SCHEDULE 1

Regulation 4(1)

EXCLUDED PRESSURE EQUIPMENT AND ASSEMBLIES

1. Pipelines comprising piping or a system of piping designed for the conveyance of any fluid or substance to or from an installation (onshore or offshore) starting from and including the last isolation device located within the confines of the installation, including all the annexed equipment designed specifically for pipelines. This exclusion does not apply to standard pressure equipment such as may be found in pressure reduction stations or compression stations;

Commencement Information
I1 Sch. 1 para. 1 in force at 29.11.1999, see **reg. 1(3)**

2. Networks for the supply, distribution and discharge of water and associated equipment and headraces such as penstocks, pressure tunnels, pressure shafts for hydroelectric installations and their related specific accessories;

Commencement Information
I2 Sch. 1 para. 2 in force at 29.11.1999, see **reg. 1(3)**

3. Equipment covered by Directive 87/404/EEC(**1**) on simple pressure vessels;

Commencement Information
I3 Sch. 1 para. 3 in force at 29.11.1999, see **reg. 1(3)**

4. Equipment covered by Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the member States relating to aerosol dispensers(**2**);

Commencement Information
I4 Sch. 1 para. 4 in force at 29.11.1999, see **reg. 1(3)**

5. Equipment intended for the functioning of vehicles defined by the following Directives and their Annexes:

— Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the member States relating to the type-approval of motor vehicles and their trailers(**3**);

— Council Directive 74/150/EEC of 4 March 1974 on the approximation of the laws of the member States relating to the type-approval of wheeled agricultural or forestry tractors(**4**);

— Council Directive 92/61/EEC of 30 June 1992 relating to the type-approval of two or three-wheel motor vehicles(**5**);

(**1**) OJ No. L220, 8.8.87, p. 48.
(**2**) OJ No. L147, 9.6.1975, p. 40. Directive as last amended by Commission Directive 94/1/EC (OJ No. L23, 28.1.1994, p. 28).
(**3**) OJ No. L42, 23.2.1970, p. 1. Directive as last amended by Commission Directive 95/54/EC (OJ No. L266, 8.11.1995, p. 1).
(**4**) OJ No. L84, 28.3.1974, p. 10. Directive as last amended by the 1994 Act of Accession.
(**5**) OJ No. L225, 10.8.1992, p. 72. Directive as last amended by the 1994 Act of Accession.

Commencement Information

I5 Sch. 1 para. 5 in force at 29.11.1999, see **reg. 1(3)**

6. Equipment classified as no higher than category I under Article 9 of this Directive and covered by one of the following Directives:

— **[**[F1]Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC**]**;

— European Parliament and Council Directive 95/16/EC of 29 June 1995 on the approximation of the laws of the member States relating to lifts(**6**);

— Council Directive 73/23/EEC of 19 February 1973 on the harmonisation of the laws of the member States relating to electrical equipment designed for use within certain voltage limits(**7**);

— Council Directive 93/42/EEC of 14 June 1993 concerning medical devices(**8**);

— Council Directive 90/396/EEC of 29 June 1990 on the approximation of the laws of the member States relating to appliances burning gaseous fuels(**9**);

— Directive 94/9/EC of the European Parliament and the Council of 23 March 1994 on the approximation of the laws of the member States concerning equipment and protective systems intended for use in potentially explosive atmospheres(**10**);

Textual Amendments

F1 Words in Sch. 1 para. 6 substituted (29.12.2009) by The Supply of Machinery (Safety) Regulations 2008 (S.I. 2008/1597), reg. 1(1), **Sch. 7 para. 3(c)** (with reg. 28)

Commencement Information

I6 Sch. 1 para. 6 in force at 29.11.1999, see **reg. 1(3)**

7. Equipment covered by **[**[F2]Article 346(1)(b) of the Treaty on the Functioning of the European Union**]**;

Textual Amendments

F2 Words in Sch. 1 para. 7 substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), art. 2(1), **Sch. Pt. 2** (with art. 2(2))

Commencement Information

I7 Sch. 1 para. 7 in force at 29.11.1999, see **reg. 1(3)**

8. Items specifically designed for nuclear use, failure of which may cause an emission of radioactivity;

(**6**) OJ No, L213, 7.9.1995, p. 1.
(**7**) OJ No. L77, 26.3.1973, p. 29. Directive as last amended by Directive 93/68/EEC (OJ No. L220, 30.8.1993, p. 1).
(**8**) OJ No. L169, 12.7.1993, p. 1.
(**9**) OJ No. L196, 26.7.1990, p. 15. Directive as last amended by Directive 93/68/EEC (OJ No. L220, 30.8.1993, p. 1).
(**10**) OJ No. L100, 19.4.1994, p. 1.

Commencement Information
I8 Sch. 1 para. 8 in force at 29.11.1999, see **reg. 1(3)**

9. Well-control equipment used in the petroleum, gas or geothermal exploration and extraction industry and in underground storage which is intended to contain and/or control well pressure, that is to say the wellhead (Christmas tree), the blow out preventers (BOP), the piping manifolds and all their equipment upstream;

Commencement Information
I9 Sch. 1 para. 9 in force at 29.11.1999, see **reg. 1(3)**

10. Equipment comprising casings or machinery where the dimensioning, choice of material and manufacturing rules are based primarily on requirements for sufficient strength, rigidity and stability to meet the static and dynamic operational effects or other operational characteristics and for which pressure is not a significant design factor, such equipment may include:

— engines including turbines and internal combustion engines,

— steam engines, gas/steam turbines, turbo-generators, compressors, pumps and actuating devices;

Commencement Information
I10 Sch. 1 para. 10 in force at 29.11.1999, see **reg. 1(3)**

11. Blast furnaces including the furnace cooling system, hot-blast recuperators, dust extractors and blast-furnace exhaust-gas scrubbers and direct reducing cupolas, including the furnace cooling, gas converters and pans for melting, re-melting, de-gassing and casting of steel and non-ferrous metals;

Commencement Information
I11 Sch. 1 para. 11 in force at 29.11.1999, see **reg. 1(3)**

12. Enclosures for high-voltage electrical equipment such as switchgear, control gear, transformers, and rotating machines;

Commencement Information
I12 Sch. 1 para. 12 in force at 29.11.1999, see **reg. 1(3)**

13. Pressurised pipes for the containment of transmission systems, including for example electrical power and telephone cables;

Commencement Information
I13 Sch. 1 para. 13 in force at 29.11.1999, see **reg. 1(3)**

14. Ships, rockets, aircraft and mobile off-shore units, as well as equipment specifically intended for installation on board or the propulsion thereof;

Commencement Information
I14 Sch. 1 para. 14 in force at 29.11.1999, see **reg. 1(3)**

15. Pressure equipment consisting of a flexible casing, including for example tyres, air cushions, balls used for play, inflatable craft, and other similar pressure equipment;

Commencement Information
I15 Sch. 1 para. 15 in force at 29.11.1999, see **reg. 1(3)**

16. Exhaust and inlet silencers;

Commencement Information
I16 Sch. 1 para. 16 in force at 29.11.1999, see **reg. 1(3)**

17. Bottles or cans for carbonated drinks for final consumption;

Commencement Information
I17 Sch. 1 para. 17 in force at 29.11.1999, see **reg. 1(3)**

18. Vessels designed for the transport and distribution of drinks having a PS.V of not more than 500 bar-L and a maximum allowable pressure not exceeding 7 bar;

Commencement Information
I18 Sch. 1 para. 18 in force at 29.11.1999, see **reg. 1(3)**

19. Equipment covered by the ADR(**11**), the RID(**12**), the IMDG(**13**) and the ICAO Convention(**14**);

Commencement Information
I19 Sch. 1 para. 19 in force at 29.11.1999, see **reg. 1(3)**

20. Radiators and pipes in warm water heating systems;

Commencement Information
I20 Sch. 1 para. 20 in force at 29.11.1999, see **reg. 1(3)**

21. Vessels designed to contain liquids with a gas pressure above the liquid of not more than 0.5 bar.

(**11**) ADR=European Agreement concerning the International Carriage of Dangerous Goods by Road.
(**12**) RID=Regulations concerning the International Carriage of Dangerous Goods by Rail.
(**13**) IMDG=International Maritime Dangerous Goods Code.
(**14**) ICAO=International Civil Aviation Organisation.

Commencement Information
I21 Sch. 1 para. 21 in force at 29.11.1999, see **reg. 1(3)**

SCHEDULE 2

Regulations 2(2), 7(5), 8(5), 14, 16(1), 19, 20(7)(a)

(Annex I to the Pressure Equipment Directive)
ESSENTIAL SAFETY REQUIREMENTS

Commencement Information
I22 Sch. 2 in force at 31.8.1999 for specified purposes and 29.11.1999 otherwise, see **reg. 1(2)**(3)

PRELIMINARY OBSERVATIONS

1. The obligations arising from the essential requirements listed in this Annex for pressure equipment also apply to assemblies where the corresponding hazard exists.

2. The essential requirements laid down in the Directive are compulsory. The obligations laid down in these essential requirements apply only if the corresponding hazard exists for the pressure equipment in question when it is used under conditions which are reasonably foreseeable by the manufacturer.

3. The manufacturer is under an obligation to analyse the hazards in order to identify those which apply to his equipment on account of pressure; he must then design and construct it taking account of his analysis.

4. The essential requirements are to be interpreted and applied in such a way as to take account of the state of the art and current practice at the time of design and manufacture as well as of technical and economic considerations which are consistent with a high degree of health and safety protection.

1 GENERAL

1

1.1. Pressure equipment must be designed, manufactured and checked, and if applicable equipped and installed, in such a way as to ensure its safety when put into service in accordance with the manufacturer's instructions, or in reasonably foreseeable conditions.

1.2. In choosing the most appropriate solutions, the manufacturer must apply the principles set out below in the following order:

— eliminate or reduce hazards as far as is reasonably practicable,

— apply appropriate protection measures against hazards which cannot be eliminated,

— where appropriate, inform users of residual hazards and indicate whether it is necessary to take appropriate special measures to reduce the risks at the time of installation and/or use.

1.3. Where the potential for misuse is known or can be clearly foreseen, the pressure equipment must be designed to prevent danger from such misuse or, if that is not possible, adequate warning given that the pressure equipment must not be used in that way.

2 DESIGN

2

2.1. General

The pressure equipment must be properly designed taking all relevant factors into account in order to ensure that the equipment will be safe throughout its intended life.

The design must incorporate appropriate safety coefficients using comprehensive methods which are known to incorporate adequate safety margins against all relevant failure modes in a consistent manner.

2.2. Design for adequate strength

(2.2.1) The pressure equipment must be designed for loadings appropriate to its intended use and other reasonably foreseeable operating conditions. In particular, the following factors must be taken into account:

- internal/external pressure,
- ambient and operational temperatures,
- static pressure and mass of contents in operating and test conditions,
- traffic, wind, earthquake loading,
- reaction forces and moments which result from the supports, attachments, piping, etc.,
- corrosion and erosion, fatigue, etc.,
- decomposition of unstable fluids.

Various loadings which can occur at the same time must be considered, taking into account the probability of their simultaneous occurrence.

(2.2.2) Design for adequate strength must be based on:

- as a general rule, a calculation method, as described in 2.2.3, and supplemented if necessary by an experimental design method as described in 2.2.4, or
- an experimental design method without calculation, as described in 2.2.4, when the product of the maximum allowable pressure PS and the volume V is less than 6 000 bar-L or the product PS-DN less than 3 000 bar.

(2.2.3) Calculation method

(a) Pressure containment and other loading aspects

The allowable stresses for pressure equipment must be limited having regard to reasonably foreseeable failure modes under operating conditions. To this end, safety factors must be applied to eliminate fully any uncertainty arising out of manufacture, actual operational conditions, stresses, calculation models and properties and behaviour of the material.

These calculation methods must provide sufficient safety margins consistent, where applicable, with the requirements of section 7.

The requirements set out above may be met by applying one of the following methods, as appropriate, if necessary as a supplement to or in combination with another method:

- design by formula,
- design by analysis,
- design by fracture mechanics;

(b) Resistance

Appropriate design calculations must be used to establish the resistance of the pressure equipment concerned.

In particular:

— the calculation pressures must not be less than the maximum allowable pressures and take into account static head and dynamic fluid pressures and the decomposition of unstable fluids. Where a vessel is separated into individual pressure-containing chambers, the partition wall must be designed on the basis of the highest possible chamber pressure relative to the lowest pressure possible in the adjoining chamber,

— the calculation temperatures must allow for appropriate safety margins,

— the design must take appropriate account of all possible combinations of temperature and pressure which might arise under reasonably foreseeable operating conditions for the equipment,

— the maximum stresses and peak stress concentrations must be kept within safe limits,

— the calculation for pressure containment must utilise the values appropriate to the properties of the material, based on documented data, having regard to the provisions set out in section 4 together with appropriate safety factors. Material characteristics to be considered, where applicable, include:

yield strength, 0.2% or 1.0% proof strength as appropriate at calculation temperature,

tensile strength,

time-dependent strength, i.e. creep strength,

fatigue data,

Young's modulus (modulus of elasticity),

appropriate amount of plastic strain,

impact strength,

fracture toughness,

appropriate joint factors must be applied to the material properties depending, for example, on the type of non-destructive testing, the materials joined and the operating conditions envisaged,

the design must take appropriate account of all reasonably foreseeable degradation mechanisms (e.g. corrosion, creep, fatigue) commensurate with the intended use of the equipment. Attention must be drawn, in the instructions referred to in section 3.4, to particular features of the design which are relevant to the life of the equipment, for example:

for creep: design hours of operation at specified temperatures,

for fatigue: design under number of cycles at specified stress levels,

for corrosion: design corrosion allowance;

(c) Stability aspects

Where the calculated thickness does not allow for adequate structural stability, the necessary measures must be taken to remedy the situation taking into account the risks from transport and handling.

(2.2.4) Experimental design method

The design of the equipment may be validated, in all or in part, by an appropriate test programme carried out on a sample representative of the equipment or the category of equipment.

The test programme must be clearly defined prior to testing and accepted by the notified body responsible for the design conformity assessment module, where it exists.

This programme must define test conditions and criteria for acceptance or refusal. The actual values of the essential dimensions and characteristics of the materials which constitute the equipment tested shall be measured before the test.

Where appropriate, during tests, it must be possible to observe the critical zones of the pressure equipment with adequate instrumentation capable of registering strains and stresses with sufficient precision.

The test programme must include:

(a) A pressure strength test, the purpose of which is to check that, at a pressure with a defined safety margin in relation to the maximum allowable pressure, the equipment does not exhibit significant leaks or deformation exceeding a determined threshold.

The test pressure must be determined on the basis of the differences between the values of the geometrical and material characteristics measures under test conditions and the values used for design purposes; it must take into account the differences between the test and design temperatures;

(b) where the risk of creep or fatigue exists, appropriate tests determined on the basis of the service conditions laid down for the equipment, for instance hold time at specified temperatures, number of cycles at specified stress-levels, etc;

(c) where necessary, additional tests concerning other factors referred to in 2.2.1 such as corrosion, external damage, etc.

2.3. Provisions to ensure safe handling and operation

The method of operation specified for pressure equipment must be such as to preclude any reasonably foreseeable risk in operation of the equipment. Particular attention must be paid, where appropriate to:

— closures and openings,

— dangerous discharge of pressure relief blow-off,

— devices to prevent physical access whilst pressure or a vacuum exists,

— surface temperature taking into consideration the intended use,

— decomposition of unstable fluids.

In particular, pressure equipment fitted with an access door must be equipped with an automatic or manual device enabling the user easily to ascertain that the opening will not present any hazard.

Furthermore, where the opening can be operated quickly, the pressure equipment must be fitted with a device to prevent it being opened whenever the pressure of temperature of the fluid presents a hazard.

2.4. Means of examination

(a) Pressure equipment must be designed and constructed so that all necessary examinations to ensure safety can be carried out;

(b) Means of determining the internal condition of the equipment must be available, where it is necessary to ensure the continued safety of the equipment, such as access openings, allowing physical access to the inside of the pressure equipment so that appropriate examinations can be carried out safely and ergonomically;

(c) Other means of ensuring the safe condition of the pressure equipment may be applied:

— where it is too small for physical internal access, or

— where opening the pressure equipment would adversely affect the inside, or

— where the substance contained has been shown not to be harmful to the material from which the pressure equipment is made and no other internal degradation mechanisms are reasonably foreseeable.

