
STATUTORY INSTRUMENTS

1999 No. 2001

The Pressure Equipment Regulations 1999

PART I

PRELIMINARY

Citation and commencement

- 1.—(1) These Regulations may be cited as the Pressure Equipment Regulations 1999.
- (2) This regulation, regulations 2, 20 and 22 shall come into force on 31st August 1999.
- (3) The remaining regulations shall come into force on 29th November 1999.

Interpretation

- 2.—(1) In these Regulations—
 - (a) the “Pressure Equipment Directive” means Directive [97/23/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States relating to pressure equipment⁽¹⁾;
 - (b) except for the references to the European Communities in the definition of “the Commission” and in relation to the Official Journal, a reference to the Community includes a reference to the EEA, and a reference to a member State includes a reference to an EEA State: for this purpose—
 - (i) the “EEA” means the European Economic Area;
 - (ii) an “EEA State” means a State which is a Contracting Party to the EEA Agreement; and
 - (iii) the “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993⁽²⁾; and
 - (c) unless the context otherwise requires, a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations and a reference—
 - (i) to a paragraph in a regulation is a reference to a paragraph in that regulation;
 - (ii) to an Annex is a reference to an Annex of the Pressure Equipment Directive: for the purposes of these Regulations, Annexes I, II, III, VI and VII are respectively set out in Schedules 2, 3, 4, 5, and 6;
 - (iii) to an Article in an Annex is a reference to the Article so numbered in the Pressure Equipment Directive and a reference to a section of an Article shall be construed accordingly;

(1) OJ No. L181, 9.7.97, p. 1.

(2) The application of the Pressure Equipment Directive was extended to the EEA from 26th September 1998 by virtue of Decision 82/98 of the EEA Joint Committee which inserted a reference to that Directive after point 6 in Chapter VIII of Annex II to the EEA Agreement.

(iv) to a section or a paragraph in an Annex is a reference to a section or a paragraph in that Annex as set out in the relevant Schedule; and

(v) to “the Directive” in an Annex is a reference to the Pressure Equipment Directive.

(2) In these Regulations, unless the context otherwise requires—

“assembly” means several pieces of pressure equipment assembled by a manufacturer to constitute an integrated and functional whole;

“business” includes a profession and an undertaking;

“CE marking” means the CE marking referred to in regulation 16 consisting of the initials “CE” in the form shown in Schedule 5;

“the Commission” means the Commission of the European Communities;

“enforcement authority” means—

(a) in the case of pressure equipment and assemblies for use in the workplace—

(i) in Great Britain, the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974⁽³⁾ and

(ii) in Northern Ireland, the Health and Safety Executive for Northern Ireland established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978⁽⁴⁾;

(b) in the case of pressure equipment and assemblies for private use or consumption—

(i) in Great Britain, weights and measures authorities; and

(ii) in Northern Ireland, every district council;

“essential requirements” means the requirements set out in Schedule 2;

“European approval for materials” or “European approval for pressure equipment materials” means a technical document defining the characteristics of materials intended for repeated use in the manufacture of pressure equipment which are not covered by any harmonised standard as referred to in paragraph 4.2(b) of Schedule 2;

“fluid” means gases, liquids and vapours in pure phase as well as mixtures thereof; a fluid may contain a suspension of solids;

“fluid in Group 1” means a fluid being a dangerous fluid, that is to say a substance or preparation covered by the definitions of Article 2(2) of Council Directive 67/548/EEC of 27th June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽⁵⁾ as specified in that Article as:

- explosive,
- extremely flammable,
- highly flammable,
- flammable (where the maximum allowable temperature is above flashpoint),
- very toxic,
- toxic, or
- oxidising;

“fluid in Group 2” means a fluid which is not a fluid in Group 1;

(3) 1974 c. 37.

(4) S.I. 1978/1039 (N.I. 9); Article 12 was amended by S.I. 1998/2795 (N.I. 18) Article 6(1) and paragraph 8 of Schedule 1.

(5) OJ No. 196, 16.8.1967, p. 1. Directive as last amended by Commission Directive 94/69/EC (OJ No. L381, 31.12.1994, p. 1).

“harmonised standard” means a technical specification adopted by the European Committee for Standardisation or the European Committee for Electrotechnical Standardisation or both, upon a mandate from the Commission in accordance with Directive 98/34/EC of 22nd June 1998 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations⁽⁶⁾, and of which the reference number is published in the Official Journal of the European Communities;

“maximum allowable pressure” or “PS” means the maximum pressure for which the equipment is designed, as specified by the manufacturer, defined at a location specified by the manufacturer, being the location of connection of protective or limiting devices or the top of equipment or, if either of the foregoing are not appropriate, any point specified by the manufacturer;

“maximum or minimum allowable temperature” or “TS” means the maximum or minimum temperatures, as the case may be, for which the equipment is designed, as specified by the manufacturer;

