
STATUTORY INSTRUMENTS

2016 No. 1093

The Lifts Regulations 2016

PART 1 U.K.

Preliminary

Citation and commencement U.K.

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 ^{M1};

the “1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978 ^{M2};

the “1987 Act” means the Consumer Protection Act 1987 ^{M3};

the “1997 Regulations” means the Lifts Regulations 1997 ^{M4};

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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) ^{M5}[^{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 [F18market of Great Britain] for the first time; or
- (b) supply a lift for use on the [F18market 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^{M6};

“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.

^{F23}(3)

(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

- M1** 1974 c.37.
M2 S.I. 1978/1039 (N.I. 9).
M3 1987 c.43.
M4 S.I. 1997/831, amended by S.I. 2004/693, 2005/831, 2008/1597, 2011/1043, 2014/469 and 2015/1630.
M5 OJ L 96, 29.3.2014, p.251.
M6 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 ^{F161};

the “1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978 ^{F162};

the “1987 Act” means the Consumer Protection Act 1987 ^{F163};

the “1997 Regulations” means the Lifts Regulations 1997 ^{F164};

“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 [^{F165}relevant state], attesting that a conformity assessment body meets the notified body requirements;

“authorised representative” means a person established in the [^{F166}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 [^{F167}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) ^{F168};

“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 ^{F169} (as amended from time to time);

“importer” means a person who—

- (a) is established in the [^{F170}relevant market]; and
- (b) places a safety component for lifts from a [^{F171}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 [^{F172}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;

[^{F173}“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 [^{F174}relevant] market for the first time; or
- (b) supply a lift for use on the [^{F174}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^{F175};

“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;

[^{F176}“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;

[^{F177}“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;

[^{F178}“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 [^{F179}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).

^{F180}(5)

Extent Information

E43 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

F161 1974 c.37.

F162 S.I. 1978/1039 (N.I. 9).

F163 1987 c.43.

F164 S.I. 1997/831, amended by S.I. 2004/693, 2005/831, 2008/1597, 2011/1043, 2014/469 and 2015/1630.

F165 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)**

F166 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)**

- F167** 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)**
- F168** OJ L 96, 29.3.2014, p.251.
- F169** OJ L 316, 14.11.2012, p.12.
- F170** 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)**
- F171** 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)**
- F172** 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)**
- F173** 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)**
- F174** 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)**
- F175** OJ L 218, 13.8.2008, p. 30.
- F176** 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)
- F177** 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)**
- F178** 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)**
- F179** 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)**
- F180** 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 **E+W+S**

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 **U.K.**

- 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 ^{M7}.

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

M7 [S.I. 2013/1387](#).

Exception for trade fairs, exhibitions or demonstrations **U.K.**

- 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 [^{F181}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 [^{F182}NI Protocol obligation] applicable to that lift or safety component.

Extent Information

E44 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

F181 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\(1\)](#)

F182 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 **U.K.**

Obligations of economic operators

Installers

Design, manufacture, installation and testing in accordance with essential health and safety requirements **U.K.**

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

- E45** 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 [^{F183}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 [^{F184}relevant] EU instruments; and
- (b) includes references to the publication of those EU instruments in the Official Journal.

Extent Information

E46 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

- F183** 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\(2\)\(a\)](#)
- F184** 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

- E47** 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 [^{F185}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 [^{F186}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 [^{F186}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 [^{F187}Northern Ireland] the language which can be easily understood by end-users is English.

Extent Information

E48 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

- F185** 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)
- F186** 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)**
- F187** 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 **U.K.**

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 [F188 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

E49 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

F188 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 **U.K.**

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 **U.K.**

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 **U.K.**

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

E50 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 [^{F189}NI 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 [^{F190}relevant] EU instruments in the Official Journal.

