

STATUTORY INSTRUMENTS

2016 No. 1092

The Simple Pressure Vessels (Safety) Regulations 2016

PART 2

Obligations of economic operators

Manufacturers

Design and manufacture in accordance with essential safety requirements and sound engineering practice **E+W+S**

4.—(1) Before placing a category A vessel on the market, a manufacturer must ensure that the vessel has been designed and manufactured in accordance with the essential safety requirements.

(2) Before placing a category B vessel on the market, a manufacturer must ensure that the vessel has been designed and manufactured in accordance with [^{F1}sound engineering practice].

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 Words in [reg. 4\(2\)](#) 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. 21 para. 4](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Design and manufacture in accordance with essential safety requirements and sound engineering practice **N.I.**

4.—(1) Before placing a category A vessel on the market, a manufacturer must ensure that the vessel has been designed and manufactured in accordance with the essential safety requirements.

(2) Before placing a category B vessel on the market, a manufacturer must ensure that the vessel has been designed and manufactured in accordance with the sound engineering practice of a [^{F41}relevant state].

Extent Information

E21 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

- F41** Words in [reg. 4\(2\)](#) 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. 1 para. 3\(1\)](#)

Technical documentation and conformity assessment for category A vessels

5. Before placing a category A vessel on the market, a manufacturer must—
- (a) draw up the technical documentation in respect of that vessel; and
 - (b) carry out a relevant conformity assessment procedure in respect of the vessel or have such a procedure carried out.

[F2]Declaration] of conformity, [F3UK] marking and inscriptions for category A vessels **E+W** **+S**

6.—(1) Where the conformity of a category A vessel with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure, before placing that vessel on the market, a manufacturer must—

- (a) draw up ^[F4]a] declaration of conformity in accordance with regulation 43 ^{F5}...; and
- ^[F6](b) affix the information set out in paragraph (1B) to—
 - (i) the vessel;
 - (ii) its data plate; or
 - (iii) where paragraph (1A) applies—
 - (aa) to a label affixed to the vessel; or
 - (bb) in a document accompanying the vessel;]

^[F7](1A) This paragraph applies to a vessel that is placed on the market within a period of ^[F8]seven years] beginning with IP completion day.

- (1B) The information referred to in paragraph (1)(b) is—
- (a) the UK marking;
 - (b) the last two digits of the year in which the UK marking is affixed;
 - (c) the inscriptions.]

(2) Where a data plate is used, it must be so designed that it cannot be reused and must include a vacant space to enable other information to be provided.

- (3) The information referred to in paragraph (1)(b) must be visible, legible and indelible.
- (4) The manufacturer must keep the ^{F9}... declaration of conformity up-to-date.

^[F10](5) Where a category A vessel is subject to more than one enactment requiring the drawing up of a declaration of conformity, the manufacturer must draw up a single declaration of conformity which identifies each enactment by its title.]

Extent Information

- E2** 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

- F2** Word in reg. 6 heading 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. 21 para. 5(2)(a)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in reg. 6 heading 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. 21 para. 5(2)(b)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in reg. 6(1)(a) 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. 21 para. 5(3)(a)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 6(1)(a) 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. 21 para. 5(3)(b)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Reg. 6(1)(b) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 21 para. 5(4)** (as substituted by S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 13(3)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Reg. 6(1A)(1B) inserted by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 21 para. 5(4A)** (as inserted by S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 13(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in reg. 6(1A) substituted (E.W.S.) (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 3, **Sch. 2(j)**
- F9** Word in reg. 6(4) 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. 21 para. 5(5)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Reg. 6(5) 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. 21 para. 5(6)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

EU declaration of conformity, CE marking and inscriptions for category A vessels **N.I.**

6.—(1) Where the conformity of a category A vessel with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure, before placing that vessel on the market, a manufacturer must—

- (a) draw up an EU declaration of conformity in accordance with regulation 43 (EU declaration of conformity); and
- (b) affix to the vessel, or to its data plate, the CE marking, the last two digits of the year in which the CE marking is affixed, the inscriptions and the information referred to in regulation 11(1)(labelling).

(2) Where a data plate is used, it must be so designed that it cannot be reused and must include a vacant space to enable other information to be provided.

(3) The information referred to in paragraph (1)(b) must be visible, legible and indelible.

(4) The manufacturer must keep the EU declaration of conformity up-to-date.

(5) Where a category A vessel is subject to more than one EU instrument requiring the drawing up of a declaration of conformity, the manufacturer must draw up a single declaration of conformity, which—

- (a) identifies the EU instruments; and
- (b) includes references to the publication of those EU instruments in the Official Journal.

Extent Information

E22 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Inscriptions for category B vessels

7.—(1) Before placing a category B vessel on the market, a manufacturer must affix the following to the vessel or to its data plate—

- (a) the inscriptions; and
- (b) the information referred to in regulation 11(1).

(2) Where a data plate is used, it must be so designed that it cannot be reused and must include a vacant space to enable other information to be provided.

(3) The inscriptions and information referred to in paragraph (1) must be visible, legible and indelible.

