

SCHEDULE 1

Regulation 2(1)

Essential Health and Safety Requirements

Preliminary remarks

1.—(1) Obligations under essential health and safety requirements apply only where the corresponding risk exists for the lift or safety component for lifts in question when used as intended by the installer or the manufacturer.

(2) The essential health and safety requirements contained in the Directive are imperatives. However, given the present state of the art, the objectives which they lay down may not be attainable. In such cases, and to the greatest extent possible, the lift or safety components for lifts must be designed and constructed in such a way as to approximate to those objectives.

(3) The manufacturer and the installer are under an obligation to carry out a risk assessment in order to identify all the risks which apply to their products; they must then design and construct them taking account of the assessment.

General

2.—(1) The general requirements are as follows.

Application of Directive 2006/42/EC

(2) Where the relevant risk exists and is not dealt with in this Annex, the essential health and safety requirements of Annex I to [Directive 2006/42/EC](#) of the European Parliament and of the Council apply. The essential health and safety requirements of point 1.1.2 of Annex I to [Directive 2006/42/EC](#) apply in any event.

Carrier

(3) The carrier of each lift must be a car. This car must be designed and constructed to offer the space and strength corresponding to the maximum number of persons and the rated load of the lift set by the installer.

(4) Where the lift is intended for the transport of persons, and where its dimensions permit, the car must be designed and constructed in such a way that its structural features do not obstruct or impede access and use by disabled persons and so as to allow any appropriate adjustments intended to facilitate its use by them.

Means of suspension and means of support

(5) The means of suspension and/or support of the car, its attachments and any terminal parts thereof must be selected and designed so as to ensure an adequate level of overall safety and to minimise the risk of the car falling, taking into account the conditions of use, the materials used and the conditions of manufacture.

(6) Where ropes or chains are used to suspend the car, there must be at least two independent cables or chains, each with its own anchorage system. Such ropes and chains must have no joins or splices except where necessary for fixing or forming a loop.

Control of loading (including overspeed)

(7) Lifts must be so designed, constructed and installed as to prevent normal starting if the rated load is exceeded.

(8) Lifts must be equipped with an overspeed governor.

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(9) These requirements do not apply to lifts in which the design of the drive system prevents overspeed.

(10) Fast lifts must be equipped with a speed-monitoring and speed-limiting device.

(11) Lifts driven by friction pulleys must be designed so as to ensure stability of the traction cables on the pulley.

Machinery

(12) All passenger lifts must have their own individual lift machinery. This requirement does not apply to lifts in which the counterweights are replaced by a second car.

(13) The installer must ensure that the lift machinery and the associated devices of a lift are not accessible except for maintenance and in emergencies.

Controls

(14) The controls of lifts intended for use by unaccompanied disabled persons must be designed and located accordingly.

(15) The function of the controls must be clearly indicated.

(16) The call circuits of a group of lifts may be shared or interconnected.

(17) Electrical equipment must be so installed and connected that—

- (a) there can be no possible confusion with circuits which do not have any direct connection with the lift;
- (b) the power supply can be switched while on load;
- (c) movements of the lift are dependent on electrical safety devices in a separate electrical safety circuit;
- (d) a fault in the electrical installation does not give rise to a dangerous situation.

Risks for persons outside the car

3.—(1) The lift must be designed and constructed to ensure that the space in which the car travels is inaccessible except for maintenance or in emergencies. Before a person enters that space, normal use of the lift must be made impossible.

(2) The lift must be designed and constructed to prevent the risk of crushing when the car is in one of its extreme positions.

(3) The objective will be achieved by means of free space or refuge beyond the extreme positions.

(4) However, in specific cases, in affording member States the possibility of giving prior approval, particularly in existing buildings, where this solution is impossible to fulfil, other appropriate means may be provided to avoid this risk.

(5) The landings at the entrance and exit of the car must be equipped with landing doors of adequate mechanical resistance for the conditions of use envisaged.

(6) An interlocking device must prevent during normal operation—

- (a) starting movement of the car, whether or not deliberately activated, unless all landing doors are shut and locked;
- (b) the opening of a landing door when the car is still moving and outside a prescribed landing zone.

(7) However, all landing movements with the doors open are allowed in specified zones on condition that the levelling speed is controlled.

Risks for persons in the car

4.—(1) Lift cars must be completely enclosed by full-length walls, fitted floors and ceilings included, with the exception of ventilation apertures, and with full-length doors. These doors must be so designed and installed that the car cannot move, except for the landing movements referred to in the third sub-paragraph of point 2.3, unless the doors are closed, and comes to a halt if the doors are opened.

(2) The doors of the car must remain closed and interlocked if the lift stops between two levels where there is a risk of a fall between the car and the shaft or if there is no shaft.

(3) In the event of a power cut or failure of components the lift must have devices to prevent free fall or uncontrolled movements of the car.

(4) The device preventing the free fall of the car must be independent of the means of suspension of the car.

(5) This device must be able to stop the car at its rated load and at the maximum speed anticipated by the installer. Any stop occasioned by this device must not cause deceleration harmful to the occupants whatever the load conditions.

(6) Buffers must be installed between the bottom of the shaft and the floor of the car.

(7) In this case, the free space referred to in point 2.2 must be measured with the buffers totally compressed.

