

SCHEDULE 5

Regulation 2(1), 58(3)

User inspectorate requirements

1. A user inspectorate must be established in the United Kingdom and have legal personality.
2. A user inspectorate must be organisationally identifiable and have reporting methods within the group of which it is part which can demonstrate its impartiality.
- 3.—(1) A user inspectorate, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the pressure equipment or assembly which they assess, nor the authorised representative of any of those parties.
(2) Subparagraph (1) does not preclude the use of pressure equipment or assemblies that are necessary for the operations of the user inspectorate or the use of pressure equipment for personal purposes.
4. A user inspectorate, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of that pressure equipment or assembly, or represent the parties engaged in those activities.
5. A user inspectorate, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not engage in activity that may conflict with their independence of judgment or integrity in relation to conformity assessment activities for which they are notified (including consultancy services).
6. A user inspectorate and its personnel must carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and must be free from all pressures and inducements, particularly financial, which might influence their judgment or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.
7. A user inspectorate must be capable of carrying out all of the conformity assessment tasks in respect of which it has been notified, whether those tasks are carried out by the user inspectorate itself or on its behalf and under its responsibility.
8. A user inspectorate must have at its disposal at all times and for each conformity assessment procedure and each kind or category of pressure equipment in relation to which it has been notified—
 - (a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;
 - (b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures, and have appropriate policies and procedures in place that distinguish between tasks it carries out as a user inspectorate and other activities; and
 - (c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.
9. A user inspectorate must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and must have access to all necessary equipment or facilities.
10. The personnel responsible for carrying out conformity assessment tasks must have—
 - (a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;

- (b) satisfactory knowledge of the requirements of the assessments which the personnel carry out and adequate authority to carry out those assessments;
- (c) appropriate knowledge and understanding of the essential safety requirements, of the applicable [^{F1}designated] standards and ^{F2}... of these Regulations; and
- (d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

11. A user inspectorate must be able to demonstrate the impartiality of its top level management and the personnel responsible for carrying out the conformity assessment activities. User inspectorates must not engage in any activities that might conflict with their independence of judgment and integrity in relation to their inspection activities.

12. The remuneration of the top level management and the personnel responsible for carrying out the conformity assessment tasks must not depend on the number of assessments carried out or on the results of those assessments.

13. Unless liability is assumed by the group of which it is part, a user inspectorate must have, and must satisfy the Secretary of State that it has, adequate civil liability insurance in respect of its activities. If liability is assumed by the group of which the user inspectorate is part, the user inspectorate must satisfy the Secretary of State that that group has adequate civil liability insurance in respect of those activities.

14. A user inspectorate must ensure that its personnel observe professional secrecy with regard to all information obtained in carrying out their tasks in accordance with these Regulations and that proprietary rights are protected.

15. Paragraph 14 does not prevent the personnel from providing information to the Secretary of State.

16. A user inspectorate must participate in, or ensure that its personnel who are responsible for carrying out the conformity assessment activities are informed of, the relevant standardisation activities and the activities of any [^{F3}approved] body coordination group ^{F4}... and must apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

Changes to legislation:

There are currently no known outstanding effects for the The Pressure Equipment (Safety) Regulations 2016, SCHEDULE 5.