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STATUTORY INSTRUMENTS

2016 No. 1093

CONSUMER PROTECTION
HEALTH AND SAFETY

The Lifts Regulations 2016

Made - - - -	*15th November 2016*
Laid before Parliament	*16th November 2016*
Coming into force - -	*8th December 2016*

The Secretary of State is a Minister designated [F1] for the purposes of section 2(2) of the European Communities Act [F2] in relation to measures relating to lifts and safety components for use in lifts.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A [F3] of Schedule 2 to, the European Communities Act 1972.

F1 S.I. 1996/1912.

F2 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), **section 27(1)**, and by the European Union (Amendment) Act 2008 (c.7), **Sch**edule, Part 1.

F3 Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by the European Union (Amendment) Act 2008, Schedule, Part 1.

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Lifts Regulations 2016 and come into force on 8th December 2016 ("the commencement date").

Interpretation

2.—(1) In these Regulations—

the "1974 Act" means the Health and Safety at Work etc. Act 1974 [F4];

the "1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978 [F5];

the "1987 Act" means the Consumer Protection Act 1987 [F6];

the "1997 Regulations" means the Lifts Regulations 1997 [F7];

"accreditation" has the meaning set out in point 10 of Article 2 of RAMS;

"accreditation certificate" means a certificate, issued by the United Kingdom Accreditation Service or a national accreditation body in another member State, attesting that a conformity assessment body meets the notified body requirements;

"authorised representative" means a person established in the EU appointed in accordance with regulation 24(1);

"carrier" means the part of a lift by which persons or goods are supported in order to be lifted or lowered;

"CE marking" means a marking which takes the form set out Annex II to RAMS;

"competent national authority" means an authority having responsibility for enforcing the law of a member State which implements the Directive;

"conformity assessment" means the process demonstrating whether the essential health and safety requirements relating to a lift or a safety component for lifts have been fulfilled;

"conformity assessment body" means a person that performs conformity assessment activities, including calibration, testing, certification and inspection;

the "Department" means the Department for the Economy in Northern Ireland;

the "Directive" means Directive 2014/33/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the member States relating to lifts and safety components for lifts (recast) [F8];

"distributor" means a person in the supply chain, other than the manufacturer or the importer, who makes a safety component for lifts available on the market;

"economic operator" means an installer, manufacturer, authorised representative, importer or distributor;

"enforcing authority" means any person enforcing these Regulations under regulation 61 (enforcement);

"essential health and safety requirements" means the requirements set out in Schedule 1 (essential health and safety requirements);

"European Commission" means the Commission of the European Union;

"EU declaration of conformity" means a declaration of conformity required to be drawn up in accordance with—

(a) in relation to lifts, regulation 8(1)(a) (EU declaration of conformity and CE marking); and

(b) in relation to safety components for lifts, regulation 17(1)(a) (EU declaration of conformity and CE marking);

"harmonised standard" has the meaning set out in point 1(c) of Article 2 of Regulation (EU) 1025/2012 of the European Parliament and of the Council on European standardisation [F9] (as amended from time to time);

"importer" means a person who—

(a) is established in the EU; and

(b) places a safety component for lifts from a third country on the EU market;

"installer" means a person who takes responsibility for the design, manufacture, installation and placing on the market of a lift;

"lift" means a lifting appliance—

(a) serving specific levels,

(b) having a carrier moving along guides which are rigid and inclined at an angle of more than 15 degrees to the horizontal, or along a fixed course even where it does not move along rigid guides, and,

(c) intended for the transport of—

(i) persons,

(ii) persons and goods, or

(iii) goods alone, if the carrier is accessible, that is to say a person may enter it without difficulty, and fitted with controls situated inside the carrier or within reach of a person inside the carrier;

"make available on the market" means the supply of a safety component for lifts for distribution, consumption or use on the EU market in the course of a commercial activity, whether in return for payment or free of charge, and related expressions must be construed accordingly;

"manufacturer" means a person who—

(a) manufactures a safety component for lifts, or has such a safety component designed or manufactured; and

(b) markets that safety component under that person's name or trade mark;

"market surveillance authority" has the meaning set out in regulation 60 (designation of market surveillance authority);

"model lift" means a representative lift whose technical documentation shows the way in which the essential health and safety requirements will be met for lifts that conform to the model lift defined by objective parameters and which uses identical safety components for lifts;

"national accreditation body" has the meaning set out in point 11 of Article 2 of RAMS;

"notified body requirements" means the requirements set out in Schedule 4 (notified body requirements);

"Official Journal" means the Official Journal of the European Union;

"place on the market" means—

(a) make a safety component for lifts available on the EU market for the first time; or

