
STATUTORY INSTRUMENTS

2016 No. 1092

The Simple Pressure Vessels (Safety) Regulations 2016

PART 5

Market surveillance and enforcement

Enforcement action in respect of formal non-compliance **E+W+S**

62.—(1) Where an enforcing authority makes one of the following findings in relation to a vessel, it must require a relevant economic operator to remedy the non-compliance concerned within such reasonable period as the enforcing authority specifies—

- (a) in relation to a category A vessel—
 - (i) no [^{F1}UK] marking has been affixed;
 - (ii) the [^{F2}UK] marking has been affixed otherwise than in accordance with regulation 6 (^{F3}... declaration of conformity, [^{F2}UK] marking and inscriptions for category A vessels) or 38 (prohibition on improper use of [^{F2}UK] marking);
 - (iii) where [^{F4}an approved] body is involved in the production control phase for the vessel—
 - (aa) no identification number in respect of the [^{F5}approved] body has been affixed; or
 - (bb) an identification number in respect of the [^{F6}approved] body has been affixed otherwise than in accordance with regulation 44 (identification number);
 - (iv) the ^{F7}... declaration of conformity has not been drawn up or has been drawn up otherwise than in accordance with regulations 6 (^{F7}... declaration of conformity, [^{F8}UK] marking and inscriptions for category A vessels) or 43 (^{F7}... declaration of conformity);
 - (v) the technical documentation is unavailable or incomplete;
- (b) in relation to a category A or a category B vessel—
 - (i) an inscription has not been affixed or has been affixed otherwise than in accordance with regulation 6 (^{F9}... declaration of conformity, [^{F10}UK] marking and inscriptions for category A vessels) or 7 (inscriptions for category B vessels);
 - (ii) the information specified in regulation 11 (labelling of vessels) or 21 (information identifying importer) is absent, false or incomplete;
 - (iii) any other administrative requirement imposed on the manufacturer or importer under Part 2 has not been fulfilled.

(2) The enforcing authority must not take any enforcement action against the relevant economic operator under these Regulations in respect of the non-compliance concerned until the period referred to in paragraph (1) has elapsed.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent
Changes to legislation: There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, Section 62. (See end of Document for details)

(3) Where the non-compliance referred to in paragraph (1) persists, the enforcing authority must take all appropriate measures to—

- (a) restrict or prohibit the vessel being made available on the market;
- (b) ensure that the vessel is withdrawn; or
- (c) ensure that the vessel is recalled.

(4) Nothing in this regulation is to prevent an enforcing authority from taking action under regulations 59 (enforcement action in respect of vessels which are not in conformity)^{F11}....

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. 62(1)(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. 35(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** Word in reg. 62(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. 35(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)
- F3** Word in reg. 62(1)(a)(ii) 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. 35(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)
- F4** Words in reg. 62(1)(a)(iii) 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. 35(c)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in reg. 62(1)(a)(iii)(aa) 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. 35(d)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in reg. 62(1)(a)(iii)(bb) 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. 35(d)** (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** Word in reg. 62(1)(a)(iv) 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. 35(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)
- F8** Word in reg. 62(1)(a)(iv) 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. 35(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)
- F9** Word in reg. 62(1)(b)(i) 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. 35(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)
- F10** Word in reg. 62(1)(b)(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. 35(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)
- F11** Words in reg. 62(4) 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. 35(e)** (with Sch. 21 para. 37) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent
Changes to legislation: There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, Section 62. (See end of Document for details)

Enforcement action in respect of formal non-compliance **N.I.**

62.—(1) Where an enforcing authority makes one of the following findings in relation to a vessel, it must require a relevant economic operator to remedy the non-compliance concerned within such reasonable period as the enforcing authority specifies—

- (a) in relation to a category A vessel—
 - (i) no CE marking has been affixed;
 - (ii) the CE marking has been affixed otherwise than in accordance with regulation 6 (EU declaration of conformity, CE marking and inscriptions for category A vessels) or 38 (prohibition on improper use of CE marking);
 - (iii) where a notified body is involved in the production control phase for the vessel—
 - (aa) no identification number in respect of the notified body has been affixed; or
 - (bb) an identification number in respect of the notified body has been affixed otherwise than in accordance with regulation 44 (identification number);
 - (iv) the EU declaration of conformity has not been drawn up or has been drawn up otherwise than in accordance with regulations 6 (EU declaration of conformity, CE marking and inscriptions for category A vessels) or 43 (EU declaration of conformity);
 - (v) the technical documentation is unavailable or incomplete;
 - [^{F12}(vi) the UK(NI) indication—
 - (aa) has not been affixed, in contravention of regulation 44A; or
 - (bb) has been affixed other than in accordance with regulation 44A;]
- (b) in relation to a category A or a category B vessel—
 - (i) an inscription has not been affixed or has been affixed otherwise than in accordance with regulation 6 (EU declaration of conformity, CE marking and inscriptions for category A vessels) or 7 (inscriptions for category B vessels);
 - (ii) the information specified in regulation 11 (labelling of vessels) or 21 (information identifying importer) is absent, false or incomplete;
 - (iii) any other administrative requirement imposed on the manufacturer or importer under Part 2 has not been fulfilled.

(2) The enforcing authority must not take any enforcement action against the relevant economic operator under these Regulations in respect of the non-compliance concerned until the period referred to in paragraph (1) has elapsed.

(3) Where the non-compliance referred to in paragraph (1) persists, the enforcing authority must take all appropriate measures to—

- (a) restrict or prohibit the vessel being made available on the market;
- (b) ensure that the vessel is withdrawn; or
- (c) ensure that the vessel is recalled.

(4) Nothing in this regulation is to prevent an enforcing authority from taking action under regulations 59 (enforcement action in respect of vessels which are not in conformity) or 60(3) (EU safeguard procedure).

Extent Information

E2 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Status: There are multiple versions of this provision on screen. These apply to different geographical extents.**Skip to:** E+W+S - England, Wales and Scotland extentN.I. - Northern Ireland extent
Changes to legislation: There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, Section 62. (See end of Document for details)

Textual Amendments

F12 Reg. 62(1)(a)(vi) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(2), **Sch. 2 para. 8(4)**

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

Changes to legislation:

There are currently no known outstanding effects for the The Simple Pressure Vessels (Safety) Regulations 2016, Section 62.