
STATUTORY INSTRUMENTS

2011 No. 1885

**The Carriage of Dangerous Goods and Use of Transportable
Pressure Equipment (Amendment) Regulations 2011**

Obligations relating to the Transportable Pressure Equipment Directive

7.—(1) For regulation 19, substitute—

“Scope of Obligations

19.—(1) Regulations 19A to 19F apply to transportable pressure equipment within the scope of the Transportable Pressure Equipment Directive by virtue of article 1(2)(a) of that Directive.

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

(2) After regulation 19, insert—

“General Obligations

19A.—(1) A manufacturer, importer, distributor, owner or operator may only place or make available on the market, put into service or use equipment if it ensures that the equipment meets the requirements of the Dangerous Goods Directive.

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

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

(a) be in writing; and

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

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

(5) The information must comply with the Directives.

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

Obligations of Manufacturers

19B.—(1) A manufacturer must—

(a) ensure a conformity assessment is carried out by a notified body;

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

Obligations of Importers

- 19C.—**(1) An importer must ensure that—
- (a) the manufacturer has complied with conformity assessment and drawn up the technical documentation in accordance with the Dangerous Goods Directive;
 - (b) equipment has been marked in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive;
 - (c) the certificate of conformity for the equipment either contains the name and address of the importer or has this information attached to it;
 - (d) the conditions in which equipment under the responsibility of the importer is stored and transported do not jeopardise the equipment's compliance with the Dangerous Goods Directive; and
 - (e) the technical documentation specified in the Dangerous Goods Directive is kept for the period set out in that Directive.
- (2) Where an importer knows or has reason to believe that equipment it has placed on the market does not comply with the Directives, that importer must—

- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
 - (b) withdraw the equipment from the market; or
 - (c) issue a recall of the equipment.
- (3) Where an importer considers that equipment presents a risk before it has been placed on the market, that importer must inform the manufacturer and the Health and Safety Executive of the risk.
- (4) Where an importer considers that equipment it has placed on the market presents a risk, that importer must immediately inform the manufacturer and the TPED competent authority in any relevant member State of the risk, including details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).
- (5) An importer must record each instance of non-compliance with the Directives and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.
- (6) On receipt of a reasoned request from a TPED competent authority, an importer must—
- (a) provide that authority, in a language that it easily understands, all information and documents necessary to show that the equipment meets the requirements of the Directives; and
 - (b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.

Obligations of Distributors

- 19D.**—(1) A distributor must ensure that—
- (a) the equipment has been marked in accordance with articles 14 and 15 of the Transportable Pressure Equipment Directive;
 - (b) the certificate of conformity for the equipment contains or has attached to it the name and address of the importer where relevant; and
 - (c) the conditions in which equipment under the responsibility of the distributor is stored and transported do not jeopardise the equipment’s compliance with the Directives.
- (2) Where a distributor knows or has reason to believe that equipment it made available on the market does not comply with the Directives, that distributor must—
- (a) take immediate corrective measures to ensure that the equipment complies with the Directives;
 - (b) withdraw the equipment from the market; or
 - (c) issue a recall of the equipment.
- (3) Where a distributor considers that equipment presents a risk before it has been made available on the market, that distributor must inform—
- (a) the manufacturer or the importer; and
 - (b) the Health and Safety Executive,
- of the risk.
- (4) Where a distributor considers that equipment it has made available on the market presents a risk, that distributor must immediately inform—
- (a) the manufacturer or the importer; and
 - (b) the TPED competent authority in any relevant member State,

of the risk, including details of any non-compliance with the Directives and any action taken in accordance with paragraph (2).

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

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

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

Obligations of Owners

19E.—(1) An owner must ensure that equipment for which it is responsible is stored and transported in conditions that do not jeopardise the compliance of that equipment with the Dangerous Goods Directive.

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

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

of the risk.

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

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

Obligations of Operators

19F. Where an operator considers that equipment presents a risk, that operator must inform the owner and the Health and Safety Executive of the risk.”.