
STATUTORY INSTRUMENTS

2016 No. 1092

The Simple Pressure Vessels (Safety) Regulations 2016

PART 6

Miscellaneous

Review **E+W+S**

- 75.**—(1) The Secretary of State must from time to time—
- carry out a review of these Regulations;
 - set out the conclusions of the review in a report; and
 - publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other Member States.
- (3) The report must, in particular—
- set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - assess the extent to which those objectives are achieved; and
 - assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning on the date these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

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

Review **N.I.**

- 75.**—(1) The Secretary of State must from time to time—
- carry out a review of these Regulations;
 - set out the conclusions of the review in a report; and
 - publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other [^{F15}relevant states].
- (3) The report must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning on the date these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

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
- F15** Words in [reg. 75\(2\)](#) 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. 7\(1\)](#)

Transitional provision **E+W+S**

76.—(1) A certificate issued by a United Kingdom approved body under regulations 10 (EC certificate of adequacy), 11 (EC type-examination certificate), 12(7) (EC verification) and 13 (EC certificate of conformity) of the 1991 Regulations, or under the corresponding provisions of [^{F1a}] Member State's enactment implementing the 2009 Directive, is valid under these Regulations.

(2) In this regulation, “2009 Directive” means Directive [2009/105/EC](#) of the European Parliament and of the Council of 16 September 2009 relating to simple pressure vessels ^{F2}.

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
- F1** Word in [reg. 76\(1\)](#) 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. 36](#) (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** OJ No L 264, 08.10.2009, p 12.

Transitional provision **N.I.**

76.—(1) A certificate issued by a United Kingdom approved body under regulations 10 (EC certificate of adequacy), 11 (EC type-examination certificate), 12(7) (EC verification) and 13 (EC certificate of conformity) of the 1991 Regulations, or under the corresponding provisions of another [^{F16}relevant state's] enactment implementing the 2009 Directive, is valid under these Regulations.

(2) In this regulation, “2009 Directive” means Directive [2009/105/EC](#) of the European Parliament and of the Council of 16 September 2009 relating to simple pressure vessels ^{F17}.

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

- F16** Words in [reg. 76](#) 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. 7\(2\)](#)
- F17** OJ No L 264, 08.10.2009, p 12.

[^{F3}Transitional provision in relation to EU Exit

76A.—(1) In this regulation—

“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day;

“product” means a vessel to which these Regulations apply.

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 21 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the member States of any matter; or
- (b) any obligation to take action outside of the United Kingdom in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under regulations 40 or 41 as they had effect immediately before IP completion day in relation to that product

that action has effect as if it had been done under regulations 40 or 41 as they have effect on and after IP completion day.

[
F4(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 13(1) or 13(2) of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 40 or 41.

(6) Paragraph (5) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.]]

- F3** Reg. 76A inserted (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. 37](#) (as amended by [S.I. 2020/676](#), [regs. 1\(1\)](#), [2](#) and [S.I. 2020/852](#), [regs. 2\(2\)](#), [4\(2\)](#), [Sch. 1 para. 1\(j\)\(vi\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F4** Reg. 76A(5)(6) inserted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), [regs. 1\(1\)](#), [13\(2\)](#)

Revocations and savings **E+W+S**

77.—(1) Subject to paragraph (2), the 1991 Regulations and the Simple Pressure Vessels (Safety) (Amendment) Regulations 1994 ^{F5} are revoked.

(2) The Regulations referred to in paragraph (1) continue to apply, [^{F6}subject to the modifications in paragraph (2A),] as if they had not been revoked, to a vessel placed on the market before the commencement date.

[^{F7}(2A) The modifications referred to in paragraph (2) are as follows—

(a) in the 1991 Regulations—

- (i) any reference to “the Community” is to be read as including the United Kingdom;
- (ii) any reference to “member State” is to be read as including the United Kingdom;
- (iii) in regulation 11 (EC type-examination certificate)—
 - (aa) in paragraph (6)(a), for “the Commission, any other approved body or any other member State” substitute “ or any other United Kingdom approved body ”;
 - (bb) in paragraph (8), omit “, with a view to this information being passed by him to the Commission and the other member States”;
- (iv) in regulation 17 (Functions of approved bodies in course of EC Surveillance)—
 - (aa) paragraph (2) is to be read as if “or elsewhere” were omitted;
 - (bb) paragraph (3) is to be read as if “, the Commission, any other approved body or any other member State” were omitted;
- (v) paragraph 6 of Schedule 5 (enforcement), is to be read as if “, with a view to this information being passed by him to the Commission” were omitted;

(b) in the Simple Pressure Vessels (Safety) (Amendment) Regulations 1994, in regulation 5 (transitional provisions in respect of marking arrangements)—

- (i) any reference to “the Community” is to be read as including the United Kingdom; and
- (ii) paragraph (3) is to be read as if the following paragraph were substituted—

“(3) In the event of such election, to demonstrate compliance with the marking arrangements in force on 31 December 1994, the manufacturer or his authorised representative established in the Community, shall apply the principal Regulations (as amended by these Regulations)—

 - (a) as if the amendments made by regulation 4(f) and (k) had not come into force; and
 - (b) read subject to the modifications made by regulation 77(2A)(a) of the Simple Pressure Vessels (Safety) Regulations 2016.”]

