

STATUTORY INSTRUMENTS

2016 No. 1105

The Pressure Equipment (Safety) Regulations 2016

PART 4

[^{F1}Notification of conformity assessment bodies]

[^{F1}Approval of Conformity Assessment Bodies]

[^{F1}Restriction, suspension or withdrawal of approval (approved bodies and recognised third party organisations)] **E+W+S**

60.—(1) Where the Secretary of State determines that an approved body or a recognised third party organisation—

- (a) no longer meets an approved body requirement, or
- (b) is failing to fulfil its obligations under these Regulations, other than a condition referred to in regulation 59(b),

the Secretary of State must restrict, suspend or withdraw the body's status as an approved body or a recognised third party organisation under regulation 51 or 52 (as the case may be).

(2) Where the Secretary of State determines that an approved body or a recognised third party organisation no longer meets a condition referred to in regulation 59(b), the Secretary of State may restrict, suspend or withdraw the body's status as an approved body or a recognised third party organisation under regulation 51 or 52 (as the case may be).

(3) In deciding what action is required under paragraph (1) or (2) the Secretary of State must have regard to the seriousness of the non-compliance.

(4) Before taking action under paragraph (1) or (2) the Secretary of State must—

- (a) give notice in writing to the approved body or recognised third party organisation of the proposed action and the reasons for it;
- (b) give the approved body or recognised third party organisation an opportunity to make representations to the Secretary of State regarding the proposed action within a reasonable period from the date of the notice; and
- (c) consider any such representations made by the approved body or recognised third party organisation.

(5) Where the Secretary of State has taken action in respect of an approved body or recognised third party organisation under paragraph (1) or (2), or where an approved body or recognised third party organisation has ceased its activity, the approved body or recognised third party organisation must, at the request of the Secretary of State—

- (a) transfer its files relating to the activities it has undertaken as an approved body or recognised third party organisation to another approved body or recognised third party organisation or to the Secretary of State, or

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent*

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- (b) keep its files relating to the activities it has undertaken as an approved body or recognised third party organisation available for the Secretary of State and market surveillance authorities for a period of 10 years from the date they were created.
- (6) The activities undertaken by an approved body referred to in paragraph (5) include any activities that the body has undertaken as a notified body.]

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** Pt. 4 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. 24 para. 35** (with Sch. 24 para. 41) (as amended by [S.I. 2020/676](#), regs. 1(1), **2** and [S.I. 2020/852](#), reg. 1, **Sch. 1 para. 1(m)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Monitoring **N.I.**

60.—(1) The Secretary of State must monitor each notified body, recognised third party organisation and user inspectorate with a view to verifying that the notified body, recognised third party organisation or user inspectorate—

- (a) continues to meet the notified body requirements or user inspectorate requirements, as applicable;
- (b) meets any conditions set in accordance with regulation 55(2)(b); and
- (c) carries out its functions in accordance with these Regulations.

(2) The Secretary of state must inform the European Commission of the United Kingdom's procedures for the monitoring of notified bodies, recognised third party organisations and user inspectorates, and any changes to those procedures.

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

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

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- E+W+S - England, Wales and Scotland extent
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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 2 para. 21(3)(3A) substituted for Sch. 2 para. 21(3) by [S.I. 2024/490 reg. 2\(4\)\(a\)](#)