“nominal size” or “DN” means a numerical designation of size which is common to all components in a piping system other than components indicated by outside diameters or by thread size; that is to say a convenient round number for reference purposes which is only loosely related to manufacturing dimensions and designated by the letters “DN” followed by a number;

“notified body” shall be construed in accordance with regulation 18;

“permanent joints” means joints which cannot be disconnected except by destructive methods;

“piping” means piping components intended for the transport of fluids when connected together for integration into a pressure system, such components include in particular a pipe or system of pipes, tubing, fittings, expansion joints, hoses, other pressure-bearing components as appropriate or heat exchangers consisting of pipes for the purpose of cooling or heating air;

“pressure” means pressure relative to atmospheric pressure being gauge pressure; vacuum is designated by a negative value;

“pressure accessories” means devices with an operational function and having pressure-bearing housings;

“pressure equipment” means vessels, piping, safety accessories and pressure accessories; where applicable, pressure equipment include elements attached to pressurised parts, such as flanges, nozzles, couplings, supports, lifting lugs, and similar;

“recognised third-party organisation” shall be construed in accordance with regulation 19;

“relevant essential requirements” in relation to pressure equipment or an assembly, means those provisions of the essential requirements which are applicable to that particular pressure equipment or assembly, as the case may be;

“responsible person” means—

- (a) the manufacturer or his authorised representative established within the Community; or
- (b) where neither the manufacturer nor his authorised representative is established within the Community, the person who places the pressure equipment or assembly on the market or puts it into service as the case may be;

“safe” in relation to pressure equipment or an assembly, means that the pressure equipment or assembly when properly installed and maintained and used for its intended purpose is not liable to endanger the health or safety of persons and, where appropriate, domestic animals or property, and, where the context admits, cognate expressions shall be construed accordingly;

⁽⁶⁾ OJ No. L204, 21.7.98, p. 37. Directive 98/34/EC was amended by Directive 98/48/EC of the European Parliament and of the Council (OJ No. L217, 5.8.98, p. 18).

“safety accessories” means devices designed to protect pressure equipment against the allowable limits being exceeded; such devices include:

- devices for direct pressure limitation, such as safety valves, bursting disc safety devices, buckling rods, controlled safety pressure relief systems, and
- limiting devices, which either activate the means for correction or provide for shutdown or shutdown and lockout, such as pressure switches or temperature switches or fluid level switches and safety related measurement control and regulation devices;

“standard” means a technical specification approved by a recognised standardising body for repeated or continuous application, with which compliance is not compulsory: and, for the avoidance of doubt, includes a harmonised standard or a transposed harmonised standard;

“supply” includes offering to supply, agreeing to supply, exposing for supply and possessing for supply and cognate expressions shall be construed accordingly;

“transposed harmonised standard” means a national standard of a member State which transposes a harmonised standard;

“user inspectorate” shall be construed in accordance with regulation 22;

“vessel” means a housing designed and built to contain fluids under pressure including its direct attachments up to the coupling point connecting it to other equipment; a vessel may be composed of more than one chamber; and

“volume” or “V” means the internal volume of a chamber, including the volume of nozzles to the first connection or weld and excluding the volume of permanent internal parts.

(3) For the purposes of these Regulations, pressure equipment or assemblies shall not be regarded as having been put into service where a person—

- (a) being a manufacturer of pressure equipment or an assembly for his own use; or
- (b) having imported pressure equipment or an assembly from a country or territory outside the Community for his own use

puts that pressure equipment or assembly into service otherwise than in the course of business.

PART II

APPLICATION

Pressure equipment and assemblies

3. Subject to regulations 4, 5, and 6, these Regulations apply to pressure equipment and assemblies with a maximum allowable pressure PS greater than 0.5 bar.

Excluded pressure equipment and assemblies

4.—(1) These Regulations shall not apply to the products listed in Schedule 1.

(2) For the avoidance of doubt these Regulations shall not apply to the assembly of pressure equipment on the site and under the responsibility of the user.

Pressure equipment and assemblies placed on the market before 29th November 1999

5. These Regulations shall not apply to pressure equipment and assemblies placed on the market before 29th November 1999.

Exclusion until 30th May 2002 of pressure equipment and assemblies complying with provisions in force on 28th November 1999

6.—(1) Subject to paragraph (2), these Regulations shall not apply to pressure equipment and assemblies placed on the market on or before 29th May 2002 which comply with any safety provisions with which they would have been required to comply for them to be placed on the market in the United Kingdom on 28th November 1999.

(2) The exclusion provided in paragraph (1) shall not apply in the case of pressure equipment or an assembly which—

- (a) unless required to bear the CE marking pursuant to any other Community obligation, bears the CE marking or an inscription liable to be confused with it; or
- (b) bears or is accompanied by any other indication, howsoever expressed, that it complies with the Pressure Equipment Directive.

