
STATUTORY INSTRUMENTS

2018 No. 966

**The Simple Pressure Vessels, Electrical Equipment
and Pressure Equipment (Miscellaneous
Amendments) (Northern Ireland) Regulations 2018**

Amendment of the Pressure Equipment (Safety) Regulations 2016

4.—(1) The Pressure Equipment (Safety) Regulations 2016 are amended as follows.

(2) In paragraph 2 of Schedule 9 (enforcement powers of the Health and Safety Executive for Northern Ireland under the 1978 Order)—

(a) after paragraph (a) insert—

“(aa) references to “risk” were references to “risk” within the meaning of regulation 2(4) of these Regulations;”;

(b) in paragraph (b)—

(i) for sub-paragraph (ii) substitute—

“(ii) in Article 36, “the enforcing authority”;”;

(ii) omit sub-paragraph (v);

(c) after paragraph (d) insert—

“(da) in Article 22(2)(h), for “him to have caused or to be likely to cause danger to health or safety” there were substituted “contravene the relevant statutory provisions or present a risk”;”;

(d) after paragraph (e) insert—

“(ea) in Article 23—

(i) before paragraph (a), there were inserted—

“(za) is making available on the market pressure equipment or an assembly which presents a risk”;

(ii) in sub-paragraph (ii), after “specifying the”, there were inserted “risk, or”; and

(iii) in sub-paragraph (iv), after “requiring that person to”, there were inserted “address the risk or”;”;

(e) for paragraph (f) substitute—

“(f) for Article 24(2) and (3) there were substituted—

“(2) An inspector may serve a notice (in this Part referred to as a “prohibition notice”) on a person if, as regards any activities to which this paragraph applies, the inspector is of the opinion that, as carried on or likely to be carried on by or under the control of the person in question, the activities involve or, as the case may be, will involve—

(a) a risk; or

(b) the contravention of a relevant statutory provision.

- (3) A prohibition notice must—
 - (a) state that the inspector is of the said opinion;
 - (b) specify the matters which in his opinion give or, as the case may be, will give rise to the said risk;
 - (c) where in his opinion any of those matters involves or, as the case may be, will involve a contravention of any of the relevant statutory provisions, state that he is of the opinion, specify the provision or provisions as to which he is of that opinion, and give particulars of the reasons why he is of that opinion; and
 - (d) direct that the activities to which the notice relates must not be carried on by or under the control of the person on whom the notice is served unless the matters specified in the notice in pursuance of sub-paragraph (b) and any associated contraventions of provisions so specified in pursuance of sub-paragraph (c) have been remedied.”
- (f) for paragraph (i) substitute—
 - “(i) in Article 29—
 - (i) for paragraph 1(b) there were substituted—
 - “(b) any information which the Health and Safety Executive for Northern Ireland needs for the discharge of its functions;”;
 - (ii) “the Department concerned, or” and “or as the case may be, to the enforcing authority in question” were omitted;”;
- (g) in paragraph (j)—
 - (i) for sub-paragraph (ii) substitute—
 - “(ii) in paragraph (4), “or an enforcing authority” and “or authority (including, in the case of an enforcing authority, any inspector appointed by it)” were omitted;”;
 - (ii) after sub-paragraph (iii) insert—
 - “(iv) in paragraph (6), “16(4)(a) or” were omitted;
 - (v) for paragraph (6)(b), there were substituted—
 - “(b) for the purposes of any legal proceedings or for the purposes of a report of any such proceedings;”
- (h) for paragraphs (l) and (m) substitute—
 - “(l) for Article 31(2), there were substituted—
 - “(2) A person guilty of an offence under this Article is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding three months, or to both;
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years, or to both;”
- (i) for paragraph (p) substitute—
 - “(p) in Article 33, for “any enforcing authority”, there were substituted “the Health and Safety Executive for Northern Ireland”; and”.