPE BASED ON PRODUCT QUALITY ASSURANCE FOR SAFETY COMPONENTS FOR LIFTS (Annex VI to the Directive)

MODULE E

1. Conformity to type based on product quality assurance for safety components for lifts is the part of the conformity assessment procedure whereby an approved body assesses the quality system of a manufacturer in order to ensure that the safety components for lifts are manufactured and monitored in conformity with the type described in the Type examination certificate, satisfy the applicable requirements of Schedule 1 and will enable a lift to which they are correctly incorporated to satisfy those requirements.

Obligations of the manufacturer

2. The manufacturer shall operate an approved quality system for final inspection and testing of the safety components for lifts as specified in point 3, and shall be subject to surveillance as specified in point 4.

Quality system

3

3.1. The manufacturer shall lodge an application for assessment of his quality system for the safety components for lifts concerned with a single approved body of his choice.

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) the address of the premises where final inspection and testing of the safety components for lifts are carried out;
- (d) all relevant information on the safety components for lifts to be manufactured;
- (e) the documentation concerning the quality system;
- (f) the technical documentation of the approved safety components for lifts and a copy of the Type examination certificate.

3.2. Under the quality system, each safety component for lifts shall be inspected and appropriate tests as set out in the relevant designated standards or equivalent tests shall be carried out in order to ensure that it meets the conditions referred to in point 1. All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

- (a) the quality objectives;
- (b) the organizational structure, responsibilities and powers of the management with regard to product quality;
- (c) the examinations and tests that will be carried out after manufacture;

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (d) the means of monitoring the effective operation of the quality system; and
- (e) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

3.3. The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in respect of the elements of the quality systems that comply with the corresponding specifications of the relevant designated standard.

In addition to experience in quality management systems, the auditing team shall have at least one member with experience of assessment in the lift technology concerned and knowledge of the essential health and safety requirements set out in Schedule 1.

The audit shall include an assessment visit to the manufacturer's premises.

The auditing team shall review the technical documentation referred to in point 3.1(f), in order to verify the manufacturer's ability to identify the relevant requirements of these Regulations and to carry out the necessary examinations with a view to ensuring compliance of the safety components for lifts with those requirements.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising from the quality system as approved and to maintain it so that it remains adequate and efficient.

3.5. The manufacturer or his authorised representative shall keep the approved body which has approved the quality system informed of any intended changes of the quality system.

The approved body shall assess the modifications proposed and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.

It shall notify the manufacturer of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

Surveillance under the responsibility of the approved body

4

4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall for assessment purposes allow the approved body access to the premises where final inspection, testing and storage are carried out and provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the technical documentation;
- (c) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned.

4.3. The approved body shall periodically carry out audits to ensure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

4.4. Additionally, the approved body may pay unexpected visits to the manufacturer's premises where final inspection and testing of safety components for lifts are carried out.

At the time of such visits, the approved body may, where necessary, carry out tests or have them carried out in order to check the proper functioning of the quality system. It shall provide the manufacturer, with a visit report and, if a test has been carried out, with a test report.

UK marking and Declaration of conformity

5

5.1. The manufacturer shall affix the UK marking, and, under the responsibility of the approved body referred to in point 3.1, the latter's identification number to each individual safety component for lifts that meets the conditions referred to in point 1.

5.2. The manufacturer shall draw up a written declaration of conformity for each safety component for lifts and keep a copy of it at the disposal of the enforcing authorities for 10 years after the safety component for lifts has been placed on the market. The Declaration of conformity shall identify the safety component for lifts for which it has been drawn up.

6. The manufacturer shall for a period ending 10 years after the safety component for lifts has been placed on the market, keep at the disposal of the enforcing authorities:

- (a) the technical documentation referred to in point 3.1(f);
- (b) the documentation referred to in point 3.1(e);
- (c) the information relating to the change referred to in point 3.5;
- (d) the decisions and reports from the approved body which are referred to in the third paragraph of point 3.5 and in points 4.3 and 4.4.

7. Each approved body shall inform the Secretary of State of quality system approval decision(s) issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of approval decisions refused, suspended or otherwise restricted.

Each approved body shall inform the other approved bodies of quality system approval decision(s) which it has refused, suspended or withdrawn and, upon request, of approval decision(s) which it has issued.

