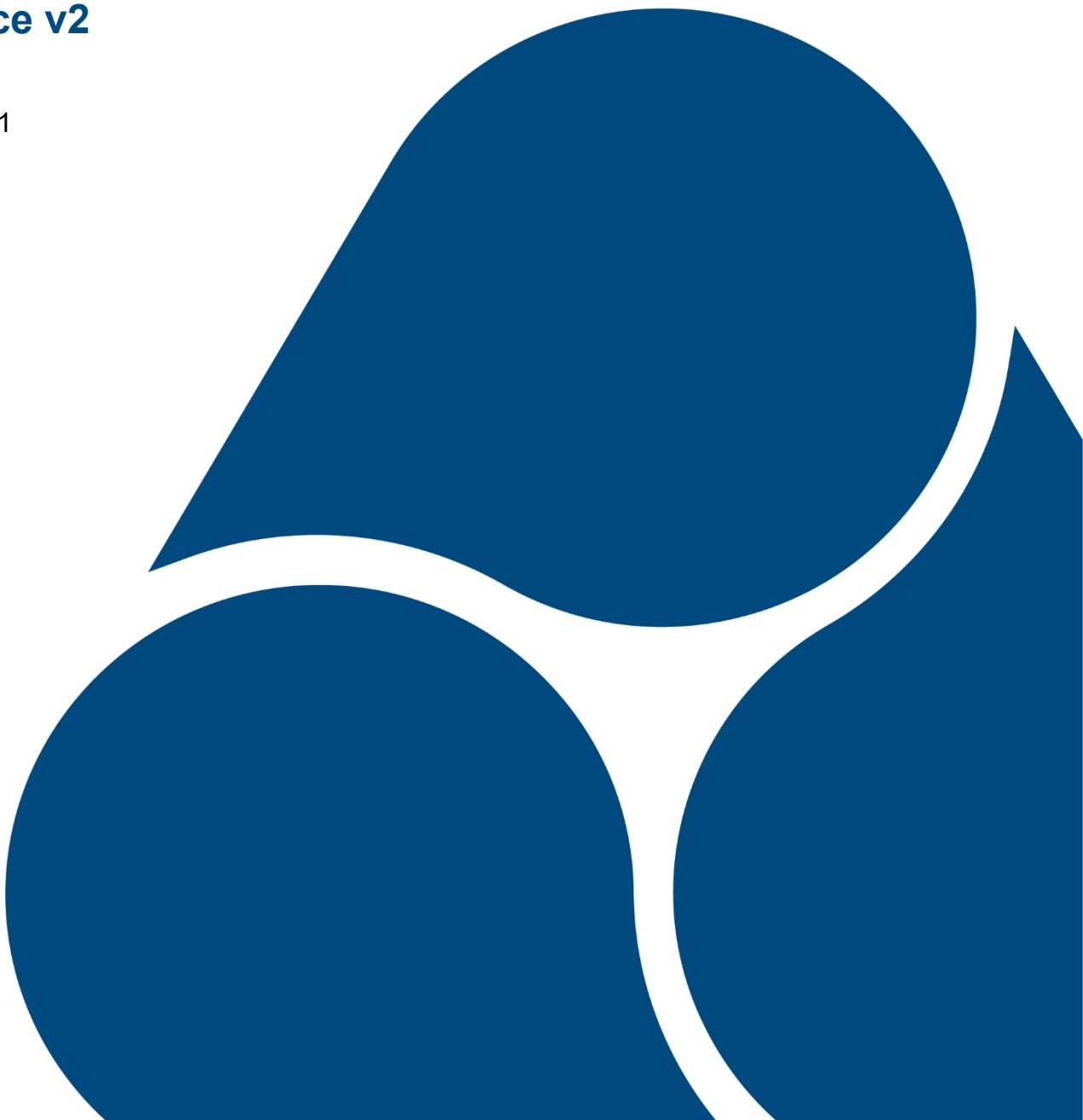
Office for Product Safety & Standards

Pressure Equipment (Safety) Regulations 2016

As they apply to equipment being supplied in or into Great Britain from 1 January 2021

