For use only if the UK has left the EU without a deal

LIFTS REGULATIONS 2016 as amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019

Guidance

September 2019
## Contents

1. Introduction ................................................................. 3
2. Legislative Background .................................................. 3
3. Scope ........................................................................... 3
4. Obligations of installers .................................................. 3
5. Obligations of manufacturers .......................................... 4
6. Obligations of authorised representatives ....................... 5
7. Obligations of importers .................................................. 6
8. Obligations of distributors .............................................. 7
9. Transitional arrangements .............................................. 7
10. UK Conformity Mark ..................................................... 8
11. Enforcement and penalties ............................................ 9
12. Approved Bodies ............................................................ 10
13. Where to find guidance about Directive 2014/33/EU .......... 10
14. Glossary ...................................................................... 10
1. Introduction

The Lifts Regulations 2016 set out the essential health and safety requirements which must be met before products within their scope can be placed on the UK market. The purpose of the legislation is to ensure safe products are placed on the market by requiring manufacturers and installers to show how their products meet the ‘essential health and safety requirements’.

This guidance is designed to help you understand the Regulations on lifts and safety components for lifts, now the UK has left the EU, as amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (“2016 Regulations as amended”).

2. Legislative Background

The Lifts Regulations 2016 implemented into UK law EU Directive (2014/33/EU) on the harmonisation of the laws of Member States relating to lifts and safety components for lifts. The EU Withdrawal Act 2018 preserves the Regulations and enables them to be amended so as to continue to function effectively now the UK has left the EU. Accordingly, the 2019 Amendment Regulations fix any deficiencies that arose from the UK leaving the EU (such as references to EU institutions) and make specific provision for the UK market.

3. Scope

These regulations apply to lifts permanently serving buildings or constructions and safety components for use in such lifts.

These regulations do not apply to lifts and safety components for lifts placed on the market before 8 December 2016.

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 enactments applicable to that lift or safety component. There are also other exclusions set out in the Regulations. For a full list of exclusions please refer to the Regulations. [http://www.legislation.gov.uk/uksi/2016/1093/contents/made](http://www.legislation.gov.uk/uksi/2016/1093/contents/made)

Please note the Regulations were amended to correct a minor but important error in Regulation 3:


4. Obligations of installers

An installer is a person who takes responsibility for the design, manufacture, installation and placing on the market of a lift.

The obligations of installers of lifts include:

1. Before placing a lift on the market, an installer must ensure that it has been designed, manufactured, installed and tested in accordance with the essential health and safety requirements and that they have had have a relevant conformity assessment procedure carried out and technical documentation drawn up.
2. Once this has been done, before placing a lift on the market, an installer must draw up a declaration of conformity, ensure that declaration accompanies the product and affix the UKCA marking, or for a time limited period the CE marking to the product.

3. Installers must keep the declaration of conformity up to date and must keep it and where applicable, any approval decision as well as the relevant technical documentation for 10 years.

4. Installers must also label their products with their name, registered trade name or registered trade mark and address; the type batch or serial number (or other identification) and ensure that they are accompanied by relevant instructions in clear, legible and easily understandable English.

5. Installers must when appropriate investigate any complaints that the lifts they have installed are not in conformity with the requirements and keep records of these complaints.

6. Installers must take action where they have reason to believe that the lifts are not in conformity with the 2016 Regulations as amended.

7. Installers must also cooperate with and provide information to enforcing authorities following any requests.

8. Installers and the person responsible for work on a building or construction where a lift is to be installed must also provide each other with the necessary information and take the appropriate steps to ensure the proper operation and safe use of the lift.

5. **Obligations of manufacturers**

A manufacturer is a person who manufactures a safety component for lifts, or has such a safety component designed or manufactured, and markets that safety component under their name or trade mark.

The obligations of manufacturers of safety components for lifts include:

1. Before placing a safety component on the market, a manufacturer must ensure that it has been designed and manufactured in accordance with the essential health and safety requirements and that they have had a relevant conformity assessment procedure carried out and technical documentation drawn up.

2. Once this has been done, but before placing the component on the market a manufacturer must draw up a declaration of conformity, ensure that declaration accompanies the product and affix the UKCA marking (or for a time limited period the CE marking) to the product.

3. Manufacturers must keep the declaration of conformity up to date and keep it, the technical documentation and where appropriate any approval decision, for 10 years after the product has been placed on the market.

