
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 160

**The Carriage of Dangerous Goods and Use of Transportable
Pressure Equipment Regulations (Northern Ireland) 2010**

PART 4

TRANSPORTABLE PRESSURE EQUIPMENT

[^{F1}Scope of Obligations

15.—(1) Regulations 15A to 15F apply to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(a) of that Directive.

(2) For the avoidance of doubt, any reference in those regulations to a manufacturer, importer, distributor, owner or operator as “it” is not to be construed as excluding a natural person.]

Textual Amendments

F1 Reg. 15 substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, 5(1)

[^{F2}General Obligations

15A.—(1) A manufacturer, importer, distributor, owner or operator may only place or make available on the market, put into service or use equipment if it ensures that the equipment meets the requirements of the Dangerous Goods Directive.

(2) On receipt of a request from the Health and Safety Executive for Northern Ireland, a manufacturer, importer, distributor, owner or operator must identify to the Executive any manufacturer, importer, distributor or owner who has supplied it with, or to whom it has supplied, equipment over at least the previous 10 years.

(3) A request made pursuant to paragraph (2) must—

(a) be in writing; and

(b) contain a date by which a response is to be provided with that date being reasonable in all the circumstances.

(4) Paragraph (5) applies where a manufacturer, importer, distributor or owner provides to an operator information about equipment it has placed or made available on the market, or put into service.

(5) The information must comply with the Directives.

(6) This regulation does not apply to an owner who is a private individual using or intending to use equipment in the circumstances set out in article 8(4) of the Transportable Pressure Equipment Directive.]

Textual Amendments

- F2** Regs. 15A-15F inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, 5(2)

[^{F3}Obligations of Manufacturers

- 15B.**—(1) A manufacturer must—
- (a) ensure a conformity assessment is carried out by a notified body;
 - (b) mark equipment in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive; and
 - (c) keep the technical documentation specified in the Dangerous Goods Directive for the period specified in that Directive.
- (2) Where a manufacturer knows or has reason to believe that equipment it has placed on the market does not comply with the Directives, that manufacturer must—
- (a) take immediate corrective measures to ensure that the equipment complies with the Directives,
 - (b) withdraw the equipment from the market, or
 - (c) issue a recall of the equipment.
- (3) Where a manufacturer considers that equipment it has placed on the market presents a risk, that manufacturer must immediately inform the TPED competent authority in any relevant member State of the risk, including providing details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).
- (4) A manufacturer must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.
- (5) On receipt of a reasoned request from a TPED competent authority, a manufacturer must—
- (a) provide to that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
 - (b) cooperate with that authority in any action it takes to eliminate risks posed by that equipment.
- (6) This regulation applies to an importer or a distributor as if that person were a manufacturer where the importer or distributor—
- (a) places equipment on the market under the importer or distributor’s own name or trademark; or
 - (b) modifies equipment already placed on the market in such a way that compliance with the Directives may be affected.]

Textual Amendments

- F3** Regs. 15A-15F inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, 5(2)

[^{F4}Obligations of Importers

15C.—(1) An importer must ensure that—

- (a) the manufacturer has complied with conformity assessment and drawn up the technical documentation in accordance with the Dangerous Goods Directive;
- (b) equipment has been marked in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive;
- (c) the certificate of conformity for the equipment either contains the name and address of the importer or has this information attached to it;
- (d) the conditions in which equipment under the responsibility of the importer is stored and transported do not jeopardise the equipment’s compliance with the Dangerous Goods Directive; and
- (e) the technical documentation specified in the Dangerous Goods Directive is kept for the period set out in that Directive.

(2) Where an importer knows or has reason to believe that equipment it has placed on the market does not comply with the Directives, that importer must—

- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
- (b) withdraw the equipment from the market; or
- (c) issue a recall of the equipment.

(3) Where an importer considers that equipment presents a risk before it has been placed on the market, that importer must inform the manufacturer and the Health and Safety Executive for Northern Ireland of the risk.

(4) Where an importer considers that equipment it has placed on the market presents a risk, that importer must immediately inform the manufacturer and the TPED competent authority in any relevant member State of the risk, including details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

(5) An importer must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(6) On receipt of a reasoned request from a TPED competent authority, an importer must—

- (a) provide to that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
- (b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.]

Textual Amendments

F4 Regs. 15A-15F inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, 5(2)

[^{F5}Obligations of Distributors

15D.—(1) A distributor must ensure that—

- (a) the equipment has been marked in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive;
 - (b) the certificate of conformity for the equipment contains or has attached to it the name and address of the importer where relevant; and
 - (c) the conditions in which equipment under the responsibility of the distributor is stored and transported do not jeopardise the equipment's compliance with the Directives.
- (2) Where a distributor knows or has reason to believe that equipment it made available on the market does not comply with the Directives, that distributor must—
- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
 - (b) withdraw the equipment from the market; or
 - (c) issue a recall of the equipment.
- (3) Where a distributor considers that equipment presents a risk before it has been made available on the market, that distributor must inform—
- (a) the manufacturer or the importer; and
 - (b) the Health and Safety Executive for Northern Ireland,
- of the risk.
- (4) Where a distributor considers that equipment it has made available on the market presents a risk, that distributor must immediately inform—
- (a) the manufacturer or the importer; and
 - (b) the TPED competent authority in any relevant member State,
- of the risk, including details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).
- (5) A distributor must record each instance of non-compliance with the Directives and any corrective measures taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.
- (6) On receipt of a reasoned request from a TPED competent authority, a distributor must—
- (a) provide to that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
 - (b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.]