2.5. Means of draining and venting

Adequate means must be provided for the draining and venting of pressure equipment where necessary:

— to avoid harmful effects such as water hammer, vacuum collapse, corrosion and uncontrolled chemical reactions. All stages of operation and testing, particularly pressure testing, must be considered,

— to permit cleaning, inspection and maintenance in a safe manner.

2.6. Corrosion or other chemical attack

Where necessary, adequate allowance or protection against corrosion or other chemical attack must be provided, taking due account of the intended and reasonably foreseeable use.

2.7. Wear

Where severe conditions of erosion or abrasion may arise, adequate measures must be taken to:

— minimise that effect by appropriate design, e.g. additional material thickness, or by the use of liners or cladding materials,

— permit replacement of parts which are most affected,

— draw attention, in the instructions referred to in 3.4, to measures necessary for continued safe use.

2.8. Assemblies

Assemblies must be so designed that:

— the components to be assembled together are suitable and reliable for their duty,

— all the components are properly integrated and assembled in an appropriate manner.

2.9. Provisions for filling and discharge

Where appropriate, the pressure equipment must be so designed and provided with accessories, or provision made for their fitting, as to ensure safe filling and discharge in particular with respect to hazards such as:

(a) on filling:

— overfilling or overpressurisation having regard in particular to the filling ratio and to vapour pressure at the reference temperature,

— instability of the pressure equipment;

(b) on discharge: the uncontrolled release of the pressurised fluid;

(c) on filling or discharge: unsafe connection and disconnection.

2.10. Protection against exceeding the allowable limits of pressure equipment

Where, under reasonably foreseeable conditions, the allowable limits could be exceeded, the pressure equipment must be fitted with, or provision made for the fitting of, suitable protective devices, unless the equipment is intended to be protected by other protective devices within an assembly.

The suitable device or combination of such devices must be determined on the basis of the particular characteristics of the equipment or assembly.

Suitable protective devices and combinations thereof comprise:

(a) safety accessories as defined in Article 1, section 2.1.3,

(b) where appropriate, adequate monitoring devices such as indicators and/or alarms which enable adequate action to be taken either automatically or manually to keep the pressure equipment within the allowable limits.

2.11. Safety accessories

(2.11.1) Safety accessories must:

— be so designed and constructed as to be reliable and suitable for their intended duty and take into account the maintenance and testing requirements of the devices, where applicable,

— be independent of other functions, unless their safety function cannot be affected by such other functions,

— comply with appropriate design principles in order to obtain suitable and reliable protection. These principles include, in particular, fail-safe modes, redundancy, diversity and self-diagnosis.

(2.11.2) Pressure limiting devices

These devices must be so designed that the pressure will not permanently exceed the maximum allowable pressure PS; however a short duration pressure surge in keeping with the specifications laid down in 7.3 is allowable, where appropriate.

(2.11.3) Temperature monitoring devices

These devices must have an adequate response time on safety grounds, consistent with the measurement function.

2.12. External fire

Where necessary, pressure equipment must be so designed and, where appropriate, fitted with suitable accessories, or provision made for their fitting, to meet damage-limitation requirements in the event of external fire, having particular regard to its intended use.

3 MANUFACTURING

3

3.1. Manufacturing procedures

The manufacturer must ensure the competent execution of the provisions set out at the design stage by applying the appropriate techniques and relevant procedures, especially with a view to the aspects set out below.

(3.1.1) Preparation of the component parts

Preparation of the component parts (e.g. forming and chamfering) must not give rise to defects or cracks or changes in the mechanical characteristics likely to be detrimental to the safety of the pressure equipment.

(3.1.2) Permanent joining

Permanent joints and adjacent zones must be free of any surface or internal defects detrimental to the safety of the equipment.

The properties of permanent joints must meet the minimum properties specified for the materials to be joined unless other relevant property values are specifically taken into account in the design calculations.

For pressure equipment, permanent joining of components which contribute to the pressure resistance of equipment and components which are directly attached to them must be carried out by suitably qualified personnel according to suitable operating procedures.

For pressure equipment in categories II, III and IV, operating procedures and personnel must be approved by a competent third party which, at the manufacturer's discretion, may be:

— a notified body,

— a third-party organisation recognised by a Member State as provided for in Article 13.

To carry out these approvals the third party must perform examinations and tests as set out in the appropriate harmonised standards or equivalent examinations and tests or must have them performed.

(3.1.3) Non-destructive tests

For pressure equipment, non-destructive tests of permanent joints must be carried out by suitable qualified personnel. For pressure equipment of categories III and IV, the personnel must be approved by a third-party organisation recognised by a Member State pursuant to Article 13.

(3.1.4) Heat treatment

Where there is a risk that the manufacturing process will change the material properties to an extent which would impair the safety of the pressure equipment, suitable heat treatment must be applied at the appropriate stage of manufacture.

(3.1.5) Traceability

Suitable procedures must be established and maintained for identifying the material making up the components of the equipment which contribute to pressure resistance by suitable means from receipt, through production, up to the final test of the manufactured pressure equipment.

3.2. Final assessment

Pressure equipment must be subjected to final assessment as described below.

(3.2.1) Final inspection

Pressure equipment must undergo a final inspection to assess visually and by examination of the accompanying documents compliance with the requirements of the Directive. Test carried out during manufacture may be taken into account. As far as is necessary on safety grounds, the final inspection must be carried out internally and externally on every part of the equipment, where appropriate in the course of manufacture (e.g. where examination during the final inspection is no longer possible).

(3.2.2) Proof test

Final assessment of pressure equipment must include a test for the pressure containment aspect, which will normally take the form of a hydrostatic pressure test at a pressure at least equal, where appropriate, to the value laid down in 7.4.

For category 1 series-produced pressure equipment, this test may be performed on a statistical basis.

Where the hydrostatic pressure test is harmful or impractical, other tests of a recognised value may be carried out. For tests other than the hydrostatic pressure test, additional measures, such as non-destructive tests or other methods of equivalent validity, must be applied before those tests are carried out.

(3.2.3) Inspection of safety devices

For assemblies, the final assessment must also include a check of the safety devices intended to check full compliance with the requirements referred to in 2.10.

3.3. Marking and labelling

In addition to the CE marking referred to in Article 15, the following information must be provided:

(a) for all pressure equipment:

— the name and address or other means of identification of the manufacturer and, where appropriate, of his authorised representative established within **[**F3the European Union**]**,

— the year of manufacture,

— identification of the pressure equipment according to its nature, such as type, series or batch identification and serial number,

— essential maximum/minimum allowable limits;

(b) depending on the type of pressure equipment, further information necessary for safe installation, operation or use and, where applicable, maintenance and periodic inspection such as:

— the volume V of the pressure equipment in L,

— the nominal size for piping DN,

— the test pressure PT applied in bar and date,

— safety device set pressure in bar,

— output of the pressure equipment in kW,

— supply voltage in V (volts),

— intended use,

— filling ratio kg/L,

— maximum filling mass in kg,

— tare mass in kg,

— the product group;

(c) where necessary, warnings fixed to the pressure equipment drawing attention to misuse which experience has shown might occur.

The CE marking and the required information must be given on the pressure equipment or on a dataplate firmly attached to it, with the following exceptions:

— where applicable, appropriate documentation may be used to avoid repetitive marking of individual parts such as piping components, intended for the same assembly. This applies to CE marking and other marking and labelling referred to in this Annex;

— where the pressure equipment is too small, e.g. accessories, the information referred to in (b) may be given on a label attached to that pressure equipment;

— labelling or other adequate means may be used for the mass to be filled and the warnings referred to in (c), provided it remains legible for the appropriate period of time.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

3.4. Operating instructions

(a) When pressure equipment is placed on the market, it must be accompanied, as far as relevant, with instructions for the user, containing all the necessary safety information relating to:

— mounting including assembling of different pieces of pressure equipment,

— putting into service,

— use,

— maintenance including checks by the user;

(b) Instructions must cover information affixed to the pressure equipment in accordance with 3.3, with the exception of serial identification, and must be accompanied, where appropriate, by the technical documents, drawings and diagrams necessary for a full understanding of these instructions;

(c) If appropriate, these instructions must also refer to hazards arising from misuse in accordance with 1.3 and particular features of the design in accordance with 2.2.3.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

4 MATERIALS

4

Materials used for the manufacture of pressure equipment must be suitable for such application during the scheduled lifetime unless replacement is foreseen.

Welding consumables and other joining materials need fulfil only the relevant requirements of 4.1, 4.2(a) and the first paragraph of 4.3, in an appropriate way, both individually and in a joined structure.

4.1 Materials for pressurised parts must:

(a) have appropriate properties for all operating conditions which are reasonably foreseeable and for all test conditions, and in particular they should be sufficiently ductile and tough. Where appropriate, the characteristics of the materials must comply with the requirements of 7.5. Moreover, due care should be exercised in particular in selecting materials in order to prevent brittle-type fracture where necessary; where for specific reasons brittle material has to be used appropriate measures must be taken;

(b) be sufficiently chemically resistant to the fluid contained in the pressure equipment; the chemical and physical properties necessary for operational safety must not be significantly affected within the scheduled lifetime of the equipment;

(c) not be significantly affected by ageing;

(d) be suitable for the intended processing procedures;

(e) be selected in order to avoid significant undesirable effects when the various materials are put together.

(a) (a) The pressure equipment manufacturer must define in an appropriate manner the values necessary for the design calculations referred to in 2.2.3 and the essential characteristics of the materials and their treatment referred to in 4.1;

(b) the manufacturer must provide in his technical documentation elements relating to compliance with the materials specification of the Directive in one of the following forms:

— by using materials which comply with harmonised standards,

— by using materials covered by a European approval of pressure equipment materials in accordance with Article 11,

— by a particular material appraisal;

(c) for pressure equipment in categories III and IV, particular appraisal as referred to in the third indent of (b) must be performed by the notified body in charge of conformity assessment procedures for the pressure equipment.

4.3. The equipment manufacturer must take appropriate measures to ensure that the material used conforms with the required specification. In particular, documentation prepared by the material manufacturer affirming compliance with a specification must be obtained for all materials.

For the main pressure-bearing parts of equipment in categories II, III and IV, this must take the form of a certificate of specific product control.

Where a material manufacturer has an appropriate quality-assurance system, certified by a competent body established within **[**F3the European Union**]** and having undergone a specific assessment for materials, certificates issued by the manufacturer are presumed to certify conformity with the relevant requirements of this section.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

SPECIFIC PRESSURE EQUIPMENT REQUIREMENTS

In addition to the applicable requirements of sections 1 to 4, the following requirements apply to the pressure equipment covered by sections 5 and 6.

5 FIRED OR OTHERWISE HEATED PRESSURE EQUIPMENT WITH A RISK OF OVERHEATING AS REFERRED TO IN ARTICLE 3(1)

5

This pressure equipment includes:

— steam and hot-water generators as referred to in Article 3, section 1.2, such as fired steam and hot-water boilers, superheaters and reheaters, waste-heat boilers, waste incineration boilers, electrode or immersion-type electrically heated boilers, pressure cookers, together with their accessories and where applicable their systems for treatment of feedwater and for fuel supply, and

— process-heating equipment for other than steam and hot water generation falling under Article 3, section 1.1, such as heaters for chemical and other similar processes and pressurised food-processing equipment.

This pressure equipment must be calculated, designed and constructed so as to avoid to minimise risks of a significant loss of containment from overheating. In particular it must be ensured, where applicable, that:

(a) appropriate means of protection are provided to restrict operating parameters such as heat input, heat take-off and, where applicable, fluid level so as to avoid any risk of local and general overheating,

(b) sampling points are provided where required to allow evaluation of the properties of the fluid so as to avoid risks related to deposits and/or corrosion,

(c) adequate provisions are made to eliminate risks of damage from deposits,

(d) means of safe removal of residual heat after shutdown are provided,

(e) steps are taken to avoid a dangerous accumulation of ignitable mixtures of combustible substances and air, or flame blowback.

6 PIPING AS REFERRED TO IN ARTICLE 3, SECTION 1.3

6

Design and construction must ensure:

(a) that the risk of overstressing from inadmissible free movement or excessive forces being produced, e.g. on flanges, connections, bellows or hoses, is adequately controlled by means such as support, constraint, anchoring, alignment and pre-tension;

(b) that where there is a possibility of condensation occurring inside pipes for gaseous fluids, means are provided for drainage and removal of deposits from low areas to avoid damage from water hammer or corrosion;

(c) that due consideration is given to the potential damage from turbulence and formation of vortices; the relevant parts of 2.7 are applicable;

(d) that due consideration is given to the risk of fatigue due to vibrations in pipes;

(e) that, where fluids of Group 1 are contained in the piping, appropriate means are provided to isolate `take-off' pipes the size of which represents a significant risk;

(f) that the risk of inadvertent discharge is minimised; the take-off points must be clearly marked on the permanent side, indicating the fluid contained;

(g) that the position and route of underground piping is at least recorded in the technical documentation to facilitate safe maintenance, inspection or repair.

7 SPECIFIC QUANTITATIVE REQUIREMENTS FOR CERTAIN PRESSURE EQUIPMENT

7

The following provisions apply as a general rule. However, where they are not applied, including in cases where materials are not specifically referred to and no harmonised standards are applied, the manufacturer must demonstrate that appropriate measures have been taken to achieve an equivalent overall level of safety.

This section is an integral part of Annex 1. The provisions laid down in this section supplement the essential requirements of sections 1 to 6 for the pressure equipment to which they apply.

7.1. Allowable stresses

(7.1.1) Symbols

Re/t, yield limit, indicates the value at the calculation temperature of:

— the upper flow limit for a material presenting upper and lower flow limits,

— the 1.0% proof strength of austenitic steel and non-alloyed aluminium,

— the 0.2% proof strength in other cases.

Rm/20 indicates the minimum value of the ultimate strength 20°C.

Rm/t designates the ultimate strength at the calculation temperature.

(7.1.2) The permissible general membrane stress for predominantly static loads and for temperatures outside the range in which creep is significant must not exceed the smaller of the following values, according to the material used:

- in the case of ferric steel including normalised (normalised rolled) steel and excluding fine-grained steel and specially heat-treated steel, 2/3 of Re/t and 5/12 of Rm/20
- in the case of austenitic steel:
  - if its elongation after rupture exceeds 30%, 2/3 of Re/t
  - or, alternatively, and if its elongation after rupture exceeds 35%, 5/6 of Re/t and 1/3 of Rm/t;
- in the case of non-alloy or low-alloy cast steel, 10/19 Re/t and 1/3 of Rm/20;
- in the case of aluminium, 2/3 of Re/t;
- in the case of aluminium alloys excluding precipitation hardening alloys 2/3 of Re/t and 5/12 of Rm/20.

7.2. Joint coefficients

For welded joints, the joint coefficient must not exceed the following values:

- for equipment subject to destructive and non-destructive tests which confirm that the whole series of joints show no significant defects: 1,
- for equipment subject to random non-destructive testing: 0.85,
- for equipment not subject to non-destructive testing other than visual inspection: 0.7.

If necessary, the type of stress and the mechanical and technological properties of the joint must also be taken into account.

7.3. Pressure limiting devices, particularly for pressure vessels

The momentary pressure surge referred to in 2.11.2 must be kept to 10% of the maximum allowable pressure.

7.4. Hydrostatic test pressure

For pressure vessels, the hydrostatic test pressure referred to in 3.2.2 must be no less than:

- that corresponding to the maximum loading to which the pressure equipment may be subject in service taking into account its maximum allowable pressure and its maximum allowable temperature, multiplied by the coefficient 1.25 or
- the maximum allowable pressure multiplied by the coefficient 1.43, whichever is the greater.

7.5. Material characteristics

Unless other values are required in accordance with other criteria that must be taken into account, a steel is considered as sufficiently ductile to satisfy 4.1(a) if, in a tensile test carried out by a standard procedure, its elongation after rupture is no less than 14% and its bending rupture energy measured on an ISO IV test-piece is no less than 27 J, at a temperature not greater than 20°C but not higher than the lowest scheduled operating temperature.