Retention by manufacturer of technical documentation and ^{F11}... declaration of conformity **E+W+S**

8. A manufacturer must keep the technical documentation and the ^{F12}... declaration of conformity drawn up in respect of a category A vessel and make it available for inspection by the enforcing authorities for a period of 10 years beginning on the day on which the vessel was placed on the market.

Extent Information

E3 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

F11 Word in [reg. 8](#) heading 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. 21 para. 6](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F12 Word in [reg. 8](#) 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. 21 para. 6](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Retention by manufacturer of technical documentation and EU declaration of conformity **N.I.**

8. A manufacturer must keep the technical documentation and the EU declaration of conformity drawn up in respect of a category A vessel and make it available for inspection by the enforcing authorities for a period of 10 years beginning on the day on which the vessel was placed on the market.

Extent Information

E23 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Compliance procedures for series production **E+W+S**

9.—(1) A manufacturer must ensure, before placing a vessel on the market, that procedures are in place to ensure that series production remains in conformity with Part 2.

(2) In doing so, the manufacturer must take adequate account of—

- (a) any change in vessel design or characteristics; and
- (b) any change in a [^{F13}designated] standard or in another technical specification by reference to which the ^{F14}... declaration of conformity was drawn up.

Extent Information

E4 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

F13 Word in [reg. 9\(2\)\(b\)](#) 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. 21 para. 7\(a\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

F14 Word in [reg. 9\(2\)\(b\)](#) 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. 21 para. 7\(b\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Compliance procedures for series production **N.I.**

9.—(1) A manufacturer must ensure, before placing a vessel on the market, that procedures are in place to ensure that series production remains in conformity with Part 2.

(2) In doing so, the manufacturer must take adequate account of—

- (a) any change in vessel design or characteristics; and
- (b) any change in a harmonised chnical specification by reference to which the EU declaration of conformity was drawn up.

Extent Information

E24 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Monitoring of vessels made available on the market

10.—(1) When appropriate, having regard to the risks to the health and safety of end-users presented by a vessel, a manufacturer must—

- (a) carry out sample testing of vessels manufactured by it made available on the market;
- (b) investigate complaints that vessels manufactured by it are not in conformity with Part 2;
- (c) keep a register of—
 - (i) complaints that vessels are not in conformity with Part 2;
 - (ii) vessels which are found not to be in conformity with Part 2; and
 - (iii) vessel recalls; and
- (d) keep distributors informed of any monitoring carried out under this regulation.

(2) The manufacturer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Labelling of vessels **E+W+S**

11.—(1) Before placing a vessel on the market, a manufacturer must ensure that the following appear on the vessel or its data plate—

- (a) a type and serial or batch identification allowing its identification; and
- (b) the following information—
 - (i) the name, registered trade name or registered trade mark of the manufacturer; and
 - (ii) a postal address at which the manufacturer can be contacted.

(2) The information referred to in paragraph (1) must be clear, understandable and intelligible.

^{F15}(3)

Extent Information

E5 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

F15 Reg. 11(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. 21 para. 8** (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Labelling of vessels **N.I.**

11.—(1) Before placing a vessel on the market, a manufacturer must ensure that the following appear on the vessel or its data plate—

- (a) a type and serial or batch identification allowing its identification; and
- (b) the following information—
 - (i) the name, registered trade name or registered trade mark of the manufacturer; and
 - (ii) a postal address at which the manufacturer can be contacted.

(2) The information referred to in paragraph (1) must be clear, understandable and intelligible.

(3) The contact details referred to in paragraph (1)(b) must be in a language which can be easily understood by end-users and the competent national authority in the [^{F42}relevant state] in which it is to be made available.

Extent Information

E25 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

F42 Words in [reg. 11\(3\)](#) 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. 1 para. 3(1)**

[^{F16}Provision of instructions and safety information E+W+S]

12. When placing a vessel on the market, a manufacturer must ensure that a vessel is accompanied by instructions and safety information that are clear, legible and in easily understandable English.]

Extent Information

E6 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

F16 Reg. 12 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. 21 para. 9** (with Sch. 21 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Provision of instructions and safety information N.I.

12.—(1) When placing a vessel on the market, a manufacturer must ensure that a vessel is accompanied by the instructions and safety information in a language which can be easily understood by end-users in the [^{F43}relevant state] in which it is to be made available on the market.

(2) The instructions and safety information referred to in paragraph (1) must be clear, understandable and intelligible.

(3) Where the [^{F44}relevant state] referred to in paragraph (1) is [^{F45}Northern Ireland], the language referred to in that paragraph must be English.

Extent Information

E26 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

F43 Words in [reg. 12\(1\)](#) 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. 1 para. 3(1)**

F44 Words in [reg. 12\(3\)](#) 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. 1 para. 3(1)**

F45 Words in [reg. 12\(3\)](#) 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. 1 para. 3(2)**

Duty of manufacturer to take action in respect of vessels placed on the market which are considered not to be in conformity E+W+S

13.—(1) A manufacturer who considers, or has reason to believe, that a vessel which the manufacturer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the vessel into conformity;
- (b) withdraw the vessel; or
- (c) recall the vessel.