(3) Accordingly, despite its repeal by regulation 78(7)(a), the entry in paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 relating to the 1991 Regulations is to continue to have effect in relation to a vessel placed on the market before the commencement date.

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
- F5** [S.I. 1994/3098](#).

- F6** Words in reg. 77(2) inserted (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. 38(2)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Reg. 77(2A) inserted (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. 38(3)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Revocations and savings **N.I.**

77.—(1) Subject to paragraph (2), the 1991 Regulations and the Simple Pressure Vessels (Safety) (Amendment) Regulations 1994 ^{F18} are revoked.

(2) The Regulations referred to in paragraph (1) continue to apply, as if they had not been revoked, to a vessel placed on the market before the commencement date.

(3) Accordingly, despite its repeal by regulation 78(7)(a), the entry in paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 relating to the 1991 Regulations is to continue to have effect in relation to a vessel placed on the market before the commencement date.

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
- F18** [S.I. 1994/3098](#).

Consequential Amendments

78.—(1) In Schedule 1 to the Provision and Use of Work Equipment Regulations 1998 ^{F8} omit the entry “The Simple Pressure Vessels (Safety) Regulations 1991” and in the appropriate place insert “The Simple Pressure Vessels (Safety) Regulations 2016”.

(2) In Schedule 2 to the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 ^{F9} omit the entry “The Simple Pressure Vessels (Safety) Regulations 1999” and in the appropriate place insert “The Simple Pressure Vessels (Safety) Regulations 2016”.

(3) The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003 ^{F10} is amended as follows—

- (a) in Schedule 3, omit the entry “Paragraph 3 of Schedule 5 to the Simple Pressure Vessels (Safety) Regulations 1991”, and after the last entry insert “Regulation 55 of the Simple Pressure Vessels (Safety) Regulations 2016 (in so far as information comes to a public authority enforcing those regulations in respect of vessels for private use or consumption)”;
- (b) in Schedule 4 omit the entry “paragraph 3 of Schedule 5 to the Simple Pressure Vessels (Safety) Regulations 1991”, and after the last entry insert “Regulation 55 of the Simple Pressure Vessels (Safety) Regulations 2016 (in so far as information is disclosed to a public authority enforcing those regulations in respect of vessels for private use or consumption)”;
- (c) in Schedule 5, omit the entry in respect of the Simple Pressure Vessels (Safety) Regulations 1991.

(4) The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 ^{F11} is amended as follows—

- (a) in Part 3 of the Schedule, under the heading “Public health and safety”, omit the entry “Simple Pressure Vessels (Safety) Regulations 1991” and after the last entry insert “Simple Pressure Vessels (Safety) Regulations 2016”; and
 - (b) in Part 13 of the Schedule, omit the entry “Simple Pressure Vessels (Safety) Regulations 1991” and after the last entry insert “Simple Pressure Vessels (Safety) Regulations 2016”.
- (5) The Co-ordination of Regulatory Enforcement (Regulatory Functions in Scotland and Northern Ireland) Order 2009 ^{F12} is amended as follows—
- (a) in Part 4 of Schedule 1, omit the entry “Simple Pressure Vessels (Safety) Regulations 1991” and after the last entry insert “Simple Pressure Vessels (Safety) Regulations 2016”; and
 - (b) in Part 2 of Schedule 2, omit the entry “Simple Pressure Vessels (Safety) Regulations 1991” and after the last entry insert “Simple Pressure Vessels (Safety) Regulations 2016”.
- (6) In the Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 ^{F13}, omit paragraph 52 of Schedule 3.
- (7) Subject to paragraph (3) of regulation 77, paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 ^{F14} is amended as follows—
- (a) omit the entry “paragraph 3(a) of Schedule 5 to the Simple Pressure Vessels (Safety) Regulations 1991 (SI 1991/2749);”; and
 - (b) at the appropriate place insert—
 - “regulation 55(1) or (2) of the Simple Pressure Vessels (Safety) Regulations 2016 (SI 2016/1092);”.

F8 [S.I. 1998/2306](#).

F9 [S.R. 1999/304](#).

F10 [S.I. 2003/1400](#), to which there are amendments not relevant to these Regulations.

F11 [S.I. 2007/3544](#) amended by [S.I. 2009/2981](#) and [S.I. 2011/1043](#); there are other amendments not relevant to these Regulations.

F12 [S.I. 2009/669](#), to which there are amendments not relevant to these Regulations.

F13 [S.I. 2014/469](#).

F14 [2015 c.15](#).

Changes to legislation:

There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, PART 6.