SCHEDULE 3

Regulation 12

(Annex II to the Pressure Equipment Directive)
CONFORMITY ASSESSMENT TABLES

Commencement Information
I23 Sch. 3 in force at 29.11.1999, see **reg. 1(3)**

1. The references in the tables to categories of modules are the following:

I = Module A
II = Modules A1, D1, E1
III = Modules B1+D, B1+F, B+E, B+C1, H
IV = Modules B+D, B+F, G, H1

2. The safety accessories defined in Article 1, Section 2.1.3, and referred to in Article 3, Section 1.4, are classified in category IV. However, by way of exception, safety accessories manufactured for specific equipment may be classified in the same category as the equipment they protect.

3. The pressure accessories defined in Article 1, Section 2.1.4, and referred to in Article 3, Section 1.4, are classified on the basis of:

— their maximum allowable pressure PS, and

— their volume V or their nominal size DN, as appropriate, and

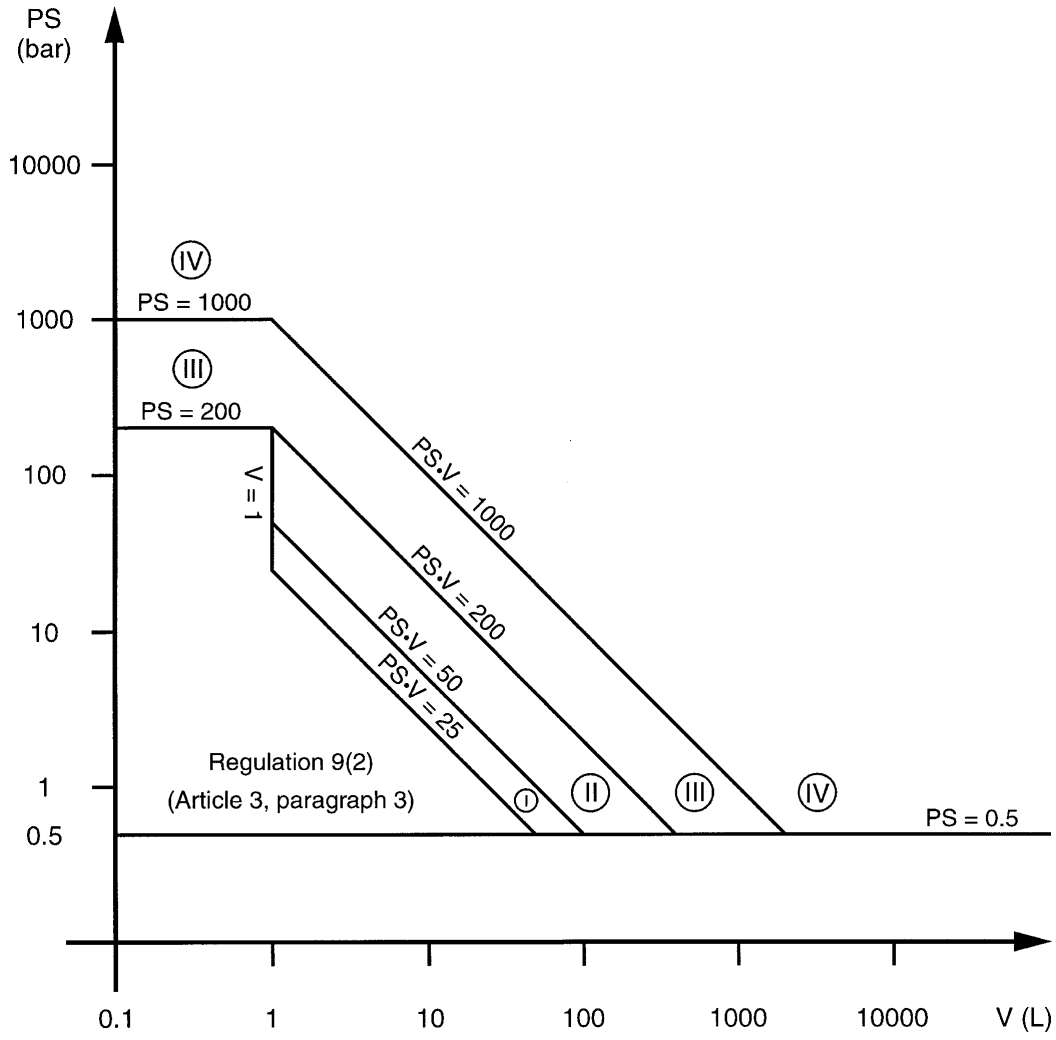
— the group of fluids for which they are intended,

and the appropriate table for vessels or piping is to be used to determine the conformity assessment category.

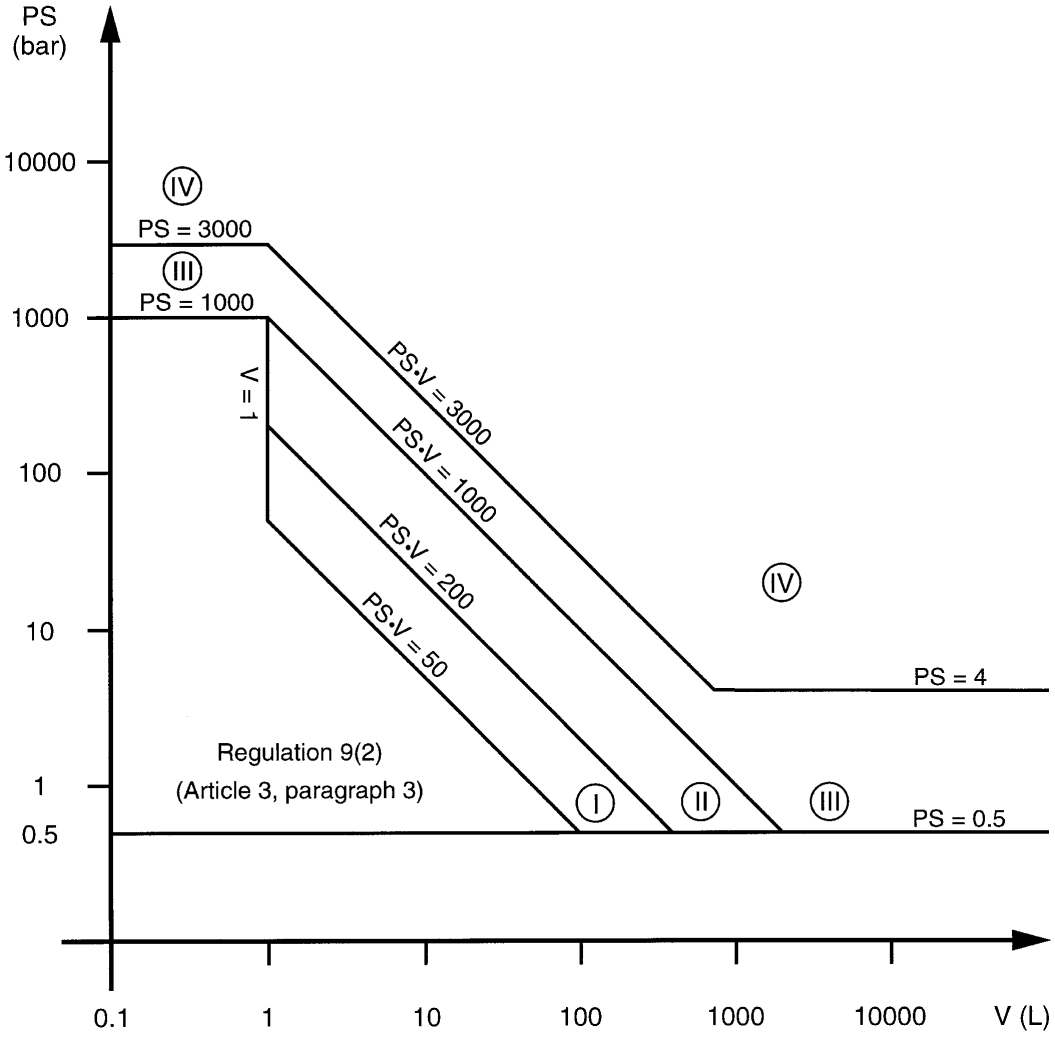
Where both the volume and the nominal size are considered appropriate in the second indent, the pressure accessory must be classified in the highest category.

4. The demarcation lines in the following conformity assessment tables indicate the upper limit for each category.

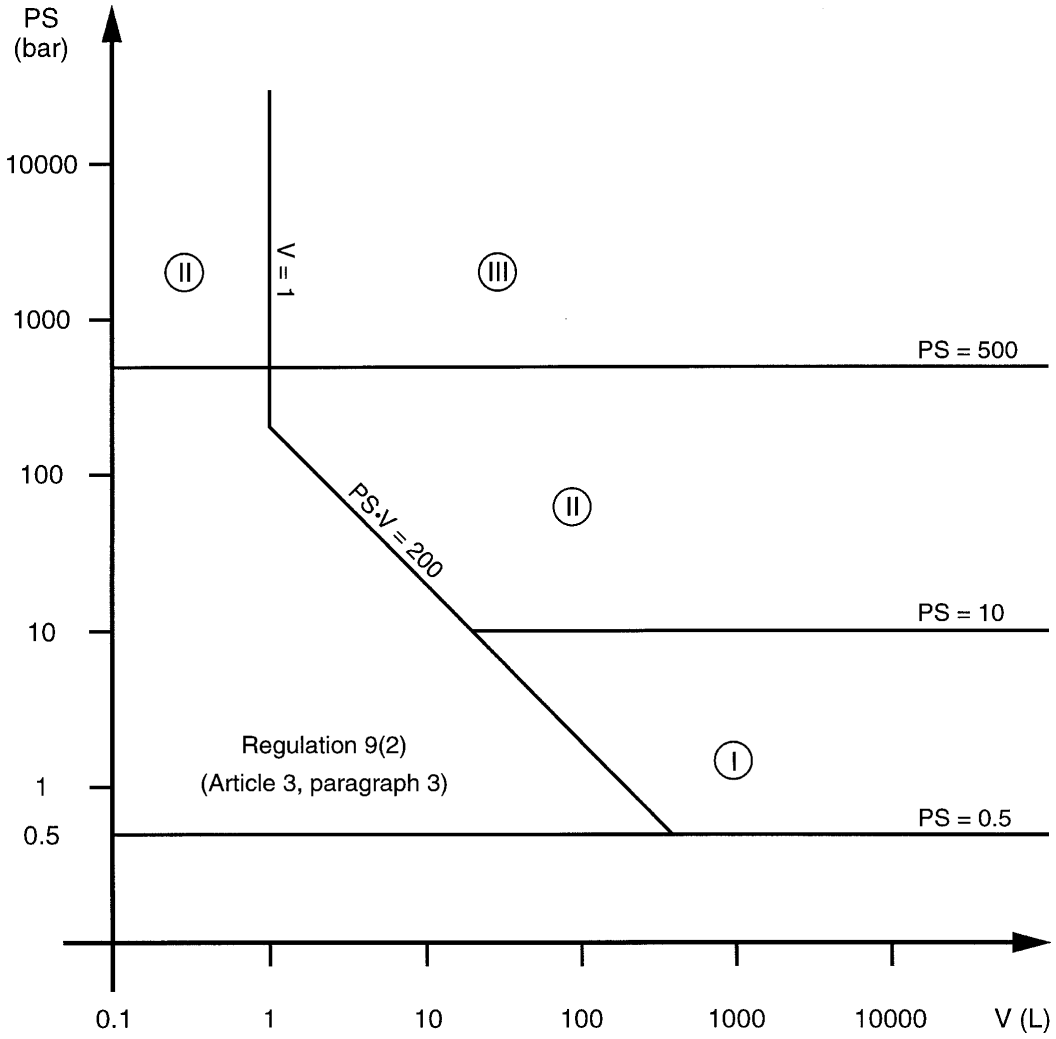
Vessels referred to in Article 3, Section 1.1(a), first indent
Table 1Vessels referred to in Article 3, Section 1.1(a), first indentExceptionally, vessels intended to contain an unstable gas and falling within categories I or II on the basis of Table 1 must be classified in category III.



Vessels referred to in Article 3, Section 1.1(a), second indent
Table 2Vessels referred to in Article 3, Section 1.1(a), second indentExceptionally, portable extinguishers and bottles for breathing equipment must be classified at least in category III



Vessels referred to in Article 3, Section 1.1(b), first indent
Table 3Vessels referred to in Article 3, Section 1.1(b), first indent



Vessels referred to in Article 3, Section 1.1(b), second indent

Table 4Vessels referred to in Article 3, Section 1.1(b), second indentExceptionally, assemblies intended for generating warm water as referred to in Article 3, Section 2.3, must be subject either to an EC design examination (Module B1) with respect to their conformity with the essential requirements referred to in Sections 2.10, 2.11, 3.4, 5(a) and 5(d) of Annex I, or to full quality assurance (Module H).

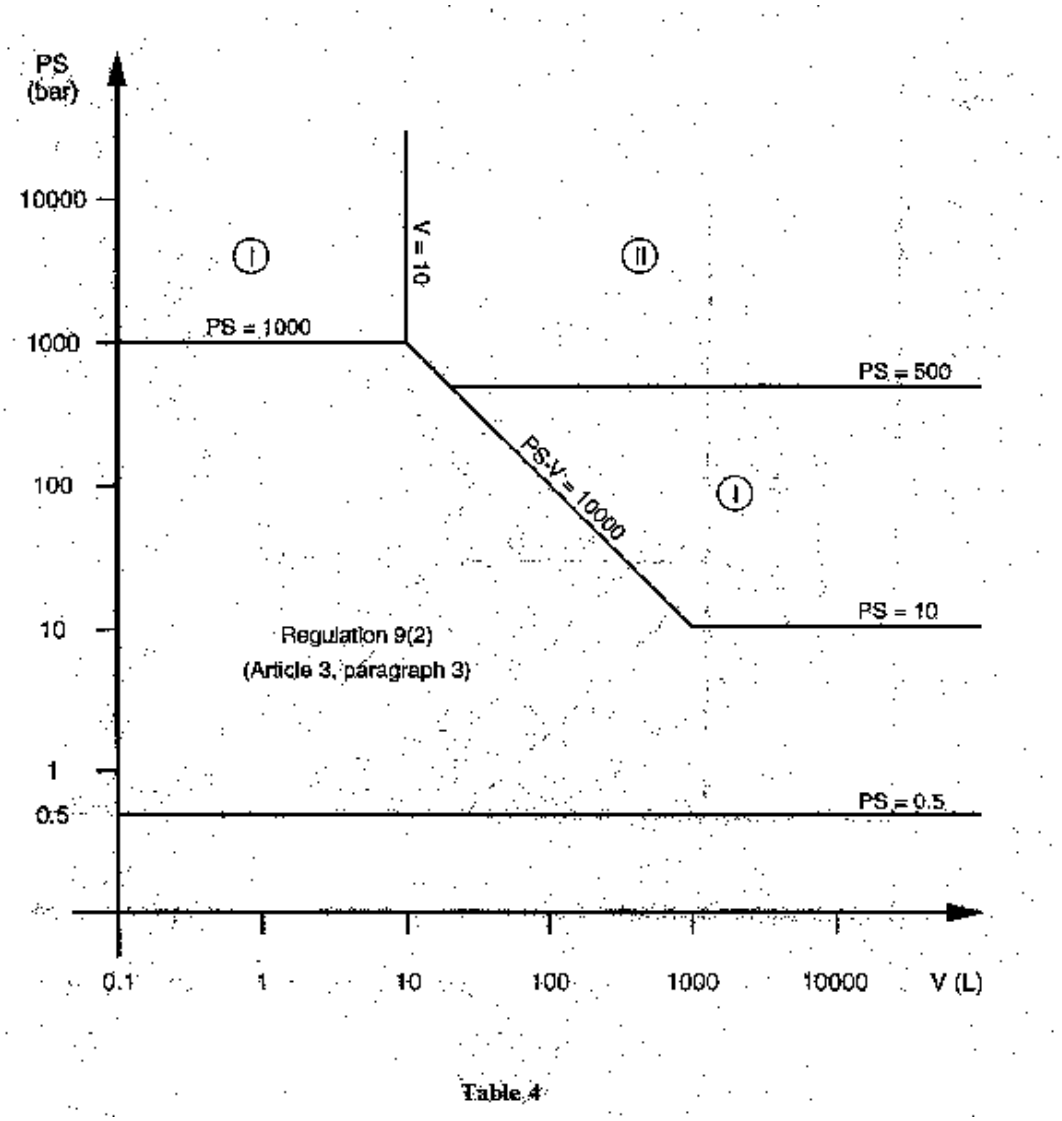


Table 4

Pressure equipment referred to in Article 3, Section 1.2

Table 5Pressure equipment referred to in Article 3, Section 1.2Exceptionally, the design of pressure-cookers must be subject to a conformity assessment procedure equivalent to at least one of the category III modules.

