

SCHEDULE 6

Regulation 58

Operational obligations of [F1 notified][F1 approved] bodies

Textual Amendments

F1 Word in Sch. 6 heading 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. 43(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)

1. [F2A notified][F2An approved] body must carry out conformity assessments in accordance with the relevant conformity assessment procedures.

Textual Amendments

F2 Words in Sch. 6 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. 43(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)

2. [F2A notified][F2An approved] body must carry out conformity assessments in a proportionate manner, avoiding unnecessary burdens on economic operators.

Textual Amendments

F2 Words in Sch. 6 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. 43(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)

3. [F2A notified][F2An approved] 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.

Textual Amendments

F2 Words in Sch. 6 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. 43(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)

4. [F2A notified][F2An approved] 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.

Textual Amendments

F2 Words in Sch. 6 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. 43(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)

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

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

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 [^{F3} the approved] 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, [^{F3} the approved] 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, [^{F4}the approved] 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. [^{F2}A notified][^{F2}An approved] 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.

Textual Amendments

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11. [^{F2}A notified][^{F2}An approved] 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.

Textual Amendments

F2 Words in Sch. 6 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. 43(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)

12. [^{F2}An approved] body must provide other bodies [^{F5}approved by the Secretary of State] 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. [^{F2}An approved] body must participate in the work of [^{F6}any coordination group of approved bodies for lifts established by the Secretary of State], directly or by means of its designated representatives.

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

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