(8) This requirement does not apply to lifts in which the car cannot enter the free space referred to in point 2.2 by reason of the design of the drive system.

(9) Lifts must be so designed and constructed as to make it impossible for them to be set in motion if the device provided for in point 3.2 is not in an operational position.

Other risks

5.—(1) The landing doors and car doors or the two doors together, where motorised, must be fitted with a device to prevent the risk of crushing when they are moving.

(2) Landing doors, where they have to contribute to the protection of the building against fire, including those with glass parts, must be suitably resistant to fire in terms of their integrity and their properties with regard to insulation (containment of flames) and the transmission of heat (thermal radiation).

(3) Counterweights must be so installed as to avoid any risk of colliding with or falling on to the car.

(4) Lifts must be equipped with means enabling people trapped in the car to be released and evacuated.

(5) Cars must be fitted with two-way means of communication allowing permanent contact with a rescue service.

(6) Lifts must be so designed and constructed that, in the event of the temperature in the lift machine exceeding the maximum set by the installer, they can complete movements in progress but refuse new commands.

(7) Cars must be designed and constructed to ensure sufficient ventilation for passengers, even in the event of a prolonged stoppage.

(8) The car should be adequately lit whenever in use or whenever a door is opened; there must also be emergency lighting.

(9) The means of communication referred to in point 4.5 and the emergency lighting referred to in point 4.8 must be designed and constructed so as to function even without the normal power supply. Their period of operation should be long enough to allow normal operation of the rescue procedure.

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(10) The control circuits of lifts which may be used in the event of fire must be designed and manufactured so that lifts may be prevented from stopping at certain levels and allow for priority control of the lift by rescue teams.

Marking

6.—(1) In addition to the minimum particulars required for any machine pursuant to point 1.7.3 of Annex I to [Directive 2006/42/EC](#), each car must bear an easily visible plate clearly showing the rated load in kilograms and the maximum number of passengers which may be carried.

(2) If the lift is designed to allow people trapped in the car to escape without outside help, the relevant instructions must be clear and visible in the car.

Instructions

7.—(1) The safety components for lifts listed in Schedule 3 must be accompanied by instructions, so the following can be carried out effectively and without danger—

- (a) assembly;
- (b) connection;
- (c) adjustment;
- (d) maintenance.

(2) Each lift must be accompanied by instructions. The instructions must contain at least the following documents—

- (a) instructions containing the plans and diagrams necessary for normal use and relating to maintenance, inspection, repair, periodic checks and the rescue operations referred to in point 4.4;
- (b) a logbook in which repairs and, where appropriate, periodic checks can be noted.

SCHEDULE 2

Regulation 3(2)(b)

Excluded lifts

1. Lifting appliances whose speed is not greater than 0.15m/s.
2. Construction site hoists.
3. Cableways, including funicular railways.
4. Lifts specially designed and constructed for military or police purposes.
5. Lifting appliances from which work can be carried out.
6. Mine winding gear.
7. Lifting appliances intended for lifting performers during artistic performances.
8. Lifting appliances fitted in means of transport.
9. Lifting appliances connected to machinery and intended exclusively for access to workstations including maintenance and inspection points on the machinery.
10. Rack and pinion trains.
11. Escalators and mechanical walkways.

SCHEDULE 3

Regulation 2(1)

List of safety components referred to in Article 1(1) of the Directive

1. Devices for locking landing doors.
2. Devices to prevent falls referred to in point 3.2 of Schedule 1 to prevent the car from falling or uncontrolled movements.
3. Overspeed limitation devices.
 - (a) (a) Energy-accumulating buffers:
 - (i) non-linear, or
 - (ii) with damping of the return movement.
 - (b) Energy-dissipating buffers.
5. Safety devices fitted to jacks of hydraulic power circuits where these are used as devices to prevent falls.
6. Electric safety devices in the form of safety circuits containing electric components.

SCHEDULE 4

Regulation 2(1)

Notified body requirements

1. A conformity assessment body must be established in the United Kingdom and have legal personality.
- 2.—(1) A conformity assessment body must be a third party body independent of the organisation or the lift or safety component for lifts it assesses.
 - (2) A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of lifts or safety components for lifts which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered to be independent under sub-paragraph (1).
- 3.—(1) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of lifts or safety components for lifts, nor the representative of any of those parties.
 - (2) Sub-paragraph (1) does not preclude the use of assessed lifts or safety components for lifts that are necessary for the operations of the conformity assessment body or the use of such lifts or safety components for lifts for personal purposes.
 - (3) Sub-paragraph (1) does not preclude the possibility of exchange of technical information between the manufacturer or the installer and the conformity assessment body.
4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of lifts or safety components for lifts, or represent the parties engaged in those activities.
5. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not engage in activity that may conflict with

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their independence of judgement or integrity in relation to conformity assessment activities for which they are notified (including consultancy services).

6. A conformity assessment body must ensure that the activities of its subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

7. A conformity assessment body and its personnel must carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and must be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons who have an interest in those activities.

8. A conformity assessment body must be capable of carrying out all of the conformity assessment activities in relation to which it has been, or is to be, notified, whether those activities are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

9. A conformity assessment body must have at its disposal—

- (a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment activities;
- (b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures, and have appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities;
- (c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

10. A conformity assessment body must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and must have access to the necessary equipment or facilities.