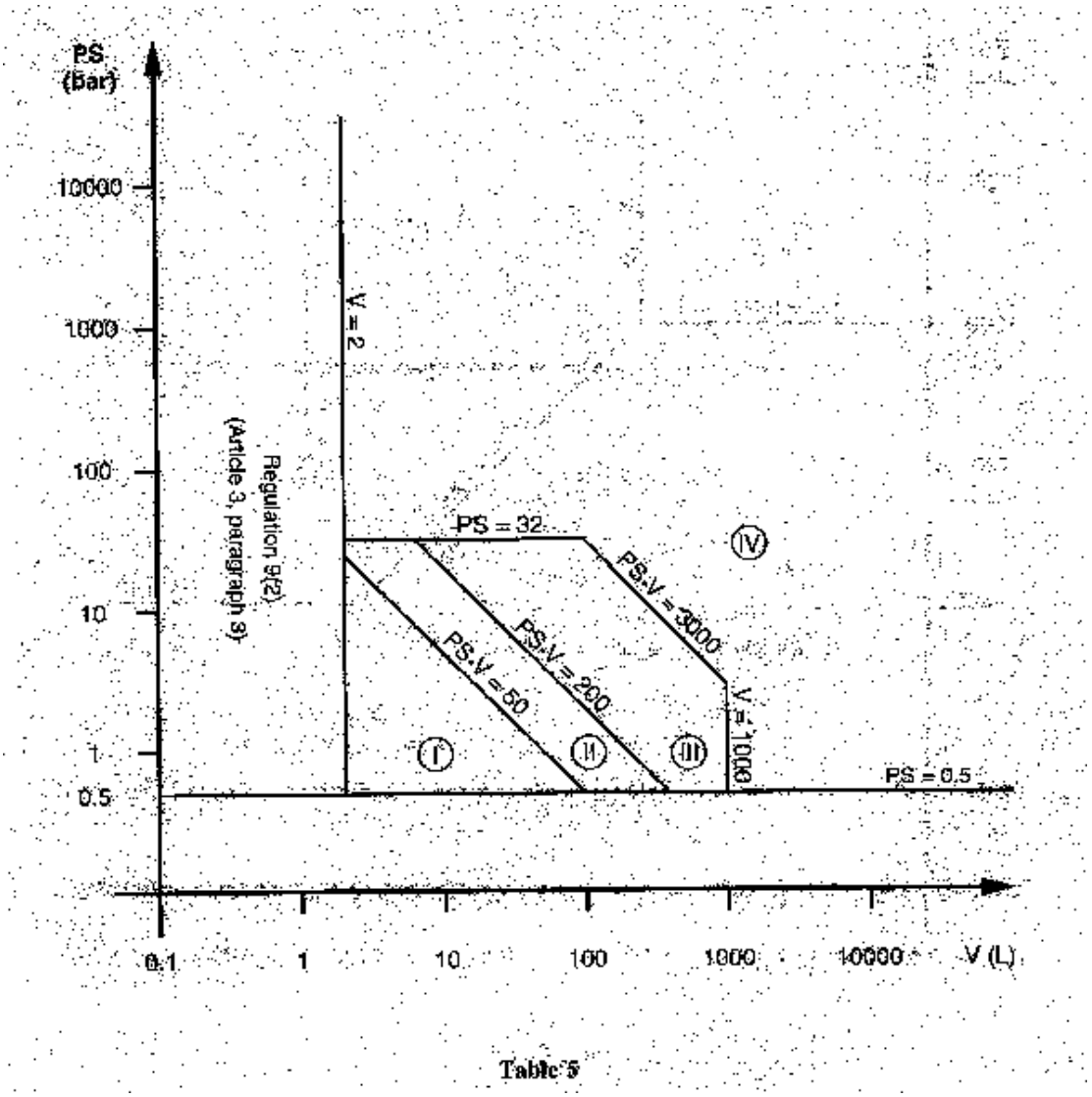


Table 5

Piping referred to in Article 3, Section 1.3(a), first indent

Table 6Piping referred to in Article 3, Section 1.3(a), first indentExceptionally, piping intended for unstable gases and falling within categories I or II on the basis of Table 6 must be classified in category III.

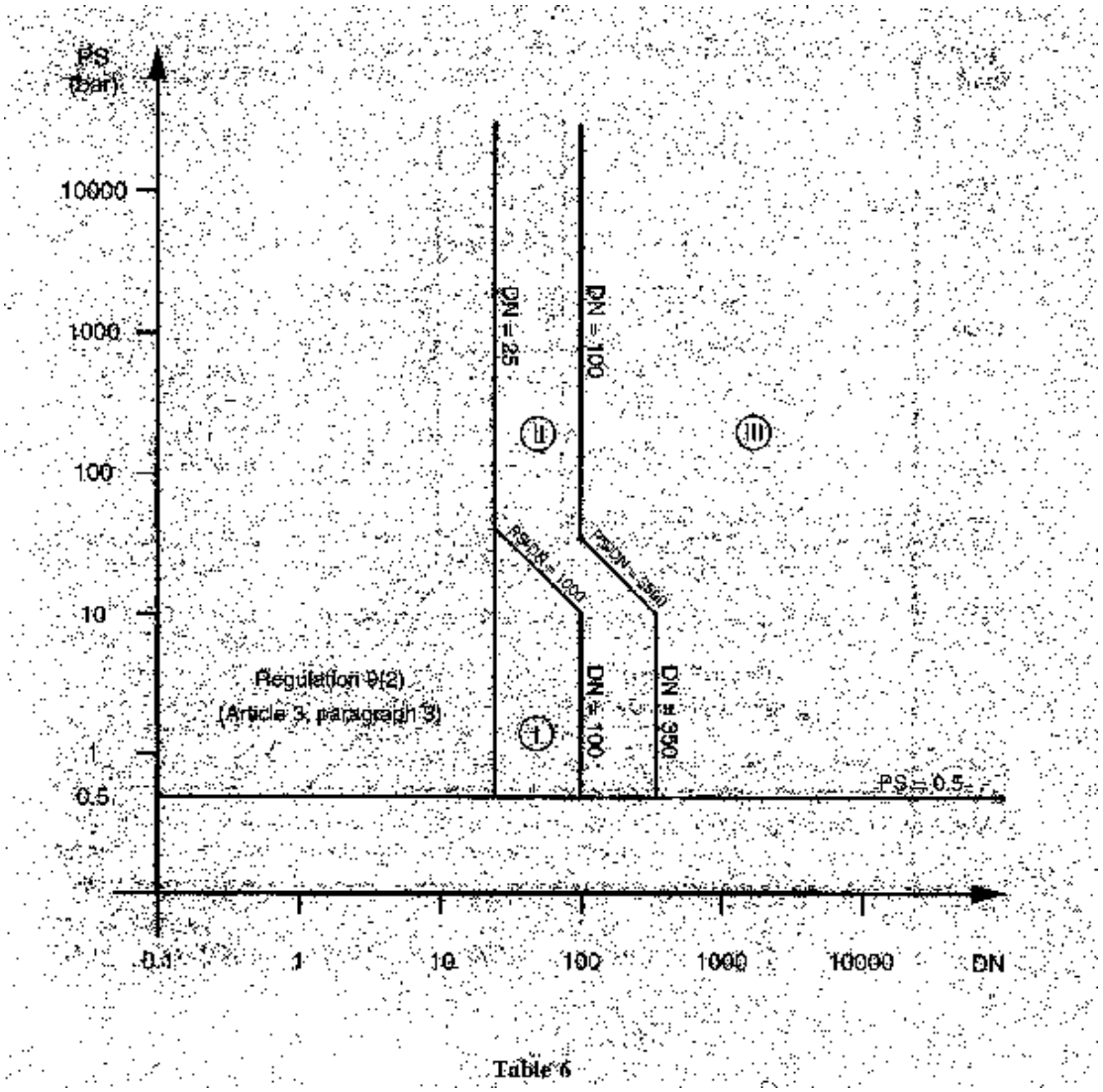


Table 6

Piping referred to in Article 3, Section 1.3(a), second indent

Table 7Piping referred to in Article 3, Section 1.3(a), second indentExceptionally, all piping containing fluids at a temperature greater than 350°C and falling within category II on the basis of Table 7 must be classified in category III.

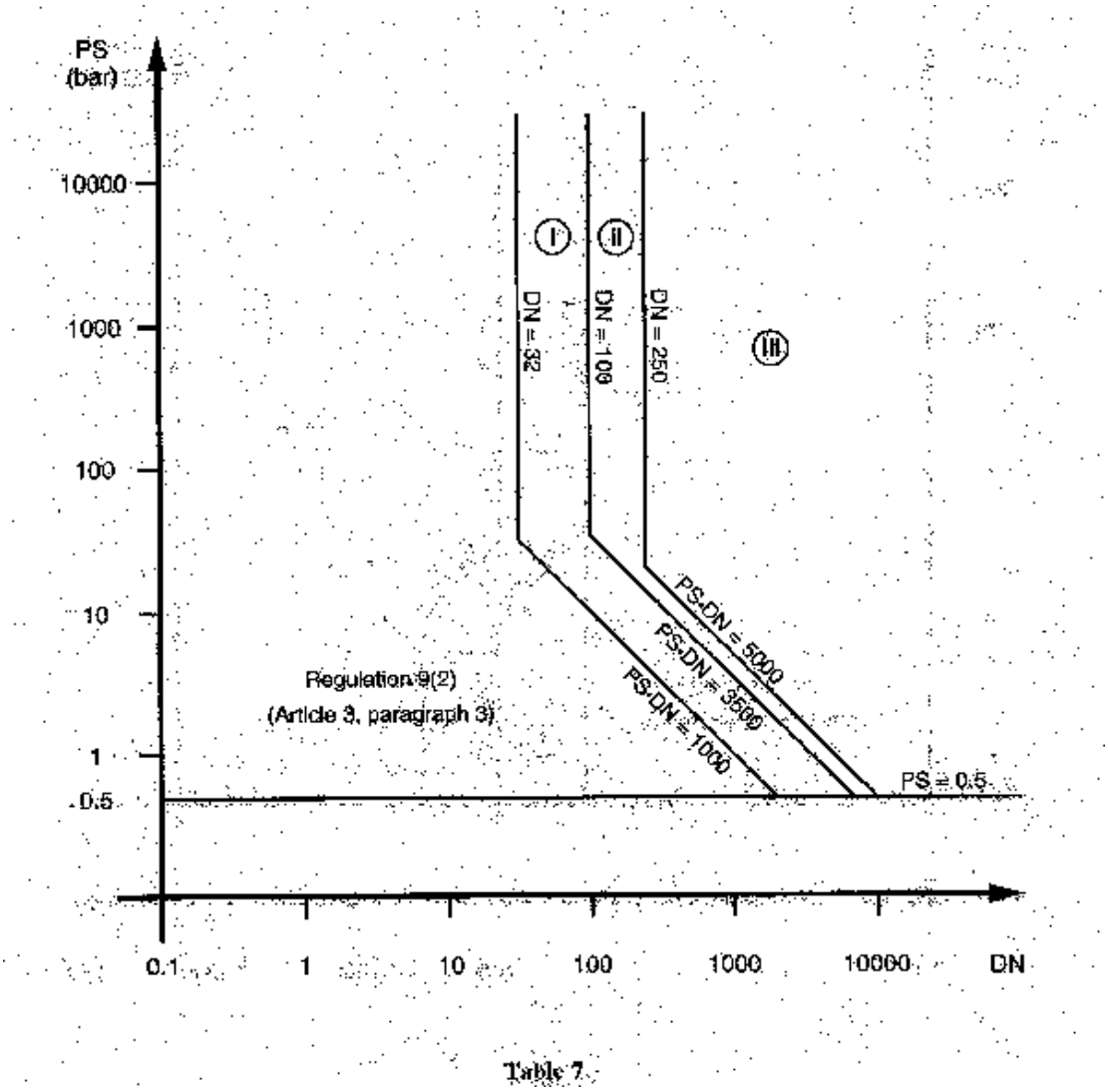
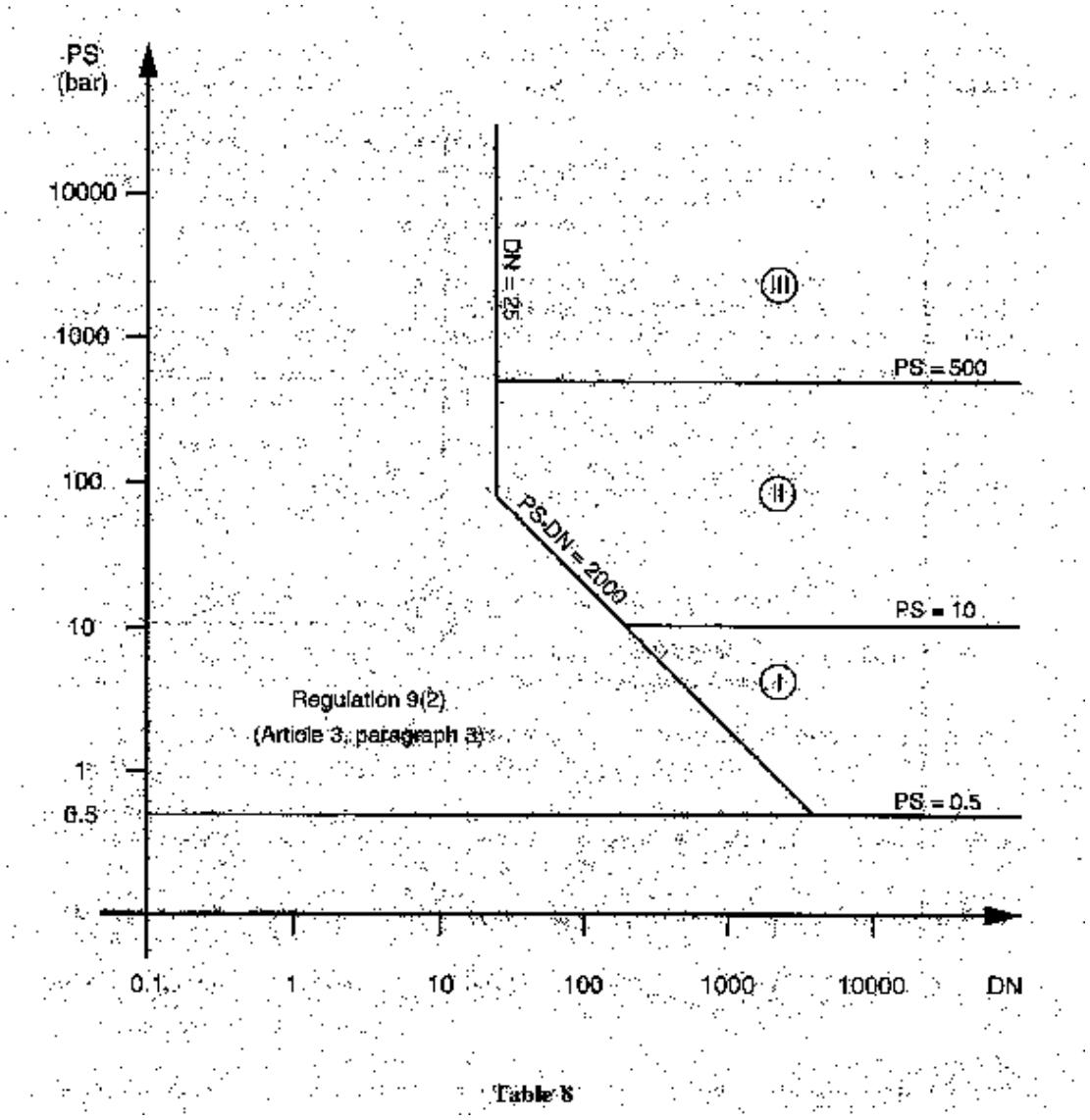


