
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 386

**Transportable Pressure Vessels
Regulations (Northern Ireland) 2003**

PART 2

GENERAL REQUIREMENTS

Requirements relating to the placing on the market and use at work of transportable pressure vessels

4.—(1) Subject to regulation 5, a person shall not place on the market or use at work any transportable pressure vessel unless the requirements of paragraphs (2) to (4) have been complied with.

(2) The transportable pressure vessel must –

- (a) be safe and suitable for purpose;
- (b) have been designed, manufactured and tested according to –
 - (i) any standard listed in Schedule 2 which is relevant to that vessel; or
 - (ii) any other standard approved by the Executive for the purpose of these Regulations as meeting the relevant requirements of Chapter 6.2 of ADR;
- (c) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Schedule 4, to be in conformity with the standards identified pursuant to sub-paragraph (b); and
- (d) bear the conformity marking, the identification number of the notified body and any marking required by the standards identified pursuant to sub-paragraph (b).

(3) Where the transportable pressure vessel includes valves (in particular safety valves, valves for filling and emptying and cylinder valves) those valves must –

- (a) have been designed, manufactured and tested according to –
 - (i) any standard listed in Schedule 2 which is relevant to those valves; or
 - (ii) where there is no such standard, the requirements of the Pressure Equipment Regulations 1999(1); and
- (b) meet the requirements specified in paragraph (5).

(4) Where the transportable pressure vessel includes accessories, other than valves, which have a direct safety function, those accessories must –

- (a) have been designed, manufactured and tested to be in compliance with the requirements set out in Chapter 6.2 of ADR; and
- (b) meet the requirements specified in paragraph (5).

(5) The requirements referred to in paragraphs (3) and (4) are that the valves or the accessories, as the case may be, must –

- (a) be safe and suitable for purpose;
- (b) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Schedule 4, to be in conformity with the standards or requirements identified pursuant to paragraph (3) or (4), as the case may be; and
- (c) bear the conformity marking or the CE marking, as appropriate.

(6) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

(7) Any person may submit an application to the Executive for the approval of any standard referred to in paragraph (2)(b)(ii).

Transportable pressure vessels placed on the market or used at work exclusively in Northern Ireland

5.—(1) Regulation 4 shall not apply in respect of any transportable pressure vessel which is placed on the market or used at work exclusively within Northern Ireland provided the requirements of paragraphs (2) to (4) are complied with.

(2) The transportable pressure vessel must –

- (a) be safe and suitable for purpose;
- (b) have been designed, manufactured and tested according to –
 - (i) any standard listed in Schedule 2 which is relevant to that vessel; or
 - (ii) any other standard approved by the Executive for the purposes of these Regulations as meeting the relevant requirements of Chapter 6.2 of ADR;
- (c) where relevant, have been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F and G (and for this purpose references in those procedures to “notified body” shall be read as if they are references to “approved body”), to be in conformity with the standards identified pursuant to sub-paragraph (b);
- (d) bear the identification number of the relevant approved body and any marking required by the standards identified pursuant to sub-paragraph (b); and
- (e) not bear the conformity marking or the identification number of any notified body.

(3) Where the transportable pressure vessel includes valves (in particular safety valves, valves for filling and emptying and cylinder valves) those valves must –

- (a) have been designed, manufactured and tested according to –
 - (i) any standard listed in Schedule 2 which is relevant to those valves; or
 - (ii) where there is no such standard, the requirements of the Pressure Equipment Regulations 1999; and
- (b) meet the requirements specified in paragraph (5).

(4) Where the transportable pressure vessel includes accessories, other than valves, which have a direct safety function, those accessories must –

- (a) have been designed, manufactured and tested to be in compliance with the requirements set out in Chapter 6.2 of ADR; and
- (b) meet the requirements specified in paragraph (5).