Textual Amendments

- F5** Regs. 15A-15F inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, 5(2)

[^{F6}Obligations of Owners

15E.—(1) An owner must ensure that equipment for which it is responsible is stored and transported in conditions that do not jeopardise the compliance of that equipment with the Dangerous Goods Directive.

- (2) Where an owner considers that the owner's equipment presents a risk it must inform—

- (a) the manufacturer, importer or distributor; and
- (b) the Health and Safety Executive for Northern Ireland,

of the risk.

(3) An owner must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(4) This regulation does not apply to private individuals using or intending to use equipment in the circumstances set out in article 8(4) of the Transportable Pressure Equipment Directive.]

Textual Amendments

- F6** Regs. 15A-15F inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, 5(2)

[^{F7}Obligations of Operators

15F. Where an operator considers that equipment presents a risk, that operator must inform the owner and the Health and Safety Executive for Northern Ireland of the risk.]

Textual Amendments

- F7** Regs. 15A-15F inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, 5(2)

[^{F8}Authorised Representatives

16.—(1) Subject to paragraph (3), a manufacturer may appoint in writing a person (“an authorised representative”) to carry out some or all of the duties imposed on the manufacturer by regulations 15A and 15B.

(2) An appointment made in accordance with paragraph (1) must include at least the following duties—

- (a) keeping technical documentation;
- (b) providing to a TPED competent authority, in response to a reasoned request and in a language that it easily understands, the information and documents necessary to show the equipment meets the requirements of the Directives; and
- (c) cooperating with a TPED competent authority in any action it takes to eliminate risks posed by the equipment.

(3) An authorised representative must not be appointed to carry out duties imposed by regulation 15A(2), 15B(1)(a) or 15B(1)(b).

(4) The name and address of an authorised representative must be included on the certificate of conformity.

(5) An authorised representative must only provide information to an operator that complies with the requirements of the Directives.]

Textual Amendments

- F8** Reg. 16 substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **6**

Reassessment of conformity

17.—(1) This regulation applies to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)^[F9(c)] of that Directive.

(2) Equipment may be reassessed for conformity in accordance with this regulation.

(3) The equipment shall be—

- (a) reassessed by a ^[F10]type A notified body in accordance with the procedure set out in ^[F11]Annex III to the Transportable Pressure Equipment Directive; and
- ^[F12](b) inspected by a notified body notified for periodic inspection of that equipment and marked in accordance with the requirements of articles 14 and 15 of that Directive.]

^[F13](4) But if a pressure receptacle has been manufactured in series to a design type for which a type A notified body notified for reassessment of conformity has issued a certificate of type reassessment, the reassessment of conformity may be undertaken by a notified body notified for periodic inspection of that pressure receptacle.]

^[F14](5) In this regulation—

- (a) “certificate of type reassessment” means a certificate issued in accordance with paragraph 7 of Annex III to the Transportable Pressure Equipment Directive; and
- (b) “type A notified body” means a notified body conforming to standard EN ISO/IEC 17020 type A as revised or reissued from time to time.]

Textual Amendments

- F9** Word in reg. 17(1) substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **7(2)**
- F10** Words in reg. 17(3)(a) inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **7(3)(a)**
- F11** Words in reg. 17(3)(a) substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **7(3)(b)**
- F12** Reg. 17(3)(b) substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **7(4)**
- F13** Reg. 17(4) substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **7(5)**
- F14** Reg. 17(5) inserted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\)](#), regs. 1, **7(6)**

Commencement Information

- I1** Reg. 17 in operation at 19.5.2010, see [reg. 1](#)

Periodic inspection and repeated use

18.—(1) This regulation applies to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)^[F15(b)] of that Directive.

(2) If the equipment bears a marking referred to in ^[F16]articles 14 and 15] of the Transportable Pressure Equipment Directive ^{F17}..., it is to be subject to periodic inspection in accordance with the requirements of ^[F18]the Dangerous Goods Directive].

^{F19}(3)

(4) The marking requirements applicable to periodic inspections set out in ^[F20]articles 14 and 15] of the Transportable Pressure Equipment Directive shall be complied with in relation to the equipment.

Textual Amendments

- F15** Word in reg. 18(1) substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\), regs. 1, 8\(2\)](#)
- F16** Words in reg. 18(2) substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\), regs. 1, 8\(3\)\(a\)](#)
- F17** Words in reg. 18(2) omitted (10.11.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\), regs. 1, 8\(3\)\(b\)](#)
- F18** Words in reg. 18(2) substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\), regs. 1, 8\(3\)\(c\)](#)
- F19** Reg. 18(3) omitted (10.11.2011) by virtue of [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\), regs. 1, 8\(4\)](#)
- F20** Words in reg. 18(4) substituted (10.11.2011) by [The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment \(Amendment\) \(Regulations\) \(Northern Ireland\) 2011 \(S.R. 2011/365\), regs. 1, 8\(5\)](#)

Commencement Information

- I2** Reg. 18 in operation at 19.5.2010, see [reg. 1](#)

Misleading and other markings

19.—(1) No person shall affix a marking on transportable pressure equipment which is likely to mislead third parties with regard to the meaning or the graphics of the conformity mark.

(2) Any other marking may be affixed to transportable pressure equipment provided that the visibility and legibility of the conformity mark is not reduced.

Commencement Information

- I3** Reg. 19 in operation at 19.5.2010, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010, PART 4.