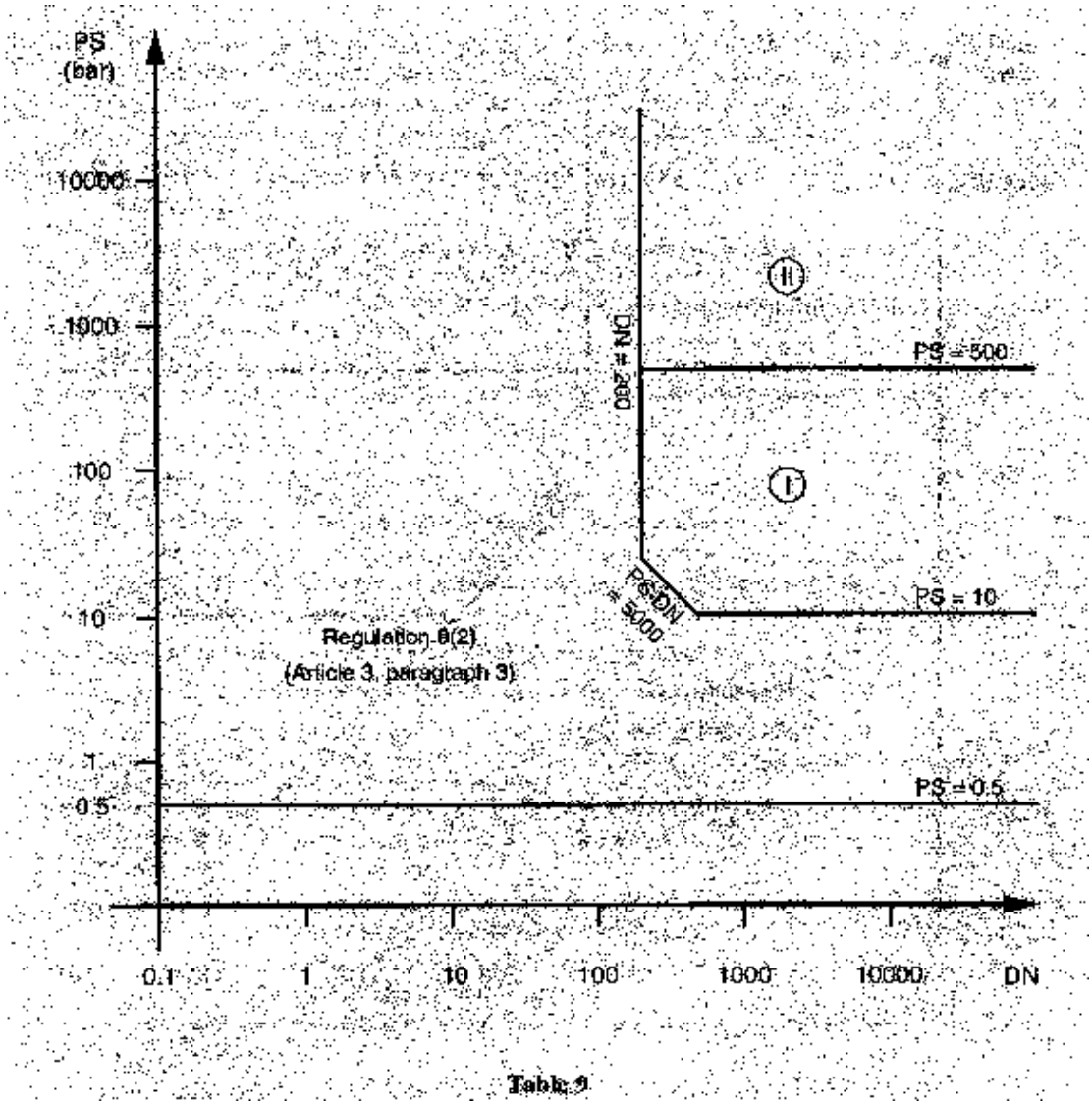
Table 7

Piping referred to in Article 3, Section 1.3(b), first indent

Table 8Piping referred to in Article 3, Section 1.3(b), first indent



Piping referred to in Article 3, Section 1.3(b), second indent
Table 9Piping referred to in Article 3, Section 1.3(b), second indent



SCHEDULE 4 Regulation 13

(Annex III to the Pressure Equipment Directive)
CONFORMITY ASSESSMENT PROCEDURES

Commencement Information
I24 Sch. 4 in force at 29.11.1999, see **reg. 1(3)**

The obligations arising from the provisions on pressure equipment in this Annex also apply to assemblies.

Module A (internal production control)

1. This module describes the procedure whereby the manufacturer or his authorised representative established within **[**[F3]the European Union**]** who carries out the obligations laid down in section 2 ensures and declares that pressure equipment satisfies the requirements of the Directive which apply to it. The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must affix the CE marking to each item of pressure equipment and draw up a written declaration of conformity.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

2. The manufacturer must draw up the technical documentation described in section 3 and either the manufacturer or his authorised representative established within **[**[F3]the European Union**]**must keep it at the disposal of the relevant national authorities for inspection purposes for a period of ten years after the last of the pressure equipment has been manufactured.

Where neither the manufacturer nor his authorised representative is established within **[**[F3]the European Union**]**, the obligation to keep the technical documentation available is the responsibility of the person who places the pressure equipment on the Community market.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

3. The technical documentation must enable an assessment to be made of the conformity of the pressure equipment with the requirements of the Directive which apply to it. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of the pressure equipment and contain:

— a general description of the pressure equipment,

— conceptual design and manufacturing drawings and diagrams of components, sub-assem blies, circuits, etc.,

— descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the pressure equipment,

— a list of the standards referred to in Article 5, applied in full or in part, and a description of the solutions adopted to meet the essential requirements of the Directive where the standards referred to in Article 5 have not been applied,

— results of design calculations made, examinations carried out, etc.,

— test reports.

2. The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must keep a copy of the declaration of conformity with the technical documentation.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

5. The manufacturer must take all measures necessary to ensure that the manufacturing process requires the manufactured pressure equipment to comply with the technical documen tation referred to in section 2 and with the requirements of the Directive which apply to it.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module A1 (internal manufacturing checks with monitoring of the final assess ment)

In addition to the requirements of module A, the following applies.

Final assessment must be performed by the manufacturer and monitored by means of unexpected visits by a notified body chosen by the manufacturer.

During such visits, the notified body must:

— establish that the manufacturer actually performs final assessment in accordance with section 3.2 of Annex I,

— take samples of pressure equipment at the manufacturing or storage premises in order to conduct checks. The notified body assesses the number of items of equipment to sample and whether it is necessary to perform, or have performed, all or part of the final assessment of the pressure equipment samples.

Should one or more of the items of pressure equipment not conform, the notified body must take appropriate measures.

On the responsibility of the notified body, the manufacturer must affix the former's identification number on each item of pressure equipment.

Module B (EC type-examination)

1. This module describes the part of the procedure by which a notified body ascertains and attests that a representative example of the production in question meets the provisions of the Directive which apply to it.

2. The application for EC type-examination must be lodged by the manufacturer or by his authorised representative established within **[**F3the European Union**]** with a single notified body of his choice.

The application must include:

— the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well,

— a written declaration that the same application has not been lodged with any other notified body,

— the technical documentation described in section 3.

The applicant must place at the disposal of the notified body a representative example of the production envisaged, hereinafter called `type'. The notified body may request further examples should the test programme so require.

A type may cover several versions of pressure equipment provided that the differences between the versions do not affect the level of safety.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

3. The technical documentation must enable an assessment to be made of the conformity of the pressure equipment with the requirements of the Directive which apply to it. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of the pressure equipment and contain:

— a general description of the type,

— conceptual design and manufacturing drawings and diagrams of components, sub-assem blies, circuits, etc.,

— descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the pressure equipment,

— a list of the standards referred to in Article 5, applied in full or in part, and descriptions of the solutions adopted to meet the essential requirements of the Directive where the standards referred to in Article 5 have not been applied,

— results of design calculations made, examinations carried out, etc.,

— test reports,

— information concerning the tests provided for in manufacture,

— information concerning the qualifications or approvals required under sections 3.1.2 and 3.1.3 of Annex I.

4. The notified body must:

(4.1) examine the technical documentation, verify that the type has been manufactured in conformity with it and identify the components designed in accordance with the relevant provisions of the standards referred to in Article 5, as well as those designed without applying the provisions of those standards.

In particular, the notified body must:

— examine the technical documentation with respect to the design and the manufacturing procedures,

— assess the materials used where these are not in conformity with the relevant harmonised standards or with a European approval for pressure equipment materials, and check the certificate issued by the material manufacturer in accordance with section 4.3 of Annex I,

— approve the procedures for the permanent joining of pressure equipment parts, or check that they have been previously approved in accordance with section 3.1.2 of Annex I,

— verify that the personnel undertaking the permanent joining of pressure equipment parts and the non-destructive tests are qualified or approved in accordance with sections 3.1.2 or 3.1.3 of Annex I.

(4.2) perform or have performed the appropriate examinations and necessary tests to establish whether the solutions adopted by the manufacturer meet the essential requirements of the Directive where the standards referred to in Article 5 have not been applied.

(4.3) perform or have performed the appropriate examinations and necessary tests to establish whether, where the manufacturer has chosen to apply the relevant standards, these have actually been applied.

(4.4) agree with the applicant the location where the examinations and necessary tests are to be carried out.

5. Where the type satisfies the provisions of the Directive which apply to it, the notified body must issue an EC type-examination certificate to the applicant. The certificate, which should be valid for ten years and be renewable, must contain the name and address of the manufacturer, the conclusions of the examination and the necessary data for identification of the approved type.

A list of the relevant parts of the technical documentation must be annexed to the certificate and a copy kept by the notified body.

If the notified body refuses to issue an EC type-examination certificate to the manufacturer or to his authorised representative established within **[**F3the European Union**]**, that body must provide detailed reasons for such refusal. Provision must be made for an appeals procedure.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

6. The applicant must inform the notified body that holds the technical documentation concerning the EC type-examination certificate of all modifications to the approved pressure equipment; these are subject to additional approval where they may affect conformity with the essential requirements or the prescribed conditions for use of the pressure equipment. This additional approval must be given in the form of an addition to the original EC type-examination certificate.

7. Each notified body must communicate to the Member States the relevant information concerning EC type-examination certificates which it has withdrawn, and, on request, those it has issued.

Each notified body must also communicate to the other notified bodies the relevant information concerning the EC type-examination certificates it has withdrawn or refused.

8. The other notified bodies may receive copies of the EC type-examination certificates and/or their additions. The annexes to the certificates must be held at the disposal of the other notified bodies.

9. The manufacturer, or his authorised representative established within **[**F3the European Union**]**, must keep with the technical documentation copies of EC type-examination certificates and their additions for a period of ten years after the last of the pressure equipment has been manufactured.

Where neither the manufacturer nor his authorised representative is established within **[**F3the European Union**]**, the obligation to keep the technical documentation available is the responsibility of the person who places the product on the Community market.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module B1 (EC design-examination)

1. This module describes the part of the procedure whereby a notified body ascertains and attests that the design of an item of pressure equipment meets the provisions of the Directive which apply to it.

The experimental design method provided for in section 2.2.4 of Annex I may not be used in the context of this module.

2. The manufacturer, or his authorised representative established within **[**F3the European Union**]**, must lodge an application for EC design examination with a single notified body.

The application must include:

— the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well,

— a written declaration that the same application has not been lodged with any other notified body,

— the technical documentation described in section 3.

The application may cover several versions of the pressure equipment provided that the differences between the versions do not affect the level of safety.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

3. The technical documentation must enable an assessment to be made of the conformity of the pressure equipment with the requirements of the Directive which apply to it. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of the pressure equipment and contain:

— a general description of the pressure equipment,

— conceptual design and manufacturing drawings and diagrams of components, sub-assem blies, circuits, etc.,

— descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the pressure equipment,

— a list of the standards referred to in Article 5, applied in full or in part, and descriptions of the solutions adopted to meet the essential requirements of the Directive where the standards referred to in Article 5 have not been applied,

— the necessary supporting evidence for the adequacy of the design solution, in particular where the standards referred to in Article 5 have not been applied in full; this supporting evidence must include the results of tests carried out by the appropriate laboratory of the manufacturer or on his behalf,

— results of design calculations made, examinations carried out, etc.,

— information regarding the qualifications or approvals required under sections 3.1.2 and 3.1.3 of Annex 1.

4. The notified body must:

(4.1) examine the technical documentation and identify the components which have been designed in accordance with the relevant provisions of the standards referred to in Article 5, as well as those which have been designed without applying the relevant provisions of those standards.

In particular, the notified body must:

— assess the materials where these are not in conformity with the relevant harmonised standards or with a European approval for pressure equipment materials,

— approve the procedures for the permanent joining of pressure equipment parts, or check that they have been previously approved in accordance with section 3.1.2 of Annex I,

— verify that the personnel undertaking the permanent joining of pressure equipment parts and the non-destructive tests are qualified or approved in accordance with sections 3.1.2 and 3.1.3 of Annex I.

(4.2) perform the necessary examinations to establish whether the solutions adopted by the manufacturer meet the essential requirements of the Directive where the standards referred to in Article 5 have not been applied.

(4.3) perform the necessary examinations to establish whether, where the manufacturer has chosen to apply the relevant standards, these have actually been applied.

5. Where the design meets the provisions of the Directive which apply to it, the notified body must issue an EC design-examination certificate to the applicant. The certificate must contain the name and address of the applicant, the conclusions of the examination, conditions for its validity and the necessary data for identification of the approved design.

A list of the relevant parts of the technical documentation must be annexed to the certificate and a copy kept by the notified body.

If the notified body refuses to issue an EC design-examination certificate to the manufacturer or to his authorised representative established within **[**[F3]the European Union**]**, that body must provide detailed reasons for such refusal. Provision must be made for an appeals procedure.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

6. The applicant must inform the notified body that holds the technical documentation concerning the EC design-examination certificate of all modifications to the approved design; these are subject to additional approval where such changes may affect the conformity of the pressure equipment with the essential requirements of the Directive or the prescribed conditions for use of the equipment. This additional approval must be given in the form of an addition to the original EC design-examination certificate.

7. Each notified body must communicate to the Member States the relevant information concerning EC design-examination certificates which it has withdrawn, and, on request, those it has issued.

Each notified body must also communicate to the other notified bodies the relevant information concerning the EC design-examination certificates it has withdrawn or refused.

8. The other notified bodies may on request obtain the relevant information concerning:

— the EC design-examination certificates and additions granted,

— the EC design-examination certificates and additions withdrawn.

9. The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must keep with the technical documentation referred to in section 3 copies of EC design-examination certificates and their additions for a period of ten years after the last of the pressure equipment has been manufactured.

Where neither the manufacturer nor his authorised representative is established within **[**[F3]the European Union**]**, the obligation to keep the technical documentation available is the responsibility of the person who places the product on the Community market.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module C1 (conformity to type)

1. This module describes that part of the procedure whereby the manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, ensures and declares that pressure equipment is in conformity with the type as described in the EC type-examination certificate and satisfies the requirements of the Directive which apply to it. The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must affix the CE marking to each item of pressure equipment and draw up a written declaration of conformity.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

2. The manufacturer must take all measures necessary to ensure that the manufacturing process requires the manufactured pressure equipment to comply with the type as described in the EC type-examination certificate and with the requirements of the Directive which apply to it.

3. The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must keep a copy of the declaration of conformity for a period of ten years after the last of the pressure equipment has been manufactured.

Where neither the manufacturer nor his authorised representative is established within **[**[F3]the European Union**]**, the obligation to keep the technical documentation available is the responsibility of the person who places the pressure equipment on the Community market.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

4. Final assessment must be subject to monitoring in the form of unexpected visits by a notified body chosen by the manufacturer.

During such visits, the notified body must:

— establish that the manufacturer actually performs final assessment in accordance with section 3.2 of Annex I,

— take samples of pressure equipment at the manufacturing or storage premises in order to conduct checks. The notified body must assess the number of items of equipment to sample and whether it is necessary to perform, or have performed, all or part of final assessment on the pressure equipment samples.

Should one or more of the items of pressure equipment not conform, the notified body must take appropriate measures.