11. The personnel responsible for carrying out conformity assessment activities must have—

- (a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;
- (b) satisfactory knowledge of the requirements of the assessments which the personnel carry out and adequate authority to carry out those assessments;
- (c) appropriate knowledge and understanding of the essential health and safety requirements, the applicable harmonised standards, the Directive and these Regulations;
- (d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

12. A conformity assessment body must be able to demonstrate the impartiality of its top level management and the personnel responsible for carrying out the conformity assessment activities.

13. The remuneration of the top level management and the personnel responsible for carrying out the conformity assessment activities must not depend on the number of assessments carried out or on the results of those assessments.

14. A conformity assessment body must have, and must satisfy the Secretary of State that it has, adequate civil liability insurance in respect of its activities.

15. A conformity assessment body must ensure that its personnel observe professional secrecy with regard to all information obtained in carrying out their tasks in accordance with these Regulations and that proprietary rights are protected.

16. Paragraph 15 does not prevent the personnel from providing information to the Secretary of State or an enforcing authority.

17. A conformity assessment body must participate in, or ensure that its personnel who are responsible for carrying out the conformity assessment activities are informed of, the relevant standardisation activities and the activities of the Coordination Group of Notified Bodies for Lifts established under the Directive and must apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

SCHEDULE 5

Regulation 49(c)

EU declaration of conformity

PART 1

EU declaration of conformity for lifts

1. The EU declaration of conformity for lifts must be drafted in the same language as the instructions referred to in point 6.2 of Schedule 1 and contain the following information—

- (a) business name and address of the installer;
- (b) where appropriate, business name and address of the authorised representative;
- (c) description of the lift, details of the type or series, serial number and address where the lift is installed;
- (d) year of installation of the lift;
- (e) all relevant provisions to which the lift conforms;
- (f) a statement that the lift is in conformity with the Directive;
- (g) where appropriate, reference(s) to harmonised standard(s) used;
- (h) where appropriate, the name, address and identification number of the notified body which carried out the EU-type examination of lifts set out in Part B of Annex IV to the Directive (as amended from time to time) and the reference of the EU-type examination certificate issued by that notified body;
- (i) where appropriate, the name, address and identification number of the notified body which carried out the unit verification for lifts set out in Annex VIII to the Directive (as amended from time to time);
- (j) where appropriate, the name, address and identification number of the notified body which carried out the final inspection for lifts set out in Annex V to the Directive (as amended from time to time);
- (k) where appropriate, the name, address, and identification number of the notified body which approved the quality assurance system operated by the installer in accordance with the conformity assessment procedure set out in Annex X, XI or XII to the Directive (as amended from time to time);
- (l) the name and function of the person empowered to sign the declaration on behalf of the installer or the installer's authorised representative;
- (m) place and date of signature;
- (n) signature.

PART 2

EU declaration of conformity for safety components for lifts

2. The EU declaration of conformity for safety components for lifts must contain the following information—

- (a) business name and address of the manufacturer;
- (b) where appropriate, business name and address of the authorised representative;
- (c) description of the safety component for lifts, details of type or series and serial number (if any); it may, where necessary for the identification of the safety component for lifts, include an image;
- (d) safety function of the safety component for lifts, if not obvious from the description;
- (e) year of manufacture of the safety component for lifts;
- (f) all relevant provisions with which the safety component for lifts complies;
- (g) a statement that the safety component for lifts is in conformity with the relevant Union harmonisation legislation;
- (h) where appropriate, reference(s) to harmonised standard(s) used;
- (i) where appropriate, the name, address and identification number of the notified body which carried out the EU-type examination of safety components for lifts set out in Part A of Annex IV and Annex VI to the Directive (as amended from time to time), and the reference of the EU- type examination certificate issued by that notified body;
- (j) where appropriate, the name, address and identification number of the notified body which carried out the conformity to type with random checking for safety components for lifts set out in Annex IX to the Directive (as amended from time to time);
- (k) where appropriate, the name, address and identification number of the notified body which approved the quality system operated by the manufacturer in accordance with the conformity assessment procedure set out in Annex VI or VII to the Directive (as amended from time to time);
- (l) the name and function of the person empowered to sign the declaration on behalf of the manufacturer or the manufacturer’s authorised representative;
- (m) place and date of signature;
- (n) signature.

SCHEDULE 6

Regulation 58

Operational obligations of notified bodies

1. A notified body must carry out conformity assessments in accordance with the relevant conformity assessment procedures.

2. A notified body must carry out conformity assessments in a proportionate manner, avoiding unnecessary burdens on economic operators.

3. A notified body must perform its activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

4. A notified body must respect the degree of rigour and the level of protection required to ensure that the lift or the safety component for lifts is in conformity with the requirements of these Regulations.

5. Where a notified body finds that essential health and safety requirements or corresponding harmonised standards or other technical specifications have not been met by an installer or a manufacturer, it must require the installer or the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity or an approval decision.

6. Where, in the course of the monitoring of conformity following the issue of a certificate or an approval decision, a notified body finds that a lift or safety component for lifts is no longer in conformity with the essential health and safety requirements, it must require the installer or the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate of conformity or approval decision (if necessary).