Authorised representative

8. The manufacturer's obligations set out in points 3.1, 3.5, 5 and 6 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

SCHEDULE 14

Regulation 48

CONFORMITY BASED ON FULL QUALITY ASSURANCE FOR SAFETY COMPONENTS FOR LIFTS (Annex VII to the Directive)

MODULE H

1. Conformity based on full quality assurance for safety components for lifts is the conformity assessment procedure whereby an approved body assesses the quality system of a manufacturer to ensure that the safety components for lifts are designed, manufactured, inspected and tested in order to satisfy the applicable requirements of Schedule 1 and to enable a lift to which they are correctly incorporated to satisfy those requirements.

Obligations of the manufacturer

2. The manufacturer shall operate an approved quality system for the design, manufacture, final inspection and testing of safety components for lifts as specified in point 3 and shall be subject to surveillance as specified in point 4.

Quality system

3

3.1. The manufacturer shall lodge an application for assessment of his quality system with a single approved body of his choice. The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
- (b) the address of the premises where the safety components for lifts are designed, manufactured, inspected and tested;
- (c) all relevant information on safety components for lifts to be manufactured;
- (d) the technical documentation described in point 3 of Schedule 11, Part A for one model of each category of safety component for lifts to be manufactured;
- (e) the documentation on the quality system;
- (f) a written declaration that the same application has not been lodged with any other approved body.

3.2. The quality system shall ensure compliance of the safety components for lifts with the conditions referred to in point 1. All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

- (a) the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the design and product quality;
- (b) the technical design specifications, including standards that will be applied and, where the relevant designated standards will not be applied or not applied in full, the means, including other relevant technical specifications, that will be used to ensure that the conditions referred to in point 1 will be met;
- (c) the design control and design verification techniques, processes and systematic actions that will be used when designing the safety components for lifts;
- (d) the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- (e) the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;
- (f) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned;
- (g) the means of monitoring the achievement of the required design and product quality and the effective operation of the quality system.

3.3. The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in respect of the elements of the quality systems that comply with the corresponding specifications of the relevant designated standard.

In addition to experience in quality management systems, the auditing team shall have at least one member with experience of assessment in the lift technology concerned and knowledge of the essential health and safety requirements set out in Schedule 1. The audit shall include an assessment visit to the manufacturer's premises.

The auditing team shall review the technical documentation referred to in point 3.1(d) to verify the manufacturer's ability to identify the applicable essential health and safety requirements set out in Schedule 1 and to carry out the necessary examinations with a view to ensuring compliance of the safety components for lifts with those requirements.

The decision shall be notified to the manufacturer and, where appropriate, to his authorised representative. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising from the quality system as approved and maintain it so that it remains adequate and efficient.

3.5. The manufacturer shall keep the approved body which has approved the quality system informed of any intended change to the quality system.

The approved body shall assess the modifications proposed and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.

It shall notify the manufacturer of its decision. The notification shall contain the conclusions of the assessment and the reasoned assessment decision.

Surveillance under the responsibility of the approved body

4

4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall for assessment purposes allow the approved body access to the design, manufacture, inspection and testing, and storage locations, and shall provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the quality records provided for in the design part of the quality system such as results of analyses, calculations, tests;
- (c) the technical documentation for the safety components for lifts manufactured;
- (d) the quality records provided for in the manufacturing part of the full quality system, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned.

4.3. The approved body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

4.4. Additionally, the approved body may pay unexpected visits to the manufacturer. At the time of such visits, the approved body may, where necessary, carry out tests or have them carried out in order to check the proper functioning of the quality system. It shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report

UK marking and Declaration of conformity

5

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

5.1. The manufacturer shall affix the UK marking, and, under the responsibility of the approved body referred to in point 3.1, the latter's identification number to each individual safety component for lifts that meets the conditions referred to in point 1.

5.2. The manufacturer shall draw up a written declaration of conformity for each safety component for lifts and keep a copy of it at the disposal of the enforcing authorities for 10 years after the safety component for lifts has been placed on the market. The declaration of conformity shall identify the safety component for lifts for which it has been drawn up.

6. The manufacturer shall, for a period ending 10 years after the safety component for lifts has been placed on the market, keep at the disposal of the enforcing authorities:

- (a) the documentation referred to in point 3.1(e);
- (b) the technical documentation referred to in point 3.1(d);
- (c) the information relating to the change referred to in the first paragraph of point 3.5;
- (d) the decisions and reports from the approved body referred to in the third paragraph of point 3.5. and in points 4.3 and 4.4.

7. Each approved body shall inform the Secretary of State of quality system approval decision(s) issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of approval decisions refused, suspended or otherwise restricted.

Each approved body shall inform the other approved bodies of quality system approval decisions which it has refused, suspended or withdrawn and, upon request, of approval decisions which it has issued.

The approved body shall keep a copy of the approval decision issued, its annexes and additions, as well as the technical documentation for 15 years from the date of their issue.