- (2) Where the vessel presents a risk to the health or safety of persons, to domestic animals or to property, a manufacturer must immediately inform the market surveillance authority of the risk, ^{F17}... giving details, in particular, of—
- (a) the respect in which the vessel is considered not to be in conformity with Part 2; and
 - (b) any corrective measures taken.

Extent Information

- E7** 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

- F17** Words in [reg. 13\(2\)](#) 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. 21 para. 10](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Duty of manufacturer to take action in respect of vessels placed on the market which are considered not to be in conformity **N.I.**

13.—(1) A manufacturer who considers, or has reason to believe, that a vessel which the manufacturer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the vessel into conformity;
- (b) withdraw the vessel; or
- (c) recall the vessel.

(2) Where the vessel presents a risk to the health or safety of persons, to domestic animals or to property, a manufacturer must immediately inform the market surveillance authority of the risk, and the competent national authorities of any other [^{F46}relevant state] in which the manufacturer made the vessel available on the market, giving details, in particular, of—

- (a) the respect in which the vessel is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

- E27** 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

- F46** Words in [reg. 13\(2\)](#) 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. 1 para. 3\(3\)](#)

Provision of information and cooperation

14.—(1) Following a request from the enforcing authority, and within such period as the authority may specify, a manufacturer must provide the authority with all the information and documentation necessary to demonstrate that a vessel is in conformity with Part 2.

- (2) A request referred to in paragraph (1)—

- (a) may only be made during the period of 10 years beginning on the day the vessel was placed on the market; and
 - (b) must be accompanied by the reasons for making the request.
- (3) The information referred to in paragraph (1)–
- (a) may be provided electronically; and
 - (b) must be in a language which can be easily understood by the enforcing authority.
- (4) A manufacturer must, at the request of the enforcing authority, cooperate with that authority on any action taken to—
- (a) evaluate a vessel in accordance with regulation 58 (evaluation of vessels presenting a risk); or
 - (b) eliminate the risks posed by a vessel which the manufacturer has placed on the market.

Appointment by manufacturer of authorised representative E+W+S

15.—(1) Subject to regulation 16, a manufacturer may, by written mandate, appoint a person [^{F18}established in the United Kingdom] as their authorised representative to perform specified tasks on the manufacturer's behalf.

(2) A manufacturer who has appointed an authorised representative to perform, on the manufacturer's behalf, a task under these Regulations remains responsible for the proper performance of that task.

Extent Information

E8 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

F18 Words in [reg. 15](#) inserted (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. 21 para. 11](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Appointment by manufacturer of authorised representative N.I.

15.—(1) Subject to regulation 16, a manufacturer may, by written mandate, appoint a person as their authorised representative to perform specified tasks on the manufacturer's behalf.

(2) A manufacturer who has appointed an authorised representative to perform, on the manufacturer's behalf, a task under these Regulations remains responsible for the proper performance of that task.

Extent Information

E28 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Obligations of authorised representative E+W+S

16.—(1) The obligations laid down in regulation 4 (design and manufacture in accordance with essential safety requirements and sound engineering practice) and in of regulation 5(a) (technical

documentation and conformity assessment for category A vessels) must not form part of an authorised representative's mandate.

(2) The mandate must allow the authorised representative to do at least the following in relation to a vessel covered by the mandate—

- (a) perform the manufacturer's obligations under regulation 8 (retention by manufacturer of technical documentation and ^{F19}... declaration of conformity); and
- (b) perform the manufacturer's obligations under regulation 14 (provision of information and cooperation).

(3) An authorised representative must comply with all the duties imposed on the manufacturer in relation to each obligation under these Regulations that the representative is appointed by the mandate to perform and accordingly as far as those duties are concerned, as well as the penalties for failure to comply with those duties, a reference in these Regulations (except in regulation 15) to the manufacturer is to be taken as including a reference to the authorised representative.

Extent Information

E9 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

F19 Word in [reg. 16\(2\)\(a\)](#) 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. 21 para. 12](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Obligations of authorised representative **N.I.**

16.—(1) The obligations laid down in regulation 4 (design and manufacture in accordance with essential safety requirements and sound engineering practice) and in of regulation 5(a) (technical documentation and conformity assessment for category A vessels) must not form part of an authorised representative's mandate.

(2) The mandate must allow the authorised representative to do at least the following in relation to a vessel covered by the mandate—

- (a) perform the manufacturer's obligations under regulation 8 (retention by manufacturer of technical documentation and EU declaration of conformity); and
- (b) perform the manufacturer's obligations under regulation 14 (provision of information and cooperation).

(3) An authorised representative must comply with all the duties imposed on the manufacturer in relation to each obligation under these Regulations that the representative is appointed by the mandate to perform and accordingly as far as those duties are concerned, as well as the penalties for failure to comply with those duties, a reference in these Regulations (except in regulation 15) to the manufacturer is to be taken as including a reference to the authorised representative.

Extent Information

E29 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Importers

Prohibition on placing on the market vessels which are not in conformity

17. An importer must not place a vessel on the market unless it is in conformity with Part 2.

Requirements which must be satisfied before an importer places a category A vessel on the market **E+W+S**

18. Before placing a category A vessel on the market, an importer must ensure that—
- (a) the relevant conformity assessment procedure has been carried out;
 - (b) the manufacturer has drawn up the technical documentation;
 - ^{F20}(c) the UK marking and the inscriptions have been affixed in accordance with regulation 6(1)(b) to (d);]
 - (d) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels).