On the responsibility of the notified body, the manufacturer must affix the former's identification number on each item of pressure equipment.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module D (production quality assurance)

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of section 2 ensures and declares that the pressure equipment concerned is in conformity with the type described in the EC type-examination certificate or EC design-exam ination certificate and satisfies the requirements of the Directive which apply to it. The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must affix the CE marking to each item of pressure equipment and draw up a written declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for surveillance as specified in section 4.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

2. The manufacturer must operate an approved quality system for production, final inspection and testing as specified in section 3 and be subject to surveillance as specified in section 4.

3. Quality system

(3.1) The manufacturer must lodge an application for assessment of his quality system with a notified body of his choice.

The application must include:

— all relevant information on the pressure equipment concerned,

— the documentation concerning the quality system,

— the technical documentation for the approved type and a copy of the EC type-examination certificate or EC design-examination certificate.

(3.2) The quality system must ensure compliance of the pressure equipment with the type described in the EC type-examination certificate or EC design-examination certificate and with the requirements of the Directive which apply to it.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

— the quality objectives and the organisational structure, responsibilities and powers of the management with regard to the quality of the pressure equipment,

— the manufacturing, quality control and quality assurance techniques, processes and systematic measures that will be used, particularly the procedures used for the permanent joining of parts as approved in accordance with section 3.1.2 of Annex I,

— the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,

— the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the personnel concerned, particularly those of the personnel undertaking the joining of parts and the non-destructive tests in accordance with sections 3.1.2. and 3.1.3 of Annex I,

— the means of monitoring the achievement of the required quality and the effective operation of the quality system.

(3.3) The notified body must assess the quality system to determine whether it satisfies the requirements referred to in 3.2. The elements of the quality system which conform to the relevant harmonised standard are presumed to comply with the corresponding requirements referred to in 3.2.

The auditing team must have at least one member with experience of assessing the pressure equipment technology concerned. The assessment procedure must include an inspection visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision. Provision must be made for an appeals procedure.

(3.4) The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and to ensure that it remains satisfactory and efficient.

The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must inform the notified body that has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the amended quality system will still satisfy the requirements referred to in 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

4. Surveillance under the responsibility of the notified body

(4.1) The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

(4.2) The manufacturer must allow the notified body access for inspection purposes to the locations of manufacture, inspection, testing and storage and provide it with all necessary information, in particular:

— the quality system documentation,

— the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel concerned, etc.

(4.3) The notified body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provide the manufacturer with an audit report. The frequency of periodic audits must be such that a full reassessment is carried out every three years.

(4.4) In addition the notified body may pay unexpected visits to the manufacturer. The need for such additional visits, and the frequency thereof, will be determined on the basis of a visit control system operated by the notified body. In particular, the following factors must be considered in the visit control system:

— the category of the equipment,

— the results of previous surveillance visits,

— the need to follow up corrective action,

— special conditions linked to the approval of the system, where applicable,

— significant changes in manufacturing organisation, policy or techniques.

During such visits the notified body may, if necessary, carry out or have carried out tests to verify that the quality system is functioning correctly. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer must, for a period of ten years after the last of the pressure equipment has been manufactured, hold at the disposal of the national authorities:

— the documentation referred to in the second indent of 3.1;

— the adjustments referred to in the second paragraph of 3.4;

— the decisions and reports from the notified body which are referred to in the last paragraph of 3.3, the last paragraph of 3.4, and in 4.3 and 4.4.

6. Each notified body must communicate to the Member States the relevant information concerning the quality system approvals which it has withdrawn, and, on request, those it has issued.

Each notified body must also communicate to the other notified bodies the relevant information concerning the quality system approvals it has withdrawn or refused.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module D1 (production quality assurance)

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of section 3 ensures and declares that the items of pressure equipment concerned satisfy the requirements of the Directive which apply to them. The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must affix the CE marking to each item of pressure equipment and draw up a written declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for surveillance as specified in section 5.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

2. The manufacturer must draw up the technical documentation described below.

The technical documentation must enable an assessment to be made of the conformity of the pressure equipment with the requirements of the Directive which apply to it. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of the pressure equipment and contain:

— a general description of the pressure equipment,

— conceptual design and manufacturing drawings and diagrams of components, sub-assem blies, circuits, etc.,

— descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the pressure equipment,

— a list of the standards referred to in Article 5, applied in full or in part, and descriptions of the solutions adopted to meet the essential requirements of the Directive where the standards referred to in Article 5 have not been applied,

— results of design calculations made, examinations carried out, etc.,

— test reports.

3. The manufacturer must operate an approved quality system for production, final inspection and testing as specified in section 4 and be subject to surveillance as specified in section 5.

4. Quality system

(4.1) The manufacturer must lodge an application for assessment of his quality system with a notified body of his choice.

The application must include:

— all relevant information on the pressure equipment concerned,

— the documentation concerning the quality system.

(4.2) The quality system must ensure compliance of the pressure equipment with the requirements of the Directive which apply to it.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

— the quality objectives and the organisational structure, responsibilities and powers of the management with regard to the quality of the pressure equipment,

— the manufacturing, quality control and quality assurance techniques, processes and systematic measures that will be used, particularly the procedures used for the permanent joining of parts as approved in accordance with section 3.1.2 of Annex I,

— the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,

— the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the personnel concerned, particularly those of the personnel undertaking the permanent joining of parts in accordance with section 3.1.2 of Annex I,

— the means of monitoring the achievement of the required quality and the effective operation of the quality system.

(4.3) The notified body must assess the quality system to determine whether it satisfies the requirements referred to in 4.2. The elements of the quality system which conform to the relevant harmonised standard are presumed to comply with the corresponding requirements referred to in 4.2.

The auditing team must have at least one member with experience of assessing the pressure equipment technology concerned. The assessment procedure must include an inspection visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision. Provision must be made for an appeals procedure.

(4.4) The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and to ensure that it remains satisfactory and efficient.

The manufacturer, or his authorised representative established within **[**F3the European Union**]**, must inform the notified body that has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the amended quality system will still satisfy the requirements referred to in 4.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

5. Surveillance under the responsibility of the notified body

(5.1) The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

(5.2) The manufacturer must allow the notified body access for inspection purposes to the locations of manufacture, inspection, testing and storage and provide it with all necessary information, in particular:

— the quality system documentation,

— the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel concerned, etc.

(5.3) The notified body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provide the manufacturer with an audit report. The frequency of periodic audits must be such that a full reassessment is carried out every three years.

(5.4) In addition the notified body may pay unexpected visits to the manufacturer. The need for such additional visits, and the frequency thereof, will be determined on the basis of a visit control system operated by the notified body. In particular, the following factors must be considered in the visit control system:

— the category of the equipment,

— the results of previous surveillance visits,

— the need to follow up corrective action,

— special conditions linked to the approval of the system, where applicable,

— significant changes in manufacturing organisation, policy or techniques.

During such visits the notified body may, if necessary, carry out or have carried out tests to verify that the quality system is functioning correctly. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

6. The manufacturer must, for a period of ten years after the last of the pressure equipment has been manufactured, hold at the disposal of the national authorities:

— the technical documentation referred to in section 2,

— the documentation referred to in the second indent of 4.1,

— the adjustments referred to in the second paragraph of 4.4,

— the decisions and reports from the notified body which are referred to in the last paragraph of 4.3, the last paragraph of 4.4, and in 5.3 and 5.4.

7. Each notified body must communicate to the Member States the relevant information concerning the quality system approvals which it has withdrawn, and, on request, those it has issued.

Each notified body must also communicate to the other notified bodies the relevant information concerning the quality system approvals it has withdrawn or refused.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module E (product quality assurance)

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of section 2 ensures and declares that the pressure equipment is in conformity with the type as described in the EC type-examination certificate and satisfies the requirements of the Directive which apply to it. The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must affix the CE marking to each product and draw up a written declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for surveillance as specified in section 4.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

2. The manufacturer must operate an approved quality system for the final pressure equipment inspection and testing as specified in section 3 and be subject to surveillance as specified in section 4.

3. Quality system

(3.1) The manufacturer must lodge an application for assessment of his quality system for the pressure equipment with a notified body of his choice.

The application must include:

— all relevant information on the pressure equipment concerned,

— the documentation concerning the quality system,

— the technical documentation for the approved type and a copy of the EC type-examination certificate.

(3.2) Under the quality system, each item of pressure equipment must be examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, particularly final assessment as referred to in section 3.2 of Annex I, must be carried out in order to ensure its conformity with the requirements of the Directive which apply to it. All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

— the quality objectives and the organisational structure, responsibilities and powers of the management with regard to the quality of the pressure equipment,

— the examinations and tests to be carried out after manufacture,

— the means of monitoring the effective operation of the quality system,

— the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the personnel concerned, particularly those of the personnel undertaking the permanent joining of parts and the non-destructive tests in accordance with sections 3.1.2 and 3.1.3 of Annex I.

(3.3) The notified body must assess the quality system to determine whether it satisfies the requirements referred to in 3.2. The elements of the quality system which conform to the relevant harmonised standard are presumed to comply with the corresponding requirements referred to in 3.2.

The auditing team must have at least one member with experience of assessing the pressure equipment technology concerned. The assessment procedure must include an inspection visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

(3.4) The manufacturer must undertake to discharge the obligations arising from the quality system as approved and to ensure that it remains satisfactory and efficient.

The manufacturer, or his authorised representative established within **[**F3the European Union**]**, must inform the notified body, which has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the modified quality system will still satisfy the requirements referred to in 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

4. Surveillance under the responsibility of the notified body

(4.1) The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

(4.2) The manufacturer must allow the notified body access for inspection purposes to the locations of inspection, testing and storage and provide it with all necessary information, in particular:

— the quality system documentation,

— the technical documentation,

— the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel concerned, etc.

(4.3) The notified body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provide the manufacturer with an audit report. The frequency of periodic audits must be such that a full reassessment is carried out every three years.

(4.4) In addition the notified body may pay unexpected visits to the manufacturer. The need for such additional visits, and the frequency thereof, will be determined on the basis of a visit control system operated by the notified body. In particular, the following factors must be considered in the visit control system:

— the category of the equipment,

— the results of previous surveillance visits,

— the need to follow up corrective action,

— special conditions linked to the approval of the system, where applicable,

— significant changes in manufacturing organisation, policy or techniques.

During such visits, the notified body may, if necessary, carry out or have carried out tests to verify that the quality system is functioning correctly. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer must, for a period of ten years after the last of the pressure equipment has been manufactured, hold at the disposal of the national authorities:

— the documentation referred to in the second indent of 3.1,

— the adjustments referred to in the second paragraph of 3.4,

— the decisions and reports from the notified body which are referred to in the last paragraph of 3.3, the last paragraph of 3.4, and in 4.3 and 4.4.

6. Each notified body must communicate to the Member States the relevant information concerning the quality system approvals which it has withdrawn and, on request, those it has issued.

Each notified body must also communicate to the other notified bodies the relevant information concerning the quality system approvals it has withdrawn or refused.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module E1 (product quality assurance)

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of section 3 ensures and declares that the pressure equipment satisfies the requirements of the Directive which apply to it. The manufacturer, or his authorised representative established within **[**[F3]the European Union**]** must affix the CE marking to each item of pressure equipment and draw up a written declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for surveillance as specified in section 5.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

2. The manufacturer must draw up the technical documentation described below.

The technical documentation must enable an assessment to be made of the conformity of the pressure equipment with the requirements of the Directive which apply to it. It must, as far as is relevant for such assessment, cover the design, manufacture and operation of the pressure equipment and contain:

— a general description of the pressure equipment,

— conceptual design and manufacturing drawings and diagrams of components, sub-assem blies, circuits, etc.,

— descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the pressure equipment,

— a list of the standards referred to in Article 5, applied in full or in part, and descriptions of the solutions adopted to meet the essential requirements of the Directive where the standards referred to in Article 5 have not been applied,

— results of design calculations made, examinations carried out, etc.,

— test reports.

3. The manufacturer must operate an approved quality system for the final pressure equipment inspection and testing as specified in section 4 and be subject to surveillance as specified in section 5.

4. Quality system

(4.1) The manufacturer must lodge an application for assessment of his quality system with a notified body of his choice.

The application must include:

— all relevant information on the pressure equipment concerned,

— the documentation concerning the quality system.

(4.2) Under the quality system, each item of pressure equipment must be examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, and particularly final assessment as referred to in section 3.2 of Annex I, must be carried out in order to ensure its conformity with the requirements of the Directive which apply to it. All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation must permit a consistent interpretation of the quality programmes, plans, manuals and records.

It must contain in particular an adequate description of:

— the quality objectives and the organisational structure, responsibilities and powers of the management with regard to the quality of the pressure equipment,

— the procedures used for the permanent joining of parts as approved in accordance with section 3.1.2 of Annex I,

— the examinations and tests to be carried out after manufacture,

— the means of monitoring the effective operation of the quality system,

— the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the personnel concerned, particularly

those of the personnel undertaking the permanent joining of parts in accordance with section 3.1.2 of Annex I.

(4.3) The notified body must assess the quality system to determine whether it satisfies the requirements referred to in 4.2. The elements of the quality system which conform to the relevant harmonised standard are presumed to comply with the corresponding requirements referred to in 4.2.

The auditing team must have at least one member with experience of assessing the pressure equipment technology concerned. The assessment procedure must include an inspection visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision. Provision must be made for an appeals procedure.

(4.4) The manufacturer must undertake to discharge the obligations arising from the quality system as approved and to ensure that it remains satisfactory and efficient.

The manufacturer, or his authorised representative established within **[**F3the European Union**]**, must inform the notified body which has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the modified quality system will still satisfy the requirements referred to in 4.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

5. Surveillance under the responsibility of the notified body

(5.1) The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

(5.2) The manufacturer must allow the notified body access for inspection purposes to the locations of inspection, testing and storage and provide it with all necessary information, in particular:

— the quality system documentation,

— the technical documentation,

— the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications of the personnel concerned, etc.

(5.3) The notified body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provide the manufacturer with an audit report. The frequency of periodic audits must be such that a full reassessment is carried out every three years.

(5.4) In addition the notified body may pay unexpected visits to the manufacturer. The need for such additional visits, and the frequency thereof, will be determined on the basis of a visit control system operated by the notified body. In particular, the following factors must be considered in the visit control system:

— the category of the equipment,

— the results of previous surveillance visits,

— the need to follow up corrective action,

— special conditions linked to the approval of the system, where applicable,

— significant changes in manufacturing organisation, policy or techniques.

During such visits the notified body may, if necessary, carry out or have carried out tests to verify that the quality system is functioning correctly. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

6. The manufacturer must, for a period of ten years after the last of the pressure equipment has been manufactured, keep at the disposal of the national authorities:

— the technical documentation referred to in section 2,

— the documentation referred to in the second indent of 4.1,

— the adjustments referred to in the second paragraph of 4.4,

— the decisions and reports from the notified body which are referred to in the last paragraph of 4.3, the last paragraph of 4.4 and in 5.3 and 5.4.

7. Each notified body must communicate to the Member States the relevant information concerning the quality system approvals which it has withdrawn and, on request, those it has issued.

Each notified body must also communicate to the other notified bodies the relevant information concerning the quality system approvals it has withdrawn or refused.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module F (product verification)

1. This module describes the procedure whereby a manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, ensures and declares that the pressure equipment subject to the provisions of section 3 is in conformity with the type described:

— in the EC type-examination certificate, or

— in the EC design-examination certificate

and satisfies the requirements of the Directive which apply to it.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

2. The manufacturer must take all measures necessary to ensure that the manufacturing process requires the pressure equipment to comply with the type described

— in the EC type-examination certificate, or

— in the EC design-examination certificate

and with the requirements of the Directive which apply to it.

The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must affix the CE marking to all pressure equipment and draw up a declaration of conformity.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

3. The notified body must perform the appropriate examinations and tests in order to check the conformity of the pressure equipment with the relevant requirements of the Directive by examining and testing every product in accordance with section 4.

The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must keep a copy of the declaration of conformity for a period of ten years after the last of the pressure equipment has been manufactured.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

4. Verification by examination and testing of each item of pressure equipment

(4.1) Each item of pressure equipment must be individually examined and must undergo appropriate examinations and tests as set out in the relevant standard(s) referred to in Article 5 or equivalent examinations and tests in order to verify that it conforms to the type and the requirements of the Directive which apply to it.

