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STATUTORY INSTRUMENTS

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**1994 No. 3098**

**The Simple Pressure Vessels (Safety)  
(Amendment) Regulations 1994**

**Implementation of the CE Marking Directive**

4. Subject to regulation 5 below, the principal Regulations are hereby amended as follows—
- (a) save in regulation 2(3), throughout the Regulations, the term “CE marking” shall be substituted for the term “EC mark” wherever it occurs;
  - (b) in regulation 2—
    - (i) in paragraph (3), the definition of “EC mark” shall be deleted;
    - (ii) after paragraph (6), there shall be added the following paragraphs—
      - “(7) In these Regulations, a reference to “the CE marking” or “the CE conformity marking” is a reference to a marking consisting of the initials “CE” in the form shown in the specimen in Schedule 2 to these Regulations; and Schedule 2 shall have effect for making provision in relation to the affixing of the said marking and other matters incidental thereto.
      - (8) In these Regulations, a reference to the identification number of an approved body is a reference to the identification number assigned to that body by the Commission pursuant to Article 9.1 of the Directive<sup>(1)</sup>.”;
  - (c) in paragraphs (1)(c) and (3)(b) of regulation 4, the word “properly” shall be omitted and at the end of both paragraphs there shall be added “, and it complies in all other respects with that Schedule”;
  - (d) for regulation 5 there shall be substituted the following regulation—

**“Obligations of manufacturers, suppliers and importers.**

5.—(1) Subject to the transitional and other exceptions in regulation 6 below, no person being—

- (a) the manufacturer of a vessel;
- (b) the manufacturer of a relevant assembly who imported the vessel incorporated therein from a country or territory outside the Community; or
- (c) the person who imported a vessel (other than the person mentioned in subparagraph (b) above) or relevant assembly from such country or territory,

shall supply such vessel unless it complies with regulation 4 above or such relevant assembly as the case may be unless the vessel incorporated therein so complies.

(2) Subject to the same exceptions, no person shall, being the manufacturer of a vessel, himself take that vessel or a relevant assembly incorporating that vessel into service unless that vessel complies with regulation 4 above.

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(1) The text of Article 9.1 was replaced by Article 2.4 of the CE Marking Directive.

(3) Subject to the same exceptions, no person shall, having imported a vessel or a relevant assembly from a country or territory outside the Community, himself take that vessel or a relevant assembly incorporating that vessel, or the first mentioned relevant assembly into service unless that vessel or the vessel incorporated into the relevant assembly complies with regulation 4 above.

(4) Subject to the same exceptions, it shall be the duty of any person, not being a person mentioned in paragraph (1)(a) to (c) above, who supplies a vessel or relevant assembly to ensure that such vessel or relevant assembly as the case may be is safe.

(5) No markings which are likely to deceive any person as regards the meaning and form of the CE marking shall be affixed to a vessel.”;

(e) after paragraph (7) of regulation 11, there shall be added the following paragraph—

“(8) Where a United Kingdom approved body withdraws a type-examination certificate, it shall so inform the Secretary of State, giving its reasons, with a view to this information being passed by him to the Commission and the other member States.”;

(f) for regulation 12, there shall be substituted the following regulation—

**“EC verification.**

**12.—(1)** EC verification is the procedure whereby a manufacturer or his authorized representative established within the Community ensures and declares that the vessels which have been checked in accordance with paragraph (3) below are in conformity to the type described in the EC type-examination certificate or with the design and manufacturing schedule conforming with Schedule 3 of these Regulations having received a certificate of adequacy.

(2) The manufacturer shall take all the necessary measures for the manufacturing process to ensure that the vessels conform to the type described in the EC type-examination certificate or to the design and manufacturing schedule. The manufacturer or his authorized representative established within the Community shall affix the CE marking to each vessel and draw up a declaration of conformity.

(3) A United Kingdom approved body to which application is made for EC verification shall carry out the appropriate examinations and tests in order to check the conformity of the vessels with the requirements of the Directive by examination and testing of vessels in accordance with the following sub-paragraphs—

(a) the manufacturer shall present his vessels in the form of uniform batches and shall take all necessary measures in order that the manufacturing process ensures the uniformity of each batch produced;

(b) these batches shall be accompanied by the EC type-examination certificate, or, where the vessels are not manufactured in accordance with an approved prototype, by the design and manufacturing schedule; in the latter case the approved body shall, prior to EC verification, examine the schedule in order to certify its conformity;

(c) when a batch is examined, the approved body shall ensure that the vessels have been manufactured and checked in accordance with the design and manufacturing schedule and perform a hydrostatic test or a pneumatic test of equivalent effect on each vessel in the batch at a pressure  $P_h$  equal to 1.5 times the vessel’s design pressure in order to check its soundness, and the following provisions shall apply, where appropriate, to such testing—

(i) a pneumatic test shall be subject to acceptance of the test safety procedures by the member State in which the test is performed;