7. Where the notified body has required an installer or a manufacturer to take corrective measures and the installer or the manufacturer has failed to take such measures, or those measures have not had the required effect, the notified body must restrict, suspend or withdraw any certificate of conformity or approval decision.

8. Paragraph 9 applies where a notified body is minded to—

- (a) refuse to issue a certificate of conformity or approval decision; or
- (b) restrict, suspend or withdraw a certificate of conformity or approval decision.

9. Where this paragraph applies, the notified body must—

- (a) give the person applying for the certificate or approval decision, or the person to whom the certificate or approval decision was given, a notice in writing giving reasons and specifying the date on which the refusal, restriction, suspension or withdrawal is intended to take effect;
- (b) give the person applying for the certificate or approval decision, or the person to whom the certificate or approval decision was given, an opportunity to make representations within a reasonable period from the date of the notice; and
- (c) take account of any such representations before taking its decision.

10. A notified body must inform the Secretary of State of—

- (a) any refusal, restriction, suspension or withdrawal of a certificate of conformity or approval decision;
- (b) any circumstances affecting the scope of, or conditions for, notification under regulation 52 (notification);
- (c) any request for information which it has received from an enforcing authority regarding conformity assessment activities; and
- (d) on request, conformity assessment activities performed within the scope of its notification under regulation 52 and any other activity performed, including cross-border activities and subcontracting.

11. A notified body must make provision in its contracts with its clients enabling such clients to appeal against a decision—

- (a) to refuse to issue a certificate of conformity or approval decision; or
- (b) to restrict, suspend or withdraw a certificate of conformity or approval decision.

12. A notified body must provide other bodies notified under the Directive carrying out similar conformity assessment activities covering the same type of lifts or the same safety components for

lifts with relevant information on issues relating to negative and, on request, positive conformity assessment results.

13. A notified body must participate in the work of the Coordination Group of Notified Bodies for Lifts established under the Directive, directly or by means of its designated representatives.

SCHEDULE 7

Regulation 62(1)

Enforcement powers of the Secretary of State and the Department under the 1987 Act

Enforcement powers under the 1987 Act

1. For the purposes of enforcing these Regulations, the following sections of the 1987 Act apply subject to the modifications in paragraph 2—

- (a) section 13 (prohibition notices and notices to warn);
- (b) section 14 (suspension notices);
- (c) section 16 (forfeiture: England and Wales and Northern Ireland);
- (d) section 17 (forfeiture: Scotland);
- (e) section 18 (power to obtain information);
- (f) section 29 (powers of search etc);
- (g) section 30 (provisions supplemental to s 29);
- (h) section 31 (powers of customs officer to detain goods);
- (i) section 33 (appeals against detention of goods);
- (j) section 34 (compensation for seizure and detention);
- (k) section 35 (recovery of expenses of enforcement);
- (l) section 37 (power of Commissioners for Revenue and Customs to disclose information);
- (m) section 45 (interpretation);
- (n) section 46(1) (meaning of “supply”); and
- (o) Schedule 2 (prohibition notices and notices to warn).

Modifications to the 1987 Act

2. The sections of the 1987 Act referred to in paragraph 1 are to apply as if—

- (a) in section 13—
 - (i) in subsection (1), “relevant” were omitted on each occasion that it appears;
 - (ii) in subsection (1), for “unsafe”, on each occasion that it appears, there were substituted “non-compliant”;
 - (iii) in subsection (2), the words from “; and the Secretary of State may” to the end were omitted; and
 - (iv) subsections (4) to (7) were omitted;
- (b) in section 14—
 - (i) in subsection (1), after “any safety provision has been contravened in relation to any goods”, there were inserted “or that any goods present a risk”;

- (ii) in subsection (2)(b), after “a safety provision has been contravened in relation to the goods”, there were inserted “or that the goods present a risk”;
 - (iii) in subsection (2)(c), “under section 15 below” were omitted; and
 - (iv) subsections (6) to (8) were omitted;
- (c) in section 16—
- (i) in subsection (1), after “a contravention in relation to the goods of a safety provision”, there were inserted “or that the goods present a risk”;
 - (ii) for subsection (2)(b) there were substituted—
 - “(b) where an application with respect to some or all of the goods has been made to a magistrates’ court under regulation 78 (appeals against notices) of the Lifts Regulations 2016 or section 33, to that court; and”;
 - (iii) in subsection (3), after “a contravention in relation to the goods of a safety provision”, there were inserted “or that the goods present a risk”;
 - (iv) after subsection (4) there were inserted —
 - “(4A) A court may infer for the purposes of this section that any goods present a risk if it is satisfied that such a risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
 - (v) in subsection (6), for “Subject to subsection (7) below, where” there were substituted “Where”; and
 - (vi) subsection (7) were omitted;
- (d) in section 17—
- (i) in subsection (1), after “a contravention of a safety provision”, there were inserted “or where the goods present a risk”;
 - (ii) in subsection (6), after “a contravention in relation to those goods of a safety provision”, there were inserted “or that those goods present a risk”; and
 - (iii) after subsection (7), there were inserted—
 - “(7A) The sheriff may infer for the purposes of this section that any goods present a risk if satisfied that such risk is presented by goods which are representative of those goods (whether by reason of being of the same design or part of the same consignment or batch or otherwise).”;
- (e) in section 18, subsections (3) and (4) were omitted;
- (f) in section 29—
- (i) in subsection (4)(a), after “any contravention of any safety provision in relation to the goods”, there were inserted “or whether the goods present a risk”;
 - (ii) in subsection (4)(b), after “any such contravention”, there were inserted “or whether the goods present a risk”; and
 - (iii) in subsection (7), after “a contravention of any safety provision”, there were inserted “or prevent goods from presenting risk”;
- (g) in section 30—
- (i) after subsection (2)(a)(ii), for “and”, there were substituted—
 - “or