Authorised representative

8. The manufacturer's obligations set out in points 3.1, 3.5, 5 and 6 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

SCHEDULE 15

Regulation 47 and 50

CONFORMITY BASED ON UNIT VERIFICATION FOR LIFTS (Annex VIII to the Directive)

MODULE G

1. Conformity based on unit verification is the conformity assessment procedure whereby an approved body assesses whether a lift complies with the applicable essential health and safety requirements set out in Schedule 1.

Obligations of the installer

2

2.1. The installer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the lift with the applicable essential health and safety requirements set out in Schedule 1.

2.2. The installer shall apply to a single approved body of his choice for unit verification.

The application shall contain:

- (a) the name and address of the installer, and if the application is lodged by the authorised representative, his name and address as well;
- (b) the location where the lift is installed;
- (c) a written declaration to the effect that a similar application has not been lodged with another approved body;
- (d) the technical documentation.

3. The technical documentation shall allow an assessment of the conformity of the lift with the applicable essential health and safety requirements set out in Schedule 1.

The technical documentation shall contain at least the following elements:

- (a) a description of the lift;
- (b) design and manufacturing drawings and diagrams;
- (c) explanations necessary for the understanding of those drawings and diagrams and of the operation of the lift;
- (d) a list of the essential health and safety requirements taken into consideration;
- (e) a list of the designated standards applied in full or in part and, where those designated standards have not been applied, descriptions of the solutions adopted to meet the essential health and safety requirements of these Regulations, including a list of other relevant technical specifications applied. In the event of partly applied designated standards, the technical documentation shall specify the parts which have been applied;
- (f) a copy of the Type examination certificates of the safety components for lifts incorporated in the lift;
- (g) results of design calculations performed by or for the installer;
- (h) test reports;
- (i) a copy of the instructions referred to in point 7.2 of Schedule 1.

Verification

4. The approved body chosen by the installer shall examine the technical documentation and the lift and carry out the appropriate tests as set out in the relevant designated standard(s), or equivalent tests, to check its conformity with the applicable essential health and safety requirements set out in Schedule 1. The tests shall include at least the tests referred to in point 3.3 of Schedule 12.

If the lift meets the essential health and safety requirements set out in Schedule 1 the approved body shall issue a certificate of conformity relating to the tests carried out.

The approved body shall fill in the corresponding pages of the logbook referred to in point 7.2 of Schedule 1.

If the approved body refuses to issue the certificate of conformity, it shall state in detail its reasons for refusal and indicate the necessary corrective measures to be taken. When the installer reapplies for unit verification he shall apply to the same approved body.

On request, the approved body shall provide the Secretary of State with a copy of the certificate of conformity.

UK marking and Declaration of conformity

5

5.1. The installer shall affix the UK marking in the car of each lift which satisfies the essential health and safety requirements of these Regulations, and, under the responsibility of the approved body referred to in point 2.2, the latter's identification number adjacent to the UK marking in the car of each lift.

5.2 The installer shall draw up a written declaration of conformity for each lift and keep a copy of the Declaration of conformity at the disposal of the enforcing authorities for 10 years after the placing on the market of the lift. A copy of the declaration of conformity shall be made available to the relevant authorities upon request.

6. The installer shall keep with the technical documentation a copy of the certificate of conformity at the disposal of the enforcing authorities for 10 years from the date on which the lift is placed on the market.

Authorised representative

7. The installer's obligations set out in points 2.2 and 6 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

SCHEDULE 16

Regulation 48

CONFORMITY TO TYPE WITH RANDOM CHECKING FOR SAFETY COMPONENTS FOR LIFTS (Annex IX to the Directive)

MODULE C2

1. Conformity to type with random checking is the part of the conformity assessment procedure whereby an approved body carries out checks on safety components for lifts to ensure that they are in conformity with the approved type as described in the Type examination certificate and satisfy the applicable requirements of Schedule 1 and will enable a lift in which they are correctly incorporated to satisfy those requirements.

Manufacturing

2. The manufacturer shall take all measures necessary to ensure that the manufacturing process and its monitoring ensure that the manufactured safety components for lifts meet the conditions referred to in point 1.

3. The manufacturer shall lodge an application for random checking with a single approved body of his choice.

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) all relevant information on the safety components for lifts manufactured;

- (d) the address of the premises where the sample of the safety components for lifts can be taken.