Extent Information

E10 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

F20 Reg. 18(c) 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. 21 para. 13** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 13(5)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Requirements which must be satisfied before an importer places a category A vessel on the market **N.I.**

18. Before placing a category A vessel on the market, an importer must ensure that—
- (a) the relevant conformity assessment procedure has been carried out;
 - (b) the manufacturer has drawn up the technical documentation;
 - (c) the vessel bears the CE marking and the inscriptions; and;
 - (d) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels).

Extent Information

E30 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Prohibition on an importer placing on the market a category A vessel considered not to be in conformity with the essential safety requirements

19.—(1) Where an importer considers or has reason to believe that a category A vessel is not in conformity with the essential safety requirements, the importer must not place the vessel on the market.

(2) Where the vessel presents a risk to the health or safety of persons, to domestic animals or to property, the importer must inform the manufacturer and the market surveillance authority of that risk.

Requirements which must be satisfied before an importer places a category B vessel on the market **E+W+S**

- 20.** Before placing a category B vessel on the market, an importer must ensure that—
- (a) it has been designed and manufactured in accordance with [^{F21}sound engineering practice];
 - (b) it bears the inscriptions; and
 - (c) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels).

Extent Information

E11 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

F21 Words in [reg. 20\(a\)](#) 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. 21 para. 14](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Requirements which must be satisfied before an importer places a category B vessel on the market **N.I.**

- 20.** Before placing a category B vessel on the market, an importer must ensure that—
- (a) it has been designed and manufactured in accordance with the sound engineering practice in a [^{F47}relevant state];
 - (b) it bears the inscriptions; and
 - (c) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels).

Extent Information

E31 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

F47 Words in [reg. 20\(a\)](#) 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. 1 para. 3\(1\)](#)

Information identifying importer **E+W+S**

- 21.—(1)** Before placing a vessel on the market, an importer must indicate on the vessel ^{F22}...—
- (a) the name, registered trade name or registered trade mark of the importer; and
 - (b) a postal address at which the importer can be contacted.

[^{F23}(1A) Paragraph (1) does not apply where—

- (a) either—
- (i) it is not possible to set out the information referred to in paragraph (1) on the vessel, or
 - (ii) the importer has imported the vessel from an EEA state or Switzerland and places it on the market within the period of [^{F24}seven years] beginning with IP completion day, and
- (b) before placing the vessel on the market, the importer sets out the information referred to in paragraph (1) in a document accompanying the vessel.]
- (2) The contact details referred to in paragraph (1) must be in a language which can be easily understood by end-users and the [^{F25}enforcing authority].

Extent Information

- E12** 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

- F22** Words in reg. 21(1) 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. 21 para. 15(a)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Reg. 21(1A) inserted (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. 21 para. 15(b)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2019/1246, regs. 1(3), 5 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 2(1)(f) and S.I. 2020/852, regs. 2(2), 4(2), Sch. 1 para. 1(j)(iii)); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in reg. 21(1A)(a)(ii) substituted (E.W.S.) (31.12.2022) by *The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022* (S.I. 2022/1393), regs. 1(1), 4, **Sch. 3(h)**
- F25** Words in reg. 21(2) 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. 21 para. 15(c)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** Reg. 21 modified (temp.) by S.I. 2019/392, reg. 6 (as inserted (10.9.2019) by *The Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019* (S.I. 2019/1246), regs. 1(2)(4), **2(3)** (with reg. 18))

Information identifying importer **N.I.**

21.—(1) Before placing a vessel on the market, an importer must indicate on the vessel or, where that is not possible, in a document accompanying the vessel—

- (a) the name, registered trade name or registered trade mark of the importer; and
- (b) a postal address at which the importer can be contacted.

(2) The contact details referred to in paragraph (1) must be in a language which can be easily understood by end-users and the competent national authority in the [^{F48}relevant state] in which it is to be made available to such end-users.

Extent Information

- E32** 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

- F48** Words in [reg. 21\(2\)](#) 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. 1 para. 3\(1\)](#)

Modifications etc. (not altering text)

- C2** [Reg. 21](#) modified (temp.) by [S.I. 2019/392](#), [reg. 6](#) (as inserted (10.9.2019) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), [regs. 1\(2\)\(4\)](#), [2\(3\)](#) (with [reg. 18](#)))

[^{F26}Instructions and safety information **E+W+S**

22. When placing a vessel on the market, an importer must ensure that the vessel is accompanied by instructions and safety information that are clear, legible and in easily understandable English.]

Extent Information

- E13** 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

- F26** [Reg. 22](#) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 21 para. 16](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\)](#), [2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

Instructions and safety information **N.I.**

22.—(1) When placing a vessel on the market, an importer must ensure that the vessel is accompanied by the instructions and safety information in a language which can be easily understood by end-users in the [^{F49}relevant state] in which it is to be made available.

(2) The instructions and safety information referred to in paragraph (1) must be clear and understandable.

