
STATUTORY INSTRUMENTS

2020 No. 1111

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020

Amendments to Part 4 (Transportable pressure equipment)

14. After regulation 19C, insert—

“Obligations of Distributors prior to making equipment available on the GB market

19CA.—(1) Before making transportable pressure equipment available on the GB market, a distributor must ensure that—

- (a) the equipment has been marked in accordance with—
 - (i) regulation 22B; or
 - (ii) articles 14 and 15 of the Transportable Pressure Equipment Directive; and
- (b) the certificate of conformity for the equipment either contains the name and address of the importer or has this information attached to it.

(2) Where a distributor considers that equipment presents a risk before it has been made available on the GB market, that distributor must inform—

- (a) the manufacturer or the importer; and
- (b) the Health and Safety Executive

of the risk.

Obligations of Distributors after making UK TPE available on the GB market

19CB.—(1) This regulation applies to equipment bearing the UK TPE marking that a distributor has made available on the GB market.

(2) The distributor must ensure that the conditions in which equipment under the responsibility of the distributor is stored and transported do not jeopardise the equipment’s compliance with the Annexes.

(3) Where a distributor knows or has reason to believe that equipment does not comply with—

- (a) this regulation;
- (b) regulation 19CA(1)(a)(i) or (b); or
- (c) the Annexes,

that distributor must act as required by paragraph (4).

(4) The actions required by paragraph (3) are to—

- (a) take immediate corrective measures to ensure that the equipment complies with—
 - (i) this regulation;
 - (ii) regulation 19CA(1)(a)(i) or (b); and

(iii) the Annexes;

(b) withdraw the equipment from the market; or

(c) issue a recall of the equipment.

(5) Where a distributor considers that equipment it has made available on the GB market presents a risk, that distributor must immediately inform the manufacturer, the GB competent authority and Northern Ireland competent authority of the risk, including details of any non-compliance with—

(a) this regulation;

(b) regulation 19CA(1)(a)(i) or (b); or

(c) the Annexes,

and any action taken in accordance with paragraph (4).

(6) A distributor must record each instance of non-compliance with—

(a) this regulation;

(b) regulation 19CA(1)(a)(i) or (b); or

(c) the Annexes,

and any corrective measure taken and must retain that record for at least 20 years from the date that the non-compliance is discovered.

(7) On receipt of a reasoned request from the GB competent authority, a distributor must—

(a) provide that authority with all information and documents necessary to show that the equipment meets the requirements of—

(i) this regulation;

(ii) regulation 19CA(1)(a)(i) or (b); and

(iii) the Annexes;

(b) cooperate with that authority in any action taken to eliminate risks posed by that equipment.”.