In particular, the notified body must:

— verify that the personnel undertaking the permanent joining of parts and the non-destructive tests are qualified or approved in accordance with sections 3.1.2 and 3.1.3 of Annex I,

— verify the certificate issued by the materials manufacturer in accordance with section 4.3 of Annex I,

— carry out or have carried out the final inspection and proof test referred to in section 3.2 of Annex I and examine the safety devices, if applicable.

(4.2) The notified body must affix its identification number or have it affixed to each item of pressure equipment and draw up a written certificate of conformity relating to the tests carried out.

(4.3) The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must ensure that the certificates of conformity issued by the notified body can be made available on request.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module G (EC unit verification)

1. This module describes the procedure whereby the manufacturer ensures and declares that pressure equipment which has been issued with the certificate referred to in section 4.1 satisfies the requirements of the Directive which apply to it. The manufacturer must affix the CE marking to the pressure equipment and draw up a declaration of conformity.

2. The manufacturer must apply to a notified body of his choice for unit verification.

The application must contain:

— the name and address of the manufacturer and the location of the pressure equipment,

— a written declaration to the effect that a similar application has not been lodged with another notified body,

— technical documentation.

3. The technical documentation must enable the conformity of the pressure equipment with the requirements of the Directive which apply to it to be assessed and the design, manufacture and operation of the pressure equipment to be understood.

The technical documentation must contain:

— a general description of the pressure equipment,

— conceptual design and manufacturing drawings and diagrams of components, sub-assem blies, circuits, etc.,

— descriptions and explanations necessary for an understanding of the said drawings and diagrams and the operation of the pressure equipment,

— a list of the standards referred to in Article 5, applied in full or in part, and descriptions of the solutions adopted to meet the essential requirements of the Directive where the standards referred to in Article 5 have not been applied,

— results of design calculations made, examinations carried out, etc.,

— test reports,

— appropriate details relating to the approval of the manufacturing and test procedures and of the qualifications or approvals of the personnel concerned in accordance with sections 3.1.2 and 3.1.3 of Annex I.

4. The notified body must examine the design and construction of each item of pressure equipment and during manufacture perform appropriate tests as set out in the relevant standard(s) referred to in Article 5 of the Directive, or equivalent examinations and tests, to ensure its conformity with the requirements of the Directive which apply to it.

In particular the notified body must:

— examine the technical documentation with respect to the design and the manufacturing procedures,

— assess the materials used where these are not in conformity with the relevant harmonised standards or with a European approval for pressure equipment materials, and check the certificate issued by the material manufacturer in accordance with section 4.3 of Annex I,

— approve the procedures for the permanent joining of parts or check that they have been previously approved in accordance with section 3.1.2 of Annex I,

— verify the qualifications or approvals required under sections 3.1.2 and 3.1.3 of Annex I,

— carry out the final inspection referred to in section 3.2.1 of Annex I, perform or have performed the proof test referred to in section 3.2.2 of Annex I, and examine the safety devices, if applicable.

(4.1) The notified body must affix its identification number or have it affixed to the pressure equipment and draw up a certificate of conformity for the tests carried out. This certificate must be kept for a period of ten years.

(4.2) The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must ensure that the declaration of conformity and certificate of conformity issued by the notified body can be made available on request.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module H (full quality assurance)

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of section 2 ensures and declares that the pressure equipment in question satisfies the requirements of the Directive which apply to it. The manufacturer, or his authorised representative established within **[**[F3]the European Union**]**, must affix the CE marking to each item of pressure equipment and draw up a written declaration of conformity. The CE marking must be accompanied by the identification number of the notified body responsible for surveillance as specified in section 4.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

2. The manufacturer must implement an approved quality system for design, manufacture, final inspection and testing as specified in section 3 and be subject to surveillance as specified in section 4.

3. Quality system

(3.1) The manufacturer must lodge an application for assessment of his quality system with a notified body of his choice.

The application must include:

— all relevant information concerning the pressure equipment in question,

— the documentation concerning the quality system.

(3.2) The quality system must ensure compliance of the pressure equipment with the requirements of the Directive which apply to it.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation must permit a consistent interpretation of the procedural and quality measures such as programmes, plans, manuals and records.

It must contain in particular an adequate description of:

- the quality objectives and the organisational structure, responsibilities and powers of the management with regard to the quality of the design and to product quality,
- the technical design specifications, including standards that will be applied and, where the standards referred to in Article 5 are not applied in full, the means that will be used to ensure that the essential requirements of the Directive which apply to the pressure equipment will be met,
- the design control and design verification techniques, processes and systematic measures that will be used when designing the pressure equipment, particularly with regard to materials in accordance with section 4 of Annex I,
- the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic measures that will be used, particularly the procedures for the permanent joining of parts as approved in accordance with section 3.1.2 of Annex I,
- the examinations and tests to be carried out before, during, and after manufacture, and the frequency with which they will be carried out,
- the quality records, such as inspection reports and test data, calibration data, reports concerning the qualifications or approvals of the personnel concerned, particularly those of the personnel undertaking the permanent joining of parts and the non-destructive tests in accordance with sections 3.1.2 and 3.1.3 of Annex I,
- the means of monitoring the achievement of the required pressure equipment design and quality and the effective operation of the quality system.

(3.3) The notified body must assess the quality system to determine whether it satisfies the requirements referred to in 3.2. The elements of the quality system which conform to the relevant harmonised standard are presumed to comply with the corresponding requirements referred to in 3.2.

The auditing team must have at least one member with experience of assessing the pressure equipment technology concerned. The assessment procedure must include an inspection visit to the manufacturer's premises.

The decision must be notified to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision. Provision must be made for an appeals procedure.

(3.4) The manufacturer must undertake to fulfil the obligations arising out of the quality system as approved and to ensure that it remains satisfactory and efficient.

The manufacturer, or his authorised representative established within **[**F3the European Union**]**, must inform the notified body that has approved the quality system of any intended adjustment to the quality system.

The notified body must assess the proposed changes and decide whether the modified quality system will still satisfy the requirements referred to in 3.2 or whether a reassessment is required.

It must notify its decision to the manufacturer. The notification must contain the conclusions of the examination and the reasoned assessment decision.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

4. Surveillance under the responsibility of the notified body

(4.1) The purpose of this surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

(4.2) The manufacturer must allow the notified body access for inspection purposes to the locations of design, manufacture, inspection, testing and storage and provide it with all necessary information, in particular:

— the quality system documentation,

— the quality records provided for in the design part of the quality system, such as results of analyses, calculations, tests, etc.,

— the quality records provided for in the manufacturing part of the quality system, such as inspection reports and test data, calibration data, report concerning the qualifications of the personnel concerned, etc.

(4.3) The notified body must carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and provide the manufacturer with an audit report. The frequency of periodic audits must be such that a full reassessment is carried out every three years.

(4.4) In addition the notified body may pay unexpected visits to the manufacturer. The need for such additional visits, and the frequency thereof, will be determined on the basis of a visit control system operated by the notified body. In particular, the following factors must be considered in the visit control system:

— the category of the equipment,

— the results of previous surveillance visits,

— the need to follow up corrective action,

— special conditions linked to the approval of the system, where applicable,

— significant changes in manufacturing organisation, policy or techniques.

During such visits the notified body may, if necessary, carry out or have carried out tests to veriy that the quality system is functioning correctly. The notified body must provide the manufacturer with a visit report and, if a test has taken place, with a test report.

5. The manufacturer must, for a period of ten years after the last of the pressure equipment has been manufactured, keep at the disposal of the national authorities:

— the documentation referred to in the second indent of the second subparagraph of 3.1;

— the adjustments referred to in the second subparagraph of 3.4;

— the decisions and reports from the notified body which are referred to in the last subparagraph of 3.3, the last subparagraph of 3.4, and in 4.3 and 4.4.

6. Each notified body must communicate to the Member States the relevant information concerning the quality system approvals which it has withdrawn, and, on request, those it has issued.

Each notified body must also communicate to the other notified bodies the relevant information concerning the quality system approvals it has withdrawn or refused.

Textual Amendments

F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Module H1 (full quality assurance with design examination and special surveillance of the final assessment)

1. In addition to the requirements of module H, the following apply:

(a) the manufacturer must lodge an application for examination of the design with the notified body;

(b) the application must enable the design, manufacture and operation of the pressure equipment to be understood, and enable conformity with the relevant requirements of the Directive to be assessed.

It must include:

— the technical design specifications, including standards, which have been applied,

— the necessary supporting evidence for their adequacy, in particular where the standards referred to in Article 5 have not been applied in full. This supporting evidence must include the results of tests carried out by the appropriate laboratory of the manufacturer or on his behalf;

(c) the notified body must examine the application and where the design meets the provisions of the Directive which apply to it issue an EC design-examination certificate to the applicant. The certificate must contain the conclusions of the examination, the conditions for its validity, the necessary data for identification of the approved design and, if relevant, a description of the functioning of the pressure equipment or accessories;

(d) the applicant must inform the notified body that has issued the EC design-examination certificate of all modifications to the approved design. Modifications to the approved design must receive additional approval from the notified body that issued the EC design-examination certificate where they may affect conformity with the essential requirements of the Directive or the prescribed conditions for use of the pressure equipment. This additional approval must be given in the form of an addition to the original EC design-examination certificate;

(e) each notified body must also communicate to the other notified bodies the relevant information concerning the EC design-examination certificates it has withdrawn or refused.

2. Final assessment as referred to in section 3.2 of Annex I is subject to increased surveillance in the form of unexpected visits by the notified body. In the course of such visits, the notified body must conduct examinations on the pressure equipment.

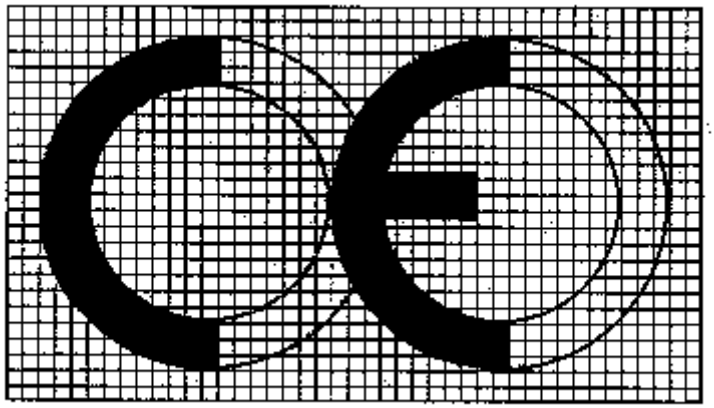
SCHEDULE 5

Regulations 2(2), 7(3)(c), 8(3)(a)(iii)

(Annex VI to the Pressure Equipment Directive)
CE MARKING

Commencement Information
I25 Sch. 5 in force at 31.8.1999 for specified purposes and 29.11.1999 otherwise, see **reg. 1(2)**(3)

1. The CE marking shall consist of the initials “CE” taking the following form:



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 five millimetres.

SCHEDULE 6

Regulations 7(3)(d), 8(3)(a)(iv)

(Annex VII to the Pressure Equipment Directive)
EC DECLARATION OF CONFORMITY

Commencement Information
I26 Sch. 6 in force at 29.11.1999, see **reg. 1(3)**

The EC declaration of conformity must contain the following particulars:

- name and address of the manufacturer or of his authorised representative established within **[**[F3]the European Union**]**,
- description of the pressure equipment or assembly,
- conformity assessment procedure followed,
- in the case of assemblies, description of the pressure equipment constituting the assembly, and the conformity assessment procedures followed,
- where appropriate, name and address of the notified body which carried out the inspection,
- where appropriate, a reference to the EC type-examination certificate, EC design-exam ination certificate or EC certificate of conformity,
- where appropriate, name and address of the notified body monitoring the manufacturer's quality assurance system,
- where appropriate, the references of the harmonised standards applied,
- where appropriate, other technical standards and specifications used,
- where appropriate, the references of the other Community Directives applied,

— particulars of the signatory authorised to sign the legally binding declaration for the manufacturer or his authorised representative established within **[**[F3]the European Union**]**.

SCHEDULE 7

Regulation 17

EUROPEAN APPROVAL FOR MATERIALS

1. The notified body shall determine and perform, or arrange for the performance of, the appropriate inspections and tests to certify the conformity of the types of material with the corresponding requirements of these Regulations, and in the case of materials recognised as being safe to use before 29th November 1999, the notified body shall take account of the existing data when certifying such conformity.

Commencement Information
I27 Sch. 7 para. 1 in force at 29.11.1999, see **reg. 1(3)**

2. The notified body shall not issue a European approval for materials until it has:

(a) informed the Member States and the Commission by sending them the appropriate information;

(b) allowed a period of three months to elapse in order that a member State or the Commission may refer the matter to the Standing Committee set up by Article 5 of Directive 98/34/EC;

(c) taken into account, where appropriate, the opinion of the Committee and the comments submitted.

Commencement Information
I28 Sch. 7 para. 2 in force at 29.11.1999, see **reg. 1(3)**

3. A copy of the European approval for pressure equipment materials shall be sent to the member States, the notified bodies and the Commission.

Commencement Information
I29 Sch. 7 para. 3 in force at 29.11.1999, see **reg. 1(3)**

4. The materials used for the manufacture of pressure equipment conforming with European approvals for materials, the references of which have been published in the Official Journal of **[**[F3]the European Union**]**, shall be presumed to conform to the applicable essential requirements of Schedule 2.

Textual Amendments
F3 Words in Regulations substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3-6**

Commencement Information
I30 Sch. 7 para. 4 in force at 29.11.1999, see **reg. 1(3)**

5. The notified body which issued the European approval for pressure equipment materials shall withdraw that approval if it finds that it should not have been issued if the type of materials is covered by a harmonised standard and shall immediately inform the other member States, the notified bodies and the Commission of any withdrawal of an approval.

Commencement Information

I31 Sch. 7 para. 5 in force at 29.11.1999, see **reg. 1(3)**

SCHEDULE 8

Regulation 24

ENFORCEMENT

Enforcement in Great Britain

1. In Great Britain, in relation to pressure equipment or assemblies for use in the workplace—

(a) it shall be the duty of the **[**F4appropriate authority**]** to make adequate arrangements for the enforcement of these Regulations, and accordingly a reference in the provisions applied for the purposes of such enforcement by sub-paragraph (b) to an "enforcing authority" shall be construed as a reference to the **[**F4appropriate authority**]**;

(b) sections 19 to 28(**15**), 33 to 35(**16**), 38, 39, 41 and 42 of the 1974 Act shall apply for the purposes of providing for the enforcement of these Regulations and in respect of proceedings for contravention thereof as if—

(i) references to relevant statutory provisions were references to those sections as applied by this paragraph and to these Regulations;

(ii) references to articles, substances, articles and substances, or plant, were references to pressure equipment or assemblies;

(iii) references to the field of responsibility of an enforcing authority, however expressed, were omitted;

(iv) in section 20, subsection (3) was omitted;

(v) in section 23, subsections (3), (4) and (6) were omitted;

(vi) in section 33—

(aa) in subsection (1) the whole of paragraphs (a) to (d) were omitted;

(bb) subsection (1A) was omitted;

(cc) in subsection (2), the reference to paragraph (d) of subsection (1) was omitted;

(dd) subsection (2A) was omitted;

(**15**) In section 22, subsections (1) and (2) were amended and subsection (4) was added by paragraph 2, of Schedule 3 to, and section 36 of, the Consumer Protection Act 1987 (c. 43). Sections 25A and 27A were inserted by paragraphs 3 and 4 respectively, and section 28(1)(a) was amended by paragraph 5 of Schedule 3 to and section 36 of, 1987 c. 43; section 27 was amended by the repeal of subsection (2)(b) and the word "or" immediately preceding it by section 29(3) and (4) of, paragraph 10(1) and (2) of Schedule 6 and Schedule 7 to, the Employment Act 1989 (c. 38), and in subsection (3) by section 33(1) of, and paragraph 7(a) of Part II of Schedule 3 to, the Employment Act 1988 (c. 19) and section 29(3) of, and paragraph 10(3) of Schedule 6 to, 1989 c. 38.

(**16**) Section 33 was amended in subsection (1) in paragraph (h) by section 36 of, and paragraph 6 of Schedule 3 to, 1987 c. 43, and in paragraph (m) by section 30 of, and Part I of the Schedule to, the Forgery and Counterfeiting Act 1981 (c. 45); in subsection (2) as it applies to England and Wales by section 46 of the Criminal Justice Act 1982 (c. 48).