(3) Where the [^{F50}relevant state] referred to in paragraph (1) is [^{F51}Northern Ireland], the language referred to in that paragraph must be English.

Extent Information

- E33** 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

- F49** Words in [reg. 22\(1\)](#) 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. 1 para. 3\(1\)](#)
- F50** Words in [reg. 22\(3\)](#) 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. 1 para. 3\(1\)](#)

F51 Words in reg. 22(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. 1 para. 3(2)**

Transport and storage conditions

23. Where an importer has responsibility for a category A vessel, the importer must ensure that the conditions under which the vessel is stored or transported do not jeopardise its conformity with the essential safety requirements.

Monitoring by importer of vessels made available on the market

24.—(1) When appropriate, having regard to the risks to the health and safety of end-users presented by a vessel, an importer must—

- (a) carry out sample testing of vessels made available by the importer on the market;
- (b) investigate complaints that vessels made available on the market by the importer are not in conformity with Part 2;
- (c) keep a register of—
 - (i) complaints that vessels are not in conformity with Part 2;
 - (ii) vessels which are found not to be in conformity with Part 2; and
 - (iii) vessel recalls; and
- (d) keep distributors informed of any monitoring carried out under this regulation.

(2) The importer must keep an entry made in the register for a period of at least 10 years beginning on the day on which the obligation to make the entry arose.

Duty of importer to take action in respect of vessels placed on the market which are considered not to be in conformity **E+W+S**

25.—(1) An importer who considers, or has reason to believe, that a vessel which the importer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the vessel into conformity;
- (b) withdraw the vessel; or
- (c) recall the vessel.

(2) Where the vessel presents a risk to the health or safety of persons, to domestic animals or to property, an importer must immediately inform the market surveillance authority of the risk, ^{F27} ... giving details, in particular, of—

- (a) the respect in which the vessel is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E14 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

- F27** Words in [reg. 25\(2\)](#) 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. 21 para. 17](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Duty of importer to take action in respect of vessels placed on the market which are considered not to be in conformity **N.I.**

25.—(1) An importer who considers, or has reason to believe, that a vessel which the importer has placed on the market is not in conformity with Part 2 must immediately take the corrective measures necessary to—

- (a) bring the vessel into conformity;
- (b) withdraw the vessel; or
- (c) recall the vessel.

(2) Where the vessel presents a risk to the health or safety of persons, to domestic animals or to property, an importer must immediately inform the market surveillance authority of the risk, and the competent national authorities of any other [^{F52}relevant state] in which the importer made the vessel available on the market, giving details, in particular, of—

- (a) the respect in which the vessel is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

- E34** 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

- F52** Words in [reg. 25\(2\)](#) 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. 1 para. 3\(1\)](#))

Retention by importer of technical documentation and ^{F28}... declaration of conformity **E+W+S**

26. An importer must, for a period of 10 years beginning on the day on which a category A vessel was placed on the market, keep and, upon request, make available to an enforcing authority the following in relation to the vessel—

- (a) a copy of the ^{F29}... declaration of conformity (as referred to in regulation 43); and
- (b) the technical documentation.

Extent Information

- E15** 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

- F28** Word in [reg. 26](#) heading 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. 21 para. 18](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

F29 Word in reg. 26(a) 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. 21 para. 18 (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Retention by importer of technical documentation and EU declaration of conformity **N.I.**

26. An importer must, for a period of 10 years beginning on the day on which a category A vessel was placed on the market, keep and, upon request, make available to an enforcing authority the following in relation to the vessel—

- (a) a copy of the EU declaration of conformity (as referred to in regulation 43); and
- (b) the technical documentation.

Extent Information

E35 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Provision of information and cooperation

27.—(1) Following a request from an enforcing authority, and within such period as the authority may specify, an importer must provide the authority with all the information and documentation necessary to demonstrate that a vessel is in conformity with Part 2.

- (2) A request referred to in paragraph (1)—
 - (a) may only be made during the period of 10 years beginning on the day that the importer places the vessel on the market; and
 - (b) must be accompanied by the reasons for making the request.
- (3) The information referred to in paragraph (1)—
 - (a) may be provided electronically; and
 - (b) must be in a language which can be easily understood by the enforcing authority.
- (4) An importer must, at the request of the enforcing authority, cooperate with the authority on any action taken to—
 - (a) evaluate a vessel in accordance with regulation 58 (evaluation of vessels presenting a risk); or
 - (b) eliminate the risks posed by vessels which the importer has placed on the market.

Distributors

Duty to act with due care

28. When making a vessel available on the market a distributor must act with due care to ensure that it is in conformity with Part 2.

Requirements which must be satisfied before a distributor makes available on the market a category A vessel **E+W+S**

- 29.** Before making a category A vessel available on the market, a distributor must ensure that—
- (a) the vessel—
 - (i) bears the [F30UK] marking and the inscriptions; and

- [^{F31}(ii) is accompanied by instructions and safety information that are clear, legible and in easily understandable English;]
- (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels); and
- (c) the importer has complied with the requirements in regulation 21 (information identifying importer).