Guidance v2

January 2021



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Guidance

1. Introduction

This Guide is for businesses placing pressure equipment or assemblies on the market in Great Britain from 1 January 2021[1]. If you are placing pressure equipment or assemblies on the market in Northern Ireland, you should read separate guidance:

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

This Guide is designed to help you understand The Pressure Equipment (Safety) Regulations 2016, as amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (referred to in this document as "The 2016 Regulations"). The 2016 Regulations set out the requirements that must be met before pressure equipment or assemblies can be placed on the GB market. The purpose of the legislation is to protect consumers from unsafe products by requiring manufacturers to show how their pressure equipment or assemblies meet the 'essential safety requirements'.

The Regulations regulate the design, manufacture and conformity assessment of pressure equipment and assemblies with a maximum allowable pressure PS greater than 0.5 bar.

2. Legislative Background

The Pressure Equipment (Safety) Regulations 2016 implemented Directive 2014/68/EU on pressure equipment and assemblies. The EU Withdrawal Act 2018 preserves the Regulations and enables them to be amended so as to continue to function effectively now the UK has left the EU. Accordingly, the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019[2] fix any deficiencies that arose from the UK leaving the EU (such as references to EU institutions) and make specific provision for the GB market.

There is therefore one set of UK 2016 Regulations, but some of the provisions apply differently in NI for as long as the Northern Ireland Protocol is in force. References to the 2016 Regulations in this guidance are references to those Regulations as they apply in Great Britain. For guidance on placing on the Northern Ireland market, please see:

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

1 The Implementation or Transition Period officially ends at 11pm on 31 December 2020; therefore, references to 1 January 2021 should be read as meaning 11pm on 31 December 2020.

2 The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 were amended by the Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 to apply to Great Britain only, and not to Northern Ireland, in support of implementing The Protocol of Ireland and Northern Ireland ("The Northern Ireland Protocol"). The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 were further amended by the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 to provide for a 24 month transition period for importer labelling (for goods from the EEA), UKCA marking, to amend the definition of "authorised representative" as well as introducing an end (in 12 months from the end of the Transition Period) to the recognition of goods meeting EU requirements, as well as introducing provisions for qualifying Northern Ireland goods.

3. Scope

The 2016 Regulations apply to pressure equipment and assemblies with a maximum allowable pressure PS greater than 0.5 bar, although there are a number of exclusions, which are set out in regulation 4 and Schedule 1 to the Regulations. “Pressure equipment” means vessels, piping, safety accessories and pressure accessories. “Assembly” means several pieces of pressure equipment assembled to form an integrated, functional whole.

4. Product classification

In order to know how the 2016 Regulations apply to specific items of pressure equipment, the manufacturer will need to know:

a) the type of equipment concerned, i.e. vessel, steam generator or piping
b) the state of the intended fluid contents – gas or liquid and
c) the fluid group of the intended contents – Group 1 or Group 2.

Group 1 comprises those substances and mixtures[3]:

(i) unstable explosives or explosives of Divisions 1.1, 1.2, 1.3, 1.4 and 1.5
(ii) flammable gases, category 1 and 2
(iii) oxidising gases, category 1
(iv) flammable liquids, category 1 and 2
(v) flammable liquids, category 3 where the maximum allowable temperature is above the flashpoint
(vi) flammable solids, category 1 and 2
(vii) self-reactive substances and mixtures, type A to F
(viii) pyrophoric liquids, category 1
(ix) pyrophoric solids, category 1
(x) substances and mixtures which in contact with water emit flammable gases, category 1, 2 and 3
(xi) oxidising liquids, category 1, 2 and 3
(xii) oxidising solids, category 1, 2 and 3
(xiii) organic peroxides types A to F
(xiv) acute oral toxicity, category 1 and 2
(xv) acute dermal toxicity, category 1 and 2
(xvi) acute inhalation toxicity, category 1, 2 and 3 and
(xvii) specific target organ toxicity – single exposure, category 1

Assistance with identifying the hazard classes of substances can be found on the Health and Safety Executive (HSE) website.