PART III

GENERAL REQUIREMENTS

General duty relating to the placing on the market or putting into service of pressure equipment

7.—(1) Subject to regulation 11, no person who is a responsible person shall place on the market or put into service any pressure equipment described in paragraph 2 unless the requirements of paragraph (3) have been complied with in relation to it.

(2) For the purposes of paragraph (1), the following are pressure equipment—

- (a) vessels, except those referred to in sub-paragraph (b), for—
 - (i) gases, liquefied gases, gases dissolved under pressure, vapours and also those liquids whose vapour pressure at the maximum allowable temperature is greater than 0.5 bar above normal atmospheric pressure, (1 013 mbar) within the following limits—
 - (aa) for fluids in Group 1, with a volume greater than 1L and a product of PS and V greater than 25 bar-L, or with a pressure PS greater than 200 bar;
 - (bb) for fluids in Group 2, with a volume greater than 1L and a product of PS and V greater than 50 bar-L, or with a pressure PS greater than 1 000 bar, and all portable extinguishers and bottles for breathing apparatus;
 - (ii) liquids having a vapour pressure at the maximum allowable temperature of not more than 0.5 bar above normal atmospheric pressure (1 013 mbar) within the following limits—
 - (aa) for fluids in Group 1, with a volume greater than 1L and a product of PS and V greater than 200 bar-L, or with a pressure PS greater than 500 bar;
 - (bb) for fluids in Group 2, with a pressure PS greater than 10 bar and a product of PS and V greater than 10 000 bar-L, or with a pressure PS greater than 1 000 bar;
- (b) fired or otherwise heated pressure equipment with the risk of overheating intended for generation of steam or super-heated water at temperatures higher than 110°C⁽⁷⁾ having a volume greater than 2L, and all pressure cookers;
- (c) piping intended for—

(7) Corrigendum to Directive 97/23/EC published at OJ No. L265, 27.9.97, p. 110.

- (i) gases, liquefied gases, gases dissolved under pressure, vapours and those liquids whose vapour pressure at the maximum allowable temperature is greater than 0.5 bar above normal atmospheric pressure (1 013 mbar) within the following limits—
 - (aa) for fluids in Group 1, with a DN greater than 25;
 - (bb) for fluids in Group 2, with a DN greater than 32 and a product of PS and DN greater than 1 000 bar;
 - (ii) liquids having a vapour pressure at the maximum allowable temperature of not more than 0.5 bar above normal atmospheric pressure (1 013 mbar), within the following limits—
 - (aa) for fluids in Group 1, with a DN greater than 25 and a product of PS and DN greater than 2 000 bar;
 - (bb) for fluids in Group 2, with a PS greater than 10 bar, a DN greater than 200 and a product of PS and DN greater than 5 000 bar;
 - (d) subject to regulation 9, safety and pressure accessories intended for equipment covered by sub-paragraphs (a), (b) and (c), including where such equipment is incorporated into an assembly.
- (3) The requirements in respect of pressure equipment described in paragraph 2 are that—
- (a) it satisfies the relevant essential requirements and for the purpose of satisfying those requirements where a transposed harmonised standard covers one or more of the relevant essential requirements, any pressure equipment constructed in accordance with that transposed harmonised standard shall be presumed to comply with that or, as the case may be, those essential requirements;
 - (b) the appropriate conformity assessment procedure in respect of the pressure equipment has been carried out in accordance with regulation 13(1);
 - (c) the CE marking has been affixed to it by the manufacturer of the pressure equipment or his authorised representative established within the Community in accordance with regulation 16 and Schedule 5;
 - (d) a declaration of conformity has been drawn up in respect of it by the manufacturer of the pressure equipment or his authorised representative established within the Community containing the information listed in Schedule 6; and
 - (e) it is in fact safe.
- (4) Any technical documentation or other information in relation to an item of pressure equipment required to be retained under the conformity assessment procedure used shall be retained by the person specified in that respect in that conformity assessment procedure for any period specified in that procedure.
- (5) In respect of pressure equipment to be placed on the market and put into service in the United Kingdom, where the requirements of paragraphs 3.3 and 3.4 of Schedule 2 are to be met, the marking, labelling, information and instructions shall be in English.

General duty relating to the placing on the market or putting into service of assemblies

8.—(1) Subject to regulation 11, no person who is a responsible person shall place on the market or put into service an assembly described in paragraph 2 unless the requirements of paragraph (3) have been complied with in relation to it.