Extent Information

E16 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

- F30** Word in reg. 29(a)(i) 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. 21 para. 19(a)** (with Sch. 21 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Reg. 29(a)(ii) 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. 21 para. 19(b)** (with Sch. 21 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Requirements which must be satisfied before a distributor makes available on the market a category A vessel **N.I.**

- 29.** Before making a category A vessel available on the market, a distributor must ensure that—
- (a) the vessel—
- (i) bears the CE marking and the inscriptions; and
- (ii) is accompanied by the instructions and safety information in a language which can be easily understood by end-users in the [^{F53}relevant state] in which the vessel is to be made available on the market;
- (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels); and
- (c) the importer has complied with the requirements in regulation 21 (information identifying importer).

Extent Information

E36 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

- F53** Words in reg. 29(a)(ii) 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. 1 para. 3(1)**

Prohibition on a distributor making available on the market a category A vessel not considered to be in conformity with essential safety requirements

30.—(1) Where a distributor considers or has reason to believe that a category A vessel is not in conformity with the essential safety requirements, the distributor must not make the vessel available on the market until it has been brought into conformity.

(2) Where the vessel presents a risk to the health or safety of persons, to domestic animals or to property, the distributor must inform the following of that risk—

- (a) the importer (if there is one);
- (b) the manufacturer (if there is no importer); and
- (c) the market surveillance authority.

Requirements which must be satisfied before a distributor makes a category B vessel available on the market **E+W+S**

31.—(1) Before making a category B vessel available on the market, a distributor must verify that—

- (a) the vessel—
 - (i) bears the inscriptions;
 - [^{F32}(ii) is accompanied by instructions and safety information that are clear, legible and in easily understandable English;]
- (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels); and
- (c) the importer has complied with the requirements in regulation 21 (information identifying importer).

^{F33}(2)

Extent Information

E17 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

F32 Reg. 31(1)(a)(ii) 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. 21 para. 20(a)** (with Sch. 21 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F33 Reg. 31(2) 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. 21 para. 20(b)** (with Sch. 21 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Requirements which must be satisfied before a distributor makes a category B vessel available on the market **N.I.**

31.—(1) Before making a category B vessel available on the market, a distributor must verify that—

- (a) the vessel—
 - (i) bears the inscriptions;
 - (ii) is accompanied by the instructions and safety information in a language which can be easily understood by end-users in the [^{F54}relevant state] in which the vessel is to be made available on the market;
- (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels); and

(c) the importer has complied with the requirements in regulation 21 (information identifying importer).

(2) Where the [^{F55}relevant state] referred to in paragraph (1) is [^{F56}Northern Ireland], the language referred to in paragraph (1) must be English.

Extent Information

E37 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

F54 Words in [reg. 31\(1\)\(a\)\(ii\)](#) 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. 1 para. 3\(1\)](#)

F55 Words in [reg. 31\(2\)](#) 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. 1 para. 3\(1\)](#)

F56 Words in [reg. 31\(2\)](#) 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. 1 para. 3\(2\)](#)

Storage and transport conditions

32. Where a distributor has responsibility for a Category A vessel, the distributor must ensure that the conditions under which it is stored or transported do not jeopardise its conformity with the essential safety requirements.

Duty for distributor to take action in respect of vessels made available on the market which are not in conformity **E+W+S**

33.—(1) A distributor who considers or has reason to believe that a vessel which the distributor has made available on the market is not in conformity with Part 2, must make sure that the necessary corrective measures are taken to—

- (a) bring the vessel into conformity;
- (b) withdraw the vessel; or
- (c) recall the vessel.

(2) Where the vessel presents a risk to the health or safety of persons, to domestic animals or to property, a distributor must immediately inform the market surveillance authority of the risk ^{F34}..., giving details, in particular, of—

- (a) the respect in which the vessel is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E18 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

F34 Words in [reg. 33\(2\)](#) 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. 21 para. 21](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Duty for distributor to take action in respect of vessels made available on the market which are not in conformity N.I.

33.—(1) A distributor who considers or has reason to believe that a vessel which the distributor has made available on the market is not in conformity with Part 2, must make sure that the necessary corrective measures are taken to—

- (a) bring the vessel into conformity;
- (b) withdraw the vessel; or
- (c) recall the vessel.

(2) Where the vessel presents a risk to the health or safety of persons, to domestic animals or to property, a distributor must immediately inform the market surveillance authority of the risk and the competent national authorities of any other [^{F57}relevant state] in which the distributor made the vessel available on the market, giving details, in particular, of—

- (a) the respect in which the vessel is considered not to be in conformity with Part 2; and
- (b) any corrective measures taken.

Extent Information

E38 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

F57 Words in [reg. 33\(2\)](#) 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. 1 para. 3\(3\)](#)

Provision of information and cooperation

34.—(1) Following a request from an enforcing authority, and within such period as the authority may specify, a distributor must provide the authority with all the information and documentation necessary to demonstrate that a vessel is in conformity with Part 2.

