

EXPLANATORY MEMORANDUM TO
THE LIFTS (AMENDMENT) REGULATIONS 2016
2016 No. 1186

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The purpose of the instrument is to make clear that the Lifts Regulations 2016 (S.I. 2016/1093) (the main Regulations) apply to lifts and safety components for lifts which are placed on the market on or after the commencement date of those main Regulations. The main Regulations as currently drafted provide that the main Regulations do not apply to lifts and safety components for lifts after the commencement date, which is clearly an error that needs rectifying.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 The main Regulations were laid in accordance with the 21 day rule. Unfortunately the error set out in paragraph 2 was spotted after the main Regulations were laid. The error needs to be rectified so that when the main Regulations come into force they will include the proper provision. This means these amending Regulations will not apply to the 21 day rule, for which the Department apologises. The amendments are self-contained and minor in respect of the change they make, though clearly very important. They do not affect the substance of the rest of the Regulations.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 This instrument is being made in order to correct a mistake in the main Regulations which implement the revised EU Directive on lifts and safety components for lifts (Directive 2014/33/EU), which entered into force on 20 April 2016. Without this correction the implementing Regulations would not achieve the correct implementation of the Directive.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is the United Kingdom.
- 5.2 The territorial application of this instrument is the United Kingdom.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 The Lifts Directive (96/16/EC) provided the technical requirements that ensure the safety of lifts. It was reviewed and aligned with the New Legislative Framework (NLF). NLF consists of EU Decision 768/2008/EC on a Common Framework for the Marketing of Products and EU Regulation 765/2008/EC on requirements for accreditation and market surveillance relating to the marketing of products.
- 7.2 On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of the exit negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

8. Consultation outcome

- 8.1 The Department for Business, Innovation and Skills carried out two stakeholder consultations on a number of proposals for revised Directives under the NLF, including Lifts in January 2012 and August 2015 respectively. Copies of the consultations are available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31800/12-550-proposals-align-directives-with-new-legislative-framework-consultation.pdf
and
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451121/BIS-15-468-alignment-of-nine-EU-single-market-directives-with-the-new-legislative-framework.pdf
- 8.2 Responses to both consultations were generally supportive of the measure. The government response to the first consultation was published in August 2012 (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/34759/12-998-consultation-proposals-align-directives-with-new-legislative-framework-response.pdf). The government response to the 2015 consultation will be published shortly.

9. Guidance

- 9.1 BEIS will be producing updated guidance to reflect the Regulations alongside the existing information on gov.uk.

10. Impact

- 10.1 The impact on business, charities or voluntary bodies is judged to be low;
- 10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses. The Government considers that the legislation is not expected to impose a disproportionate cost to small firms.

12. Monitoring & review

12.1 The Lifts Regulations 2016 provide that a review should be carried out every five years after the date of entry into force of the Directive on 20 April 2016.

13. Contact

13.1 Kevin Lane at the Department for Business, Energy and Industrial Strategy Tel: 020-7215 1774 or email: kevin.lane@beis.gov.uk can answer any queries regarding the instrument.