

## STATUTORY INSTRUMENTS

# 2016 No. 1092

## The Simple Pressure Vessels (Safety) Regulations 2016

### PART 2

#### Obligations of economic operators

##### 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;
  - [<sup>F1</sup>(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

**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. 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**

- E7** 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 [<sup>F2</sup>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**

- 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** 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 [<sup>F11</sup>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**

- E8** 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

- F11** 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 <sup>F3</sup>...—

- (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.

[<sup>F4</sup>(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 [<sup>F5</sup>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 [<sup>F6</sup>enforcing authority].

### 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

- F3** 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\(1\)](#)
- F4** [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\(1\)](#)
- F5** 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\(h\)](#)
- F6** 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 [<sup>F12</sup>relevant state] in which it is to be made available to such end-users.

#### Extent Information

- E9** 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

- F12** 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](#)))

### [<sup>F7</sup>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

- 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

- F7** [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 [<sup>F13</sup>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 [<sup>F14</sup>relevant state] referred to in paragraph (1) is [<sup>F15</sup>Northern Ireland], the language referred to in that paragraph must be English.

#### Extent Information

- E10** 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

- F13** 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\(1\)](#)
- F14** 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\(1\)](#)
- F15** 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,<sup>F8</sup> ... 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

- 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

- F8** 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 [<sup>F16</sup>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

- E11** 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

- F16** 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 <sup>F9</sup>... 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 <sup>F10</sup>... declaration of conformity (as referred to in regulation 43); and
- (b) the technical documentation.

#### 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

- F9** 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\(1\)](#)
- F10** 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

- E12** 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.

**Changes to legislation:**

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