(5) The requirements referred to in paragraphs (3) and (4) are that the valves or the accessories, as the case may be, must –

- (a) be safe and suitable for purpose;
 - (b) where relevant, have been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F and G (and for this purpose references in those procedures to “notified body” shall be read as if they are references to “approved body”), to be in conformity with the standards or requirements identified pursuant to paragraph (3) or (4), as the case may be;
 - (c) bear the identification number of the relevant approved body; and
 - (d) not bear the conformity marking or the identification number of any notified body.
- (6) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.
- (7) Any person may submit an application to the Executive for the approval of any standard referred to in paragraph (2)(b)(ii).

Reassessment of conformity

6.—(1) A transportable pressure vessel manufactured prior to 1st October 2005 which does not bear the conformity marking may be reassessed for conformity in accordance with the requirements of paragraphs (2) to (4).

- (2) Subject to paragraph (6), the transportable pressure vessel must –
- (a) be safe and suitable for purpose;
 - (b) comply with –
 - (i) any standard listed in Schedule 2 which is relevant to that vessel; or
 - (ii) any other standard approved by the Executive for the purposes of these Regulations as meeting the relevant requirements of Chapter 6.2 of ADR;
 - (c) have been reassessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the standards identified pursuant to sub-paragraph (b); and
 - (d) bear the conformity marking and the identification number of the notified body.
- (3) Where the transportable pressure vessel includes valves (in particular safety valves, valves for filling and emptying and cylinder valves), those valves must –
- (a) comply with –
 - (i) any standard listed in Schedule 2 which is relevant to those valves; or
 - (ii) where there is no such standard, the requirements of the Pressure Equipment Regulations 1999; and
 - (b) meet the requirements specified in paragraph (5).
- (4) Where the transportable pressure vessel includes accessories, other than valves, which have a direct safety function, those accessories must –
- (a) comply with the requirements set out in Chapter 6.2 of ADR; and
 - (b) meet the requirements specified in paragraph (5).
- (5) Subject to paragraph (6), the requirements referred to in paragraphs (3) and (4) are that the valves or the accessories, as the case may be, must –
- (a) be safe and suitable for purpose;

- (b) where relevant, have been assessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the standards or requirements identified pursuant to paragraph (3) or (4), as the case may be; and
- (c) bear the conformity marking.

(6) Where the transportable pressure vessel, valve or accessory has been manufactured in series to a design type which has been reassessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the standards or requirements identified pursuant to paragraphs (2)(b), (3)(a) or (4)(a), the reassessment referred to in paragraphs (2)(c) and (5)(b) may be conducted by an approved body (in which case references in Schedule 5 to “notified body” shall be read as if they are references to “approved body”).

(7) Any person may submit an application to the Executive for the approval of any standard referred to in paragraph (2)(b)(ii).

Periodic inspection and repeated use

7.—(1) The owner of a transportable pressure vessel shall ensure that that vessel is periodically inspected in accordance with all relevant procedures in Schedule 6 to ensure –

- (a) the continued safety of that vessel; and
- (b) that the vessel continues to meet the standards and requirements to which it was designed and manufactured.

(2) A person shall not fill, refill or transport a transportable pressure vessel unless a valid certificate issued in accordance with Schedule 6 demonstrates that that vessel is not overdue for any periodic inspection to which it is subject under these Regulations.

(3) Any person who carries out a periodic inspection of a transportable pressure vessel shall ensure that –

- (a) that inspection complies with the relevant requirements of Schedule 6; and
- (b) at the end of that inspection, that vessel is marked with –
 - (i) the identification number of the relevant notified body or approved body;
 - (ii) where required by Schedule 6, the date of the inspection; and
 - (iii) in the case of EEC-type cylinders undergoing their first periodic inspection, the conformity marking.