- (2) For the purposes of paragraph (1), an assembly is—
 - (a) an assembly which includes at least one item of pressure equipment described in paragraph (2) of regulation 7 and—

- (i) is intended for generating steam or superheated water at a temperature higher than 110°C⁽⁸⁾ comprising at least one item of fired or other heated pressure equipment presenting a risk of overheating; or,
- (ii) not being a product included in sub-paragraph (i) above, is intended by the manufacturer to be placed on the market and put into service as an assembly; or
- (b) an assembly which is intended for generating warm water at temperatures not greater than 110°C, which is manually fed with the solid fuels and has a PS.V greater than 50 bar-L.
- (a) (3) (a) The requirements in respect of an assembly described in paragraph (2)(a) are that—
 - (i) it satisfies the relevant essential requirements and for the purpose of satisfying those requirements where a transposed harmonised standard covers one or more of the relevant essential requirements, any assembly constructed in accordance with that transposed harmonised standard shall be presumed to comply with that or, as the case may be, those essential safety requirements;
 - (ii) the appropriate conformity assessment procedure in respect of the assembly has been carried out in accordance with regulation 14;
 - (iii) the CE marking has been affixed to it by the manufacturer of that assembly or his authorised representative established within the Community in accordance with regulation 16 and Schedule 5;
 - (iv) a declaration of conformity has been drawn up in respect of it by the manufacturer of the assembly or his authorised representative established within the Community containing the information listed in Schedule 6; and
 - (v) it is in fact safe.
- (b) The requirements in respect of any assembly described in paragraph (2)(b) are that—
 - (i) it satisfies the essential requirements referred to in paragraphs 2.10, 2.11, 3.4, 5(a) and 5(d) of Schedule 2, and
 - (ii) it complies with the requirements listed in sub-paragraphs (a)(ii) to (v) inclusive above.

(4) Any technical documentation or other information in relation to an assembly required to be retained under the conformity assessment procedure used shall be retained by the person specified in that respect in that conformity assessment procedure for any period specified in that procedure.

(5) In respect of an assembly to be placed on the market in the United Kingdom, where the requirements of paragraphs 3.3 and 3.4 of Schedule 2 are to be met, the marking, labelling, information and instructions shall be in English.

Requirement for pressure equipment or assemblies to comply with sound engineering practice

9.—(1) Subject to regulation 11, no person who is a responsible person shall place on the market or put into service any pressure equipment or assembly to which these Regulations apply below or equal to the limits in regulations 7(2)(a), (b) or (c) or regulation 8(2) unless the requirements of paragraph (2) below have been complied with in relation to it.

- (2) The requirements referred to in paragraph (1) are that the pressure equipment or assembly—
 - (a) is designed and manufactured in accordance with sound engineering practice in order to ensure safe use;

- (b) must be accompanied by adequate instructions for use;
- (c) must bear markings to permit identification of the manufacturer or of his authorised representative established within the Community; and
- (d) be safe.

(3) For the avoidance of doubt, pressure equipment or assemblies to which this regulation applies shall not bear the CE marking.

General duty relating to the supply of pressure equipment and assemblies

10. Subject to regulation 11, no person, who is not a responsible person, shall supply any pressure equipment or assembly unless that pressure equipment or assembly is safe.

Exceptions to placing on the market or supply in respect of certain pressure equipment and assemblies

11. For the purposes of regulation 7, 8, 9, or 10, pressure equipment or an assembly shall not be regarded as being placed on the market or supplied, as the case may be—

- (a) where that pressure equipment or assembly—
 - (i) will be put into service in a country outside the Community; or
 - (ii) is imported into the Community for re-export to a country outside the Community, save that this paragraph shall not apply if the CE marking, or any inscription liable to be confused therewith, is affixed thereto; or
- (b) by the exhibition at trade fairs and exhibitions of that pressure equipment or an assembly, in respect of which the provisions of these Regulations are not satisfied, if—
 - (i) a notice is displayed in relation to the pressure equipment or assembly in question to the effect—
 - (aa) that it does not satisfy those provisions; and
 - (bb) that it may not be placed on the market or supplied until those provisions are satisfied by the manufacturer of pressure equipment or assembly or his authorised representative established within the Community; and
 - (ii) appropriate safety measures are taken when demonstrating such pressure equipment or assembly to ensure the safety of persons.

Classification of pressure equipment

12.—(1) For the purposes of regulation 13, pressure equipment referred to in regulation 7(2) shall be classified by category in accordance with Schedule 3 according to ascending level of hazard.

(2) The appropriate table for pressure equipment coming within regulation 7(2)(a) to (c) inclusive shall be as follows:

for pressure equipment coming within,

- (a) regulation 7(2)(a)(i)(aa), table 1;
- (b) regulation 7(2)(a)(i)(bb), table 2;
- (c) regulation 7(2)(a)(ii)(aa), table 3;
- (d) regulation 7(2)(a)(ii)(bb), table 4;
- (e) regulation 7(2)(b), table 5;
- (f) regulation 7(2)(c)(i)(aa), table 6;

- (g) regulation 7(2)(c)(i)(bb), table 7;
- (h) regulation 7(2)(c)(ii)(aa), table 8; or
- (i) regulation 7(2)(c)(ii)(bb), table 9.

(3) For pressure equipment coming within regulation 7(2)(d), the category shall be determined in accordance with paragraphs 2 and 3 of Schedule 3.