Extent Information

- E51** 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

- F189** 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\(5\)\(a\)](#)
- F190** 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

- E52** 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 [F191] 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 [F192] 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 [F192] 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 [^{F193}Northern Ireland] the language which can be easily understood by end-users is English.

Extent Information

E53 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

F191 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)

F192 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)**

F193 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

E54 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 **U.K.**

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 [^{F194}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

- E55** 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

- F194** 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 **U.K.**

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

- E56** 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 **U.K.**

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

E57 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 **U.K.**

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

E16 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 [^{F195}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

E58 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

F195 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 [^{F196}paragraph 7 (1) of Schedule 1] in a language which can be easily understood by end-users in the [^{F197}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 [^{F198}Northern Ireland], the language which can be easily understood by end-users is English.

Extent Information

E59 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

F196 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)

F197 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)**

F198 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 **U.K.**

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 **U.K.**

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 **U.K.**

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

E60 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 **U.K.**

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 **U.K.**

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 **U.K.**

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 [^{F76}UK] 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 [^{F199}paragraph 7(1) of Schedule 1] in a language which can be easily understood by end-users in the [^{F200}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 [F201Northern 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

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

F199 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](#))

F200 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\(9\)\(a\)](#)

F201 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 **U.K.**

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 **U.K.**

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 [^{F202}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

E62 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

F202 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 **U.K.**

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 **U.K.**

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 **U.K.**

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 **U.K.**

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 [F84UK] marking **E+W+S**

45.—(1) An economic operator must not affix the [F85UK] 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 [F85UK] 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 [F85UK] 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 [F85UK] 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

E63 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 **E+W+S**

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 **E+W+S**

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 **E+W+S**

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** (l)

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** (l)

Qualifying Northern Ireland Goods **E+W+S**

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 **U.K.**

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

- E64** 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 [F203 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

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

F203 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 [^{F103}Type] examination set out in Part A of [^{F104}Schedule 11] and the conformity to type must be ensured with random checking of the safety component for lifts set out in [^{F105}Schedule 16];
- (b) the model of the safety component for lifts must be submitted for [^{F103}Type] examination set out in Part A of [^{F106}Schedule 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 [^{F108}Schedule 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

E66 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

E67 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 [^{F117}UK] marking in accordance with paragraph (1), the [^{F117}UK] marking must be affixed to a label inseparably attached to the safety component for lifts.

(3) The [^{F118}UK] marking [^{F119} in respect of a] lift must be followed by the identification number of the [^{F120}approved] body involved in any of the following conformity assessment procedures—

- (a) the final inspection referred to in [^{F121}Schedule 12];
- (b) unit verification referred to in [^{F122} Schedule 15];
- (c) quality assurance referred to in [^{F123}Schedules 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 [^{F120}approved] body involved in any of the following conformity assessment procedures—

- (a) product quality assurance referred to in [^{F126}Schedule 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

E68 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 **N.I.**

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 **N.I.**

- 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 U.K.]

**[^{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—
- (a) has been approved by the Secretary of State pursuant to the procedure set out in regulation 52 (approval of conformity assessment bodies); or
 - (b) 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—
- (a) 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
 - (b) 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 [^{F204}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 [^{F205}, other than an immaterial objection,] are raised by the European Commission or the other [^{F206}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 [^{F207}certificate;]
- [^{F208}(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

E69 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

F204 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\(1\)\(a\)](#)

F205 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\(1\)\(b\)\(i\)](#)

F206 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\(1\)\(b\)\(ii\)](#)

F207 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\(1\)\(b\)\(iii\)](#)

F208 [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 [^{F209} 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 [^{F209} 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

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

F209 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

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 **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

E72 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

E73 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

- E74** 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 [^{F210}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

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

F210 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

E76 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

E77 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 **U.K.**

Market surveillance and enforcement

Designation of market surveillance authority **U.K.**

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 **U.K.**

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 **U.K.**

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

E78 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 U.K.

