
STATUTORY INSTRUMENTS

2004 No. 568

The Carriage of Dangerous Goods and Use of
Transportable Pressure Equipment Regulations 2004

PART 4

TRANSPORTABLE PRESSURE EQUIPMENT

Interpretation of Part 4

37. In this Part—

“CE marking” means the marking referred to in regulation 16 of the Pressure Equipment Regulations 1999⁽¹⁾;

“competent authority” shall mean the—

- (a) Secretary of State in relation to transportable pressure equipment which is a—
 - (i) tank
 - (ii) tank wagon; or
 - (iii) battery-vehicle, battery-wagon or MEGC where the elements are tanks; and
- (b) Executive in relation to transportable pressure equipment which is a —
 - (i) pressure receptacle;
 - (ii) UN-certified MEGC; or
 - (iii) battery-vehicle, battery-wagon or MEGC where the elements are pressure receptacles.

“conformity assessment procedures” means the procedures set out in Schedule 4, and conformity assessment shall be construed accordingly;

“conformity marking” means the marking referred to in regulation 45 as set out in Schedule 8;

“conformity reassessment procedure” means the procedure set out in Schedule 6;

“periodic inspection procedures” means the procedures set out in Schedule 7 and “periodic inspection” shall be construed accordingly; and

“the Transportable Pressure Equipment Directive” means Council Directive [1999/36/EC](#) of 29th April 1999⁽²⁾ concerning the approximation of the laws of the member States relating to common provision for transportable pressure equipment and methods for inspection.

(1) [S.I. 1999/2001](#), as amended by [S.I. 2002/1267](#).

(2) OJNo. L138, 1.6.1999, p20.

Placing on the market and use at work of transportable pressure equipment

38.—(1) Subject to regulation 39, no person shall place on the market or use at work any transportable pressure equipment unless the requirements of paragraphs (2) to (4) have been complied with.

- (2) The transportable pressure equipment shall—
- (a) have been designed, manufactured and tested in accordance with the requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the equipment in question;
 - (b) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Schedule 5, to be in conformity with sub-paragraph (a); and
 - (c) bear the conformity marking, the identification number of the notified body and any marking required pursuant to regulations 21(7) and (8) and 22.
- (3) Where the transportable pressure equipment includes valves those valves shall—
- (a) have been designed, manufactured and tested—
 - (i) in accordance with the requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the valves in question; or
 - (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 21(7) and (8) and 22, in accordance with the requirements of the Pressure Equipment Regulations 1999; and
 - (b) meet the requirements of paragraph (5).
- (4) Where the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories shall—
- (a) have been designed, manufactured and tested in accordance with the requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the accessories in question; and
 - (b) meet the requirements of paragraph (5).
- (5) The requirements referred to in paragraphs (3) and (4) are that the valves or accessories shall—
- (a) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Schedule 5, to be in conformity with—
 - (i) in the case of valves, the requirements referred to in paragraph 3(a); or
 - (ii) in the case of accessories, the requirements referred to in paragraph 4(a); and
 - (b) bear the conformity marking or the CE marking as appropriate.
- (6) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

Transportable pressure equipment placed on the market and used at work exclusively in Great Britain

39.—(1) Regulation 38 shall not apply in respect of any transportable pressure equipment which is a pressure receptacle and is placed on the market or used at work exclusively within Great Britain provided that the requirements of paragraphs (2) to (4) are complied with.

- (2) The transportable pressure equipment shall—
- (a) have been designed, manufactured and tested in accordance with the requirements referred to in regulations 21(7) and (8) which are applicable to the equipment in question;

- (b) where relevant, have been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F or G, to be in conformity with the requirements referred to in regulation 21(7) and (8) which are applicable to the equipment in question;
 - (c) bear the identification number of the relevant approved body and any marking required by the requirements referred to in regulations 21(7) and (8); and
 - (d) not bear the conformity marking or the identification number of any notified body.
- (3) Where the transportable pressure equipment includes valves, those valves shall—
- (a) have been designed, manufactured and tested in accordance with—
 - (i) the requirements referred to in regulations 21(7) and (8) which are applicable to the valves in question; or
 - (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 21(7) and (8), in accordance with the requirements for the Pressure Equipment Regulations 1999; and
 - (b) meet the requirements of—
 - (i) paragraph (5); or
 - (ii) regulation 38(3) and (5).
- (4) Where the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories shall—
- (a) have been designed, manufactured and tested to be in compliance with the requirements referred to in regulations 21(7) and (8) which are applicable to the accessories in question; and
 - (b) meet the requirements of—
 - (i) paragraph (5); or
 - (ii) regulation 38(4) and (5).
- (5) The requirements referred to in paragraphs (3)(b) and (4)(b) are that the valves or accessories shall—
- (a) where relevant, have been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F or G to be in conformity with the standards or requirements identified pursuant to paragraphs (3)(a), in the case of valves, or (4)(a) in the case of accessories;
 - (b) bear the identification mark of the relevant approved body; and
 - (c) not bear the conformity marking or the identification number of any notified body.
- (6) For the purposes of paragraphs (2)(b) and (5)(a) references in the conformity assessment procedures to “notified body” shall be read as if they were references to “approved body”.
- (7) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

