
STATUTORY INSTRUMENTS

2020 No. 1111

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020

Amendments to Part 1 (Introductory Provisions)

3.—(1) In regulation 2 (Interpretation – General), the Table in paragraph (5) is amended as follows.

(2) After the definition of “ADR” insert—

““the Annexes”	Subject to paragraphs (6) and (7), Annexes I and II to the Dangerous Goods Directive.
“appointed body”	A body appointed to carry out inspections of and tests on transportable pressure equipment by the GB competent authority under regulation 29 for the purposes of ADR and RID (as applicable).”

(3) After the definition of “armed forces” insert—

““certificate of conformity”	The document issued to confirm successful completion of a conformity assessment.”
------------------------------	---

(4) For the definition of “conformity assessment”, substitute—

““conformity assessment”	The assessment and the procedure for assessment of conformity set out in— (a) the Annexes to the Dangerous Goods Directive, where the assessment by an appointed body will culminate in the equipment being marked with the UK TPE marking; or (b) the Directives, where the assessment by a notified body will culminate in the equipment being marked with the pi marking.”
--------------------------	---

(5) Omit the row containing the expression and meaning of “conformity mark”.

(6) For the row containing the expression and meaning of “the Dangerous Goods Directive”—

(a) before “Directive” insert “Subject to paragraphs (6) and (7),”; and

(b) for “as amended from time to time” substitute “as it had effect immediately before IP completion day”.

(7) For the row containing the expression and meaning of “the Directives”, for “The” substitute “Subject to paragraphs (6) and (7), the”.

(8) After the definition of “the Directives” insert—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

““distributor”	Subject to regulation 19(3)(b) and (4)(b), any person established in the United Kingdom, other than the manufacturer or the importer, who makes transportable pressure equipment, or parts thereof, available on the GB market.”
(9) After the definition of “the GB competent authority” insert—	
““importer”	Subject to regulation 19(3)(a) and (4)(a), a person who— (a) is established in the United Kingdom; and (b) places transportable pressure equipment or parts thereof from a country outside of the United Kingdom, on the GB market.
“making available on the GB market” and like expressions	Subsequent to the transportable pressure equipment being placed on the Great Britain market, any supply of that equipment for distribution or use on that market in the course of a commercial or public service activity, whether in return for payment or free of charge.
“manufactured in series to a design type”	Equipment that is one of a series of products manufactured to the same design.
“manufacturer”	A person who— (a) manufactures transportable pressure equipment, or parts thereof, or who has such equipment designed or manufactured; and (b) markets it under their own name or trademark.”
(10) After the definition of “national carriage” insert—	
““Northern Ireland competent authority”	The competent authority in Northern Ireland, as defined in regulation 21 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010(1), under regulation 25 of those Regulations.
“notified body”	An inspection body appearing on the list published by the European Commission(2) pursuant to article 23(2) of the Transportable Pressure Equipment Directive.
“operator”	A person established in a relevant territory who uses transportable pressure equipment.
“owner”	A person established in the United Kingdom who owns transportable pressure equipment.
“pi marking”	The mark referred to in article 14 of the Transportable Pressure Equipment Directive, the form of which is set out in article 15 of that Directive, and may include a pi marking accompanied by the indication “UK(NI)”.

(1) S.R. 2010 No. 160, amended by S.R. 2011 No. 365.

(2) Copies can be obtained at <http://ec.europa.eu/growth/tools-databases/nando/index.cfm> or made available for inspection at the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“pi marked TPE”	Transportable pressure equipment bearing the pi marking.
“placing on the GB market” and like expressions	The first making available of transportable pressure equipment on the Great Britain market..”.

(11) For the row containing the expression and meaning of “relevant member State” substitute—

““relevant territory”	Great Britain, Northern Ireland or a member State of the EU.”
-----------------------	---

(12) For the row containing the expression and meaning of “TPED competent authority”, for “or another member State of the EU.” substitute “or a member State of the EU.”

(13) For the row containing the expression and meaning of “the Transportable Pressure Equipment Directive”, after “and 1999/36/EC” insert “, as it had effect immediately before IP completion day”.

(14) After the definition of “the Transportable Pressure Equipment Directive” insert—

““UK TPE”	Transportable pressure equipment bearing the UK TPE marking.
“UK TPE marking”	The marking in the form published in accordance with regulation 22B.”

(15) After the Table in paragraph (5), insert—

“(6) References to—

- (a) “the Annexes”;
- (b) “the Dangerous Goods Directive”; and
- (c) “the Directives”;

are subject to the modification identified in paragraph (7).

- (a) (7) Section I.1 of Annex I; and
- (b) Section II.1 of Annex II

to the Dangerous Goods Directive are to be read as if “as applicable with effect from 1 January 2019,” had been omitted.”.