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- (iii) that any goods which any officer has power to inspect under section 29(4) are on any premises and their inspection is likely to demonstrate that they present a risk; and”; and
 - (ii) subsections (5), (7) and (8) were omitted;
- (h) in section 31(1), for “Part II of this Act, or by section 29(4) of this Act”, there were substituted “the Lifts Regulations 2016”;
- (i) in section 34(1)—
 - (i) at the end of paragraph (a), “and” were omitted;
 - (ii) after paragraph (a), there were inserted—
 - “(aa) the goods do not present a risk; and”;
- (j) in section 37(1), for “Part II of this Act”, there were substituted “the Lifts Regulations 2016”;
- (k) in section 45(1)—
 - (i) the definitions of “conditional sale agreement”, “credit-sale agreement”, “gas”, “motor vehicle”, “personal injury”, “subordinate legislation” and “substance” were omitted;
 - (ii) for the definition of “enforcement authority” there were substituted—
 - ““enforcement authority” means an enforcing authority within the meaning of regulation 2(1) of the Lifts Regulations 2016;”;
 - (iii) for the definition of “goods” there were substituted—
 - ““goods” means a lift or safety component for lifts within the meaning of regulation 2(1) of the Lifts Regulations 2016;”;
 - (iv) after the definition of “modifications”, there were inserted—
 - ““non-compliant”, in relation to any goods, means that—
 - (a) a safety provision has been contravened in relation to the goods; or
 - (b) the goods present a risk;”
 - (v) after the definition of “premises”, there were inserted—
 - ““present a risk” means present a risk within the meaning set out in regulation 2(4) of the Lifts Regulations 2016;”;
 - (vi) for the definition of “safety provision” there were substituted—
 - ““safety provision” means any provision of the Lifts Regulations 2016;”;
 - (vii) for the definition of “safety regulations” there were inserted—
 - ““safety regulations” means the Lifts Regulations 2016;”
- (l) in section 46(1), the words “and, in relation to gas or water, those references are to be construed as including references to providing the service by which the gas or water is made available for use” were omitted; and
- (m) in Schedule 2—
 - (i) for “unsafe”, on each occasion that it appears, there were substituted “non-compliant”; and
 - (ii) for “safe”, on each occasion that it appears, there were substituted “not non-compliant”.

SCHEDULE 8

Regulation 62(2)

Enforcement powers of the Health and Safety Executive under the 1974 Act

Enforcement powers under the 1974 Act

1. For the purposes of enforcing these Regulations, the following sections of the 1974 Act apply subject to the modifications in paragraph 2—

- (a) Section 10(1) (establishment of the Executive);
- (b) section 19 (appointment of inspectors);
- (c) section 20 (powers of inspectors);
- (d) section 21 (improvement notices);
- (e) section 22 (prohibition notices);
- (f) section 23 (provisions supplementary to ss 21 and 22);
- (g) section 24 (appeal against improvement or prohibition notice);
- (h) section 25 (power to deal with cause of imminent danger);
- (i) section 25A (power of customs officer to detain articles and substances);
- (j) section 26 (power of enforcing authorities to indemnify inspectors);
- (k) section 27 (obtaining of information by the Executive, enforcing authorities etc);
- (l) section 27A (information communicated by Commissioners for Revenue and Customs);
- (m) section 28 (restrictions on disclosure of information);
- (n) section 33 (offences);
- (o) section 34 (extension of time for bringing summary proceedings);
- (p) section 35 (venue);
- (q) section 39 (prosecution by inspectors);
- (r) section 41 (evidence); and
- (s) section 42 (power of court to order cause of offence to be remedied or, in certain cases, forfeiture).

Modifications to the 1974 Act

2. The sections of the 1974 Act referred to in paragraph 1 are to apply as if—
- (a) references to “relevant statutory provisions” were references to—
 - (i) the provisions of the 1974 Act set out in paragraph 1, as modified by this paragraph; and
 - (ii) these Regulations;
 - (b) references to “risk” were references to “risk” within the meaning of regulation 2(4) of these Regulations;
 - (c) in section 19—
 - (i) in subsection (1), for “Every enforcing authority” there were substituted “The Executive”;
 - (ii) in subsection (1), “within its field of responsibility” were omitted;
 - (iii) in subsection (2)(a), for “specified; and” there were substituted “so specified.”;
 - (iv) in subsection (2), paragraph (b) were omitted; and

