

SCHEDULE 3

Amendment to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019

14.—(1) Schedule 22 (lifts) is amended as follows.

(2) In paragraph 2(2)(m) for the substituted definition of “ importer ” substitute—

““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;”.

(3) In paragraph 25, in the inserted text, after the inserted regulation 45B, insert—

“Expiry of regulations 45A and 45B

45C.—(1) Subject to paragraph (2), regulation 45A ceases to have effect at the end of the period of 12 months 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 12 months 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,

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referred to in Article 16(1)(a) of the Directive as an EU-type examination has been carried out in relation to a model.

Qualifying Northern Ireland Goods

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

(2) This paragraph applies where—

(a) a safety component for lifts—

- (i) is in conformity with Part 2, as that Part applies in Northern Ireland; and
- (ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the safety component for lifts on the market, the importer—

(a) complies with regulation 28;

(b) ensures that—

- (i) the relevant conformity assessment procedure has been carried out in accordance with Part 3, as that Part applies in Northern Ireland;
- (ii) the manufacturer has drawn up the technical documentation; and
- (iii) the safety component bears the CE marking.

(4) In this regulation—

“CE marking” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“technical documentation” means the documentation a manufacturer must draw up in accordance with regulation 16(b), as it applies in Northern Ireland.”.

(4) In paragraph 30—

(a) for paragraph (3) substitute—

“(3) For paragraph (1) substitute—

“(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.”.

(b) after paragraph (3) insert—

“(3A) After paragraph (1) insert—

“(1A) For a period of 24 months 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.”

(3B) In the following paragraphs, for “CE” substitute “ UK ”

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- (a) paragraph (2) (twice);
 - (b) paragraph (3); and
 - (c) paragraph (4).
- (3C) In paragraph (2) after “Where” insert “ paragraph (1A) does not apply and ”;
- (3D) In paragraph (3) for “on a” substitute “ in respect of a ”.”.
- (c) in paragraph (6) before sub-paragraph (a) insert—
- “(ia) for “on a safety” substitute “ in respect of a safety ”;”.
- (5) In paragraph 39 after paragraph (4) insert—
- “(4A) In paragraph 3(4) for “member States” substitute “ the Secretary of State ”.”.

Commencement Information

- II** Sch. 3 para. 14 in force at 31.12.2020 immediately before IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(4\)](#)

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