

2020 No. 678

**EXITING THE EUROPEAN UNION, NORTHERN
IRELAND**

HEALTH AND SAFETY, NORTHERN IRELAND

CONSUMER PROTECTION, NORTHERN IRELAND

**The Pressure Vessels (Amendment) (Northern Ireland) (EU
Exit) Regulations 2020**

Made - - - - at 11.50 a.m. on 2nd July 2020

Laid before Parliament at 14.15. p.m. on 2nd July 2020

Coming into force in accordance with regulation 1(b)

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

Citation, commencement and extent

1. These Regulations—

- (a) may be cited as the Pressure Vessels (Amendment) (Northern Ireland) (EU Exit) Regulations 2020;
- (b) come into force on IP completion day; and
- (c) extend to Northern Ireland only.

Amendments to the Simple Pressure Vessels (Safety) Regulations 2016

- 2. Schedule 1 makes amendments to the Simple Pressure Vessels (Safety) Regulations 2016(b).**

Amendment to the Pressure Equipment (Safety) Regulations 2016

- 3. Schedule 2 makes amendments to the Pressure Equipment (Safety) Regulations 2016(c).**

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- (a) 2018 c. 16; section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1); paragraph 21 of Schedule 7 was amended by section 41(4) and Schedule 5, paragraph 53(2) of the 2020 Act; there are other amendments not relevant to these Regulations.
 - (b) S.I. 2016/1092 as amended by S.I. 2017/1206 and S.I. 2018/966 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending only to Great Britain are also made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (c) S.I. 2016/1105, as amended by S.I. 2017/1206, 2018/966 and 2019/1246, and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending only to Great Britain are also made prospectively, with effect from IP completion day, by S.I. 2019/696.

SCHEDULE 1

Regulation 2

Amendments to the Simple Pressure Vessels (Safety) Regulations 2016

1. The Simple Pressure Vessels (Safety) Regulations 2016 are amended in accordance with paragraphs 2 to 8.

Amendment to interpretation

2.—(1) In regulation 2(4)—

- (a) in the following definitions, for “Member State” substitute “relevant state”—
 - (i) “accreditation certificate”;
 - (ii) “competent national authority”;
- (b) in the definition of “authorised representative” for “the EU” substitute “a relevant state”;
- (c) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “the EU” substitute “a relevant state”;
 - (ii) in sub-paragraph (b) for “EU” substitute “relevant”;
- (d) in the following definitions for “EU” substitute “relevant”—
 - (i) “make available on the market”;
 - (ii) “place on the market”;
- (e) after the definition of “relevant economic operator” insert—
 - ““relevant market” means—
 - (a) the market in Northern Ireland; and
 - (b) the markets of the EEA states;
 - “relevant state” means—
 - (a) Northern Ireland; or
 - (b) any EEA state;”.

(2) Omit regulation 2(6).

(3) In regulation 2(7)(b) for “Member State” substitute “relevant state”.

Amendment to Part 2

3.—(1) In regulations 4(2), 11(3), 12(1) and (3), 20(a), 21(2), 22(1) and (3), 25(2), 29(a)(ii), 31(a)(ii) and (2) and 36(1) for “Member State” substitute “relevant state”.

(2) In regulations 12(3), 22(3), 31(2) and 36(2) for “the United Kingdom” substitute “Northern Ireland”.

(3) In regulations 13(2) and 33(2) for “Member States” substitute “relevant state”.

Amendment to Part 3

4. In regulation 42 for “Member State” substitute “relevant state”.

Amendment to Part 4

5. In regulations 45(1)(a) and (b), 46(1) and (6), 51(5) and 52(1) for “Member States” substitute “relevant states”.

Amendment to Part 5

6.—(1) In regulation 59—

- (a) in paragraphs (3), (4) and (5)(a), for “the United Kingdom” substitute “Northern Ireland”;
- (b) in paragraph (4) and (7) for “Member States” substitute “relevant states”;
- (c) at the beginning of paragraph (4) insert “Subject to paragraph (4A),”;
- (d) after paragraph (4) insert—

“(4A) Paragraph (4) does not require the Secretary of State to inform the Commission or other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.”;
- (e) in paragraph (5)(b) for “the United Kingdom market” substitute “market in Northern Ireland”;
- (f) in paragraph (10) omit “throughout the EU”.

(2) In regulation 60—

- (a) in paragraphs (1), (3) and (4) for “Member State” substitute “relevant state”;
- (b) in paragraph (2)—
 - (i) for “Member State” in the first place in which it occurs substitute “relevant state”;
 - (ii) for “Member States” substitute “relevant states”;
 - (iii) in sub-paragraph (a) after “taken” insert “in Northern Ireland”;
 - (iv) omit paragraph (2)(c) and the “and” which precedes it;
- (c) in paragraph (3) after “are taken” insert “in Northern Ireland”;
- (d) in paragraph (4) for “the United Kingdom market” substitute “market in Northern Ireland”;
- (e) at the end of paragraphs (6) and (7) insert “in respect of Northern Ireland”.

(3) In regulation 61—

- (a) in paragraph (3)—
 - (i) at the beginning insert “Subject to paragraph (3A),”;
 - (ii) for “Member States” substitute “relevant states”;
- (b) after paragraph (3) insert—

“(3A) Paragraph (3) only applies to measures taken in Northern Ireland.”.

Amendment to Part 6

7.—(1) In regulation 75(2) for “Member States” substitute “relevant states”.

(2) In regulation 76 for “Member State’s” substitute “relevant state’s”.