4. Manufacturers must also label the safety components for lifts with their name, registered trade name or registered trade mark and address; the type batch or serial number (or other identification); and ensure that they are accompanied by relevant instructions in clear, legible and easily understandable English.

---

1 A Declaration of Conformity is a document that declares that the product is in conformity with the relevant statutory requirements applicable to the specific product.
5. Manufacturers must put procedures in place to ensure that series production remains in conformity with the Regulations and, when appropriate, take action to monitor safety components made available on the market by them which may present a risk, keeping a register of such components and any complaints or action taken.

6. When appropriate, having regard to the risks to the health and safety of end users presented by a safety component for lifts, the manufacturer must carry out sample testing of safety components they manufactured and investigate any complaints that the safety components are not in conformity, keep records of these complaints for at least 10 years and keep installers and distributors informed of actions carried out.

7. Manufacturers must take action and inform enforcement authorities where they have reason to believe that safety components for lifts they have placed on the market are not in conformity with the 2016 Regulations as amended.

8. Manufacturers must also cooperate with and when requested provide information and documentation to enforcing authorities.

6. Obligations of authorised representatives

Manufacturers or installers are able by written mandate to appoint authorised representatives to perform certain tasks on their behalf.

Mandated authorised representatives established in the EEA or Switzerland prior to the UK leaving the EU will continue to be recognised as authorised representatives by the UK to act in the UK for the purposes of the legislation. However, any new authorised representatives appointed and mandated after the UK left the EU to act in the UK must be established in the UK to be recognised under UK law.

Businesses with an existing authorised representative based in an EEA state or Switzerland can continue to use them in the same way post exit in respect of the 2016 Regulations as amended.

No UK-based authorised representatives are recognised under EU law. This means they cannot carry out tasks on the manufacturer’s behalf for a safety component for lifts being placed on the EU market. Therefore, a manufacturer exporting a safety component for lifts to the EU, who wishes to appoint an authorised representative to carry out tasks for them in respect of those products, must appoint an authorised representative based in the EU.

The requirements for authorised representatives include:

1. An authorised representative must comply with all the duties imposed on the installer or manufacturer under the 2016 Regulations as amended that they are appointed by the installer or manufacturer to perform. These include, in relation to lifts, the obligations to retain technical documentation and the declaration of conformity. The manufacturer or installer remains responsible for the proper performance of those obligations.

2. As far as those duties are concerned, as well as penalties for failure to comply with those duties, any references in the 2016 Regulations as amended to the manufacturer or installer are to be taken as a reference to the authorised representative.
7. Obligations of importers

An importer is a person or business based in the UK who places a safety component for lifts on the UK market from a country outside the UK. This means that UK businesses who used to act as a ‘distributor’ of safety components legally become an ‘importer’ of such products if they place them from an EEA country on the UK market.

Importers have additional legal obligations which go beyond those of distributors, such as checking that manufacturers have carried out the right conformity assessment procedures and included their name, registered trade name or mark and a postal address on the safety component or, where this is not possible, on its packaging or in accompanying documentation.

To assist with the transition, the UK is applying a transitional period of 18 months to allow those UK operators who import products from the EEA or Switzerland (who post exit are importers) to provide their details on the packaging or in accompanying documentation as an alternative to placing them on the safety component itself.

The EU does not have any such transitional provision. In the absence of this, safety components being exported from the UK to the EU must be labelled with the EU-based importer’s address.

The obligations of importers include:

1. An importer must not place a safety component for lifts on the market unless it is in conformity with the essential health and safety requirements.

2. Before placing a safety component for lifts on the UK market, an importer must ensure that the relevant conformity assessment has been carried out by the manufacturer; the manufacturer has drawn up technical documentation; the safety component is UK marked and is accompanied by the declaration of conformity.

3. The importer must keep a copy of the declaration of conformity and where applicable any approval decision for a period of 10 years after the safety component has been placed on the market. They must also be able to make the technical documentation available to the enforcing authorities upon request.

4. The importer must provide their name trade, registered trade name and a postal address at which they can be contacted on the safety component, (or – see above for transitional provisions – on its packaging or in accompanying documentation).

5. The importer must ensure that when placing a safety component for lifts on the market, it is accompanied by instructions and information in English which can be easily understood by the end user.

6. When appropriate, having regard to the risks to the health and safety of end users presented by a safety component for lifts, the importer must carry out sample testing of safety components they import and must investigate complaints about safety components that are not in conformity with the 2016 Regulations as amended and keep a register of those complaints. They must also keep distributors informed of any sample testing or investigation.