- (ii) the approved body shall carry out tests on test-pieces taken from a representative production test-piece or from a vessel, as the manufacturer chooses, in order to examine the weld quality; such tests shall be carried out on longitudinal welds, unless differing weld techniques are used for longitudinal and circular welds, in which case, the tests shall be repeated on the circular welds;
    - (iii) for vessels designed in accordance with the experimental method described in paragraph 9 of Part 2 of Schedule 1 to these Regulations these tests on test-pieces shall be replaced by a hydrostatic test on five vessels taken at random from each batch in order to check that they conform to the requirements of the said paragraph 9.
  - (4) In the case of accepted batches—
    - (a) the approved body shall affix, or cause to be affixed, its identification number to each recipient and draw up a written certificate of conformity relating to the tests carried out: Provided that the manufacturer may, under the responsibility of the approved body, affix the latter’s identification number during the manufacturing process;
    - (b) all recipients in the batch may be placed on the market except for those which have not successfully undergone a hydrostatic test or a pneumatic test.
  - (5) If a batch is rejected by an approved body carrying out examination and testing in accordance with this regulation in the United Kingdom, the approved body shall take appropriate measures to prevent the putting on the market of that batch and, in the event of frequent rejection of batches, the approved body may suspend the statistical verification.”;
- (g) in regulation 14—
  - (i) paragraphs (1), (3) and (4) shall be omitted; and
  - (ii) for paragraph (2) there shall be substituted the following paragraph—
    - “(2) A manufacturer who has obtained an EC certificate of conformity may commence series manufacture and apply the CE marking to vessels which he declares to be in conformity—
      - (a) to the design and manufacturing schedule (submitted to the approved body pursuant to regulation 13(3)(b) above) on which a certificate of adequacy has been drawn up; or
      - (b) the relevant approved prototype.”;
- (h) regulation 18 shall be omitted;
  - (i) for regulation 19 there shall be substituted the following regulation—

**“Enforcement.**

**19.—**(1) Subject to paragraph (2) below, Schedule 5 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 a vessel which, in the opinion of an enforcement authority, is not safe, where an enforcement authority has reasonable grounds for suspecting that the CE marking has not been properly affixed to a vessel, it may give notice in writing to the manufacturer of that vessel or his authorised representative established in the Community, as the case may be, and, subject to paragraph (3) below, no action may be taken pursuant to Schedule 5 to these Regulations, and no proceedings may be brought pursuant to regulation 20(1)

below, in respect of that vessel until such notice has been given and the person to whom it is given has failed to comply with its requirements.

(3) Notwithstanding paragraph (2) above, for the purposes of ascertaining whether or not the CE marking has been properly affixed, action may be taken pursuant to the following provisions as they are applied by Schedule 5—

- (a) in Great Britain in relation to vessels for use at work, section 20 of the Health and Safety at Work etc. Act 1974<sup>(2)</sup>;
- (b) in Northern Ireland in relation to vessels for use at work, Article 22 of the Health and Safety at Work (Northern Ireland) Order 1978<sup>(3)</sup>; and
- (c) in relation to vessels as consumer goods, section 29 of the Consumer Protection Act 1987<sup>(4)</sup>.

(4) Notice which is given under paragraph (2) above shall—

- (a) state that the enforcement authority suspects that the CE marking has not been properly affixed to the vessel;
- (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 vessel to which the notice relates conforms as regards the provisions concerning the proper 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 properly 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 the Regulations.

(5) For the purposes of this regulation, the CE marking is properly affixed to a vessel if—

- (a) it is affixed by the manufacturer or his authorized representative pursuant to regulation 12(2) above or by the manufacturer pursuant to regulation 14(2) above; and
- (b) that vessel complies with the requirements of regulation 4 above which apply to it.”;

(j) in regulation 20(2)(a), the words “regulation 14(3) or” shall be omitted; and

(k) for Schedule 2, there shall be substituted the following Schedule—

“SCHEDULE 2

Regulations 2(7) and 4

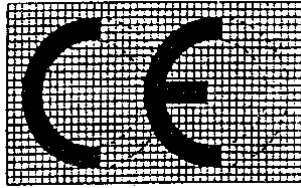
THE CE MARKING AND OTHER INSCRIPTIONS

1. The CE conformity marking shall consist of the initials “CE” in the following form—

(2) 1974 c. 37.

(3) S.I.1978/1039 (N.I. 9).

(4) 1987 c. 43.



For the avoidance of doubt, it is hereby declared that the grid providing the background in the above graduated drawing is not part of the CE marking.

2. If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

3. The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm.

4. The CE marking, and the other inscriptions specified below, must be affixed in a visible, easily legible and indelible form, either to the vessel itself or to a data plate attached to the vessel in such a way that it cannot be removed.

5. The CE marking shall be followed by the identification number of the approved body responsible for EC verifications or EC surveillance.

6. The vessel or data plate must bear at least the following information—

- the maximum working pressure (PS in bar);
- the maximum working temperature (Tmax in °C);
- the minimum working temperature (Tmin in °C);
- the capacity of the vessel (V in litres);
- the name or mark of the manufacturer;
- the type and serial or batch identification of the vessel; and the last two digits of the year in which the CE marking was affixed.

Where the data plate is used, it must be so designed that it cannot be re-used and must include a vacant space to enable other information to be provided.

7. Subject to paragraph 8 below, where a vessel is the subject of other Community Directives covering other aspects and which also provide for the affixing of the CE marking, such marking shall indicate that the vessel in question is also presumed to conform to those other Directives.

8. Where one or more of the other Directives referred to in paragraph 7 above allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity only to the Directives applied by the manufacturer. 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 such a vessel.

9. It shall be presumed that a vessel which bears the CE marking complies with all the provisions of the Directive, including the conformity assessment procedures referred to in Chapter II thereof (being the means whereby safety clearance is obtained pursuant to regulations 9 to 13 of these Regulations)

unless there are reasonable grounds for suspecting that it does not so comply.

**10.** Subject to the other provisions of these Regulations, any other marking may be affixed to the vessels or the data plate provided that the visibility and legibility of the CE marking is not thereby reduced.”.