Amendment to Schedules

8.—(1) In Schedule 2—

- (a) in paragraphs 8(3) and (4) for “member States” substitute “relevant states”;
- (b) in paragraph 12(3) for “Member State” substitute “relevant state”;
- (c) in paragraphs 12(9) and 16(6) for “Member States” substitute “relevant states”;

(2) In Schedule 8 in paragraphs 2(8) and 3(13) for “the United Kingdom” substitute “Northern Ireland”.

SCHEDULE 2

Regulation 3

Amendments to the Pressure Equipment (Safety) Regulations 2016

1. The Pressure Equipment (Safety) Regulations 2016 are amended in accordance with paragraphs 2 to 8.

Amendment to Part 1

2.—(1) In regulation 2(1)—

- (a) in the definition of “accreditation certificate” for “member State” substitute “relevant state”;
- (b) in the definition of “authorised representative” for “within the EU” substitute “in a relevant state”;
- (c) in the definition of “economic operator” after “manufacturer,” insert “an authorised representative,”;
- (d) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “the EU” substitute “a relevant state”;
 - (ii) in sub-paragraph (b) for “EU” substitute “relevant”;
- (e) in the following definitions for “EU” substitute “relevant”—
 - (i) “make available on the market”;
 - (ii) “place on the market”;
- (f) after the definition of “relevant economic operator” insert—
 - ““relevant market” means—
 - (a) the market in Northern Ireland; and
 - (b) the markets of the EEA states;
 - “relevant state” means—
 - (a) Northern Ireland; or
 - (b) any EEA state;”.

(2) Omit regulation 2(5).

(3) In regulations 2(7)(b) and 8(2)(a) for “Member State” substitute “relevant state”.

Amendment to Part 2

3.—(1) In regulations 13(3), 17(2), 23(2), 27(2), 31(a)(iii) and 37(1) for “member State” substitute “relevant state”.

(2) In regulations 14(4), 24(4), 31(3) and 37(2) for “the United Kingdom” substitute “Northern Ireland”.

(3) In regulation 34(2) for “member States” substitute “relevant states”.

Amendment to Part 3

4.—(1) in regulation 47 for “Member State” substitute “relevant state”.

(2) In regulation 50(5), (7) and (9) for “member States” substitute “relevant states”.

(3) In regulation 50(6) for “member State” substitute “relevant state”.

Amendment to Part 4

5.—(1) In regulations 51(1)(a) and (b), 52(1)(a) and (b), 53(1)(a) and (b) for “Member States” substitute “relevant states”.

(2) In regulations 55(1) and (2), 62(5) and 63(5) for “member States” substitute “relevant states”.

Amendment to Part 5

6.—(1) In regulation 71—

(a) in paragraphs (3) and (4) for “the United Kingdom” substitute “Northern Ireland”;

(b) in paragraphs (4) and (7) for “member States” substitute “relevant states”;

(c) at the beginning of paragraph (4) insert “Subject to paragraph 4(A),”;

(d) after paragraph (4) insert—

“(4A) Paragraph (4) does not require the Secretary of State to inform the Commission or other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.”;

(e) in paragraph (5)—

(i) in sub-paragraph (a) for “the United Kingdom” substitute “Northern Ireland”;

(ii) in sub-paragraph (b) for “United Kingdom market” substitute “market in Northern Ireland”.

(2) In regulation 72—

(a) in paragraphs (1), (3) and (4) for “member State” substitute “relevant state”;

(b) in paragraph (2)—

(i) for “member State” in the first place in which it occurs substitute “relevant state”;

(ii) for “member States” substitute “relevant states”;

(iii) in sub-paragraph (b) after “taken” insert “in Northern Ireland”;

(iv) omit sub-paragraph (c) and the “and” which precedes it;

(c) in paragraph (3) after “are taken” insert “in Northern Ireland”;

(d) in paragraph (4) for “United Kingdom market” substitute “market in Northern Ireland”;

(e) at the end of paragraphs (6) and (7) insert “in respect of Northern Ireland”.

(3) In regulation 73—

(a) in paragraph (3)—

(i) at the beginning insert “Subject to paragraph (3A),”;

(ii) for “member States” substitute “relevant states”;

(b) after paragraph (3) insert—

“(3A) Paragraph (3) only applies to measures taken in Northern Ireland.”.

Amendment to Part 6

7.—(1) In regulation 87(2) for “member States” substitute “relevant states”.

(2) In regulation 89 for “member State” substitute “relevant state”.

Amendment to Schedule 2

8. In Schedule 2, paragraph 31(8) for “within the Union” substitute “in a relevant state”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Protocol on Ireland / Northern Ireland in the withdrawal agreement (“the Protocol”) requires that the EU legislation listed in Annex 2 to that Protocol is implemented in Northern Ireland. Annex 2 includes Directive 2014/29/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels (OJ L 96, 29.3.2014, p. 45) (“the SPV Directive”); it also includes Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (OJ L 189, 27.6.2014, p. 164) (“the PE Directive”).

The SPV Directive was implemented on a UK wide basis by the Simple Pressure Vessels (Safety) Regulations 2016 (S.I. 2016/1092) (“SPV Regulations”). The PE Directive was similarly implemented on a UK wide basis by the Pressure Equipment (Safety) Regulations 2016 (S.I. 2016/1105) (“the PE Regulations”). Both of these sets of Regulations have been amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union but those amendments prospectively (with effect from IP completion day) only extend to England and Wales and Scotland.

These Regulations amend the SPV and PE Regulations in respect of Northern Ireland only to make sure that the SPV and PE Directives and the Protocol are implemented in respect of Northern Ireland.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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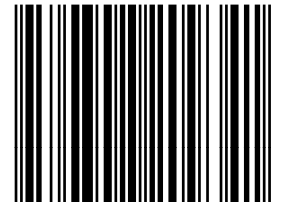
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