(ee) for subsection (3) there was substituted the following:—

"(3) A person guilty of an offence under any paragraph of subsection (1) above not mentioned in subsection (2) above or of an offence under subsection (1)(e) above not falling within that subsection shall be liable—

(a) on summary conviction, to a fine not exceeding level 5 on the standard scale; or

(b) on conviction on indictment—

(i) in the case of an offence under subsection (1)(g), (j) or (o), to imprisonment for a term not exceeding two years, or a fine, or both; or

(ii) in all other cases, to a fine."; and

(ff) subsection (4) was omitted;

(vii) in section 34—

(aa) paragraphs (a) and (b) were omitted from subsection (1); and

(bb) in subsection (3) for "six months" there was substituted "twelve months"; and

(viii) in section 42, subsections (4) and (5) were omitted;

(c) sections 36(1) and (2) and 37 shall apply in relation to offences under section 33 as applied by sub-paragraph (b)(vi); and

F5(d) . . . . . .

Textual Amendments

F4 Words in Sch. 8 para. 1(a) substituted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 93** (with Sch. 4)

F5 Sch. 8 para. 1(d) omitted (1.4.2008) by virtue of The Legislative Reform (Health and Safety Executive) Order 2008 (S.I. 2008/960), art. 1, **Sch. 3** (with art. 21)

Commencement Information

I32 Sch. 8 para. 1 in force at 29.11.1999, see **reg. 1(3)**

2. In Great Britain, in relation to pressure equipment or assemblies for private use or consumption—

(a) it shall be the duty of every weights and measures authority to enforce these Regulations within their area and a reference in the provisions applied to these Regulations by sub-paragraph (b) to an "enforcement authority" shall be construed accordingly;

(b) sections 14, 15, F6... 35, 37, F7... 44 and 47 of the 1987 Act shall apply for the purposes of providing for the enforcement of these Regulations and in respect of proceedings for contravention thereof as if—

(i) references to safety provisions were references to these Regulations;

(ii) references to goods were references to pressure equipment or assemblies as the context may require;

(iii) in section 14, in sub-section (6), for "six months" there was substituted "three months";

F8(iv) . . . . . .

F8(v) . . . . . .

F8(vi) . . . . . .

F8(vii) . . . . . .

F9(viii) . . . . . .

F10(d) . . . . . .

(e) in England and Wales, a magistrates' court may try an information in respect of an offence committed under these Regulations if the information is laid within twelve months from the time when the offence is committed, and in Scotland summary proceedings for such an offence may be begun at any time within twelve months from the time when the offence is committed.

Textual Amendments

F6 Words in Sch. 8 para. 2(b) omitted (1.10.2015) by virtue of The Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 (S.I. 2015/1630), art. 1, **Sch. 2 para. 30(2)** (with art. 8)

F7 Word in Sch. 8 para. 2(b) revoked (4.5.2004) by virtue of The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004 (S.I. 2004/693), art. 1, **Sch. 2**

F8 Sch. 8 para. 2(b)(iv)-(vii) omitted (1.10.2015) by virtue of The Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 (S.I. 2015/1630), art. 1, **Sch. 2 para. 30(3)** (with art. 8)

F9 Sch. 8 para. 2(b)(viii) revoked (4.5.2004) by virtue of The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004 (S.I. 2004/693), art. 1, **Sch. 2**

F10 Sch. 8 para. 2(d) omitted (1.10.2015) by virtue of The Consumer Rights Act 2015 (Commencement No. 3, Transitional Provisions, Savings and Consequential Amendments) Order 2015 (S.I. 2015/1630), art. 1, **Sch. 2 para. 30(4)** (with art. 8)

Commencement Information

I33 Sch. 8 para. 2 in force at 29.11.1999, see **reg. 1(3)**

Enforcement in Northern Ireland in relation to pressure equipment or assemblies

3.—(1) In Northern Ireland it shall be the duty of the Health and Safety Executive for Northern Ireland to make adequate arrangements for the enforcement of these Regulations in relation to pressure equipment or assemblies for use in the workplace and a reference in the provisions applied to these Regulations by sub-paragraph (2) below to an "enforcing authority" or to its "field of responsibility" (however expressed) shall be construed accordingly.

(a) (2) (a) For the purposes of providing for the enforcement of these Regulations and in respect of proceedings for contravention thereof, Articles 21 to 33(**17**), 35, 36, 38 and 39 of the Order shall apply as if—

(**17**) Article 24(1) and (2) was amended, and Article 24(3) substituted, by Article 28 of, and paragraph 3 of Schedule 2 to, the Consumer Protection (Northern Ireland) Order 1987 S.I. 1987/2049 (N.I. 20). Article 26(4) was repealed by Article 35 of, and Schedule 4 to, the Industrial Training (Northern Ireland) Order 1984 S.I. 1984/1159 (N.I. 9). Articles 27A and 29A were inserted, and Articles 30(1)(a) and 31(1)(h) amended, by Article 28 of, and paragraphs 4, 5, 6 and 7 respectively of Schedule 2 to, S.I. 1987/2049 (N.I. 20). Article 29(2) to (4) was repealed by Article 10(1)(c) of the Statistics of Trade and Employment (Northern Ireland) Order 1988 S.I. 1988/595 (N.I. 3). Article 31(1)(m) was amended by Article 10(1)(c) of S.I. 1988/595 (N.I. 3); Article 31(1)(j) was amended by Article 13(3) of, and Schedule 5 to, the Criminal Justice (Northern Ireland) Order 1986 S.I. 1986/1883 (N.I. 15); Article 31(1A) and (2A) was respectively inserted by Article 6(3) and (4) of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 S.I. 1992/1728 (N.I. 17); Article 31(4) was amended by Article 6(5) of S.I. 1992/1728 (N.I. 17); Article 31(5)(d) and (6) was repealed by Article 6(6) of S.I. 1992/1728 (N.I. 17); and Article 31(7) was

(i) references to relevant statutory provisions were references to those Articles as applied by this paragraph and to these Regulations;

(ii) references to articles, substances, articles and substances, or plant, were references to pressure equipment or assemblies;

(iii) in Article 22, paragraph (3) was omitted;

(iv) in Article 25, paragraphs (3), (4) and (5) were omitted;

(v) in Article 31—

(aa) in paragraph (1), the whole of sub-paragraphs (a) to (d) were omitted;

(bb) paragraph (1A) was omitted;

(cc) in paragraph (2), the reference to sub-paragraph (d) of paragraph (1) was omitted;

(dd) paragraph (2A) was omitted;

(ee) paragraph (3) was omitted;

(ff) for paragraph (4) there was substituted the following:—

"(4) A person guilty of an offence under any sub-paragraph of paragraph (1) not mentioned in paragraph (2) or of an offence under paragraph (1)(e) not falling within paragraph (2) shall be liable—

(a) on summary conviction, to a fine not exceeding level 5 on the standard scale; or

(b) on conviction on indictment—

(i) in the case of an offence under paragraph (1)(g), (j) or (o), to imprisonment for a term not exceeding two years, or a fine, or both; or

(ii) in all other case, to a fine."; and

(gg) paragraph (5) was omitted;

(vi) in Article 32—

(aa) sub-paragraph (a) and (b) were omitted from paragraph (1); and

(bb) in paragraph (3), for "six months" there was substituted "twelve months"; and

(vii) in Article 39, paragraphs (4) and (5) were omitted; and

(b) Articles 34(1) and (2) shall apply in relation to offences under Article 31 as it is applied by sub-paragraph (2)(a)(v).

(3) In Northern Ireland, in relation to pressure equipment or assemblies for private use or consumption—

(a) it shall be the duty of every district council to enforce these Regulations within their area and a reference in the provisions applied to these Regulations by sub-paragraph (b) to an "enforcement authority" shall be construed accordingly;

(b) the provisions of paragraph 2(b) and (c) of this Schedule shall have effect; and

(c) a magistrates' court may try a complaint in respect of an offence committed under these Regulations if the complaint is made within twelve months from the time when the offence is committed.

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repealed by section 30 of, and Part III of the Schedule to, the Forgery and Counterfeiting Act 1981 (c. 45). There are other amendments to Articles 31 and 32 which are not relevant to these Regulations.

Commencement Information
I34 Sch. 8 para. 3 in force at 29.11.1999, see **reg. 1(3)**

Forfeiture of pressure equipment or assemblies for private use or consumption: England and Wales and Northern Ireland

4.—(1) An enforcement authority in England and Wales or Northern Ireland may apply under this paragraph for an order for the forfeiture of any pressure equipment or assembly for private use or consumption on the grounds that there has been a contravention in relation thereto of regulation 7, 8, 9 or 10.

(2) An application under this paragraph may be made—

(a) where proceedings have been brought in a magistrates' court in respect of an offence in relation to some or all of the pressure equipment or assemblies under regulation 25 to that court; and

(b) where no application for the forfeiture of the pressure equipment or assembly has been made under sub-paragraph (a), by way of complaint to a magistrates' court.

(3) On application under this paragraph the court shall make an order for the forfeiture of the pressure equipment or assembly if it is satisfied that there has been a contravention in relation thereto of regulation 7, 8, 9 or 10.

(4) For the avoidance of doubt it is hereby declared that a court may infer for the purposes of this paragraph that there has been a contravention in relation to any pressure equipment or assembly of regulation 7, 8, 9 or 10 if it is satisfied that those regulations have been contravened in relation to an item of pressure equipment or assembly which is representative of that pressure equipment or assembly (whether by reason of being of the same design or part of the same consignment or batch or otherwise).

(5) Any person aggrieved by an order made under this paragraph by a magistrates' court, or by a decision of such court not to make such an order, may appeal against that order or decision—

(a) in England and Wales, to the Crown Court

(b) in Northern Ireland, to the county court,

and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of an order pending the making and determination of any appeal (including any application under section 111 of the Magistrates' Court Act 1980(**18**), or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981(**19**) (statement of case)).

(6) Subject to sub-paragraph (7), where any pressure equipment or assembly is forfeited under this paragraph it shall be destroyed in accordance with such directions as the court may give.

(7) On making an order under this paragraph a magistrates' court may, if it considers it appropriate to do so, direct that the pressure equipment or assembly to which the order relates shall (instead of being destroyed) be released, to such person as the court may specify, on condition that that person—

(a) does not supply the pressure equipment or assembly to any person otherwise than—

(i) to a person who carries on a business of buying pressure equipment or assemblies of the same description as the first mentioned product and repairing or reconditioning it; or

(**18**) 1980 c. 43.
(**19**) S.I. 1981/1675 (N.I. 26).

(ii) as scrap (that is to say, for the value of materials included in the pressure equipment or assembly rather than for the value of the pressure equipment or assembly itself); and

(b) complies with any order to pay costs or expenses which has been made against that person in the proceedings for the order for forfeiture.

Commencement Information

I35 Sch. 8 para. 4 in force at 29.11.1999, see **reg. 1(3)**

Forfeiture of pressure equipment or assemblies for private use or consumption: Scotland

5.—(1) In Scotland a sheriff may make an order for forfeiture of any pressure equipment or assembly for private use or consumption in relation to which there has been a contravention of any provision of regulation 7, 8, 9 or 10—

(a) on an application by the procurator-fiscal made in the manner specified in section 134 of the Criminal Procedure (Scotland) Act 1995(**20**); or

(b) where a person is convicted of any offence in respect of any such contravention, in addition to any other penalty which the sheriff may impose.

(2) The procurator-fiscal making an application under sub-paragraph (1)(a) shall serve on any person appearing to him to be the owner of, or otherwise to have an interest in, the pressure equipment or assembly to which the application relates a copy of the application, together with a notice giving him the opportunity to appear at the hearing of the application to show cause why the pressure equipment or assembly should not be forfeited.

(3) Service under sub-paragraph (2) shall be carried out, and such service may be proved, in the manner specified for citation of an accused in summary proceedings under the Criminal Procedure (Scotland) Act 1995.

(4) Any person upon whom a notice is served under sub-paragraph (2) and any other person claiming to be the owner of, or otherwise to have an interest in, the pressure equipment or assembly to which an application under this paragraph relates shall be entitled to appear at the hearing of the application to show cause why the pressure equipment or assembly as the case may be should not be forfeited.

(5) The sheriff shall not make an order following an application under sub-paragraph (1)(a)—

(a) if any person on which notice is served under sub-paragraph (2) does not appear, unless service of the notice on that person is proved; or

(b) if no notice under sub-paragraph (2) has been served, unless the court is satisfied that in the circumstances it was reasonable not to serve notice on any person.

(6) The sheriff shall make an order under this paragraph only if he is satisfied that there has been a contravention in relation to the pressure equipment or assemblies of regulation 7, 8, 9 or 10.

(7) For the avoidance of doubt it is declared that the sheriff may infer for the purposes of this paragraph that there has been a contravention in relation to any pressure equipment or assembly of regulation 7, 8, 9 or 10 if he is satisfied that those regulations have been contravened in relation to an item of pressure equipment or assembly which is representative of that pressure equipment or assembly (whether by reason of being of the same design or part of the same consignment or batch or otherwise).

(**20**) 1995 c. 46.

(8) Where an order for the forfeiture of any pressure equipment or assembly is made following an application by the procurator-fiscal under sub-paragraph (1)(a), any person who appeared, or was entitled to appear, to show cause why it should not be forfeited may, within twenty-one days of the making of the order, appeal to the High Court by Bill of Suspension on the ground of an alleged miscarriage of justice; and section 182(5)(a) to (e) of the Criminal Procedure (Scotland) Act 1995 shall apply to an appeal under this sub-paragraph as it applies to a stated case under Part X of that Act.

(9) An order following an application under sub-paragraph (1)(a) shall not take effect—

(a) until the end of the period of twenty-one days beginning with the day after the day on which the order is made; or

(b) if an appeal is made under sub-paragraph (8) within that period, until the appeal is determined or abandoned.

(10) An order under sub-paragraph (1)(b) shall not take effect—

(a) until the end of the period within which an appeal against the order could be brought under the Criminal Procedure (Scotland) Act 1995; or

(b) if an appeal is made within that period, until the appeal is determined or abandoned.

(11) Subject to sub-paragraph (12), pressure equipment or assemblies forfeited under this paragraph shall be destroyed in accordance with such directions as the sheriff may give.

(12) If he thinks fit, the sheriff may direct the pressure equipment or assemblies to be released to such person as he may specify, on condition that that person does not supply it to any person otherwise than—

(a) to a person who carries on a business of buying pressure equipment or assemblies of the same description as the first-mentioned pressure equipment or assemblies and repairing or reconditioning it; or

(b) as scrap (that it to say, for the value of materials included in the pressure equipment or assemblies rather for the value of the pressure equipment or assembly itself).

Commencement Information
I36 Sch. 8 para. 5 in force at 29.11.1999, see **reg. 1(3)**

Duty of enforcement authority to inform Secretary of State of action taken

6. An enforcement authority shall, where action has been taken by it to prohibit or restrict the placing on the market, the supply or putting into service (whether under these Regulations or otherwise) of any pressure equipment or assembly which bears the CE marking, forthwith inform the Secretary of State of the action taken, and the reasons for it, with a view to this information being passed by him to the Commission.

Commencement Information
I37 Sch. 8 para. 6 in force at 29.11.1999, see **reg. 1(3)**

Savings

7. Nothing in these Regulations shall authorise an enforcement authority to bring proceedings in Scotland for an offence.

Commencement Information

I38 Sch. 8 para. 7 in force at 29.11.1999, see **reg. 1(3)**

Interpretation

8. In this Schedule—

"the 1974 Act" means the Health and Safety at Work etc. Act 1974(**21**);

"the 1987 Act" means the Consumer Protection Act 1987(**22**);

"the Executive" means the Health and Safety Executive established under section 10 of the 1974 Act;

"the Order" means the Health and Safety at Work (Northern Ireland) Order 1978; and

"pressure equipment or assemblies" means pressure equipment or assemblies, as the case may be, to which these Regulations apply.

Commencement Information

I39 Sch. 8 para. 8 in force at 29.11.1999, see **reg. 1(3)**

(**21**) 1974 c. 37.
(**22**) 1987 c. 43.

Status:
Point in time view as at 01/10/2015.

Changes to legislation:
There are currently no known outstanding effects for the The Pressure Equipment Regulations 1999.