Reassessment of conformity

- 40.**—(1) Transportable pressure equipment which is a—
- (a) cylinder tube or cryogenic receptacle which is manufactured prior to 1st July 2003 and does not bear the conformity marking; or
 - (b) pressure drum, bundle of cylinders or a tank which is manufactured prior to 1st July 2007 and does not bear the conformity marking from 1st July 2005,

may be reassessed for conformity in accordance with paragraphs (2) to (4).

- (2) Subject to paragraph (6), the transportable pressure equipment shall—
- (a) comply with the requirements of regulations 21(7) and (8) and 22 which are applicable to the equipment in question;
 - (b) have been reassessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the relevant requirements referred to in regulations 21(7) and (8) and 22 which are applicable to the equipment in question; and
 - (c) bear the conformity marking and identification number of the notified body.
- (3) Where the transportable pressure equipment includes valves, those valves shall—
- (a) comply with—
 - (i) the requirements of regulations 21(7) and (8) and 22 which are applicable to the valves in question; or
 - (ii) where there is no standard for the design, manufacture or testing of such valves in the requirements referred to in regulations 21(7) and (8) and 22, the relevant requirements of the Pressure Equipment Regulations 1999; and
 - (b) meet the requirements of paragraph (5).
- (4) Where the transportable pressure equipment includes accessories, other than valves, which have a direct safety function, those accessories shall—
- (a) comply with the requirements of regulations 21(7) and (8) and 22 which are applicable to the accessories in question; and
 - (b) meet the requirements of paragraph (5).
- (5) Subject to paragraph (6), the requirements referred to in paragraphs (3) and (4) are that the valves or the accessories shall—
- (a) where relevant, have been reassessed by a notified body, in accordance with the conformity reassessment procedure, to be in conformity with the standards or requirements identified pursuant to paragraphs (3)(a), in the case of valves, or (4)(a) in the case of accessories; and
 - (b) bear the conformity marking.
- (6) Where the transportable pressure equipment, valve or accessory has been manufactured in series to a design type which has been reassessed by a notified body, in accordance with the conformity reassessment procedures to be in conformity with the requirements—
- (a) referred to in regulations 21(7) and (8) and 22 which are applicable to the equipment in question; or
 - (b) where relevant, of the Pressure Equipment Regulations 1999,
- the reassessment procedure referred to in paragraph (2)(b) and (5)(a) may be conducted by an approved body.
- (7) For the purposes of paragraph (6) the references in Schedule 6 to “notified body” shall be read as if they were references to “approved body”.

Periodic inspection and repeated use

- 41.**—(1) The owner of transportable pressure equipment shall ensure that the equipment is—
- (a) periodically inspected in accordance with all relevant procedures in Schedule 7 to ensure that that equipment continues to meet the relevant requirements in regulations 21(7) and (8) and 22 and of the Pressure Equipment Regulations 1999 in relation to which they have been assessed or reassessed for conformity in accordance with this Part; and
 - (b) used at work in accordance with the relevant requirements of regulations 18 and 19.

(2) Any person who carries out a periodic inspection of transportable pressure equipment shall ensure that—

- (a) the inspection complies with the relevant requirements of Schedule 7;
- (b) at the end of the inspection, the equipment is marked with—
 - (i) the identification number of the relevant notified body or approved body;
 - (ii) where required by Schedule 7, the date of the inspection; and
 - (iii) in the case of EEC-type cylinders undergoing their first periodic inspection, the conformity marking.

(3) Any technical documentation or other information required to be retained under a periodic inspection procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

Notified bodies

42. For the purposes of these Regulations, a notified body is a body which has been appointed—

- (a) to carry out one or more of the following—
 - (i) one or more conformity assessment procedures;
 - (ii) the conformity reassessment procedure;
 - (iii) either or both periodic inspection procedures in relation to transportable pressure equipment which is a pressure receptacle or periodic inspection procedure, module 1 in relation to transportable pressure equipment which is a tank; and
- (b) as a notified body—
 - (i) pursuant to regulation 44; or
 - (ii) by another member State, and whose appointment has been communicated by that member State to the Commission and the other member States pursuant to article 8 of the Transportable Pressure Equipment Directive.