4. The approved body shall carry out or have carried out checks on safety components for lifts at random intervals. An adequate sample of the final safety components for lifts, taken on site by the approved body, shall be examined and appropriate tests set out in the relevant designated standards, and/or equivalent tests set out in other relevant technical specifications, shall be carried out to check whether the safety components for lifts meets the conditions referred to in point 1. In cases where one or more of the safety components for lifts checked do not conform, the approved body shall take appropriate measures.

The points to be taken into account when checking the safety components for lifts will be defined by joint agreement between all the approved bodies responsible for this procedure, taking into consideration the essential characteristics of the safety components for lifts.

The approved body shall issue a certificate of conformity to type with respect to the examinations and tests carried out.

On request the approved body shall provide the Secretary of State with a copy of the certificate of conformity to type.

UK marking and Declaration of conformity

5

5.1. The manufacturer shall affix the UK marking, and, under the responsibility of the approved body referred to in point 3, the latter's identification number to each individual safety component for lifts that meets the conditions referred to in point 1.

5.2. The manufacturer shall draw up a written declaration of conformity for each safety component for lifts and keep a copy of it at the disposal of the enforcing authorities for 10 years after the safety component for lifts has been placed on the market. The Declaration of conformity shall identify the safety component for lifts for which it has been drawn up.

Authorised representative

6. The manufacturer's obligations may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate. An authorised representative shall not fulfil the manufacturer's obligations set out in point 2.

SCHEDULE 17

Regulation 47

CONFORMITY TO TYPE BASED ON PRODUCT QUALITY ASSURANCE FOR LIFTS (Annex X to the Directive)

MODULE E

1. Conformity to type based on product quality assurance is the part of the conformity assessment procedure whereby an approved body assesses the product quality system of an installer to ensure that the lifts are in conformity with the approved type as described in the Type examination certificate or with a lift designed and manufactured under a full quality system approved in accordance with Schedule 18, and satisfy the applicable essential health and safety requirements set out in Schedule 1.

Obligations of the installer

2. The installer shall operate an approved quality system for final inspection and testing of the lift as specified in point 3, and shall be subject to surveillance as specified in point 4.

Quality system

3

3.1. The installer shall lodge an application for assessment of his quality system for the lifts concerned with a single approved body of his choice.

The application shall include:

- (a) the name and address of the installer, and if the application is lodged by the authorised representative, his name and address as well;
- (b) all relevant information on the lifts to be installed;
- (c) the documentation on the quality system;
- (d) the technical documentation of the lifts to be installed;
- (e) a written declaration that the same application has not been lodged with any other approved body.

3.2. Under the quality system, each lift shall be examined and appropriate tests as set out in the relevant designated standards or equivalent tests shall be carried out in order to ensure its conformity with the applicable essential health and safety requirements set out in Schedule 1.

All the elements, requirements and provisions adopted by the installer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and quality records.

It shall contain in particular an adequate description of:

- (a) the quality objectives;
- (b) the organisational structure, responsibilities and powers of the management with regard to product quality;
- (c) the examinations and tests that will be carried out before placing on the market, including at least the tests laid down in point 3.3 of Schedule 12;
- (d) the means of monitoring the effective operation of the quality system;
- (e) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned.

3.3. The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in respect of the elements of the quality systems that comply with the corresponding specifications of the relevant designated standard.

The auditing team shall have at least one member with experience of assessment in the lift technology concerned and knowledge of the essential health and safety requirements set out in Schedule 1. The audit shall include an assessment visit to the premises of the installer and a visit to the installation site.

The decision shall be notified to the installer. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The installer shall undertake to fulfil the obligations arising from the quality system as approved and to maintain it so that it remains adequate and efficient.

3.4.1. The installer shall keep the approved body which has approved the quality system informed of any intended change to the system.

3.4.2. The approved body shall assess the modifications proposed and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.

It shall notify its decision to the installer or, where appropriate, to his authorised representative. The notification shall contain the conclusions of the assessment and the reasoned assessment decision.

The approved body shall affix, or cause to be affixed, its identification number adjacent to the UK marking in accordance with regulation 50.

Surveillance under the responsibility of the approved body

4

4.1. The purpose of surveillance is to make sure that the installer duly fulfils the obligations arising out of the approved quality system.

4.2. The installer shall, for assessment purposes, allow the approved body access to the installation, inspection and testing locations, and shall provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the technical documentation;
- (c) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned, etc.

4.3. The approved body shall periodically carry out audits to ensure that the installer maintains and applies the quality system and shall provide the installer with an audit report.

4.4. Additionally, the approved body may pay unexpected visits to the lift installation sites.

At the time of such visits, the approved body may, where necessary, carry out tests or have them carried out in order to check the proper functioning of the quality system and of the lift. It shall provide the installer with a visit report and, if tests have been carried out, with a test report.