(4) Any technical documentation or other information required to be retained under a periodic inspection procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

Notified bodies

8. For the purposes of these Regulations, a notified body is a body which has been appointed –

- (a) to carry out one or more of the following, namely –
 - (i) one or more conformity assessment procedures;
 - (ii) the conformity reassessment procedure;
 - (iii) either or both periodic inspection procedures; and
- (b) as a notified body –
 - (i) pursuant to regulation 10; or

- (ii) by another member State, and whose appointment has been communicated by that member State to the Commission and the other member States pursuant to Article 8 of the Transportable Pressure Equipment Directive.

Approved bodies

9.—(1) For the purposes of these Regulations, an approved body is a body which has been appointed –

- (a) to carry out one or more of the following, namely –
 - (i) one or more conformity assessment procedures;
 - (ii) the conformity reassessment procedure;
 - (iii) periodic inspection procedure module 1; and
- (b) as an approved body –
 - (i) pursuant to regulation 10; or
 - (ii) by another member State, and whose appointment has been communicated by that member State to the Commission and the other member States pursuant to Article 9 of the Transportable Pressure Equipment Directive.

(2) In respect of any conformity assessment undertaken pursuant to regulation 5, an approved body shall work exclusively for the group of which it is a member.

Appointment of notified bodies and approved bodies by the Executive

10.—(1) The Executive may appoint such persons as it thinks fit to be notified bodies or approved bodies for the purposes of these Regulations.

- (2) An application –
 - (a) for appointment as a notified body;
 - (b) for appointment as an approved body; or
 - (c) for the amendment of an existing appointment,

shall be made to the Executive.

- (3) An appointment made under this regulation –
 - (a) may relate to all descriptions of transportable pressure vessels or such descriptions as the Executive may determine;
 - (b) may be made subject to such conditions as the Executive may 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 (7), require the notified body or approved body, as the case may be, 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 transportable pressure vessel fulfils the obligations arising out of the relevant conformity assessment procedure;
 - (d) shall be terminated upon 90 days' notice in writing to the Executive at the request of the notified body or the approved body; and
 - (e) may be terminated if it appears to the Executive that any of the conditions of the appointment are not being complied with.

(4) Subject to paragraph (3)(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.

(5) A notified body or an approved body appointed by the Executive shall be subject to such inspection by or on behalf of the Executive as is necessary to ensure compliance with any condition specified in the appointment.

(6) The inspection referred to in paragraph (5) may include the examination of premises, equipment and documents and the notified body or approved body shall provide such facilities, assistance and information as are reasonably required for the purpose of the inspection.

(7) In respect of an application made to a notified body or an approved body in accordance with these Regulations, the notified body or approved body, as the case may be, shall not be required to carry out the procedures and tasks referred to in paragraph (3)(c) –

- (a) if the documents submitted to it with the application are not in English or another language acceptable to that body;
- (b) until the applicant has paid the fee which that body requires pursuant to regulation 12(4); or
- (c) if the body in question 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.

(8) If for any reason the appointment of a notified body or approved body is terminated under this regulation, the Executive may –

- (a) give such directions (either to the body whose appointment has been terminated or to another notified body or approved body) for the purpose of making such arrangements for the determination of outstanding applications as it considers appropriate and those directions shall be complied with by the body to whom they are given; and
- (b) without prejudice to the generality of the foregoing, authorise another notified body or approved body to take over the functions of the body whose appointment has been terminated in respect of such cases as it may specify.

Conformity marking

11.—(1) Where a notified body or an approved body –

- (a) has carried out a conformity assessment, a reassessment of conformity or a periodic inspection; and
- (b) requires the conformity marking to be affixed to a transportable pressure vessel, valve or accessory which is complete or is in a state permitting final assessment,

that body shall ensure that the conformity marking is affixed in a visible, easily legible and indelible fashion.

(2) A person shall not affix any marking to a transportable pressure vessel, valve or accessory which is likely to render the meaning or form of the conformity marking misleading.

(3) Any other marking may be affixed to a transportable pressure vessel, valve or accessory provided that the visibility and legibility of the conformity marking is not thereby reduced.