(4) Where a vessel is composed of a number of chambers, it shall be classified in the highest category applicable to the individual chambers and where a chamber contains several fluids, classification shall be on the basis of the fluid which requires the highest category.

Conformity assessment procedures for pressure equipment

13.—(1) For the purposes of regulation 7(3)(b), the appropriate conformity assessment procedure for pressure equipment shall be one of the procedures set out in Schedule 4 as determined in accordance with paragraph (3).

(2) The manufacturer shall apply either,

- (i) one of the conformity assessment procedures which may be chosen from among those laid down in paragraph (3) for the category in which the pressure equipment is classified, or
- (ii) one of the procedures which apply to a higher category of pressure equipment, if available.

(3) The relevant conformity assessment procedures set out in Schedule 4 to be applied for the various categories of pressure equipment determined in accordance with regulation 12 above are as follows:

(i) for category I, module A;

(ii) for category II, any of the following modules:

- A1,
- D1, or
- E1;

(iii) for category III, any of the following modules:

- B1 plus D,
- B1 plus F,
- B plus E,
- B plus C1, or
- H;

(iv) for category IV, any of the following modules:

- B plus D,
- B plus F,
- G, or
- H1.

Conformity assessment procedure for assemblies

14. For the purposes of regulation 8(3)(a)(ii), the relevant conformity assessment procedure to be applied by the manufacturer in respect of the assembly shall be a global conformity assessment procedure comprising:

- (a) assessment of each item of pressure equipment making up the assembly and referred to in regulation 7(2)(a) to (d) which has not been previously subjected to a conformity assessment procedure and to a separate CE marking; the assessment procedure shall be determined by the category of each item of equipment;
- (b) the assessment of the integration of the various components of the assembly as referred to in paragraphs 2.3, 2.8 and 2.9 of Schedule 2 which shall be determined by the highest category applicable to the equipment concerned other than that applicable to any safety accessories;
- (c) the assessment of the protection of an assembly against exceeding the permissible operating limits as referred to in paragraphs 2.10 and 3.2.3 of Schedule 2 shall be conducted in the light of the highest category applicable to the items of equipment to be protected.

Exclusion for pressure equipment and assemblies for use for experimentation

15.—(1) Regulations 13 and 14 shall not apply to an item of pressure equipment or an assembly the use of which is in the interests of experimentation.

(2) For the purpose of this regulation “experimentation” means pressure equipment or an assembly designed or adapted for the purpose only of conducting any test or measurement in relation to that pressure equipment or assembly.

CE marking

16.—(1) The CE marking shall be accompanied by the identification number of the notified body involved at the production control phase.

(2) Subject to paragraph (3), the CE marking shall be affixed in a visible, easily legible and indelible fashion to each item of pressure equipment referred to in regulation 7, or assembly referred to in regulation 8 which is complete or is in a state permitting final assessment as described in paragraph 3.2 of Schedule 2.

(3) It is not necessary for the CE marking to be affixed to each individual item of pressure equipment making up an assembly as referred to in regulation 8 but individual items of pressure equipment already bearing the CE marking when incorporated into the assembly shall continue to bear that marking.

(4) Subject to paragraph (5), where the pressure equipment or assembly is subject to other Directives covering other aspects which provide for the affixing of the CE marking, the latter shall indicate that the pressure equipment or assembly in question is also presumed to conform to the provisions of those other Directives.

(5) Where one or more of the other Directives referred to in paragraph (4) allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity only with the Directives applied by the manufacturer, and in this case, particulars of the Directives applied, as published in the Official Journal of the European Communities, must be given in the documents, notices or instructions required by the Directives and accompanying the pressure equipment or assembly.

(6) The affixing of markings on pressure equipment or an assembly which are likely to mislead third parties as to the meaning or form of the CE marking is prohibited.

(7) Any other marking may be affixed to pressure equipment or an assembly provided that the visibility and legibility of the CE marking is not thereby reduced.

European approval for materials

17. European approval for materials shall be issued, at the request of one or more manufacturers of materials or equipment, by one of the notified bodies referred to in regulation 18 specifically designated for that task and in accordance with the procedures set out in Schedule 7.

Notified bodies

18. For the purposes of these Regulations, a notified body is a body which has been appointed to carry out one or more of the conformity assessment procedures mentioned or referred to in regulation 13 or 14 or to issue a European approval for materials as referred to in regulation 17 and which has been—

- (a) appointed as a notified body in the United Kingdom pursuant to regulation 20; or
- (b) appointed by a member State other than the United Kingdom, and has been notified by the member State concerned to the Commission and the other member States pursuant to Article 12 of the Pressure Equipment Directive.

Recognised third-party organisations

19. For the purposes of these Regulations, a recognised third-party organisation, is an organisation which has been appointed for the purposes of carrying out the tasks referred to in paragraphs 3.1.2(9) and 3.1.3 of Schedule 2, and which has been—

- (a) appointed as a recognised third-party organisation in the United Kingdom pursuant to regulation 20; or
- (b) appointed by a member State other than the United Kingdom, and has been notified by the member State concerned to the Commission and the other member States pursuant to Article 12 of the Pressure Equipment Directive.