(b) supply a lift for use on the EU market in the course of a commercial activity, whether in return for payment or free of charge,

and related expressions must be construed accordingly;

"RAMS" means Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93[F10];

"recall" means—

(a) in relation to a lift, any measure aimed at achieving the dismantling and safe disposal of a lift; and

(b) in relation to a safety component for lifts, any measure aimed at achieving the return of a safety component for lifts that has already been made available to the installer or to the end-user,

and related expressions must be construed accordingly;

[[F11]"relevant conformity assessment procedure" means—

(a) in relation to lifts, a conformity assessment procedure referred to in regulation 47 (conformity assessment procedures for lifts); and

(b) in relation to safety components for lifts, a conformity assessment procedure referred to in regulation 48 (conformity assessment procedures for safety components for lifts);**]**

"relevant economic operator" means, in relation to a lift or a safety component for lifts, an economic operator who has obligations in respect of that lift or safety component under Part 2;

"safety component for lifts" means a component for lifts listed in Schedule 3 (list of safety components for lifts referred to in Article 1(1) of the Directive);

"technical documentation" has the meaning set out—

(a) in relation to lifts, in regulation 7(b) (technical documentation and conformity assessment); or

(b) in relation to safety components for lifts, regulation 16(b) (technical documentation and conformity assessment);

"technical specification" means a document that prescribes technical requirements to be fulfilled by a lift or a safety component for lifts;

"withdraw" means taking any measure aimed at preventing a safety component for lifts in the supply chain from being made available on the market and related expressions must be construed accordingly.

(2) In these Regulations, a reference to a lift or a safety component for lifts being "in conformity with Part 2" means that—

(a) the lift or the safety component for lifts is in conformity with the essential health and safety requirements; and

(b) each relevant economic operator has complied with the obligations imposed on them under Part 2 which must be satisfied at or before the time at which they place the lift on the market or make the safety component for lifts available on the market.

(3) In these Regulations (except in Part 4 (conformity assessment bodies) and Schedules 4 (notified body requirements) and 6 (operational obligations of notified bodies)), "notified body" means—

(a) a notified body within the meaning set out in regulation 51 (notified bodies); or

(b) a notified body under the laws of another member State which implements the Directive.

(4) In these Regulations, "risk" means a risk to the health and safety of persons and, where appropriate, to the safety of property, except in—

(a) regulation 11 (monitoring of lifts placed on the market);

(b) regulation 21 (monitoring of safety components for lifts made available on the market);

(c) regulation 31 (monitoring of safety components for lifts made available on the market); and

(d) Schedule 1 (essential health and safety requirements).

(5) In these Regulations, a reference to a Member State must be read as a reference to an EEA State and references to the EU must be read as references to the European Economic Area.

F4 1974 c.37.
F5 S.I. 1978/1039 (N.I. 9).
F6 1987 c.43.

F7 S.I. 1997/831, amended by S.I. 2004/693, 2005/831, 2008/1597, 2011/1043, 2014/469 and 2015/1630.
F8 OJ L 96, 29.3.2014, p.251.
F9 OJ L 316, 14.11.2012, p.12.
F10 OJ L 218, 13.8.2008, p. 30.
F11 Words in reg. 2(1) substituted (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), **Sch. 6 para. 2** (with reg. 2)

Scope and application

3.—(1) Subject to paragraph (2), these Regulations apply to—

(a) lifts permanently serving buildings or constructions; and

(b) safety components for use in such lifts.

(2) These Regulations do not apply to—

(a) lifts and safety components for lifts which have been placed on the market **[**F12before**]** the commencement date;

(b) the lifts specified in Schedule 2 (excluded lifts); and

(c) safety components for the lifts referred to in paragraph (b).

(3) Nothing in these Regulations regarding the installation of a lift affects the application of the Construction Products Regulations 2013 F13.

F12 Word in reg. 3(2)(a) substituted (8.12.2016) by The Lifts (Amendment) Regulations 2016 (S.I. 2016/1186), regs. 1, **2**
F13 S.I. 2013/1387.

Exception for trade fairs, exhibitions or demonstrations

4. Nothing in these Regulations prevents the showing of a lift or a safety component for lifts, which is not in conformity with Part 2, at a trade fair, exhibition or demonstration, provided that a visible sign clearly indicates that the lift or the safety component for lifts—

(a) is not in conformity with Part 2; and

(b) will not be placed on the market or made available on the market until it is brought into conformity with Part 2.

Lifts where risks are wholly or partly covered by other EU law

5. These Regulations do not apply to a lift or a safety component for lifts insofar as and to the extent that the essential health and safety requirements relate to risks wholly or partly covered by other specific EU law applicable to that lift or safety component.