7. The importer must take action where they have reason to believe that the safety components for lifts that they have placed on the market are not in conformity with the 2016 Regulations as amended.
8. The importer must also cooperate with and when requested provide information and documentation to enforcement authorities.

9. The importer must ensure that while safety components for lifts are under their responsibility, their storage and transport conditions do not jeopardise their conformity with the essential health and safety requirements.

8. Obligations of distributors

UK businesses which were distributors of safety components for lifts within the EU single market should now consider whether they are importers from the EU single market and therefore what additional requirements they may face – see section 7 above. The same applies to distributors of goods from the other EEA countries and Switzerland.

A distributor is a person in the supply chain, other than the manufacturer or importer, who makes safety components for lifts available on the market.

The obligations of distributors include:

1. When making a safety component for lifts available on the market, a distributor must act with due care to ensure that it is in conformity with the 2016 Regulations as amended, which means the safety component must be in conformity with the essential health and safety requirements, amongst other requirements.

2. The distributor must verify that the safety component bears a UKCA marking (or for a time limited period a CE marking); is accompanied by the declaration of conformity and required documents; that it is accompanied by instructions; and that the importer and manufacturer have complied with their obligations as to required labelling.

3. The distributor must not make available on the market a safety component for lifts unless they conform to the essential health and safety requirements.

4. The distributor must take action where they have reason to believe that a safety component for lifts that they have made available on the market is not in conformity with the 2016 Regulations as amended.

5. The distributor must ensure that while safety components for lifts are under their responsibility, their storage and transportation conditions do not jeopardise their conformity with the essential health and safety requirements.

6. The distributor must cooperate with and provide information to enforcement authorities following any requests.

9. Transitional arrangements

Safety components for lifts which have undergone full conformity assessment under the equivalent EU requirements and bear the CE marking are deemed compliant with the UK legislation and can be placed on the UK market as if they had been UK conformity marked.

The UK continues to recognise the competency of EU recognised conformity assessment bodies (notified bodies) to assess lifts and safety components for lifts for the UK market. Lifts and safety components assessed by an EU recognised notified body prior to the UK leaving the EU do not need reassessment before being placed on the UK market. Furthermore, for a time-limited period, products assessed by an EU recognised notified body can be placed on the UK market.
This ‘deeming provision’ will be available for a time-limited period. This will be the subject of amending legislation in the future at a time yet to be decided. The Government will consult with industry and provide notice before ending this time-limited period.

10. UK Conformity Mark

Assessment through third-party organisations:
The UKCA conformity mark will replace the CE marking for safety components of lifts placed on the UK market which have been assessed by a UK approved body. In all other cases, manufacturers will be able to continue using the CE marking for components being placed on the UK market instead of the new UKCA marking for a time-limited period, where they meet the EU requirements. The Government will engage with industry before making any decision on when this period will end.

Rules around physically affixing the new UKCA conformity marking mirror those which currently apply for the application of the CE marking.

Self-assessment:
CE marking based on self-declaration of conformity by the manufacturer is still possible, including when exporting to the EU.

Manufacturers selling safety components for lifts on the UK market can alternatively affix the new UKCA conformity marking before placing a product on the UK market. It will also be possible to affix both the UKCA marking and the CE marking to the same product on the basis of self-declaration. When exporting to the EU, the CE marking remains mandatory.

Placing CE marked goods on the UK market:
Safety components for lifts that meet EU regulatory requirements, including those with a CE marking, which have been assessed by an EU recognised conformity assessment body or which have been self-declared can still be placed on the UK market for a time-limited period. ‘EU-recognised’ does not include UK approved bodies. Manufacturers which have had their products assessed by EU recognised bodies are obliged to use the CE marking and cannot use the UKCA marking.

Testing Certificates:
Where conformity assessment is a 2-stage process, it is possible for safety components to have an EU-type examination certification (1st stage) followed by a UK declaration by the manufacturer or third party of the production process under the responsibility of a UK Approved Body (2nd stage). Such equipment and protective systems should have the UK conformity mark followed by the UK Approved Body Number.

Further guidance on UKCA marking can be found here:

Safety components for lifts exported to the EU Single Market will continue to need to comply with EU Directive 2014/33/EU.
11. Enforcement and penalties

In Great Britain the Health and Safety Executive is responsible for enforcing these Regulations in respect of lifts and safety components which are for use in the workplace and the Secretary of State is responsible for enforcing these Regulations in respect of products for private use (http://www.hse.gov.uk/).