5. The installer shall, for 10 years after the last lift has been placed on the market, keep at the disposal of the enforcing authorities:

- (a) the documentation referred to in point 3.1(c);
- (b) the technical documentation referred to in point 3.1(d);
- (c) the information relating to the changes referred to in point 3.4.1;
- (d) the decisions and reports from the approved body which are referred to in the second paragraph of point 3.4.2 and in points 4.3 and 4.4.

6. Each approved body shall inform the Secretary of State of quality system approval decision(s) issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of approval decisions, refused, suspended or otherwise restricted.

Each approved body shall inform the other approved bodies of quality system approval decision(s) which it has refused, suspended or withdrawn and, upon request, of approval decision(s) which it has issued.

On request, the approved body shall provide the Secretary of State with a copy of the quality system approval decision(s) issued.

UK marking and declaration of conformity

7

7.1. The installer shall affix the UK marking in the car of each lift which satisfies the essential health and safety requirements of these Regulations, and, under the responsibility of the approved body referred to in point 3.1, the latter's identification number adjacent to the UK marking in the car of each lift.

7.2. The installer shall draw up a written Declaration of conformity for each lift and keep a copy of the Declaration of conformity at the disposal of the enforcing authorities for 10 years after the placing on the market of the lift. A copy of the Declaration of conformity shall be made available to the relevant authorities upon request.

Authorised representative

8. The installer's obligations set out in points 3.1, 3.4.1, 5 and 7 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

SCHEDULE 18

Regulation 47

CONFORMITY BASED ON FULL QUALITY ASSURANCE PLUS DESIGN EXAMINATION FOR LIFTS (Annex XI to the Directive)

MODULE H1

1. Conformity based on full quality assurance plus design examination for lifts is the conformity assessment procedure whereby an approved body assesses the quality system of an installer and, where appropriate, the design of the lifts, to ensure that the lifts satisfy the applicable essential health and safety requirements set out in Schedule 1.

Obligations of the installer

2. The installer shall operate an approved quality system for the design, manufacture, assembly, installation, final inspection and testing of the lifts as specified in point 3, and shall be subject to surveillance as specified in point 4. The adequacy of the technical design of the lifts shall have been examined in accordance with point 3.3.

Quality system

3

3.1. The installer shall lodge an application for assessment of his quality system with a single approved body of his choice.

The application shall include:

- (a) the name and address of the installer, and, if the application is lodged by the authorised representative, his name and address as well;
- (b) all relevant information on the lifts to be installed, in particular information which makes for an understanding of the relationship between the design and operation of the lift;
- (c) the documentation on the quality system;

- (d) the technical documentation described in point 3 of Schedule 11, Part B;
- (e) a written Declaration that the same application has not been lodged with any other approved body.

3.2. The quality system shall ensure compliance of the lifts with the applicable essential health and safety requirements set out in Schedule 1. All the elements, requirements and provisions adopted by the installer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and quality records.

It shall contain in particular an adequate description of:

- (a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to design and product quality;
- (b) the technical design specifications, including standards that will be applied and, where the relevant designated standards will not be applied in full, the means, including other relevant technical specifications that will be used to ensure that the applicable essential health and safety requirements set out in Schedule 1 will be met;
- (c) the design control and design verification techniques, processes and systematic actions that will be used when designing the lifts;
- (d) the examinations and tests that will be carried out on acceptance of the supplies of materials, components and sub-assemblies;
- (e) the corresponding assembly, installation, quality control and quality assurance techniques, processes and systematic actions that will be used;
- (f) the examinations and tests that will be carried out before (inspection of installation conditions: shaft, housing of machinery, etc.), during and after installation (including at least the tests laid down in point 3.3 of Schedule 12);
- (g) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned;
- (h) the means of monitoring the achievement of the required design and product quality and the effective operation of the quality system.

3.3. Design examination

3.3.1. When the design is not entirely in accordance with designated standards, the approved body shall ascertain whether the design conforms to the essential health and safety requirements set out in Schedule 1 and, if it does, issue a design examination certificate to the installer, stating the limits of the certificate's validity and giving the details required for identification of the approved design.

3.3.2. Where the design does not satisfy the applicable essential health and safety requirements set out in Schedule 1, the approved body shall refuse to issue a design examination certificate and shall inform the installer accordingly, giving detailed reasons for its refusal.

The approved body shall keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved design may no longer comply with the essential health and safety requirements set out in Schedule 1, and shall determine whether such changes require further investigation. If so, the approved body shall inform the installer accordingly.

