

2024 No. 490

RETAINED EU LAW REFORM

CONSUMER PROTECTION

HEALTH AND SAFETY

The Pressure Equipment (Safety) (Amendment) Regulations 2024

<i>Sift requirements satisfied</i>	<i>19th March 2024</i>
<i>Made - - - -</i>	<i>1st April 2024</i>
<i>Laid before Parliament</i>	<i>11th April 2024</i>
<i>Coming into force - -</i>	<i>22nd April 2024</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 14(1) and 14(2) of the Retained EU Law (Revocation and Reform) Act 2023 (“the 2023 Act”)(a).

The Secretary of State is a relevant national authority for the purposes of sections 14(1) and 14(2) of the 2023 Act(b).

The requirements of paragraph 6(2) of Schedule 5 to the 2023 Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Pressure Equipment (Safety) (Amendment) Regulations 2024.

(2) These Regulations come into force 21 days after the day on which they are made.

(3) These Regulations extend to England and Wales and Scotland.

Amendment of the Pressure Equipment (Safety) Regulations 2016

2.—(1) The Pressure Equipment (Safety) Regulations 2016(c), as they apply in relation to England and Wales and Scotland, are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) 2023 c. 28.

(b) The term “relevant national authority” is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

(c) S.I. 2016/1105; relevant amending instruments are S.I. 2017/1206, 2019/696, 2020/1460, 2021/127, 2021/1273; there are other amending instruments but none is relevant.

- (a) in the definition of “applicant”, for “notified” substitute “approved”;
 - (b) omit the definition of “notified body requirements”; and
 - (c) in the definition of “recognised third party organisation”, for “is” substitute “except in Schedule 2 (essential safety requirements), is”.
- (3) In regulations 43(1) to (4) and 44 (conformity assessment procedures), for “notified”, in each place it appears, substitute “approved”.
- (4) In Schedule 2 (essential safety requirements)—
- (a) for paragraph 21(3), substitute—

“(3) For pressure equipment, permanent joining of components which contribute to the pressure resistance of equipment and components which are directly attached to them must be carried out by suitably qualified personnel according to suitable operating procedures and for pressure equipment in categories II, III and IV, operating procedures and personnel must be approved by a competent third party which, at the manufacturer's discretion, may be—

 - (a) an approved body;
 - (b) a recognised third party organisation; or
 - (c) a notified body.
- (3A) In this Schedule—
- (a) “notified body” means a conformity assessment body which is a notified body for the purposes of the Directive (as provided for in Article 29(5) of the Directive);
 - (b) “recognised third party organisation” means a conformity assessment body—
 - (i) within the meaning set out in regulation 52; or
 - (ii) which is a recognised third party organisation for the purposes of the Directive (as provided for in Article 29(5) of the Directive).”;
- (b) in paragraph 31(5), for “the approved body in charge of conformity assessment procedures for the pressure equipment” substitute “an approved body or a notified body”; and
 - (c) in paragraph 31(8), for “in the United Kingdom” substitute “in the United Kingdom or in the territory of an EEA state”.

1st April 2024

Kevin Hollinrake
Minister of State
Department for Business and Trade

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke wording in regulation 2(1) and revoke and replace wording in regulations 2(1), 43(1) to (4) and 44 of and Schedule 2 (essential safety requirements), paragraphs 21(3), 31(5) and (8), to the Pressure Equipment (Safety) Regulations 2016 (S.I. 2016/1105) (“the 2016 Regulations”), as they apply in relation to England and Wales and Scotland. These changes relate to which bodies can carry out third party assessments, approvals and tests under the 2016 Regulations. The wording being revoked or revoked and replaced is all secondary assimilated law within the meaning of section 11(2) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

Regulation 2(2)(a) and (3) of these Regulations correct outdated references to notified bodies and replace them with references to approved bodies.

Regulation 2(2)(b) of these Regulations revokes the current definition of “notified body requirements” in regulation 2(1) of the 2016 Regulations as it is redundant.

Regulation 2(2)(c) of these Regulations revokes and replaces wording in the definition of “recognised third party organisation” in regulation 2(1) of the 2016 Regulations, as a consequence of a different definition of those bodies for the purposes of Schedule 2 to the 2016 Regulations being added by these Regulations.

Regulation 2(4)(a) of these Regulations revokes and replaces the current paragraph 21(3) in Schedule 2 to the 2016 Regulations with new paragraphs 21(3) and (3A). The new paragraph 21(3) expands the current list of which bodies can be competent third parties for the purposes of approving operating procedures and personnel used for permanent joining of components to include notified bodies. The new paragraph 21(3A) defines the terms “notified body” and “recognised third party organisation” for the purposes of Schedule 2. The definition of “notified body” captures EEA conformity assessment bodies which are considered notified bodies under Directive 2014/68/EU on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment. The definition of “recognised third party organisation” includes bodies which are recognised third party organisations under regulation 52 of the 2016 Regulations as well as those which are recognised third party organisations for the purposes of Directive 2014/68/EU. This means that approvals and tests which can be carried out by recognised third party organisations under Schedule 2 will be able to be carried out by those organisations appointed under the 2016 Regulations or Directive 2014/68/EU.

Regulation 2(4)(b) of these Regulations revokes the current requirement in Schedule 2, paragraph 31(5) of the 2016 Regulations that, for pressure equipment in categories III and IV, a specific assessment of the particular material appraisal must be performed by the approved body in charge of conformity assessment procedures for the pressure equipment. It replaces this to provide that the appraisal can be performed by any approved body or notified body.

Regulation 2(4)(c) of these Regulations revokes the requirement in Schedule 2, paragraph 31(8) to the 2016 Regulations that the competent body used for certification of a material manufacturer’s quality-assurance system, in relation to certificates issued by the manufacturer under paragraph 31, must be established in the United Kingdom. It replaces this to provide that the competent body used can be established in the United Kingdom or the European Economic Area.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Business and Trade, Old Admiralty Building, Admiralty Place, London, SW1A 2DY and is published with an Explanatory Memorandum alongside these Regulations on www.legislation.gov.uk.

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