Notified bodies and recognised third-party organisations appointed by the Secretary of State

20.—(1) The Secretary of State may from time to time appoint such persons as he thinks fit to be notified bodies or recognised third-party organisations for the purposes of these Regulations.

(2) An appointment—

- (a) may relate to all descriptions of pressure equipment or assemblies or such descriptions (which may be framed by reference to any circumstances whatsoever) of pressure equipment or assemblies as the Secretary of State may from time to time determine;
- (b) may be made subject to such conditions as the Secretary of State may from time to time determine, and such conditions may include conditions which are to apply upon or following termination of the appointment;
- (c) shall, without prejudice to the generality of sub-paragraph (b) and subject to paragraph (4), require that body to carry out the procedures and specific tasks for which it has been appointed including (where so provided as part of those procedures) surveillance to ensure that the manufacturer of the pressure equipment or assemblies or his authorised representative established within the Community or the importer, as the case may be, duly fulfils the obligations arising out of the relevant conformity assessment procedure;
- (d) shall be terminated upon 90 days' notice in writing to the Secretary of State at the request of the notified body or recognised third-party organisation; and
- (e) may be terminated if it appears to the Secretary of State that any of the conditions of the appointment are not complied with.

(9) There is an error in the English text of the Pressure Equipment Directive. The text uses “3.2.2” instead of “3.1.2”.

(3) Subject to paragraphs (2)(d) and (e), an appointment under this regulation may be for the time being or for such period as may be specified in the appointment.

(4) A notified body or recognised third-party organisation appointed by the Secretary of State shall not be required to carry out the functions referred to in paragraph (2)(c) if—

- (a) the documents submitted to it in relation to carrying out such functions are not in English or another language acceptable to that body;
- (b) the person making the application has not submitted with his application the amount of the fee which the body requires to be submitted with the application pursuant to regulation 21; or
- (c) the body reasonably believes that, having regard to the number of applications made to it in relation to its appointment under these Regulations which are outstanding, it will be unable to commence the required work within three months of receiving the application.

(5) If for any reason the appointment of a notified body or recognised third-party organisation is terminated under this regulation, the Secretary of State may—

- (a) give such directions (either to the body the subject of the termination or to another notified body or recognised third-party organisation) for the purpose of making such arrangements for the determination of outstanding applications as he considers appropriate; and
- (b) without prejudice to the generality of the foregoing, authorise another notified body or recognised third-party organisation to take over its functions in respect of such cases as he may specify.

(6) Where a notified body is minded to refuse to issue an EC type-examination certificate or EC design-examination certificate⁽¹⁰⁾ it shall—

- (a) give notice in writing to the applicant of the reasons why it is minded to do so; and
- (b) give the applicant the opportunity to make representations within a period of 28 days of the said notice being given and consider any representations made within that period by the applicant.

(7) In the framework of quality assurance procedures for pressure equipment in categories III and IV referred to in regulations (2)(a)(i) and (ii)(aa) and (b) the notified body shall,

- (a) when performing unexpected visits, take a sample of equipment from the manufacturing or storage premises in order to perform, or have performed, the final assessment as referred to in paragraph 3.2.2 of Schedule 2 and to this end, the manufacturer shall inform the notified body of the intended schedule of production, and
- (b) shall carry out at least two visits during the first year of manufacturing, the frequency of subsequent visits being determined by the notified body on the basis of the criteria set out in section 4.4 of the relevant modules.

(8) In the case of one-off production of vessels and pressure equipment in category III referred to in regulation 7(2)(b) under the module H procedure, the notified body shall perform or have performed the final assessment, as referred to in paragraph 3.2.2 of Schedule 2, for each unit and to this end, the manufacturer shall communicate the intended schedule of production to the notified body.

Fees

21.—(1) Without prejudice to the power of the Secretary of State, where he is appointed as a notified body in the United Kingdom, to charge fees pursuant to regulations made under section 56

⁽¹⁰⁾ Module B and Module B1 in Schedule 4, respectively, concern the application for and issue of an EC type examination certificate and an EC design-examination certificate.

of the Finance Act 1973⁽¹¹⁾ and subject to paragraph (2), a notified body or recognised third-party organisation appointed by the Secretary of State may charge such fees in connection with, or incidental to, carrying out its duties in relation to the functions referred to in regulation 20(2)(c) as it may determine; provided that such fees shall not exceed the sum of the following—

- (a) the costs incurred or to be incurred by the notified body or recognised third-party organisation in performing the relevant function; and
- (b) an amount on account of profit which is reasonable in the circumstances having regard to—
 - (i) the character and extent of the work done or to be done by the body on behalf of the applicant; and
 - (ii) the commercial rate normally charged on account of profit for that work or similar work.