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- (v) in subsection (3), for “enforcing authority which appointed him” there were substituted “Executive”;
- (d) in section 20—
 - (i) in subsection (1), “within the field of responsibility of the enforcing authority which appointed him” were omitted;
 - (ii) in subsection (2)(c)(i), for “his (the inspector’s) enforcing authority” there were substituted “the Executive”;
 - (iii) in subsection 2(h), for “him to have caused or to be likely to cause danger to health or safety”, there were substituted “contravene the relevant statutory provisions or present a risk; and
 - (iv) subsection (3) were omitted;
- (e) in section 21—
 - (i) before paragraph (a), there were inserted—
 - “(za) is placing on the market a lift, or making available on the market a safety component for lifts, which presents a risk;”;
 - (ii) after “specifying the”, there were inserted “risk, or”; and
 - (iii) after “requiring that person to”, there were inserted “address the risk or”;
- (f) for section 22(2) there were substituted—
 - “(2) An inspector may serve a notice (in this Part referred to as “a prohibition notice”) on a person if, as regards any activities to which this section applies, the inspector is of the opinion that, as carried on or likely to be carried on by or under the control of the person in question, the activities involve or, as the case may be, will involve—
 - (a) a risk; or
 - (b) a contravention of a relevant statutory provision.”;
- (g) in section 23, subsections (3), (4) and (6) were omitted;
- (h) in section 25A(1)—
 - (i) for “any enforcing authority or inspector”, there were substituted “the Executive or an inspector”; and
 - (ii) for “the authority”, there were substituted “the Executive”;
- (i) in section 26, for each of the following references there were substituted “the Executive”—
 - (i) “the enforcing authority which appointed him”;
 - (ii) “that authority”; and
 - (iii) “the authority”;
- (j) in section 27—
 - (i) in subsection (1)(a), “or” were omitted;
 - (ii) in subsection (1)(b) were omitted;
 - (iii) in subsection (1), “or, as the case may be, to the enforcing authority in question” were omitted;
 - (iv) subsection (3)(a) were omitted; and
 - (v) in subsection (3)(b) for “functions; and” there were substituted “functions.”;
- (k) in section 27A(2)—
 - (i) for “an enforcing authority” there were substituted “the Executive”; and

- (ii) the words from “, other than the Office for Nuclear Regulation” to the end were omitted;
- (l) in section 28—
 - (i) in subsection (1)(a), “, other than the Officer for Nuclear Regulation (or an inspector appointed by it),” were omitted;
 - (ii) in subsection (1)(a), “, by virtue of section 43A(6) below” were omitted;
 - (iii) in subsection (3)(a), “or any enforcing authority” were omitted;
 - (iv) in subsection (4), “or an enforcing authority” were omitted;
 - (v) in subsection (4), “(including, in the case of an enforcing authority, any inspector appointed by it)” were omitted;
 - (vi) in subsection (5)(a), “or the purposes of the enforcing authority in question in connection with the relevant statutory provisions” were omitted;
 - (vii) in subsection (7), “14(4)(a) or” were omitted;
 - (viii) in subsection (7), for paragraph (b), there were substituted—
 - “(b) for the purposes of any legal proceedings or for the purposes of a report of any such proceedings;” and
 - (ix) subsection (9B) were omitted;
- (m) in section 33—
 - (i) in subsection (1), paragraphs (a) to (i) and (k) to (m) were omitted;
 - (ii) for subsection (2), there were substituted—
 - “(2) A person guilty of an offence under section 33 is liable on summary conviction—
 - (i) in England and Wales, to a fine or imprisonment for a term not exceeding 3 months, or to both;
 - (ii) in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months, or to both;” and
 - (iii) subsection (3) were omitted;
- (n) in section 34—
 - (i) in subsection (1), paragraphs (a) and (b) were omitted;
 - (ii) in subsection (1), for the words from “and it appears” to the end, there were substituted “and it appears from the investigation or, in a case falling within paragraph (d), from the proceedings at the inquiry, that any of the relevant statutory provisions was contravened at a time which is material in relation to the subject-matter of the investigation or inquiry, summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months of the conclusion of the investigation or inquiry.”; and
 - (iii) subsections (3) to (6) were omitted;
- (o) in section 35, for “any enforcing authority”, there were substituted “the Executive”;
- (p) in section 39(1), for “enforcing authority which appointed him” there were substituted “Executive”; and
- (q) in section 42, subsections (3A), (4) and (5) were omitted.

SCHEDULE 9

Regulation 62(3)

Enforcement powers of the Department under the 1978 Order

Enforcement powers under the 1978 Order

1. For the purposes of enforcing these Regulations, the following sections of the 1978 Order apply subject to the modifications in paragraph 2—

- (a) Article 12(1) (establishment of the Executive)
- (b) Article 21 (appointment of inspectors);
- (c) Article 22 (powers of inspectors);
- (d) Article 23 (improvement notices);
- (e) Article 24 (prohibition notices);
- (f) Article 25 (provisions supplementary to Articles 23 and 24);
- (g) Article 26 (appeal against improvement or prohibition notice);
- (h) Article 27 (power to deal with cause of imminent danger);
- (i) Article 27A (power of customs officer to detain articles and substances);
- (j) Article 28 (power of enforcing authorities to indemnify their inspectors);
- (k) Article 29 (obtaining of information);
- (l) Article 29A (information communicated by Commissioners for Revenue and Customs);
- (m) Article 30 (restrictions on disclosure of information);
- (n) Article 31 (offences);
- (o) Article 32 (extension of time for bringing summary proceedings);
- (p) Article 33 (venue);
- (q) Article 36 (prosecutions by inspectors);
- (r) Article 38 (evidence); and
- (s) Article 39 (power of court to order cause of offence to be remedied and, in certain cases, forfeiture).