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 [^{F211}from the market in Northern Ireland] into conformity with those requirements within a prescribed period;
 - (ii) withdraw the safety component for lifts [^{F212}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 [^{F213}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) [^{F214}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 [^{F215}Northern Ireland], the Secretary of State must inform the European Commission and the other [^{F216}relevant states] of—

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

[^{F217}(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 [^{F218}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 [^{F219}Northern Ireland];

- (ii) withdraw the safety component for lifts from the [^{F220}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 [^{F221}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

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

F211 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\(1\)\(a\)\(i\)](#)

F212 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\(1\)\(a\)\(ii\)](#)

F213 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\(1\)\(b\)](#)

F214 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\(1\)\(c\)\(i\)](#)

F215 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\(1\)\(c\)\(ii\)](#)

- F216** 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)**
- F217** 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)**
- F218** 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)**
- F219** 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)**
- F220** 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)**
- F221** 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 U.K.

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 [^{F222}from Northern Ireland] within a prescribed period; or
 - (iii) prohibit or restrict the use of the lift [^{F223}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 [^{F224}from Northern Ireland] within a prescribed period; or
 - (iii) recall the safety component for lifts [^{F225}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 [^{F226}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

E80 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

F222 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)**

- F223** 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)**
- F224** 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)**
- F225** 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)**
- F226** 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);
- [^{F227}(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

E81 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 [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 **U.K.**

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 **U.K.**

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) [^{F228}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.

[^{F229}(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

- 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

- F228** 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\(5\)\(a\)](#)
- F229** [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 **U.K.**

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 **U.K.**

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 **U.K.**

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 ^{M8} (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

M8 1995 c.46.

Service of documents **U.K.**

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 U.K.

- 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 U.K.

- 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^{M9};
 - (b) in Northern Ireland in proceedings under article 62 of the Magistrates' Courts (Northern Ireland) Order 1981^{M10}.

Marginal Citations

M9 1980 c.43; section 58 was amended by the [Crime and Courts Act 2013 \(c.22\)](#), [Schedule 10 paragraph 40](#).

M10 S.I. 1981/1675 (NI 26).

Appeals against notices **U.K.**

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 **U.K.**

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 U.K.

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 U.K.

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

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (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 [^{F230}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

E83 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

F230 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 ^{M11}.

[^{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

M11 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

E84 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 ^{M12};
- (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 ^{M13}—

- (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^{M14} 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^{M15} 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^{M16} 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^{M17}, 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^{M18}, 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

- M12** [2015 c.15](#).
- M13** [S.I. 1998/2306](#), to which there are amendments not relevant to these Regulations.
- M14** [S.R. 1999/305](#), to which there are amendments not relevant to these Regulations.
- M15** [S.I. 1998/2307](#), to which there are amendments not relevant to these Regulations.
- M16** [S.R. 1999 No. 304](#), to which there are amendments not relevant to these Regulations.
- M17** [S.I. 2004/129](#), to which there are amendments not relevant to these Regulations.
- M18** [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 ^{F231};
 - (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 ^{F232}—
- (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^{F233} 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^{F234} 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^{F235} 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^{F236}, 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^{F237}, 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) ”;

Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016. (See end of Document for details)

- (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)”;
 - (ii) at the appropriate place, insert—

“regulation 61(1) or (2) of the Lifts Regulations 2016 (SI 2016/1093);”.

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

Textual Amendments

F231 2015 c.15.

F232 S.I. 1998/2306, to which there are amendments not relevant to these Regulations.

F233 S.R. 1999/305, to which there are amendments not relevant to these Regulations.

F234 S.I. 1998/2307, to which there are amendments not relevant to these Regulations.

F235 S.R. 1999 No. 304, to which there are amendments not relevant to these Regulations.

F236 S.I. 2004/129, to which there are amendments not relevant to these Regulations.

F237 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

Changes to legislation:

There are currently no known outstanding effects for the The Lifts Regulations 2016.