

EXPLANATORY MEMORANDUM TO

**THE SIMPLE PRESSURE VESSELS, ELECTRICAL EQUIPMENT AND
PRESSURE EQUIPMENT (MISCELLANEOUS AMENDMENTS) (NORTHERN
IRELAND) REGULATIONS 2018**

2018 No. 966

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The purpose of this Statutory Instrument is to amend the Simple Pressure Vessels (Safety) Regulations 2016 (S.I. 2016 No. 1092), the Electrical Equipment (Safety) Regulations 2016 (S.I. 2016 No. 1101) and the Pressure Equipment (Safety) Regulations 2016 (S.I. 2016 No. 1105) (together these are referred to in this memorandum as the “existing Regulations”). The provision in the existing Regulations being amended by this instrument relates to the powers of the Health and Safety Executive for Northern Ireland as those relate to the enforcement of the existing Regulations.
- 2.2 The amendments being made will, specifically, correct drafting errors in the existing Regulations in order to align provisions relating to the enforcement of the existing Regulations by the Health and Safety Executive for Northern Ireland, with those for enforcement by the Health and Safety Executive in relation to the rest of the United Kingdom.
- 2.3 Given the correcting nature of this instrument, it is being made available free of charge to all known recipients.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is the United Kingdom.
- 4.2 The territorial application of this instrument is Northern Ireland.
- 4.3 The instrument contains only amendments to the provisions which apply where the enforcing authority is the Health and Safety Executive for Northern Ireland.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 This instrument makes technical amendments to the Simple Pressure Vessels (Safety) Regulations 2016 (S.I. 2016 No. 1092), the Electrical Equipment (Safety) Regulations 2016 (S.I. 2016 No. 1101) and the Pressure Equipment (Safety) Regulations 2016 (S.I. 2016 No. 1105). These existing Regulations implement in the UK their respective European Directives – Directive 2014/29/EU, Directive 2014/35/EU and Directive 2014/68/EU.
- 6.2 While the UK remains a member of the European Union it has a continuing obligation to implement fully and accurately all legislation for the whole of the UK. The existing Regulations enable enforcing authorities, including the Health and Safety Executive or Office for Nuclear Regulation (in relation to England, Wales and Scotland) and the Health and Safety Executive for Northern Ireland, to take action to enforce the existing Regulations. They do this by applying certain enforcement provisions in other legislation, with modifications. This instrument aligns the enforcement powers of the Health and Safety Executive for Northern Ireland with those for the Health and Safety Executive or Office for Nuclear Regulation, by amending the modifications to provisions of the Health and Safety at Work (Northern Ireland) Order 1978.

7. Policy background

What is being done and why?

- 7.1 This instrument amends enforcement-related provisions of the existing Regulations, in order to align the enforcement powers of the Health and Safety Executive for Northern Ireland with those for the Health and Safety Executive and the Office for Nuclear Regulation in respect of the rest of the United Kingdom. The amendments to the existing Regulations will correct drafting errors contained in the current legislation. Correcting these errors will ensure that the legislation provides a consistent enforcement regime across the United Kingdom, as was originally intended.
- 7.2 The existing Regulations implement European Union requirements relating to the making available on the market of simple pressure vessels, electrical equipment and pressure equipment. The existing Regulations enable inspectors from enforcing authorities to take certain action such as entering premises and issuing notices, and provide criminal sanctions for certain breaches. The amendments ensure that the details of these enforcement provisions are consistent as between the Health and Safety Executive for Northern Ireland and the equivalent enforcers for the rest of the United Kingdom.
- 7.3 On 23 June 2016, the EU Referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of the

exit negotiations will determine what arrangements apply in relation to EU legislation in future once the UK has left the EU.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This instrument does not raise any issues of consolidation.

10. Consultation outcome

10.1 The Health and Safety Executive for Northern Ireland have had sight of these proposals and are content with them.

10.2 The Democratic Unionist Party have had sight of these proposals and are content with them.

11. Guidance

11.1 Guidance on each of the existing Regulations is available online.

Simple Pressure Vessels Regulations 2016:

<https://www.gov.uk/government/publications/simple-pressure-vessels-regulations-2016>

Electrical Equipment Regulations 2016:

<https://www.gov.uk/government/publications/electrical-equipment-safety-regulations-2016>

Pressure Equipment Regulations 2016:

<https://www.gov.uk/government/publications/pressure-equipment-safety-regulations-2016>

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because these amendments fall below the De Minimis threshold.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses, in that all sizes of businesses come within the scope of the existing Regulations and may be subject to enforcement action (in relation to Northern Ireland) by the Health and Safety Executive for Northern Ireland.

13.2 As stated in the explanatory memoranda to each of the existing Regulations, the Government considers that the existing Regulations are not expected to impose a disproportionate cost to small businesses.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is covered by the existing Regulations, as this instrument contains only amendments. A statutory review clause is included in each of the existing Regulations.

15. Contact

- 15.1 Ryan Bruce at the Department for Business, Energy and Industrial Strategy, Telephone: 020 7215 3326 or email: ryan.bruce@beis.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Sarah Smith, Deputy Director for the Office for Product Safety and Standards, at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Kelly Tolhurst, Minister for Small Business, Consumers and Corporate Responsibility at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.