
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 not in conformity and which present a risk

65.—(1) Where, in the course of the evaluation referred to in regulation 64, an enforcing authority finds that—

- (a) the lift is not in conformity with Part 2, it must, without delay, require the installer to take appropriate corrective actions to bring the lift into conformity with those requirements within a prescribed period;
- (b) the safety component for lifts is not in conformity with Part 2, it must, without delay, require a relevant economic operator to—
 - (i) take appropriate corrective actions to bring the safety component for lifts into conformity with those requirements within a prescribed period;
 - (ii) withdraw the safety component for lifts within a prescribed period; or
 - (iii) recall the safety component for lifts within a prescribed period.

(2) The enforcing authority must inform the notified body which carried out the conformity assessment procedure in respect of the lift or the safety component for lifts of—

- (a) the respect in which the lift or safety component for lifts is not in conformity with Part 2; and
- (b) the actions which the enforcing authority is requiring the relevant economic operator to take.

(3) Where the enforcing authority is not the Secretary of State and it considers that the lack of conformity referred to in paragraph (1) is not restricted to the United Kingdom, it must notify the Secretary of State of—

- (a) the results of the evaluation; and
- (b) the actions which it has required the economic operator to take.

(4) Where the Secretary of State receives notification under paragraph (3), or otherwise considers that the lack of conformity referred to in paragraph (1) is not restricted to the United Kingdom, the Secretary of State must inform the European Commission and the other member States of—

- (a) the results of the evaluation; and
- (b) the actions which the enforcing authority has required the economic operator to take.

(5) Where the relevant economic operator does not take adequate corrective action within the prescribed period, the enforcing authority must take appropriate measures to—

- (a) in relation to a lift—

- (i) prohibit or restrict the lift being placed on the market in the United Kingdom;
 - (ii) prohibit or restrict the use of the lift; or
 - (iii) recall the lift.
- (b) in relation to a safety component for lifts—
 - (i) prohibit or restrict the safety component for lifts being made available on the market in the United Kingdom;
 - (ii) withdraw the safety component for lifts from the United Kingdom market; or
 - (iii) recall the safety component for lifts.
- (6) Where the enforcing authority is not the Secretary of State and it takes measures under paragraph (5), it must notify the Secretary of State of those measures without delay.
- (7) Where the Secretary of State receives notification under paragraph (6), or takes measures under paragraph (5), the Secretary of State must notify the European Commission and the other member States of those measures without delay.
- (8) The notifications in paragraphs (6) and (7) must include details about the lift or safety component for lifts and, in particular—
 - (a) the data necessary for the identification of the lift or the safety component for lifts which is not in conformity with Part 2;
 - (b) the origin of the lift or the safety component for lifts;
 - (c) the nature of the lack of conformity alleged and the risk involved;
 - (d) the nature and duration of the measures taken;
 - (e) the arguments put forward by the relevant economic operator; and
 - (f) whether the lack of conformity is due to either of the following—
 - (i) failure of the lift or the safety component for lifts to meet requirements relating to a risk;
 - (ii) shortcomings in a harmonised standards referred to in regulation 46 (presumption of conformity) conferring a presumption of conformity.
- (9) 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 safety component for lifts.