
STATUTORY INSTRUMENTS

2016 No. 1093

The Lifts Regulations 2016

PART 5

Market surveillance and enforcement

Enforcement action in respect of formal non-compliance **E+W+S**

68.—(1) Where an enforcing authority makes one of the following findings relating to a lift or the safety component for lifts, it must require a relevant economic operator to put an end to the non-compliance concerned within a specified period—

- (a) the [^{F1}UK] marking—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulations 45 (prohibition on improper use of [^{F1}UK] marking) and 50 ([^{F1}UK] marking);
- (b) where [^{F2}an approved] body is involved in the production control phase for the lift or the safety component for lifts, the identification number of [^{F3}the approved] body—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulation 50;
- (c) the ^{F4}... declaration of conformity—
 - (i) has not been drawn up; or
 - (ii) has been drawn up otherwise than in accordance with regulations 8 (^{F4}... declaration of conformity and [^{F1}UK] marking) and 17 (^{F4}... declaration of conformity and [^{F1}UK] marking) and 49 (^{F4}... declaration of conformity);
- (d) the technical documentation is either not available or not complete;
- (e) the following information that is required to be included in the labelling is absent, false or incomplete—
 - (i) in relation to lifts, the information specified in regulation 10(1);
 - (ii) in relation to safety components for lifts, the information specified in regulation 19(1) and 28(1); or
- (f) any other administrative requirement imposed on the manufacturer or importer under Part 2 has not been fulfilled.

(2) The enforcing authority must not commence proceedings under these Regulations, or take any other enforcement action under these Regulations, against the relevant economic operator in respect of the non-compliance concerned until the specified period has elapsed.

(3) Where the non-compliance referred to in paragraph (1) persists, the enforcing authority must take appropriate measures to—

- (a) in relation to a lift—

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Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016, Section 68. (See end of Document for details)

- (i) restrict or prohibit the use of the lift; or
- (ii) recall the lift;
- (b) in relation to a safety component for lifts—
 - (i) restrict or prohibit the safety component for lifts being made available on the market;
 - (ii) ensure that the safety component for lifts is withdrawn; or
 - (iii) ensure that the safety component for lifts is recalled.
- (4) This regulation does not apply where a lift or a safety component for lifts presents a risk.

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** Word in reg. 68 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. 36(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. 68(1)(b) 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. 36(b)(i)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 68(1)(b) 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. 36(b)(ii)** (with Sch. 22 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in reg. 68(1)(c) 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. 36(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)

Enforcement action in respect of formal non-compliance **N.I.**

68.—(1) Where an enforcing authority makes one of the following findings relating to a lift or the safety component for lifts, it must require a relevant economic operator to put an end to the non-compliance concerned within a specified period—

- (a) the CE marking—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulations 45 (prohibition on improper use of CE marking) and 50 (CE marking);
- [^{F5}(aa) the UK(NI) indication—
 - (i) has not been affixed, in contravention of regulation 50A; or
 - (ii) has been affixed other than in accordance with regulation 50A;]
- (b) where a notified body is involved in the production control phase for the lift or the safety component for lifts, the identification number of the notified body—
 - (i) has not been affixed; or
 - (ii) has been affixed otherwise than in accordance with regulation 50;
- (c) the EU declaration of conformity—
 - (i) has not been drawn up; or

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Changes to legislation: There are currently no known outstanding effects for the The Lifts Regulations 2016, Section 68. (See end of Document for details)

- (ii) has been drawn up otherwise than in accordance with regulations 8 (EU declaration of conformity and CE marking) and 17 (EU declaration of conformity and CE marking) and 49 (EU declaration of conformity);
 - (d) the technical documentation is either not available or not complete;
 - (e) the following information that is required to be included in the labelling is absent, false or incomplete—
 - (i) in relation to lifts, the information specified in regulation 10(1);
 - (ii) in relation to safety components for lifts, the information specified in regulation 19(1) and 28(1); or
 - (f) any other administrative requirement imposed on the manufacturer or importer under Part 2 has not been fulfilled.
- (2) The enforcing authority must not commence proceedings under these Regulations, or take any other enforcement action under these Regulations, against the relevant economic operator in respect of the non-compliance concerned until the specified period has elapsed.
- (3) Where the non-compliance referred to in paragraph (1) persists, the enforcing authority must take appropriate measures to—
- (a) in relation to a lift—
 - (i) restrict or prohibit the use of the lift; or
 - (ii) recall the lift;
 - (b) in relation to a safety component for lifts—
 - (i) restrict or prohibit the safety component for lifts being made available on the market;
 - (ii) ensure that the safety component for lifts is withdrawn; or
 - (iii) ensure that the safety component for lifts is recalled.
- (4) This regulation does not apply where a lift or a safety component for lifts presents a risk.

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

F5 [Reg. 68\(1\)\(aa\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), **Sch. 2 para. 9(4)**

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 68.