- (2) A request referred to in paragraph (1)—
 - (a) may only be made during the period of 10 years beginning on the day on which the vessel was made available on the market; and
 - (b) must be accompanied by the reasons for making the request.
- (3) The information referred to in paragraph (1)—
 - (a) may be provided electronically; and
 - (b) must be in a language which can easily be understood by the enforcing authority.
- (4) A distributor must, at the request of the enforcing authority, cooperate with the authority on any action taken to—
 - (a) evaluate a vessel in accordance with regulation 58 (evaluation of vessels presenting a risk);
 - (b) eliminate the risks posed by a vessel which the distributor has made available on the market.

All economic operators

Cases in which obligations of manufacturers apply to importers and distributors

35. An importer or distributor (“A”) is to be considered a manufacturer for the purposes of these Regulations, and is subject to the obligations of the manufacturer under this Part, where A—

- (a) places a vessel on the market under A's own name or trademark; or
- (b) modifies a vessel already placed on the market in such a way that it may affect whether the vessel is in conformity with Part 2.

Translation of EU declaration of conformity **E+W+S**

^{F35}**36.**

Extent Information

E19 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

F35 Reg. 36 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. 21 para. 22** (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Translation of EU declaration of conformity **N.I.**

36.—(1) Before making a Category A vessel available on the market, an economic operator must ensure that the EU declaration of conformity is prepared in, or translated into, the language required by the [^{F58}relevant state] in which it is to be made available on the market.

(2) Where the category A vessel is to be made available on the market in [^{F59}Northern Ireland], the language required is English.

Extent Information

E39 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

F58 Words in reg. 36(1) 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. 1 para. 3(1)**

F59 Words in reg. 36(2) 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. 1 para. 3(2)**

Identification of economic operators

37.—(1) An economic operator (“E”) who receives a request in relation to a vessel from the market surveillance authority before the end of the relevant period, must, within such period as the authority may specify, identify to the authority—

- (a) any other economic operator who has supplied E with the vessel; and
- (b) any other economic operator to whom E has supplied the vessel.

(2) The relevant period is—

- (a) in the case of paragraph (1)(a), the period of 10 years beginning on the day on which E was supplied with the vessel; and
- (b) in the case of paragraph 1(b), the period of 10 years beginning on the day on which E supplied the vessel.

Prohibition on improper use of [F36UK] marking **E+W+S**

38.—(1) An economic operator must not affix the [F37UK] marking to a Category A vessel unless—

- (a) that economic operator is the manufacturer of the vessel; and
- (b) the conformity of the vessel with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure.

(2) An economic operator must not affix a marking to a vessel which is not the [F37UK] marking but which purports to attest that the vessel satisfies the essential safety requirements.

(3) An economic operator must not affix to a vessel a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the [F37UK] marking.

(4) An economic operator must not affix to a vessel any other marking if the visibility, legibility and meaning of the [F37UK] marking would be impaired as a result.

Extent Information

E20 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

F36 Word in reg. 38 heading 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. 21 para. 23** (with Sch. 21 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F37 Word in reg. 38 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. 21 para. 23** (with Sch. 21 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Prohibition on improper use of CE marking **N.I.**

38.—(1) An economic operator must not affix the CE marking to a Category A vessel unless—

- (a) that economic operator is the manufacturer of the vessel; and
- (b) the conformity of the vessel with the essential safety requirements has been demonstrated by a relevant conformity assessment procedure.

(2) An economic operator must not affix a marking to a vessel which is not the CE marking but which purports to attest that the vessel satisfies the essential safety requirements.

(3) An economic operator must not affix to a vessel a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking.

(4) An economic operator must not affix to a vessel any other marking if the visibility, legibility and meaning of the CE marking would be impaired as a result.

Extent Information

E40 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F38} Obligations which are met by complying with obligations in the Directive

38A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “CE marking” has the meaning given to it in Article 2(17);
- (c) “harmonised standard” has the meaning given to it in Article 2(9).

(2) Subject to paragraphs (6) and (7), paragraph (3) applies where, before placing a category A vessel on the market, the manufacturer—

- (a) ensures that the vessel has been designed and manufactured in accordance with the essential safety requirements set out in Annex I;
- (b) ensures that the relevant conformity assessment procedures that apply to that vessel in accordance with Article 13(1) and (2) have been carried out;
- (c) draws up the technical documentation referred to in Annex II;
- (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
- (e) affixes a CE marking and the inscriptions, in accordance with Articles 15 and 16(1) to (4);
- (f) draws up an EU declaration of conformity, in accordance with Article 14; and
- (g) ensures that the EU declaration of conformity is prepared in or translated into English.

(3) Where this paragraph applies—

- (a) the requirements of regulations 4(1), 5, 6(1) to (3) and (5) are to be treated as being satisfied;
- (b) regulations 2(5)(a), 6(4), 8, 9(2), 16(2) and 38 apply subject to the modifications in paragraph (10);
- (c) Part 3 does not apply; and
- (d) regulation 62 does not apply.

(4) Subject to paragraphs (6) and (7), paragraph (5) applies where, before placing a category A vessel on the market, the importer ensures that—

- (a) the relevant conformity assessment procedures that apply to that vessel in accordance with Article 13(1) and (2) have been carried out;
- (b) the manufacturer has drawn up the technical documentation referred to in Annex II; and
- (c) the vessel bears the CE marking and inscriptions referred to in point 1 of Annex III.

