
STATUTORY INSTRUMENTS

2016 No. 1093

The Lifts Regulations 2016

PART 5

Market surveillance and enforcement

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

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.

(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 member 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.