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STATUTORY INSTRUMENTS

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**2016 No. 1093**

**The Lifts Regulations 2016**

**PART 6**

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
  - (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**

- E1** 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 [F7 relevant states].
- (3) The report must, in particular—

*Status: Point in time view as at 31/12/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016, PART 6. (See end of Document for details)*

- (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

- E4** 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

- F7** 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 <sup>M1</sup>.

[<sup>F1</sup>(3) [<sup>F2</sup>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.]

- [<sup>F3</sup>(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

- 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

- F1** 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)**
- F2** 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)**
- F3** 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

- M1** 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

- E5** 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.

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*Status: Point in time view as at 31/12/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016, PART 6. (See end of Document for details)*

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(2) <sup>F4</sup>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 <sup>M2</sup>;
- (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 <sup>F5</sup>, 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.

<sup>F6</sup>(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 <sup>M3</sup>—

- (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 <sup>M4</sup> 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 <sup>M5</sup> 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 <sup>M6</sup> 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 <sup>M7</sup>, 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 <sup>M8</sup>, 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

- 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

- F4** 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\(1\)](#)
- F5** 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\(1\)](#)

*Status: Point in time view as at 31/12/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016, PART 6. (See end of Document for details)*

- F6** 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

- M2** 2015 c.15.  
**M3** S.I. 1998/2306, to which there are amendments not relevant to these Regulations.  
**M4** S.R. 1999/305, to which there are amendments not relevant to these Regulations.  
**M5** S.I. 1998/2307, to which there are amendments not relevant to these Regulations.  
**M6** S.R. 1999 No. 304, to which there are amendments not relevant to these Regulations.  
**M7** S.I. 2004/129, to which there are amendments not relevant to these Regulations.  
**M8** 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 <sup>F8</sup>;
- (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 <sup>F9</sup>—

- (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 <sup>F10</sup> 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 <sup>F11</sup> 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 <sup>F12</sup> 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 <sup>F13</sup>, 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 <sup>F14</sup>, 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

- E6** 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

- F8** 2015 c.15.
- F9** S.I. 1998/2306, to which there are amendments not relevant to these Regulations.
- F10** S.R. 1999/305, to which there are amendments not relevant to these Regulations.
- F11** S.I. 1998/2307, to which there are amendments not relevant to these Regulations.
- F12** S.R. 1999 No. 304, to which there are amendments not relevant to these Regulations.
- F13** S.I. 2004/129, to which there are amendments not relevant to these Regulations.
- F14** S.I. 2004/693, to which there are amendments not relevant to these Regulations.

**Status:**

Point in time view as at 31/12/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The Lifts Regulations 2016, PART 6.