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## STATUTORY INSTRUMENTS

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# 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 E+W+S**

**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.

<sup>F1</sup>(3) .....

(4) The [<sup>F2</sup>notice referred to in paragraph (2)] 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.

**Status:** Point in time view as at 31/12/2020. There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

**Changes to legislation:** There are currently no known outstanding effects for the The Lifts Regulations 2016, Section 67. (See end of Document for details)

### 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

### Textual Amendments

- F1** Reg. 67(3) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 22 para. 35\(a\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F2** Words in [reg. 67\(4\)](#) 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. 35\(b\)](#) (with [Sch. 22 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### Enforcement action in respect of lifts and safety components for lifts which are in conformity, but present a risk **N.I.**

**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 [<sup>F3</sup>from Northern Ireland] within a prescribed period; or
  - (iii) prohibit or restrict the use of the lift [<sup>F4</sup>from Northern Ireland] 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 [<sup>F5</sup>from Northern Ireland] within a prescribed period; or
  - (iii) recall the safety component for lifts [<sup>F6</sup>from Northern Ireland] 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 [<sup>F7</sup>relevant 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

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**Changes to legislation:** There are currently no known outstanding effects for the The Lifts Regulations 2016, Section 67. (See end of Document for details)

- (b) reasonable and commensurate with the nature of the risk presented by the lift or the safety component for lifts.

#### Extent Information

- E2** 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

- F3** Words in reg. 67(1)(a)(ii) inserted (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. 5(3)(a)**
- F4** Words in reg. 67(1)(a)(iii) inserted (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. 5(3)(a)**
- F5** Words in reg. 67(2)(b)(ii) inserted (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. 5(3)(b)**
- F6** Words in reg. 67(2)(b)(iii) inserted (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. 5(3)(b)**
- F7** Words in reg. 67(3) 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. 5(3)(c)**

**Status:**

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**Skip to:**

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

**Changes to legislation:**

There are currently no known outstanding effects for the The Lifts Regulations 2016, Section 67.