Group 1 also comprises substances and mixtures contained in pressure equipment with a maximum allowable temperature TS which exceeds the flashpoint of the fluid.

Group 2 comprises substances and mixtures not referred to under group 1, within the definition of a fluid, including steam.

With this information the manufacturer can identify the relevant conformity assessment table in Schedule 1B to the 2016 Regulations[4] and determine the correct classification of the equipment by plotting the maximum allowable pressure and, in the case of vessels, the volume in litres or, for piping, the nominal size (DN).

[3] As defined in paragraph 7(a) of Part 2 of Schedule 3 to the 2016 Regulations as amended by paragraph 46(c) of Schedule 24 to the 2019 Amendment Regulations.
[4] As introduced by paragraph 44 of Schedule 24 to the 2019 Amendment Regulations.

Equipment and assemblies which are below or equal to the limits set out in regulations 6(a)-(c) or 7 of the 2016 Regulations must be designed and manufactured in accordance with sound engineering practice in order to ensure safe use and must be accompanied by adequate instructions for use. Unless required by other applicable legislation, this second category of equipment and assembly must not bear the UKCA mark. This is set out in regulation 8 of the 2016 Regulations.

In the paragraphs below, unless indicated otherwise, the references to pressure equipment or assemblies does not include those under the limits referred to in regulation 8.

5. Obligations of manufacturers

A manufacturer is a person who manufactures pressure equipment, or has pressure equipment designed or manufactured, and either markets that pressure equipment under their name or trademark or uses it for their own purposes.

The obligations of manufacturers of pressure equipment include:

1. Before placing pressure equipment on the GB market or using it for their own purposes, a manufacturer must ensure that it has been designed and manufactured in accordance with the essential safety requirements; or, in the case of equipment falling within regulation 8, that it meets the requirements of that regulation.
2. The manufacturer then must classify the equipment or assembly into the appropriate category, determine the conformity procedure that applies and carry out the relevant conformity assessment procedure and draw up the relevant technical documentation.
3. Once this has been done, a manufacturer must draw up a declaration of conformity, and affix the UKCA marking[5] visibly, legibly and indelibly to the equipment[6]. Where it is not possible or not warranted on account of the nature of the equipment or assembly to affix the UKCA marking on the pressure equipment or assembly (or its data plate), then it can be affixed to packaging and accompanying documents.
4. In any event, there is a dispensation until 31 December 2022, allowing the UKCA marking to be affixed to a label affixed to, or a document accompanying, the pressure equipment or assembly, rather than to the product itself. Where applicable, they must also ensure that the identification number of the relevant conformity assessment body is affixed to the equipment or assembly.
5. Qualifying Northern Ireland goods can be placed on the GB market with the CE and CE UKNI conformity markings, see further detail in Section 11 on Qualifying Northern Ireland Goods.
6. Manufacturers must draw up and keep the declaration of conformity up to date and keep it and the relevant technical documentation for 10 years.

[5] Until 31 December 2021, equipment or assemblies conforming to EU rules, including the CE marking, may be placed on the market of Great Britain.

[6] There are exceptions to conformity marking the equipment or assembly. Regulation 11(2) excludes conformity marking under modules A2, C2 F or G, and where conformity assessment is carried out by a user inspectorate.

7. Manufacturers must label their products with their name, registered trade name or registered trademark and address; the type, batch or serial number (or other identification). The name and address must be clear, legible and in easily understandable English. This applies to all products (including those to which regulation 8 refers). Where it is not possible to put this information on the pressure equipment or assembly, the manufacturer must ensure it is given on its packaging or a document accompanying the equipment or assembly.
8. When placing pressure equipment or an assembly on the GB market, a manufacturer must ensure that it is accompanied by instructions and safety information in clear, legible and in easily understandable English. This applies to all products (including those to which regulation 8 applies).
9. Manufacturers must ensure that procedures are in place for series production to remain in conformity with Part 2 of the 2016 Regulations. In doing so, they must take account of any changes in pressure equipment or assembly design or characteristics, and any change in a harmonised standard or in another technical specification by reference to which the declaration of conformity was drawn up.
10. When appropriate, with regard to the risks to the health and safety of consumers and other users, manufacturers must carry out sample testing and they must investigate any complaints that the pressure equipment or assemblies are not in conformity and keep records of these complaints.
11. Manufacturers must take action where they have reason to believe that any product is not in conformity with the 2016 Regulations.