In Northern Ireland the Department for the Economy is responsible for enforcing these Regulations. This enforcement role is delegated to the Health & Safety Executive NI (https://www.hseni.gov.uk/).

The Secretary of State and the Department for the Economy may appoint a person to act on their behalf.

The 2016 Regulations as amended also provide powers to the Secretary of State and the Department to enforce RAMS (Regulation EC 765/2008 which sets out requirements for market surveillance of products), as amended by the 2019 Amendment Regulations, in its application to lifts and safety components for lifts.

The 2016 Regulations as amended provide powers to market surveillance authorities to take action against economic operators for lifts or safety components for lifts that are not in conformity with the Regulations. There are requirements on economic operators to co-operate with the enforcement authority as appropriate on request. UK market surveillance authorities will take all appropriate measures including to withdraw from the market or to prohibit and restrict the supply of products which may endanger the health and safety of persons and where appropriate to the safety of property.

Regulators’ Code

Market surveillance authorities must continue to have regard to the Regulators’ Code when developing the policies and operational procedures that guide their regulatory activities in this area. They should carry out their activities in a way that supports those they regulate to comply and grow, including choosing proportionate approaches that reflect risk.

In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required, or decisions taken, and the reasons for these. Unless immediate action is needed to prevent a serious breach, regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent. The Secretary of State takes account of the provisions of both the Regulators’ Code and the Growth Duty in exercising his regulatory functions.

A link to the Regulators’ Code can be found here:

Penalties

A person committing an offence under the 2016 Regulations as amended will be liable to a penalty. Penalties can include a fine or a prison sentence of up to three months for the most serious offences.

While it is matter for the enforcement authority to decide whether prosecution is appropriate in each case, should a prosecution take place, it is at discretion of the court to decide the penalties imposed on the offender.
12. Approved Bodies

The UK has established a new framework for UK based bodies to assess products against UK rules. The existing active UK notified bodies have been granted new UK ‘approved body’ status and listed on a new UK database. There is no need for existing notified bodies to seek re-accreditation in order to benefit from UK approved body status. These approved bodies have been given a 4-digit approved body number.

Approved bodies can assess products for the UK market against UK essential requirements (which are the same as EU essential requirements).

Approved bodies are conformity assessment bodies which were notified bodies before the UK left the EU or have been approved by the Secretary of State to carry out the procedures for conformity assessment for the UK market as set out in the 2016 Regulations (as amended).

Approved bodies must be established in the UK and be independent of the manufacturer. Approved bodies must examine the technical documentation and supporting evidence in respect of a product to assess the adequacy of the technical design.

Where an approved body finds that essential safety requirements have not been met by a manufacturer, they must not issue a certificate of conformity and they must require the manufacturer to take corrective measures.

A list of UK approved bodies can be found [to be added].

13. Where to find guidance about Directive 2014/33/EU

You can find further and more detailed guidance on Directive 2014/33/EU here: https://ec.europa.eu/growth/sectors/mechanical-engineering/lifts_en

The European Commission’s ‘Blue Guide’ aims to give a better understanding of EU product safety rules and to their application across different sectors and throughout the EU single market. You can view that here http://ec.europa.eu/DocsRoom/documents/18027/

14. Glossary

- **Approved Bodies** – A conformity assessment body which has been approved by the Secretary of State or was a ‘notified body’ prior to the UK leaving the EU.
- **Authorised Representative** – A person appointed in writing by a manufacturer to perform specific tasks for the manufacturer. This includes persons who are based in the EU, the EEA or Switzerland, if they were appointed before the UK left the EU.
- **Declaration of conformity** – A document prepared by the manufacturer which must detail, among other things, the following:
  - The specific safety component to which the declaration is referring;
  - The name and address of the manufacturer and, where applicable, their authorised representative;

This must be kept by the manufacturer for a period of ten years from the date on which the safety component for lifts was placed on the market. This declaration must be made available to the enforcing authority upon request.
• **Enforcing Authority** – In Great Britain, for lifts or safety components for lifts in the use in the workplace, this is the Health and Safety Executive. For lifts or safety components for lifts for private use this is the Secretary of State. In Northern Ireland the market surveillance authority is the Department for the Economy.

• **UK Conformity Marking** – The UKCA (UK Conformity Assessed) marking is the new UK conformity marking used for certain goods being placed on the UK market, in place of the CE marking which is the conformity marking used in the European Union.
This will only apply if the UK leaves the EU without a deal.