3.3.3. The installer shall keep the approved body that has issued the design examination certificate informed of any modification to the approved design that may affect the conformity with the essential health and safety requirements set out in Schedule 1 or the conditions for validity of the certificate. Such modifications shall require additional approval — from the approved body

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

that issued the design examination certificate — in the form of an addition to the original design examination certificate.

3.3.4. Each approved body shall inform the Secretary of State of the design examination certificates and/or any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of design examination certificates and/or any additions thereto refused, suspended or otherwise restricted.

Each approved body shall inform the other approved bodies of the design examination certificates and/or any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, of the certificates and/or additions thereto which it has issued.

3.3.5. The installer shall keep a copy of the design examination certificate, its annexes and additions together with the technical documentation at the disposal of the enforcing authorities for 10 years after the lift has been placed on the market.

3.4. Assessment of the quality system

The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in respect of the elements of the quality systems that comply with the corresponding specifications of the relevant designated standard.

The auditing team shall have at least one member with experience of assessment in the lift technology concerned and knowledge of the essential health and safety requirements set out in Schedule 1. The audit shall include an assessment visit to the installer's premises and a visit to an installation site.

The auditing team shall review the technical documentation referred to in point 3.1(d), to verify the installer's ability to identify the applicable essential health and safety requirements set out in Schedule 1 and to carry out the necessary examinations with a view to ensuring compliance of the lift with those requirements.

The decision shall be notified to the installer or, where appropriate, to his authorised representative. The notification shall contain the conclusions of the assessment and the reasoned assessment decision.

3.5. The installer shall undertake to fulfil the obligations arising from the quality system as approved and to maintain it so that it remains adequate and efficient.

The installer shall keep the approved body that has approved the quality system informed of any intended change to the system.

The approved body shall assess the modifications proposed and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.

It shall notify its decision to the installer or, where appropriate, to his authorised representative. The notification shall contain the conclusions of the assessment and the reasoned assessment decision.

The approved body shall affix, or cause to be affixed, its identification number adjacent to the UK marking in accordance with regulation 50.

Surveillance under the responsibility of the approved body

4

4.1. The purpose of surveillance is to make sure that the installer duly fulfils the obligations arising out of the approved quality system.

4.2. The installer shall, for assessment purposes, allow the approved body access to the design, manufacture, assembly, installation, inspection, testing and storage locations, and shall provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the quality records provided for in the design part of the quality system, such as results of analyses, calculations, tests;
- (c) the quality records provided for in the part of the quality system concerning acceptance of supplies and installation, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned.

4.3. The approved body shall carry out periodic audits to make sure that the installer maintains and applies the quality system and shall provide the installer with an audit report.

4.4. Additionally, the approved body may pay unexpected visits to the premises of the installer or to the installation site of a lift. At the time of such visits, the approved body may, where necessary, carry out tests or have them carried out in order to check the proper functioning of the quality system. It shall provide the installer with a visit report and, if tests have been carried out, with a test report.

5. The installer shall, keep at the disposal of the enforcing authorities for a period ending 10 years after the lift has been placed on the market:

- (a) the documentation referred to in point 3.1(c);
- (b) the technical documentation referred to in point 3.1(d);
- (c) the information relating to the changes referred to in the second paragraph of point 3.5;
- (d) the decisions and reports from the approved body which are referred to in the fourth paragraph of point 3.5 and in points 4.3 and 4.4.

6. Each approved body shall inform the Secretary of State of full quality system approval decision(s) issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of approval decisions refused, suspended or otherwise restricted.

Each approved body shall inform the other approved bodies of quality system approval decision(s) which it has refused, suspended or withdrawn, and, upon request, of approval decisions which it has issued.

The approved body shall keep a copy of the approval decision issued, its annexes and additions, as well as the technical documentation for 15 years from the date of their issue.

On request, the approved body shall provide the Secretary of State with a copy of the quality system approval decision(s) issued.

UK marking and Declaration of conformity

7

7.1. The installer shall affix the UK marking in the car of each lift which satisfies the essential health and safety requirements of these Regulations, and, under the responsibility of the approved body referred to in point 3.1, the latter's identification number adjacent to the UK marking in the car of each lift.

7.2. The installer shall draw up a written declaration of conformity for each lift and keep a copy of the Declaration of conformity at the disposal of the enforcing authorities for 10 years after the placing on the market of the lift. A copy of the Declaration of conformity shall be made available to the relevant authorities upon request.