Manufacturers based in Northern Ireland can follow the legislation as it applies to Northern Ireland and place qualifying Northern Ireland goods on the GB market without any additional approvals. See further detail in Section 11 on Qualifying Northern Ireland Goods.

6. Obligations of authorised representatives

Manufacturers are able by written mandate to appoint authorised representatives to perform certain tasks on their behalf.

Mandated authorised representatives for the GB market can be based in GB or Northern Ireland but after 1 January 2021 cannot be based outside the UK. A manufacturer can only mandate an authorised representative established in the UK, under the 2016 Regulations as they apply in GB.

No GB-based authorised representatives are recognised under EU law. This means that GB based authorised representatives cannot carry out tasks on the manufacturer's behalf for products being placed on the Northern Ireland or EEA markets. Therefore, a GB manufacturer selling pressure equipment or assemblies to the EEA or into Northern Ireland, who wishes to appoint an authorised representative to carry out tasks for them in respect of the product, must appoint an authorised representative based in Northern Ireland or the EEA.

An authorised representative must comply with all the duties imposed on the manufacturer under the 2016 Regulations that they are appointed by the manufacturer to perform. There are some duties that a manufacturer cannot mandate an authorised representative to perform (e.g. conformity assessment) and some that must form part of the authorised representatives mandate (e.g. retention of technical documentation).

A manufacturer remains responsible for the proper performance of any obligations the authorised representative performs on their behalf.

Any references in the 2016 Regulations to the manufacturer are to be taken to include a reference to the authorised representative including in relation to penalties for failure to comply with those duties.

7. Obligations of importers

An importer is a person or business based in the UK who places pressure equipment and assemblies on the GB market from a country outside the UK. This means that UK businesses which used to act as a 'distributor' before the end of the transition period legally become an 'importer' if they place products from an EEA country on the GB market.

This includes pressure equipment and assemblies that are supplied to NI businesses from the EEA and then placed on the GB market. In this instance the NI business will take on importer obligations for EEA-supplied goods that are placed on the GB market (see also Section 11 on Qualifying Northern Ireland Goods).

Importers have additional legal obligations which go beyond those of distributors, such as checking that manufacturers have carried out the required conformity assessment procedures and including their (the importer's) name, registered trade name or mark and a postal address on the equipment or, where this is not possible, on its packaging or in accompanying documentation.

To assist with the transition, the UK is applying a transitional period ending on 31 December 2022 to allow UK suppliers of goods from the EEA or Switzerland (who from 1 January 2021 become importers into the GB market) to provide their details on the accompanying documentation as an alternative to placing them on the product itself. This applies to goods that are not qualifying Northern Ireland goods. For further detail on qualifying Northern Ireland goods, please see Section 11 on Qualifying Northern Ireland Goods.

Can you be contacted easily if there is a problem?

A key principle underpinning product safety, for the benefit of consumers and regulators, is traceability of a product back to its source.

In recognition that under the new regulatory arrangements you may have the new status of an importer when placing goods from an EEA state on the GB market for the first time, you may provide your contact details in a document that accompanies the product. This will be allowed until 31 December 2022.

We understand that there may be a period of adjustment to the new arrangements for importer documentation for the GB market, and it may be difficult to provide your details on documentation accompanying each and every individual product.

You may therefore use an alternative method where, for example, your contact information is on a document accompanying a batch of products. This document would then follow each batch of products through the distribution chain. Your contact details must follow each product through the distribution chain, but not necessarily by one document per product. Ultimately, the end user, each distributor (and a regulator) must be able to access the information.

