

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: There are currently no known outstanding effects for the The Pressure Equipment (Safety) Regulations 2016, Section 73. (See end of Document for details)

STATUTORY INSTRUMENTS

2016 No. 1105

The Pressure Equipment (Safety) Regulations 2016

PART 5

Market surveillance and enforcement

Pressure equipment or assemblies which are in conformity, but present a risk **E+W+S**

73.—(1) Where, having carried out an evaluation under regulation 70, an enforcing authority finds that although pressure equipment is in conformity with Part 2, it presents a risk, the enforcing authority must require a relevant economic operator to take all appropriate measures to—

- (a) ensure that the pressure equipment or assembly, when placed on the market, no longer presents a risk;
- (b) withdraw the pressure equipment or assembly within a prescribed period;
- (c) recall the pressure equipment or assembly within a prescribed period.

(2) Where an enforcing authority is not the Secretary of State and it takes measures under paragraph (1), it must notify the Secretary of State immediately.

^{F1}(3)

(4) The [^{F2}notice referred to in paragraph (2)] must include all available details about the pressure equipment or assembly and, in particular—

- (a) the data necessary for the identification of the pressure equipment or assembly;
- (b) the origin and the supply chain of the pressure equipment or assembly;
- (c) the nature of the risk involved; and
- (d) the nature and duration of the measures taken by the enforcing authority.

(5) In this regulation, “prescribed period” means a period which is—

- (a) prescribed by the enforcing authority; and
- (b) reasonable and commensurate with the nature of the risk presented by the pressure equipment or assembly.

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F1 Reg. 73(3) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 24 para. 39\(a\)](#) (with [Sch. 24 para. 41](#)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

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Changes to legislation: There are currently no known outstanding effects for the The Pressure Equipment (Safety) Regulations 2016, Section 73. (See end of Document for details)

F2 Words in [reg. 73\(4\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 24 para. 39\(b\)](#) (with [Sch. 24 para. 41](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Pressure equipment or assemblies which are in conformity, but present a risk **N.I.**

73.—(1) Where, having carried out an evaluation under regulation 70, an enforcing authority finds that although pressure equipment is in conformity with Part 2, it presents a risk, the enforcing authority must require a relevant economic operator to take all appropriate measures to—

- (a) ensure that the pressure equipment or assembly, when placed on the market, no longer presents a risk;
- (b) withdraw the pressure equipment or assembly within a prescribed period;
- (c) recall the pressure equipment or assembly within a prescribed period.

(2) Where an enforcing authority is not the Secretary of State and it takes measures under paragraph (1), it must notify the Secretary of State immediately.

(3) [^{F3}Subject to paragraph (3A),] where the Secretary of State receives a notice under paragraph (2) or takes measures under paragraph (1), the Secretary of State must notify the European Commission and the other [^{F4}relevant states] immediately.

[^{F5}(3A) Paragraph (3) only applies to measures taken in Northern Ireland.]

(4) The notices referred to in paragraphs (2) and (3) must include all available details about the pressure equipment or assembly and, in particular—

- (a) the data necessary for the identification of the pressure equipment or assembly;
 - (b) the origin and the supply chain of the pressure equipment or assembly;
 - (c) the nature of the risk involved; and
 - (d) the nature and duration of the measures taken by the enforcing authority.
- (5) In this regulation, “prescribed period” means a period which is—
- (a) prescribed by the enforcing authority; and
 - (b) reasonable and commensurate with the nature of the risk presented by the pressure equipment or assembly.

Extent Information

E2 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F3** Words in [reg. 73\(3\)](#) inserted (N.I.) (31.12.2020) by [The Pressure Vessels \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/678\)](#), [reg. 1\(b\)](#), [Sch. 2 para. 6\(3\)\(a\)\(i\)](#)
- F4** Words in [reg. 73\(3\)](#) substituted (N.I.) (31.12.2020) by [The Pressure Vessels \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/678\)](#), [reg. 1\(b\)](#), [Sch. 2 para. 6\(3\)\(a\)\(ii\)](#)
- F5** [Reg. 73\(3A\)](#) inserted (N.I.) (31.12.2020) by [The Pressure Vessels \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/678\)](#), [reg. 1\(b\)](#), [Sch. 2 para. 6\(3\)\(b\)](#)

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Changes to legislation:

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