Authorised representative

8. The installer's obligations set out in points 3.1, 3.3.3, 3.3.5, 5 and 7 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

SCHEDULE 19

Regulation 47

CONFORMITY TO TYPE BASED ON PRODUCTION QUALITY ASSURANCE FOR LIFTS (Annex XII to the Directive)

MODULE D

1. Conformity to type based on production quality assurance for lifts is the part of the conformity assessment procedure whereby an approved body assesses the production quality system of an installer to ensure that the lifts installed are in conformity with the approved type as described in the Type examination certificate or with a lift designed and manufactured under a quality system approved in accordance with Schedule 18, and satisfy the applicable essential health and safety requirements set out in Schedule 1.

Obligations of the installer

2. The installer shall operate an approved quality system for manufacture, assembly, installation, final inspection and testing of the lifts as specified in point 3, and shall be subject to surveillance as specified in point 4.

Quality system

3

3.1. The installer shall lodge an application for assessment of his quality system with a single approved body of his choice.

The application shall include:

- (a) the name and address of the installer, and, if the application is lodged by the authorised representative, his name and address as well;
- (b) all relevant information for the lifts to be installed;
- (c) the documentation on the quality system;
- (d) the technical documentation of the lifts to be installed;
- (e) a written declaration that the same application has not been lodged with any other approved body.

3.2. The quality system shall ensure compliance of the lifts with the applicable essential health and safety requirements set out in Schedule 1.

All the elements, requirements and provisions adopted by the installer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall contain in particular an adequate description of:

- (a) the quality objectives and the organizational structure, responsibilities and powers of the management with regard to the product quality;
- (b) the manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- (c) the examinations and tests that will be carried out before, during and after installation;
- (d) the quality records, such as inspection reports and test data, calibration data, reports on the qualification of the personnel concerned;
- (e) the means of monitoring the achievement of the required product quality and the effective operation of the quality system.

3.3. The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant designated standard.

The auditing team shall have at least one member with experience of assessment in the lift technology concerned and knowledge of the essential health and safety requirements set out in Schedule 1.

The audit shall include an assessment visit to the installer's premises and a visit to an installation site.

The decision shall be notified to the installer. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The installer shall undertake to fulfil the obligations arising from the quality system as approved and to maintain it so that it remains adequate and efficient.

3.4.1. The installer shall keep the approved body that has approved the quality system informed of any intended change to the system.

3.4.2. The approved body shall assess the modifications proposed and decide whether the modified quality system will continue to satisfy the requirements referred to in point 3.2 or whether a reassessment is necessary.

It shall notify its decision to the installer or, where appropriate, to his authorised representative. The notification shall contain the conclusions of the assessment and the reasoned assessment decision.

The approved body shall affix, or cause to be affixed, its identification number adjacent to the UK marking in accordance with regulation 50.

Surveillance under the responsibility of the approved body

4

4.1. The purpose of surveillance is to make sure that the installer duly fulfils the obligations arising out of the approved quality system.

4.2. The installer shall, for assessment purposes, allow the approved body access to the manufacture, assembly, installation, inspection, testing and storage locations, and shall provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the technical documentation;
- (c) the quality records, such as inspection reports and test data, calibration data, reports on the qualifications of the personnel concerned.

4.3. The approved body shall carry out periodic audits to make sure that the installer maintains and applies the quality system and shall provide the installer with an audit report.

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

4.4. Additionally, the approved body may pay unexpected visits to the installer. During such visits the approved body may, where necessary carry out tests, or have them carried out, in order to verify that the quality system is functioning correctly. The approved body shall provide the installer with a visit report and, if tests have been carried out, with a test report.

5. The installer shall, keep at the disposal of the enforcing authorities for a period ending 10 years after the lift has been placed on the market:

- (a) the documentation referred to in point 3.1(c);
- (b) the technical documentation referred to in point 3.1(d);
- (c) the information relating to the changes referred to in point 3.4.1;
- (d) the decisions and reports from the approved body which are referred to in the second paragraph of point 3.4.2, and in points 4.3 and 4.4.

6. Each approved body shall inform the Secretary of State of quality system approval decision(s) issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of approval decisions refused, suspended or otherwise restricted.

Each approved body shall inform the other approved bodies of quality system approval decision(s) which it has refused, suspended or withdrawn, and, upon request, of approval decision(s) which it has issued.

On request, the approved body shall provide the Secretary of State with a copy of the quality system approval decision(s) issued.

UK marking and Declaration of conformity

7

7.1. The installer shall affix the UK marking in the car of each lift which satisfies the essential health and safety requirements of these Regulations, and, under the responsibility of the approved body referred to in point 3.1, the latter's identification number adjacent to the UK marking in the car of each lift.

