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STATUTORY INSTRUMENTS

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**1999 No. 2001**

**The Pressure Equipment Regulations 1999**

**PART III**

**GENERAL REQUIREMENTS**

**Notified bodies and recognised third-party organisations appointed by the Secretary of State**

**20.**—(1) The Secretary of State may from time to time appoint such persons as he thinks fit to be notified bodies or recognised third-party organisations for the purposes of these Regulations.

(2) An appointment—

- (a) may relate to all descriptions of pressure equipment or assemblies or such descriptions (which may be framed by reference to any circumstances whatsoever) of pressure equipment or assemblies as the Secretary of State may from time to time determine;
- (b) may be made subject to such conditions as the Secretary of State may from time to time determine, and such conditions may include conditions which are to apply upon or following termination of the appointment;
- (c) shall, without prejudice to the generality of sub-paragraph (b) and subject to paragraph (4), require that 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 pressure equipment or assemblies or his authorised representative established within the Community or the importer, as the case may be, duly fulfils the obligations arising out of the relevant conformity assessment procedure;
- (d) shall be terminated upon 90 days' notice in writing to the Secretary of State at the request of the notified body or recognised third-party organisation; and
- (e) may be terminated if it appears to the Secretary of State that any of the conditions of the appointment are not complied with.

(3) Subject to paragraphs (2)(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.

(4) A notified body or recognised third-party organisation appointed by the Secretary of State shall not be required to carry out the functions referred to in paragraph (2)(c) if—

- (a) the documents submitted to it in relation to carrying out such functions are not in English or another language acceptable to that body;
- (b) the person making the application has not submitted with his application the amount of the fee which the body requires to be submitted with the application pursuant to regulation 21; or
- (c) the body 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.

(5) If for any reason the appointment of a notified body or recognised third-party organisation is terminated under this regulation, the Secretary of State may—

- (a) give such directions (either to the body the subject of the termination or to another notified body or recognised third-party organisation) for the purpose of making such arrangements for the determination of outstanding applications as he considers appropriate; and
  - (b) without prejudice to the generality of the foregoing, authorise another notified body or recognised third-party organisation to take over its functions in respect of such cases as he may specify.
- (6) Where a notified body is minded to refuse to issue an EC type-examination certificate or EC design-examination certificate<sup>(1)</sup> it shall—
- (a) give notice in writing to the applicant of the reasons why it is minded to do so; and
  - (b) give the applicant the opportunity to make representations within a period of 28 days of the said notice being given and consider any representations made within that period by the applicant.
- (7) In the framework of quality assurance procedures for pressure equipment in categories III and IV referred to in regulations (2)(a)(i) and (ii)(aa) and (b) the notified body shall,
- (a) when performing unexpected visits, take a sample of equipment from the manufacturing or storage premises in order to perform, or have performed, the final assessment as referred to in paragraph 3.2.2 of Schedule 2 and to this end, the manufacturer shall inform the notified body of the intended schedule of production, and
  - (b) shall carry out at least two visits during the first year of manufacturing, the frequency of subsequent visits being determined by the notified body on the basis of the criteria set out in section 4.4 of the relevant modules.
- (8) In the case of one-off production of vessels and pressure equipment in category III referred to in regulation 7(2)(b) under the module H procedure, the notified body shall perform or have performed the final assessment, as referred to in paragraph 3.2.2 of Schedule 2, for each unit and to this end, the manufacturer shall communicate the intended schedule of production to the notified body.

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(1) Module B and Module B1 in Schedule 4, respectively, concern the application for and issue of an EC type examination certificate and an EC design-examination certificate.