Modifications to the 1978 Order

2. The sections referred to in paragraph 1 apply as if—
- (a) references to “relevant statutory provisions” were references to—
 - (i) the provisions of the 1978 Order set out in paragraph 1, as modified by this paragraph; and
 - (ii) these Regulations;
 - (b) references to “risk” were references to “risk” within the meaning of regulation 2(4) of these Regulations;
 - (c) in Article 21—
 - (i) in paragraph (1), for “Every enforcing authority” there were substituted “the Department”;
 - (ii) in paragraph (1), “within its field of responsibility” were omitted;
 - (iii) in sub-paragraph (2)(a), for “specified; and” there were substituted “so specified.”;
 - (iv) sub-paragraph 2(b) were omitted; and

- (v) in paragraph (3), for “enforcing authority which appointed him” there were substituted “Department”;
- (d) in Article 22—
 - (i) in paragraph (1), “within the field of responsibility of the enforcing authority which appointed him” were omitted;
 - (ii) in sub-paragraph (2)(c)(i), for “his (the inspector’s) enforcing authority” there were substituted “the Department”;
 - (iii) in sub-paragraph 2(h), for “him to have caused or to be likely to cause danger to health or safety”, there were substituted “contravene the relevant statutory provisions or present a risk”; and
 - (iv) paragraph (3) were omitted;
- (e) in Article 23—
 - (i) before paragraph (a), there were inserted—
 - “(za) is placing on the market a lift, or making available on the market a safety component for lifts, which presents a risk;”;
 - (ii) in paragraph (ii), after “specifying the”, there were inserted “risk or”; and
 - (iii) in paragraph (iv), after “requiring that person to”, there were inserted “address the risk or”;
- (f) for Article 24(2), for “of serious personal injury” there were substituted “or a contravention of a relevant statutory provision”;
- (g) in Article 25, paragraphs (3), (4) and (5) were omitted;
- (h) in Article 27A(1)—
 - (i) for “any enforcing authority or inspector”, there were substituted “the Department or an inspector”;
 - (ii) for “the authority”, there were substituted “the Department”;
- (i) in Article 28, for each of the following references there were substituted “the Department”—
 - (i) “the enforcing authority which appointed him”;
 - (ii) “that authority”; and
 - (iii) “the authority”;
- (j) in Article 29(1)—
 - (i) in subparagraph (b)—
 - (aa) for “an enforcing authority”, there were substituted “the Department”;
 - (bb) for “the authority’s functions”, there were substituted “its functions”;
 - (ii) for “the Department concerned or the Executive”, there were substituted “the Department”; and
 - (iii) for “the Executive or, as the case may be, to the enforcing authority in question”, there were substituted “the Department”;
- (k) in Article 29A(2), for “an enforcing authority” there were substituted “the Department”;
- (l) in Article 30—
 - (i) for “Executive”, on each occasion that it appears, there were substituted “Department”;
 - (ii) in paragraph (3)(a), “or any enforcing authority” were omitted;

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- (iii) in paragraph (4), “or an enforcing authority” were omitted;
- (iv) in paragraph (4), “or authority (including, in the case of an enforcing authority, any inspector appointed by it)” were omitted;
- (v) in paragraph (5)(a), “or the purposes of the enforcing authority in question in connection with the relevant statutory provisions as the case may be” were omitted;
- (vi) in paragraph (6), “16(4)(a) or” were omitted; and
- (vii) in paragraph (6), for paragraph (b), there were substituted---
 - “(b) for the purposes of any legal proceedings or for the purposes of a report of any such proceedings;”;
- (m) in Article 31—
 - (i) in paragraph (1), the sub-paragraphs (a) to (i) and (k) to (m) were omitted;
 - (ii) for paragraph (2), there were substituted—
 - “(2) A person guilty of an offence under Article 31 is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 5 on the standard scale or both.”; and
 - (iii) paragraph (3) were omitted;
- (n) in Article 32—
 - (i) in paragraph (1), sub-paragraphs (a) and (b) were omitted;
 - (ii) in paragraph (1), for the words from “and it appears” to the end, there were substituted “and it appears from the investigation at the inquest that any of the relevant statutory provisions was contravened at a time which is material in relation to the subject-matter of the inquest, summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within three months of the conclusion of the inquest.”; and
 - (iii) paragraphs (3) and (4) were omitted;
- (o) in Article 33, for “any enforcing authority”, there were substituted “the Department”;
- (p) in Article 36, for “enforcing authority which appointed him” there were substituted “Department”; and
- (q) in Article 39, paragraphs (3A), (4) and (5) were omitted.

SCHEDULE 10

Regulation 62(4)

Compliance, withdrawal and recall notices

Compliance notice

1.—(1) An enforcing authority may serve a compliance notice on a relevant economic operator in respect of a lift or a safety component for lifts if the authority has reasonable grounds for believing that there is non-compliance.

