
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the European Parliament and Council Directive [97/23/EC](#) (OJ No. L181, 9.7.97, p. 1) on the approximation of the laws of the member States concerning pressure equipment (“the Directive”). They come into force on 29th November 1999 except regulations 1, 2, 20 and 22 which come into force on 31st August.

For the purposes of the Regulations, relevant definitions are contained in regulation 2.

Part II provides for the application of the Regulations. They apply to pressure equipment and assemblies with a maximum allowable pressure PS greater than 0.5 bar (regulation 3).

The Regulations do not apply to:

- (a) the products listed in Schedule 1 (regulation 4);
- (b) pressure equipment or assemblies placed on the market before 29th November 1999 (regulation 5); or
- (c) pressure equipment or assemblies placed on the market on or before 29th May 2002 if they comply with the safety provisions in force in the United Kingdom on 28th November 1999 and do not bear the CE marking (unless required by another Community Directive) or any indication of compliance with the Directive (regulation 6).

Part III sets out the general requirements relating to the placing on the market or putting into service of pressure equipment and assemblies by a “responsible person” (as defined). A person is deemed to be a “responsible person” when he manufactures pressure equipment or assemblies for his own use or imports pressure equipment or assemblies from a third country, where it is in the course of business (regulation 2(3)). Pressure equipment or assemblies must satisfy the relevant essential requirements and be safe; in addition, the appropriate conformity assessment procedure (regulations 13 and 14) must have been carried out, unless the equipment is to be used for experimentation (regulation 15), a declaration of conformity drawn up in respect of the product, and the CE marking must have been affixed to the product by the “responsible person” (regulations 7 and 8). Where pressure equipment or assemblies fall below the limits in regulations 7(2) and 8(2) the pressure equipment or assembly must be designed and manufactured in accordance with sound engineering practice, be accompanied by adequate instructions for use, bear markings to permit identification of the manufacturer or his authorised representative established within the Community, and be safe (regulation 9). Any person, other than the “responsible person”, who supplies pressure equipment or assemblies, must ensure that it is safe (regulation 10). Pressure equipment or assemblies shall not be regarded as being placed on the market or supplied in the circumstances described in regulation 11.

The essential safety requirements are set out in Schedule 2, and in that connection, there is a definition of “relevant essential requirements” in regulation 2. There is a presumption that the relevant essential requirements are met if the pressure equipment or assembly complies with transposed harmonised standards (regulations 7(3)(a) and 8(3)(a)(i) and (b)(i)). Regulation 13 describes the various conformity assessment procedures available in respect of pressure equipment (Schedule 4) as determined by the category into which the item of pressure equipment is classified (regulation 12). Regulation 14 describes the conformity assessment procedure for assemblies. The content of the EC declaration of conformity which is to be drawn up in respect of pressure equipment or assemblies is set out in Schedule 6. Requirements relating to the CE marking and other inscriptions for these products are set out in regulation 16 and Schedule 5. For the purposes of these Regulations there is a definition of “safe” in regulation 2.

Regulation 18 describes a body which can be a “notified body” for the purpose of these Regulations and regulation 19 describes a body which can be a “recognised third-party organisation” for the purposes of these Regulations, and the provisions of regulation 20 relate to “notified bodies” and “recognised third-party organisations” appointed by the Secretary of State. Regulation 21 provides for the United Kingdom notified bodies to charge fees. Regulation 17 provides for the issue in accordance with Schedule 7 of European approvals for materials by notified bodies designated for that task. Regulation 22 provides for the appointment of “user inspectorates” (as defined) to carry out specified conformity assessment procedures.

Regulation 23 describes the circumstances under which pressure equipment or assemblies might be taken to conform with the provisions of the Regulations.

Part IV and Schedule 8 provide for the enforcement of the Regulations. In Great Britain, the Health and Safety Executive are to enforce the Regulations in respect of pressure equipment and assemblies intended for use in the workplace and the weights and measures authorities are the enforcement authorities in respect of such products for private use; in Northern Ireland, the Health and Safety Executive for Northern Ireland is the enforcement authority for products intended for use in the workplace, and district councils are the enforcement authorities for products for private use. Except in the case of pressure equipment or assemblies which are considered to be unsafe, where an enforcement authority suspects that the CE marking has been incorrectly affixed to an item of pressure equipment or an assembly a notice may be served requiring compliance with the provisions of the Regulations; it is only following a breach of that notice that enforcement action can be taken in those circumstances. However, specific enforcement provisions can be used for the purpose of ascertaining whether or not the CE marking has been correctly affixed. Any person who contravenes regulations 7, 8, 9 or 10 shall be guilty of an offence under regulation 25 and the penalties attracted by those offences are set out in regulation 26. A defence of due diligence is provided in regulation 27 and the liability of persons other than the principal offender is set out in regulation 28.

Some consequential amendments are made by regulation 29.

A Regulatory Impact Assessment in respect of these Regulations is available and a copy can be obtained from the Department of Trade and Industry, Standards and Technical Regulations Directorate, 3rd Floor, 151 Buckingham Palace Road, London, SW1W 9SS. A copy has also been placed in the libraries of both Houses of Parliament.

Copies of relevant documents may be obtained as follows—

- (a) Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) [ISBN 0-11-550814-7], from Her Majesty’s Stationery Office;
- (b) the International Maritime Dangerous Goods Code [ISBN 92 801 1125 6], from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR.
- (c) the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) [ISBN-011-550735-3], from Her Majesty’s Stationery Office.
- (d) A copy of the Chicago Convention (numbered Doc. 7300/6) can be obtained from the Civil Aviation Authority, Printing and Publications Service, Greville House, 37 Gratton Road, Cheltenham, Glos. GL50 2BN.