

## STATUTORY INSTRUMENTS

# 2016 No. 1092

## The Simple Pressure Vessels (Safety) Regulations 2016

### PART 2

#### Obligations of economic operators

##### Distributors

#### Duty to act with due care

**28.** When making a vessel available on the market a distributor must act with due care to ensure that it is in conformity with Part 2.

#### Requirements which must be satisfied before a distributor makes available on the market a category A vessel **E+W+S**

- 29.** Before making a category A vessel available on the market, a distributor must ensure that—
- (a) the vessel—
    - (i) bears the [<sup>F1</sup>UK] marking and the inscriptions; and
    - [<sup>F2</sup>(ii) is accompanied by instructions and safety information that are clear, legible and in easily understandable English;]
  - (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels); and
  - (c) the importer has complied with the requirements in regulation 21 (information identifying importer).

#### 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** Word in [reg. 29\(a\)\(i\)](#) 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. 19\(a\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F2** [Reg. 29\(a\)\(ii\)](#) 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. 19\(b\)](#) (with [Sch. 21 para. 37](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Requirements which must be satisfied before a distributor makes available on the market a category A vessel **N.I.**

- 29.** Before making a category A vessel available on the market, a distributor must ensure that—

- (a) the vessel—
  - (i) bears the CE marking and the inscriptions; and
  - (ii) is accompanied by the instructions and safety information in a language which can be easily understood by end-users in the [<sup>F6</sup>relevant state] in which the vessel is to be made available on the market;
- (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels); and
- (c) the importer has complied with the requirements in regulation 21 (information identifying importer).

**Extent Information**

**E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

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**Textual Amendments**

**F6** Words in [reg. 29\(a\)\(ii\)](#) 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\(1\)](#)

**Prohibition on a distributor making available on the market a category A vessel not considered to be in conformity with essential safety requirements**

**30.**—(1) Where a distributor considers or has reason to believe that a category A vessel is not in conformity with the essential safety requirements, the distributor must not make the vessel available on the market until it has been brought into conformity.

(2) Where the vessel presents a risk to the health or safety of persons, to domestic animals or to property, the distributor must inform the following of that risk—

- (a) the importer (if there is one);
- (b) the manufacturer (if there is no importer); and
- (c) the market surveillance authority.

**Requirements which must be satisfied before a distributor makes a category B vessel available on the market** **E+W+S**

**31.**—(1) Before making a category B vessel available on the market, a distributor must verify that—

- (a) the vessel—
  - (i) bears the inscriptions;
  - [<sup>F3</sup>(ii) is accompanied by instructions and safety information that are clear, legible and in easily understandable English;]
- (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels); and
- (c) the importer has complied with the requirements in regulation 21 (information identifying importer).

<sup>F4</sup>(2) .....

**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**

- F3** Reg. 31(1)(a)(ii) 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. 20(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. 31(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. 20(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)

**Requirements which must be satisfied before a distributor makes a category B vessel available on the market** **N.I.**

**31.**—(1) Before making a category B vessel available on the market, a distributor must verify that—

- (a) the vessel—
- (i) bears the inscriptions;
  - (ii) is accompanied by the instructions and safety information in a language which can be easily understood by end-users in the [<sup>F7</sup>relevant state] in which the vessel is to be made available on the market;
- (b) the manufacturer has complied with the requirements set out in regulation 11 (labelling of vessels); and
- (c) the importer has complied with the requirements in regulation 21 (information identifying importer).

(2) Where the [<sup>F8</sup>relevant state] referred to in paragraph (1) is [<sup>F9</sup>Northern Ireland], the language referred to in paragraph (1) must be English.

**Extent Information**

- E5** 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**

- F7** Words in reg. 31(1)(a)(ii) 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)**
- F8** Words in reg. 31(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)**
- F9** Words in reg. 31(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(2)**

**Storage and transport conditions**

**32.** Where a distributor has responsibility for a Category A vessel, the distributor must ensure that the conditions under which it is stored or transported do not jeopardise its conformity with the essential safety requirements.

**Duty for distributor to take action in respect of vessels made available on the market which are not in conformity** **E+W+S**

**33.**—(1) A distributor who considers or has reason to believe that a vessel which the distributor has made available on the market is not in conformity with Part 2, must make sure that the necessary corrective measures are taken 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, a distributor must immediately inform the market surveillance authority of the risk <sup>F5</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**

**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**

**F5** Words in [reg. 33\(2\)](#) 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. 21](#) (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 for distributor to take action in respect of vessels made available on the market which are not in conformity** **N.I.**

**33.**—(1) A distributor who considers or has reason to believe that a vessel which the distributor has made available on the market is not in conformity with Part 2, must make sure that the necessary corrective measures are taken 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, a distributor must immediately inform the market surveillance authority of the risk and the competent national authorities of any other [<sup>F10</sup>relevant state] in which the distributor 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**

**E6** 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**

**F10** Words in [reg. 33\(2\)](#) 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\(3\)](#)

**Provision of information and cooperation**

**34.**—(1) Following a request from an enforcing authority, and within such period as the authority may specify, a distributor 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 on which the vessel was made available 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 easily be understood by the enforcing authority.

(4) A distributor 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);
- (b) eliminate the risks posed by a vessel which the distributor has made available on the market.

**Changes to legislation:**

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