Methods which enable traceability of the product after the initial batch has been broken up could include:

- The importer address is present in shipping documents.
- The importer address is present on the invoice to the GB customer.
- The importer address is present on the label that is on the outer packaging ("shipper") in which a number of finished goods is packed (normally customers will receive shippers unless the order is very small so that the shipper has to be opened and split).
- The importer address is included on the EU Declaration of Conformity and/or UK Declaration of Conformity (whichever is relevant for the product in question).

You should work with your distributors to ensure physical documentation does accompany batches of product as far as possible, and in all cases that there are measures in place to ensure end users are able to identify the UK importer.

Alongside that, but not as an alternative, you can use your company website to provide more information, access to product details and contact points for retailers, consumers and enforcement bodies.

These options are for a time limited period only and may not be used after 31 December 2022. You are encouraged to put in place measures to ensure that individual items do carry the importer's address where required ahead of this date.

The EU does not have any such transitional provision. In the absence of this, pressure equipment and assemblies being sold from GB to NI or the EEA must be labelled with the NI or EU-based importer's address. For further detail about placing on the NI market please see:

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

The obligations of importers include:

1. The importer must ensure that where relevant, the relevant conformity assessment has been carried out by the manufacturer; the manufacturer has drawn up technical documentation; the pressure equipment or assembly has the UKCA marking[7], when relevant, and is accompanied by the required documents and that the manufacturer has complied with the labelling requirements imposed on the manufacturer[8].
2. Where it is not possible or warranted on account of the nature of the equipment or assembly to affix the UKCA marking on the pressure equipment or assembly (or its data plate), then it can be affixed to packaging and accompanying documents. In any event, there is a dispensation until 31 December 2022, allowing the UKCA marking (when relevant) to be affixed to a label affixed to, or a document accompanying, the pressure equipment or assembly, rather than to the product itself.

[7] Until 31 December 2021, equipment or assemblies conforming to EU rules, including the CE marking, may be placed on the market of Great Britain.

[8] See Section 5. There are exceptions to conformity marking the equipment or assembly. Regulation 11(2) excludes conformity marking under modules A2, C2, F or G, and where conformity assessment is carried out by a user inspectorate.

3. The importer must keep a copy of the declaration of conformity and technical documentation for a period of 10 years after the pressure equipment or assembly has been placed on the GB market and must co-operate with and provide information to the enforcing authorities when requested.
4. When an importer has reason to believe that pressure equipment or an assembly is not in conformity with the essential safety requirements, the importer must not place the pressure equipment or assembly on the GB market.
5. The importer must provide their name, registered trade name and a postal address at which they can be contacted on the pressure equipment or assembly, or where this is not possible on its packaging or in its accompanying documentation.
6. The importer must ensure that when placing pressure equipment or assembly on the GB market, it is accompanied by instructions in clear, legible and easily understandable English.
7. Having regard to the risks to the health and safety of consumers and other users, the importer, when appropriate, must carry out sample testing of the pressure equipment or assembly they have placed on the GB market and must investigate complaints about pressure equipment or assemblies that are not in conformity with the 2016 Regulations and keep a register of those complaints.
8. The importer must take action where they have reason to believe that the pressure equipment or assembly that they have placed on the GB market is not in conformity with the 2016 Regulations.
9. The importer must ensure that pressure equipment or assembly under their responsibility must be transported and stored in conditions that do not affect their conformity with the essential safety requirements.

Qualifying Northern Ireland goods complying with the legislation as it applies in Northern Ireland, including affixing the CE marking, may also be placed on the GB market. See further detail in Section 11 on Qualifying Northern Ireland Goods.

8. Obligations of distributors

UK businesses which were distributors of pressure equipment within the EU single market should now consider whether they are importers from the EU single market and therefore what additional requirements they need to comply with – see section 7 above. The same applies to distributors of goods from the EEA and Switzerland.

The obligations of distributors include:

1. Before making available on the GB market, a distributor must take due care to ensure that it is in conformity with Part 2 of the 2016 Regulations, meaning that it conforms with the essential safety requirements and that each economic operator has complied or is complying with the obligations imposed on them under Part 2.

