
STATUTORY INSTRUMENTS

1997 No. 831

The Lifts Regulations 1997

PART IV

ENFORCEMENT

Application of Schedule 15

19.—(1) Subject to paragraph (2), Schedule 15 shall have effect for the purposes of providing for the enforcement of these Regulations and for matters incidental thereto.

(2) Except in the case of a lift or safety component which, in the opinion of an enforcement authority, is liable to endanger the safety of persons and, where appropriate, of property, where an enforcement authority has reasonable grounds for suspecting that the CE marking has been affixed to a lift or safety component or, in the case of a safety component, to a label inseparably attached to it and in relation to which any provision of these Regulations has not been complied with it may serve notice in writing on—

- (a) the installer of the lift or the manufacturer of the safety component or, in the case of the latter, his authorised representative established in the Community; or
- (b) in a case where neither the installer of the lift nor the manufacturer of the safety component nor, in the case of the latter, his authorised representative established in the Community has placed the lift or safety component, as the case may be, on the market, the person who places it on the market in the United Kingdom;

and subject to paragraph (3), no other action pursuant to Schedule 15 may be taken, and no proceedings may be brought pursuant to regulation 20, in respect of that lift or safety component until such notice has been given and the person to whom it is given has failed to comply with its requirements.

(3) Notwithstanding the provisions of paragraph (2), for the purpose of ascertaining whether or not the CE marking has been correctly affixed, action may be taken pursuant to section 20 of the Health and Safety at Work etc. Act 1974⁽¹⁾, or, in Northern Ireland, pursuant to Article 22 of the Health and Safety at Work (Northern Ireland) Order 1978⁽²⁾ as it is applied by Schedule 15.

(4) A notice which is given under paragraph (2) shall—

- (a) state that the enforcement authority suspects that the CE marking has not been correctly affixed to the lift, safety component or label, as the case may be;
- (b) specify the respect in which it is so suspected and give particulars thereof;
- (c) require the person to whom the notice is given—
 - (i) to secure that any lift or safety component to which the notice relates conforms as regards the provisions concerning the correct affixation of the CE marking within such period as may be specified in the notice; or

(1) 1974 c. 37.

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

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- (ii) to provide evidence within that period, to the satisfaction of the enforcement authority, that the CE marking has been correctly affixed; and
- (d) warn that person that if the non-conformity continues after, or if satisfactory evidence has not been provided within, the period specified in the notice, further action may be taken under the Regulations in respect of that lift or safety component or any lift or safety component of the same type placed on the market by that person.