(5) Where this paragraph applies—

- (a) the requirements of regulation 18(a) to (c) are to be treated as being satisfied; and
- (b) regulations 2(5)(a), 19(1), 23 and 26 apply subject to the modifications in paragraph (10).

(6) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 12.

(7) Where paragraph (6) applies, paragraphs (2)(b) and (4)(a) are to be treated as requiring the manufacturer to have carried out—

- (a) the conformity assessment procedure set out in Article 13(1)(b); and
- (b) the relevant conformity assessment procedure that applies to that product in accordance with Article 13(2).

(8) Paragraph (9) applies where, before making a category A vessel available on the market, a distributor ensures that the vessel bears the CE marking and inscriptions referred to in point 1 of Annex III.

(9) Where this paragraph applies—

- (a) regulation 29(a)(i) is to be treated as being satisfied; and
- (b) regulations 2(5)(a), 30(1) and 32 apply subject to the modifications in paragraph (10).

(10) The modifications referred to in paragraphs (3)(b), (5)(b) and (9)(b) are that—

- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
- (b) any reference to “UK marking” is to be read as a reference to the CE marking;
- (c) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements referred to in Annex I;
- (d) any reference to “designated standard” is to be read as a reference to a harmonised standard;
- (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the conformity assessment procedures that apply to the vessel in accordance with Article 13(1) and (2);
- (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex II.

Textual Amendments

F38 Regs. 38A-38D inserted (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. 21 para. 24** (with Sch. 21 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 13(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Conformity assessment procedure obligation which is met by complying with the Directive

38B.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “harmonised standard” has the meaning given to it in Article 2(9).

(2) Subject to paragraphs (4) and (5), paragraph (3) applies where, prior to the manufacture of a category A vessel, the manufacturer ensures that the conformity assessment procedure that applies to that vessel in accordance with Article 13(1) has been carried out.

(3) Where this paragraph applies—

- (a) regulation 40 is to be treated as being satisfied;
- (b) any reference to “relevant conformity assessment procedure” in regulations 5(b), 6(1), 18(a), 38(b) and 43(c) is to be read as including the conformity assessment procedure referred to in Article 13(1); and

(c) any reference to “technical documentation” in regulations 5(a), 8, 18(b) and 26(b) is to be read as including the technical documentation relating to the design of the vessel referred to in Annex II.

(4) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 12.

(5) Where paragraph (4) applies, paragraph (2) is to be treated as requiring the manufacturer to have carried out the conformity assessment procedure set out in Article 13(1)(b).

Textual Amendments

F38 Regs. 38A-38D inserted (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. 21 para. 24** (with Sch. 21 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), **2** and [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 13(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Expiry of regulations 38A and 38B

38C.—(1) Subject to paragraph (2), regulation 38A ceases to have effect at the end of the period of [^{F39}four years] beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 38A—

- (a) any vessel which was placed on the market pursuant to regulation 38A may continue to be made available on the market after the expiry of regulation 38A;
- (b) any obligation to which a person was subject under regulation 38A in respect of a vessel placed on the market pursuant to regulation 38A continues to have effect after the expiry of regulation 38A, in respect of that vessel.

(3) Subject to paragraph (4), regulation 38B ceases to have effect at the end of the period of [^{F40}four years] beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 38B in relation to a vessel prior to the expiry of regulation 38B, regulation 38B continues to apply in respect of that vessel where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and
- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.

(5) In paragraph (4) “EU-Type examination certificate” means a certificate issued after an EU-Type examination has been carried out in accordance with a conformity assessment procedure set out in point 1 of Annex II of the Directive.

Textual Amendments

F38 Regs. 38A-38D inserted (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. 21 para. 24** (with Sch. 21 para. 37) (as amended by [S.I. 2020/676](#), regs. 1(1), **2** and [S.I. 2020/1460](#), reg. 1(4), **Sch. 3 para. 13(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**

- F39** Words in reg. 38C(1) substituted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), 2, **Sch. 1(k)**
- F40** Words in reg. 38C(3) substituted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), 2, **Sch. 1(k)**

Qualifying Northern Ireland Goods

38D.—(1) Where paragraph (2) applies, a vessel is to be treated as being in conformity with Part 2.

(2) This paragraph applies where—

(a) a vessel—

- (i) is in conformity with Part 2, as that Part applies in Northern Ireland; and
- (ii) is qualifying Northern Ireland goods; and

(b) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(b) are that, before placing the vessel on the market, the importer—

(a) complies with regulation 21;

(b) ensures that—

- (i) the relevant conformity assessment procedure has been carried out in relation to the vessel, in accordance with Part 3, as that Part applies in Northern Ireland;
- (ii) the manufacturer has drawn up the technical documentation; and
- (iii) the vessel bears the CE marking.

(4) In this regulation—

“CE marking” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“technical documentation” means the documentation referred to in paragraph 2(2)(c) of Part 1 of Schedule 2 to these Regulations, as that Schedule applies in Northern Ireland.]

Textual Amendments

- F38** Regs. 38A-38D inserted (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. 21 para. 24** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 13(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, PART 2.