(2) A compliance notice must—

(a) require the relevant economic operator on which it is served to—

(i) end the non-compliance within such period as may be specified in the notice; or

- (ii) provide evidence, within such period as may be specified in the notice, demonstrating to the satisfaction of the enforcing authority that the non-compliance has not in fact occurred; and
- (b) warn the economic operator that, if the non-compliance persists or if satisfactory evidence has not been produced under sub-paragraph (a) within the period specified in the notice, further action may be taken in respect of—
 - (i) the lift or lifts of the same type placed on the market by the relevant economic operator;
 - (ii) the safety component for lifts or safety components for lifts of the same type made available on the market by the relevant economic operator.
- (3) A compliance notice may include directions as to the measures to be taken by the economic operator to secure compliance, including different ways of securing compliance.
- (4) Subject to paragraph (5), an enforcing authority may revoke or vary a compliance notice by serving a notification on the economic operator.
- (5) An enforcing authority may not vary a compliance notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

Withdrawal notice

- 2.—(1) An enforcing authority may serve a withdrawal notice on a relevant economic operator in respect of a safety component for lifts if the authority has reasonable grounds for believing that—
- (a) the safety component for lifts has been made available on the market; and
 - (b) there is non-compliance.
- (2) A withdrawal notice must prohibit the relevant economic operator from making the safety component for lifts available on the market without the consent of the enforcing authority.
- (3) A withdrawal notice may require the relevant economic operator to take action to alert end-users to any risk presented by the safety component for lifts.
- (4) A withdrawal notice may require the relevant economic operator to keep the enforcing authority informed of the whereabouts of any safety component for lifts referred to in the notice.
- (5) A consent given by the enforcing authority pursuant to a withdrawal notice, may impose such conditions on the making available on the market as the enforcing authority considers appropriate.
- (6) Subject to paragraph (7), an enforcing authority may revoke or vary a withdrawal notice by serving a notification on the economic operator.
- (7) An enforcing authority may not vary a withdrawal notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.
- (8) A withdrawal notice has effect throughout the United Kingdom.

Recall notice

- 3.—(1) The enforcing authority may serve a recall notice on a relevant economic operator in respect of a lift or a safety component for lifts if the authority has reasonable grounds for believing that—
- (a) the lift has been placed on the market or the safety component for lifts has been made available to end-users; and
 - (b) there is non-compliance.

Status: This is the original version (as it was originally made).

(2) A recall notice must require the relevant economic operator to use reasonable endeavours to organise the dismantling and safe disposal of the lift or the return of the safety component for lifts from end-users to the relevant economic operator or another person specified in the notice.

(3) A recall notice may—

- (a) require the recall to be effected in accordance with a code of practice;
- (b) require the relevant economic operator to—
 - (i) contact end-users in order to inform them of the recall, to the extent that it is practicable to do so;
 - (ii) publish a notice in such form and such manner as is likely to bring to the attention of end-users any risk the lift or the safety component for lifts poses and the fact of the recall; or
 - (iii) make arrangements for the collection or return of the safety component for lifts from end-users or its disposal; or
- (c) impose such additional requirements on the relevant economic operator as are reasonable and practicable with a view to achieving the dismantling and safe disposal of a lift or the return of the safety component for lifts.

(4) In determining what requirements to include in a recall notice, the enforcing authority must take into consideration the need to encourage distributors and end-users to contribute to its implementation.

(5) A recall notice may only be issued by the enforcing authority where—

- (a) other action which it may require under these Regulations would not suffice to address the non-compliance;
- (b) the action being undertaken by the relevant economic operator is unsatisfactory or insufficient to address the non-compliance;
- (c) the enforcing authority has given not less than 10 days' notice to the relevant economic operator of its intention to serve such a notice; and
- (d) the enforcing authority has taken account of any advice obtained under sub-paragraph (6).

(6) A relevant economic operator which has received notice from the enforcing authority of an intention to serve a recall notice may at any time prior to the service of the recall notice require the authority to seek the advice of such person as the Institute determines on the questions of—

- (a) whether there is non-compliance; and
- (b) whether the issue of a recall notice would be proportionate.

(7) Sub-paragraphs (5)(b), (c) and (d) do not apply in the case of a lift or safety component for lifts presenting a serious risk requiring, in the view of the enforcing authority, urgent action.

(8) Where a relevant economic operator requires the enforcing authority to seek advice under sub-paragraph (6), that relevant economic operator is to be responsible for the fees, costs and expenses of the Institute and of the person appointed by the Institute to advise the enforcing authority.

(9) In this regulation, "Institute" means the charitable organisation with registered number 803725 and known as the Chartered Institute of Arbitrators.

(10) A recall notice served by the enforcing authority may require the relevant economic operator to keep the authority informed of the whereabouts of a safety component for lifts to which the recall notice relates, so far as the relevant economic operator is able to do so.

(11) Subject to paragraph (12), an enforcing authority may revoke or vary a recall notice by serving a notification on the economic operator.

(12) An enforcing authority may not vary a recall notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

(13) A recall notice has effect throughout the United Kingdom.

Interpretation

4. In this Schedule, “non-compliance” means that the lift or safety component for lifts—
- (a) presents a risk; or
 - (b) is not in conformity with Part 2 or RAMS in its application to lifts or safety components for lifts.