(2) The power in paragraph (1) includes the power to require the payment of fees or a reasonable estimate thereof in advance of carrying out the work requested by the applicant.

User inspectorates

22.—(1) For the purposes of these Regulations, a user inspectorate is a body which has been appointed to carry out one or more of the conformity assessment procedures referred to in regulations 13 and 14 and as more specifically defined in paragraph (7) and, which has been—

- (a) appointed in the United Kingdom pursuant to paragraph (2); or,
- (b) appointed by a member State other than the United Kingdom, and has been notified by the member State concerned to the Commission and other member States pursuant to Article 12 of the Pressure Equipment Directive.

(2) The Secretary of State may from time to time appoint such persons and on such conditions as he thinks fit to be a user inspectorate.

(3) No body shall be appointed under this regulation unless the Secretary of State is satisfied that the group of which the user inspectorate is part applies a common safety policy as regards the technical specifications for the design, manufacture, inspection, maintenance and use of pressure equipment and assemblies.

(4) An appointment—

- (a) may relate to all descriptions of pressure equipment or assemblies or such descriptions (which may be framed by reference to any circumstances whatsoever) of pressure equipment or assemblies as the Secretary of State may from time to time determine;
- (b) may be made subject to such conditions as the Secretary of State may from time to time determine, and such conditions may include conditions which are to apply upon or following termination of the appointment;
- (c) shall, without prejudice to the generality of sub-paragraph (b) above, require that body, subject to paragraph (10), to carry out the procedures and specific tasks for which it has been appointed including (where so provided as part of those procedures) surveillance to ensure that the manufacturer of the pressure equipment or assemblies or his authorised representative established within the Community or the importer, as the case may be, duly fulfils the obligations arising out of the relevant conformity assessment procedure;
- (d) shall be terminated upon 90 days' notice in writing to the Secretary of State at the request of the user inspectorate; and

(11) 1973 c. 51.

- (e) may be terminated if it appears to the Secretary of State that any of the conditions of the appointment are not complied with.
- (5) Subject to paragraphs (4)(d) and (e), an appointment under this regulation may be for the time being or for such period as may be specified in the appointment.
- (6) The user inspectorates shall act exclusively for the group of which they are part.
- (7) The conformity assessment procedures applicable by user inspectorates shall be modules A1, C1, F and G, as described in Schedule 4 and for this purpose references in those modules to “notified body” shall be read as if they are references to “user inspectorate”.
- (8) The pressure equipment and assemblies to which the application relates may be used only in establishments operated by the group of which the user inspectorate is part.
- (9) The pressure equipment and assembly, the conformity of which has been assessed by a user inspectorate, shall not bear the CE marking.
- (10) A user inspectorate appointed by the Secretary of State shall not be required to carry out the functions referred to in paragraph (4)(c) if the documents submitted to it in relation to carrying out such functions are not in English or another language acceptable to that body.

Conditions for pressure equipment and assemblies being taken to conform with the provisions of these Regulations

- 23.**—(1) Subject to paragraph (2), any pressure equipment or assembly which—
- (a) bears the CE marking in accordance with regulation 7(3)(c) or 8(3)(a)(iii); and
 - (b) is accompanied by an EC declaration of conformity in accordance with regulation 7(3)(d) or 8(3)(a)(iv),

shall be taken to conform with all the provisions of these Regulations which apply to it, including the appropriate conformity assessment procedure specified in regulation 13, unless there are reasonable grounds for suspecting that it does not so conform.

(2) Paragraph (1) does not apply in relation to an enforcement authority where a person fails or refuses to make available to the enforcement authority the documentation which he is required, by the conformity assessment procedure which applies to that pressure equipment or assembly, to retain a copy thereof.

PART IV ENFORCEMENT

Application of Schedule 8

24.—(1) Subject to paragraph (2), Schedule 8 shall have effect for the purposes of providing for the enforcement of these Regulations and for matters incidental thereto.

(2) Except in the case of pressure equipment or an assembly which, in the opinion of an enforcement authority, is liable to endanger the safety of persons and, where appropriate, domestic animals or property, where an enforcement authority has reasonable grounds for suspecting that the CE marking has been affixed to pressure equipment or an assembly and in relation to which any provision of these Regulations has not been complied with it may serve notice in writing on—

- (a) the manufacturer of the pressure equipment or assembly or his authorised representative established within the Community; or
- (b) in a case where neither the manufacturer of the pressure equipment or assembly nor his authorised representative established within the Community has placed the pressure

equipment or assembly on the market, the person who places it on the market in the United Kingdom;

and subject to paragraph (3), no other action pursuant to Schedule 8 may be taken, and no proceedings may be brought pursuant to regulation 25, in respect of that pressure equipment or assembly until such notice has been given and the person to whom it is given has failed to comply with its requirements.

