

SCHEDULE 4

Notified bodies

PART 2

Operational obligations of notified bodies

E+W+S

17. [^{F1}An approved] body must carry out conformity assessments in accordance with the conformity assessment procedures.

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 Sch. 4 para. 17 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. 42(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)

N.I.

17. A notified body must carry out conformity assessments in accordance with the conformity assessment procedures.

Extent Information

E13 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

E+W+S

18. [^{F2}An approved] body must carry out conformity assessments in a proportionate manner, avoiding unnecessary burdens on economic operators.

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 Sch. 4 para. 18 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. 42(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)

Changes to legislation: There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, PART 2. (See end of Document for details)

N.I.

18. A notified body must carry out conformity assessments in a proportionate manner, avoiding unnecessary burdens on economic operators.

Extent Information

E14 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

E+W+S

19. [^{F3}An approved] body must perform its activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the vessel technology in question and the mass or serial nature of the production process.

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 Sch. 4 para. 19 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. 42(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)

N.I.

19. A notified body must perform its activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the vessel technology in question and the mass or serial nature of the production process.

Extent Information

E15 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

E+W+S

20. [^{F4}An approved] body must respect the degree of rigour and the level of protection required to ensure that the vessel is in conformity with the requirements of these Regulations.

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

- F4** Words in [Sch. 4 para. 20](#) 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. 42\(a\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

N.I.

20. A notified body must respect the degree of rigour and the level of protection required to ensure that the vessel is in conformity with the requirements of these Regulations.

Extent Information

- E16** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

E+W+S

21. Where [^{F5}an approved] body finds that essential safety requirements or corresponding [^{F6}designated] standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity.

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

- F5** Words in [Sch. 4 para. 21](#) 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. 42\(a\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F6** Word in [Sch. 4 para. 21](#) 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. 42\(e\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

N.I.

21. Where a notified body finds that essential safety requirements or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity.

Extent Information

- E17** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

22. Where, in the course of the monitoring of conformity following the issue of a certificate of conformity, a notified body finds that a vessel is no longer in conformity with the essential safety requirements, it must require the manufacturer to take appropriate corrective measures and must, if necessary, suspend or withdraw the certificate of conformity.

Changes to legislation: There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, PART 2. (See end of Document for details)

E+W+S

23. Where the [^{F7}approved] body has required a manufacturer to take corrective measures and the manufacturer has failed to take such measures, or those measures have not had the required effect, the notified body must restrict, suspend or withdraw any certificate of conformity.

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

F7 Word in Sch. 4 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\), reg. 1, Sch. 21 para. 42\(b\)](#) (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

N.I.

23. Where the notified body has required a manufacturer to take corrective measures and the manufacturer has failed to take such measures, or those measures have not had the required effect, the notified body must restrict, suspend or withdraw any certificate of conformity.

Extent Information

E18 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

E+W+S

24. Paragraph 25 applies where [^{F8}an approved] body is minded to—

- refuse to issue a certificate of conformity;
- restrict, suspend or withdraw a certificate of conformity.

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

F8 Words in Sch. 4 para. 24 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. 42\(a\)](#) (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

N.I.

24. Paragraph 25 applies where a notified body is minded to—

- refuse to issue a certificate of conformity;
- restrict, suspend or withdraw a certificate of conformity.

Extent Information

- E19** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

E+W+S

- 25.** Where this paragraph applies, the [^{F7} approved] body must—
- (a) give the person applying for the certificate of conformity, or the person to whom the certificate of conformity has been given, a notice in writing giving reasons and specifying the date on which the refusal, restriction, suspension or withdrawal is intended to take effect;
 - (b) give the person referred to in sub-paragraph (a), an opportunity to make representations within a reasonable period from the date of the notice;
 - (c) take account of any representations made within the period referred to in subparagraph (b) before taking its decision.

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

- F7** Word in [Sch. 4](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 21 para. 42\(b\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

N.I.

- 25.** Where this paragraph applies, the notified body must—
- (a) give the person applying for the certificate of conformity, or the person to whom the certificate of conformity has been given, a notice in writing giving reasons and specifying the date on which the refusal, restriction, suspension or withdrawal is intended to take effect;
 - (b) give the person referred to in sub-paragraph (a), an opportunity to make representations within a reasonable period from the date of the notice;
 - (c) take account of any representations made within the period referred to in subparagraph (b) before taking its decision.

Extent Information

- E20** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

E+W+S

- 26.** [^{F9}An approved] body must inform the Secretary of State of—
- (a) any refusal, restriction, suspension or withdrawal of a certificate of conformity;

Changes to legislation: There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, PART 2. (See end of Document for details)

- (b) any circumstances affecting the scope of or conditions for notification under regulation 46 ^{F10} ...;
- (c) any request for information which it has received from a market surveillance authority regarding conformity assessment activities;
- (d) on request, any conformity assessment activities performed within the scope of its notification under regulation 46 and any other activity performed, including cross-border activities and subcontracting.

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

- F9** Words in Sch. 4 para. 26 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. 42(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)
- F10** Word in Sch. 4 para. 26(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. 42(f)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

N.I.

- 26.** A notified body must inform the Secretary of State of—
- (a) any refusal, restriction, suspension or withdrawal of a certificate of conformity;
 - (b) any circumstances affecting the scope of or conditions for notification under regulation 46 (notification);
 - (c) any request for information which it has received from a market surveillance authority regarding conformity assessment activities;
 - (d) on request, any conformity assessment activities performed within the scope of its notification under regulation 46 and any other activity performed, including cross-border activities and subcontracting.

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

E+W+S

- 27.** ^{F11}[An approved] body must make provision in its contracts with its clients enabling such clients to appeal against a decision—
- (a) to refuse to issue a certificate of conformity or grant an approval;
 - (b) to restrict, suspend or withdraw a certificate of conformity or approval.

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

F11 Words in [Sch. 4 para. 27](#) 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. 42\(a\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

N.I.

27. A notified body must make provision in its contracts with its clients enabling such clients to appeal against a decision—

- (a) to refuse to issue a certificate of conformity or grant an approval;
- (b) to restrict, suspend or withdraw a certificate of conformity or approval.

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

E+W+S

28. [^{F12}An approved] body must provide other bodies [^{F7}approved] under these Regulations carrying out similar conformity assessment activities covering the same vessels with relevant information on issues relating to negative and, on request, positive conformity assessment results.

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

- F7** Word in [Sch. 4](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 21 para. 42\(b\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F12** Words in [Sch. 4 para. 28](#) 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. 42\(a\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

N.I.

28. A notified body must provide other bodies notified under these Regulations carrying out similar conformity assessment activities covering the same vessels with relevant information on issues relating to negative and, on request, positive conformity assessment results.

Changes to legislation: There are currently no known outstanding effects for the *The Simple Pressure Vessels (Safety) Regulations 2016, PART 2*. (See end of Document for details)

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

E+W+S

29. [^{F13}An approved] body must participate in the work of any [^{F7}approved] body coordination group established [^{F14}by the Secretary of State], directly or by means of its designated representatives.

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

- F7** Word in [Sch. 4](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 21 para. 42\(b\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F13** Words in [Sch. 4 para. 29](#) 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. 42\(a\)](#) (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** Words in [Sch. 4 para. 29](#) 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. 42\(d\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

N.I.

29. A notified body must participate in the work of any notified body coordination group established under the Directive, directly or by means of its designated representatives.

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

Changes to legislation:

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