7.2. The installer shall draw up a written Declaration of conformity for each lift and keep a copy of the Declaration of conformity at the disposal of the enforcing authorities for 10 years after the placing on the market of the lift. A copy of the Declaration of conformity shall be made available to the relevant authorities upon request.

Authorised representative

8. The installer's obligations set out in points 3.1, 3.4.1, 5 and 7 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transpose Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of member States relating to lifts and safety components for lifts (recast) (OJ L 96, 29.3.2014, p.251) (“the Directive”).

The Directive repeals and replaces Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the member States relating to lifts (OJ L 213, 7.9.1995, p.1) which was implemented in the United Kingdom by the Lifts Regulations 1997 (S.I. 1997/831 (as amended)). These Regulations revoke and replace S.I. 1997/831.

Regulation 3 defines the scope of these Regulations. Regulation 4 provides an exception allowing the use of lifts and safety components for lifts which are not in conformity with Part 2 of the Regulations for the purposes of trade fairs, exhibitions and demonstrations. Regulation 5 provides an exception where the essential health and safety requirements relate to risks wholly or partly covered by other specific EU legislation.

Part 2 sets out the obligations of economic operators. Regulations 6 to 14 set out the obligations that are specific to installers of lifts. These obligations include ensuring that a lift has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements set out in Schedule 1, having a relevant conformity assessment procedure carried out before the lift is placed on the market, affixing the CE marking, labelling the lift, monitoring safety components for lifts that have been placed on the market and a duty to take action in respect of lifts which are considered not to be in conformity with Part 2.

Regulations 15 to 23 set out the obligations that are specific to manufacturers of safety components for lifts. These obligations include ensuring that a safety component for lifts has been designed and manufactured in accordance with the essential health and safety requirements set out in Schedule 1, having a relevant conformity assessment procedure carried out before the safety component for lifts is placed on the market, affixing the CE marking, labelling the safety component for lifts, monitoring safety components for lifts that have been placed on the market and a duty to take action in respect of safety components which are considered not be in conformity with Part 2.

Regulation 24 provides that an installer or a manufacturer may appoint a person as their authorised representative and sets out the tasks that an authorised representative can perform on the installer's or the manufacturer's behalf.

Regulations 25 to 35 set out the obligations that are specific to importers. These obligations include ensuring that they are not placing on the market safety components for lifts which are not in conformity with the essential health and safety requirements, checking that the manufacturer has carried out a relevant conformity assessment procedure and labelled the safety component for lifts correctly, indicating on the safety component the name and address of the importer, monitoring safety components for lifts that have been placed on the market and ensuring that the storage and transport of a safety component for lifts do not jeopardise its conformity with the essential health and safety requirements.

Regulations 36 to 42 set out the obligations that apply to distributors. These obligations include acting with due care to ensure that safety components for lifts that they place on the market are in conformity with Part 2, checking that the safety component for lifts bears the CE marking and is labelled correctly, ensuring that the storage and transport of a safety component for lifts do not jeopardise its conformity with the essential health and safety requirements and a duty to take action in respect of safety components which are considered not to be in conformity with Part 2.

Regulations 43 to 45 set out the obligations that apply to all economic operators. These obligations include ensuring that the EU declaration of conformity is prepared in or to translated into the language required by the relevant member State and identifying economic operators.

Part 3 sets out provisions concerning the conformity assessment procedure, declarations of conformity and CE marking.

Part 4 sets out provisions concerning the bodies which carry out conformity assessment procedures under the Regulations.

Part 5 sets out provisions for market surveillance and enforcement. Regulation 60 identifies the market surveillance authority which has an obligation to enforce the Regulations in respect of lifts

Changes to legislation: *There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)*

and safety components for such lifts for use in the workplace or for private use. Regulation 62 and Schedules 7 to 10 provide for the enforcement powers which the enforcing authorities are to have. Regulation 70 provides for the contravention of provisions of these Regulations to be an offence. Regulation 71 sets out the penalties that are to apply for offences under these Regulations. Part 6 sets out transitional provisions and consequential amendments. Regulation 83 makes consequential amendments. Regulation 81 contains a provision requiring the Secretary of State to review these Regulations to consider whether the objectives intended to be achieved could be achieved by way of a system which imposes less regulation, and to make a report about this at least every five years.

A transposition note and full impact assessment of the impact that these Regulations will have on the costs of business, the voluntary sector and the public sector are available from the Single Market Product Safety Team, Department for Business, Energy and Industrial Strategy, 1 Victoria Street, London SW1H 0ET and are also published with the Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Lifts Regulations 2016.