Approved bodies

43.—(1) For the purposes of these Regulations, an approved body is a body which has been appointed—

- (a) to carry out one or more of the following—
 - (i) one or more conformity assessment procedures;
 - (ii) the conformity reassessment procedure;
 - (iii) periodic inspection procedure module 1 in relation to transportable pressure equipment which is a pressure receptacle or periodic inspection procedure, module 2 in relation to transportable pressure equipment which is a tank under the supervision of a notified body as provided for in module 2; and
- (b) as an approved body—
 - (i) pursuant to regulation 44; or
 - (ii) by another member State, and whose appointment has been communicated by that member State to the Commission and the other member States pursuant to article 9 of the Transportable Pressure Equipment Directive.

(2) In respect of any conformity assessment undertaken pursuant to regulation 39, an approved body shall work exclusively for the group of which it is a member and in this paragraph and

in Schedules 4 to 8 “group” has the same meaning as in the Transportable Pressure Equipment Directive.

Appointment of notified bodies and approved bodies by the competent authority

44.—(1) The competent authority may appoint such persons as it thinks fit to be notified bodies or approved bodies for the purpose of this Part.

(2) An application for—

- (a) appointment as a notified body;
- (b) appointment as an approved body; or
- (c) for the amendment of an existing appointment,

shall be made to the competent authority.

(3) An appointment made under this regulation—

(a) by the competent authority may relate to—

- (i) all descriptions of transportable pressure equipment for which they are the competent authority; or
- (ii) such descriptions of such transportable pressure equipment as the competent authority may determine;

(b) may be made subject to such conditions as the competent authority may determine, and such conditions may include conditions which apply upon or following termination of the appointment;

(c) shall, without prejudice to the generality of sub-paragraph (b) and subject to paragraph (7), require the notified body or approved body to carry out the procedures and specific tasks for which it has been appointed including (where so provided as part of those procedures) surveillance to ensure that the manufacturer of the transportable pressure equipment fulfils the obligations arising out of the relevant conformity assessment procedure;

(d) shall be terminated upon 90 days' notice in writing to the competent authority at the request of the notified body or the approved body; and

(e) may be terminated if it appears to the competent authority that any of the conditions of the appointment are not being complied with.

(4) Subject to paragraph (3)(d) and (e), an appointment under this regulation may be for the time being or for such period as may be specified in the appointment.

(5) A notified body or an approved body appointed by the competent authority shall be subject to such inspection by or on behalf of the competent authority as is necessary to ensure compliance with any condition specified in the appointment.

(6) The inspection referred to in paragraph (5) may include the examination of premises, equipment and documents and the notified body or approved body shall provide such copies, facilities, assistance and information as are reasonably required for the purpose of the inspection.

(7) In respect of an application made to a notified body or an approved body in accordance with this Part, the notified body or approved body shall not be required to carry out the procedures and tasks referred to in paragraph (3)(c)—

- (a) if the documents submitted to it with the application are not in English or another language acceptable to that body;
- (b) until the applicant has paid the fee which that body requires pursuant to regulation 56(4); or
- (c) if the body in question reasonably believes that, having regard to the number of applications made to it in relation to its appointment under these Regulations which are

outstanding, it will be unable to commence the required work within three months of receiving the application.

(8) If for any reason the appointment of a notified body or approved body is terminated under this regulation, the competent authority may—

(a) give such directions—

(i) to the body whose appointment has been terminated; or

(ii) to another notified body or approved body,

for the purpose of making such arrangements for the determination of outstanding applications as it considers appropriate and those directions shall be complied with by the body to whom they are made; and

(b) without prejudice to the generality of sub-paragraph (a), authorise another notified body or approved body to take over the functions of the body whose appointment has been terminated in respect of such cases as it may specify.

Conformity marking

45.—(1) Where a notified body or an approved body—

(a) has carried out a conformity assessment, a reassessment of conformity or a periodic inspection; and

(b) requires the conformity marking to be affixed to transportable pressure equipment, a valve or an accessory which is complete or is in a state permitting final assessment,

that body shall ensure that the conformity marking is affixed in a visible, easily legible and indelible fashion.

(2) No person shall affix any marking to transportable pressure equipment, a valve or an accessory which is likely to render the meaning or form of the conformity marking misleading.

(3) Any other marking may be affixed to transportable pressure equipment, a valve or an accessory provided that the visibility and legibility of the conformity marking is not thereby reduced.