(3) Notwithstanding the provisions of paragraph (2), for the purposes of ascertaining whether or not the CE marking has been correctly affixed, action may be taken pursuant to section 20 of the Health and Safety at Work etc. Act 1974⁽¹²⁾ or, in Northern Ireland, pursuant to Article 22 of the Health and Safety at Work (Northern Ireland) Order 1978⁽¹³⁾ or section 29 of the Consumer Protection Act 1987⁽¹⁴⁾, as they are applied by Schedule 8.

(4) A notice which is given under paragraph (2) shall—

- (a) state that the enforcement authority suspects that the CE marking has not been correctly affixed to the pressure equipment or assembly;
- (b) specify the respect in which it is so suspected and give particulars thereof;
- (c) require the person to whom the notice is given—
 - (i) to secure that any pressure equipment or assembly to which the notice relates conforms as regards the provisions concerning the correct affixation of the CE marking within such period as may be specified in the notice; or
 - (ii) to provide evidence within that period, to the satisfaction of the enforcement authority, that the CE marking has been correctly affixed; and
- (d) warn that person that if the non-conformity continues after, or if satisfactory evidence has not been provided within, the period specified in the notice, further action may be taken under these Regulations in respect of that pressure equipment or assembly or pressure equipment or assembly of the same type placed on the market by that person.

Offences

25. Any person who—

- (a) contravenes or fails to comply with regulation 7(1), 8(1), 9(1) or 10,
- (b) fails to supply or retain a copy of the declaration of conformity as required by regulation 7(4); or
- (c) fails to comply with the requirements of regulation 7(5) or 8(5),

shall be guilty of an offence.

Penalties

26.—(1) A person guilty of an offence under regulation 25(a) shall be liable on summary conviction—

- (a) to imprisonment for a term not exceeding 3 months; or
- (b) to a fine not exceeding level 5 on the standard scale,

or to both.

(2) A person guilty of an offence under regulation 25(b) or (c) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

⁽¹²⁾ 1974 c. 37.

⁽¹³⁾ S.I. 1978/1039 (N.I. 9).

⁽¹⁴⁾ 1987 c. 43.

Defence of due diligence

27.—(1) Subject to the following provisions of this regulation, in proceedings against any person for an offence under regulation 25 above it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where in any proceedings against any person for such an offence the defence provided by paragraph (1) involves an allegation that the commission of the offence was due—

- (a) to the act or default of another; or
- (b) to reliance on information given by another,

that person shall not, without the leave of the court, be entitled to rely on the defence unless, not less than seven clear days before the hearing of the proceedings (or, in Scotland, the trial diet), he has served a notice under paragraph (3) on the person bringing the proceedings.

(3) A notice under this paragraph shall give such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time he serves it.

(4) It is hereby declared that a person shall not be entitled to rely on the defence provided by paragraph (1) by reason of his reliance on information supplied by another, unless he shows that it was reasonable in all the circumstances for him to have relied on the information, having regard in particular—

- (a) to the steps which he took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) to whether he had any reason to disbelieve the information.

Liability of persons other than the principal offender

28.—(1) Where the commission by any person of an offence under regulation 25 is due to the act or default committed by some other person in the course of any business of his, the other person shall be guilty of the offence and may be proceeded against and punished by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where a body corporate is guilty of an offence under these Regulations (including where it is so guilty by virtue of paragraph (1)) in respect of any act or default which is shown to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) In this regulation, references to a “body corporate” include references to a partnership in Scotland and, in relation to such partnership, any reference to a director, manager, secretary or other similar officer of a body corporate is a reference to a partner.

Consequential amendments

29.—(1) In the Provision and Use of Work Equipment Regulations 1998(15), at the end of column (1) of Schedule 1, there shall be added the words “The Pressure Equipment Regulations 1999” and at the end of column (2) the words “S.I. 1999/2001”.

(15) S.I. 1998/2306.

(2) In the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999⁽¹⁶⁾, at the end of column (1) of Schedule 2, there shall be added the words “The Pressure Equipment Regulations 1999” and at the end of column (2) the words “S.I. 1999/2001”.

(3) In regulation 10(1) of the Pressure Vessels (Verification) Regulations 1988⁽¹⁷⁾ there shall be inserted after the words “pressure vessel” the words “, not being one to which the Pressure Equipment Regulations 1999 apply,”.

(4) In regulation 10(1) of the Pressure Vessels (Verification) Regulations (Northern Ireland) 1993⁽¹⁸⁾ there shall be inserted after the words “pressure vessel” the words “, not being one to which the Pressure Equipment Regulations 1999 apply,”.

15th July 1999

John Battle,
Minister for Energy & Industry,
Department of Trade and Industry

⁽¹⁶⁾ S.R. 1999 No. 305

⁽¹⁷⁾ S.I. 1988/896.

⁽¹⁸⁾ S.R. 1992 No. 79, as amended by S.R. 1999 No. 126.