2. Before making pressure equipment or assembly available on the GB market, a distributor must verify that the pressure equipment or assembly bears the UKCA marking[9] (when relevant), and is accompanied by the required documents, instructions and safety information, and that the manufacturer and importer have complied with their labelling and identification requirements[10].
3. Where it is not possible or warranted on account of the nature of the equipment or assembly to affix the UKCA marking on the pressure equipment or assembly (or its data plate), then it can be affixed to packaging and accompanying documents. In any event, there is a dispensation until 31 December 2022, allowing the UKCA marking to be affixed to a label affixed to, or a document accompanying, the pressure equipment or assembly rather than to the product itself.
4. The distributor must ensure that while pressure equipment or assembly are under their responsibility, their storage and transport conditions do not jeopardise their conformity with the essential health and safety requirements.
5. Where the distributor has reason to believe that the pressure equipment or assembly is not in conformity with Part 2, they must not make it available on the market until it is brought into conformity.
6. The distributor must take action where they have reason to believe that the pressure equipment that they have made available on the GB market is not in conformity with the 2016 Regulations.
7. The distributor must also cooperate with and provide information to enforcing authorities following any requests.

9. Transitional arrangements

Products placed on the market before 1 January 2021

If you have already placed an individual fully manufactured product on the EEA or the UK market (either in Northern Ireland or Great Britain) before 1 January 2021, you do not need to do anything new. These individual goods can continue to circulate on either market until they reach their end user and do not need to comply with the changes that take effect from 1 January 2021.

A fully manufactured good is ‘placed on the market’ when there is a written or verbal agreement (or offer of an agreement) to transfer ownership or possession or other rights in the product. This does not require physical transfer of the good.

You can usually provide proof of placing on the market on the basis of any relevant document ordinarily used in business transactions, including:

- contracts of sale concerning goods which have already been manufactured and meet the legal requirements;
- invoices; and
- documents concerning the shipping of goods for distribution.

[9] Until 31 December 2021, equipment or assemblies conforming to EU rules, including the CE marking, may be placed on the market of Great Britain.

[10] See Sections 5 and 7. There are exceptions to conformity marking the equipment or assembly. Regulation 11(2) excludes conformity marking under modules A2, C2, F or G, and where conformity assessment is carried out by a user inspectorate.

The relevant economic operator (whether manufacturer, importer or distributor) bears the burden of proof for demonstrating that the good was placed on the EEA or UK market before 1 January 2021.

Existing CE marked stock

The UK will allow CE marked pressure equipment that has been either self-declared as compliant (where permissible) or where compliance must and has been demonstrated through assessment by an EU-recognised conformity assessment body to be placed on the GB market until 31 December 2021.

Pressure equipment lawfully placed on the market with a CE marking by 31 December 2021 can continue to circulate on the GB market after this date.

Material manufacture certification

Material manufacture certification of quality assurance provided by an EU body will still be accepted to satisfy the requirement in the UK of specific product control.

UKCA marking

From 1 January 2021, pressure equipment and assemblies that are conformity assessed by a UK approved body should be UKCA marked, not CE marked. If the conformity assessment was carried out by a UK notified body and the CE marking was affixed to the fully made product before 1 January 2021, the CE marking can still be used. But it can only be placed on the GB market and must be placed on the GB market before 31 December 2021.

Where the pressure equipment and assembly has been assessed by an EU notified body, manufacturers must continue to use the CE marking for pressure equipment and assemblies and can continue to place those products on the GB market until 31 December 2021. Qualifying Northern Ireland goods complying with the legislation as it applies in Northern Ireland, including affixing the CE marking, may be placed on the GB market after 31 December 2021. See further detail in Section 11 on Qualifying Northern Ireland Goods.

Rules around physically affixing the new UKCA marking mirror those which applied for the application of the CE marking although, until 31 December 2022, the UKCA marking may be affixed to a label affixed to the pressure equipment and assembly or a document accompanying the pressure equipment and assembly, rather than being affixed to the pressure equipment and assembly itself (even where it is otherwise possible to affix it to the equipment itself).

Self-declaration

Manufacturers selling pressure equipment and assemblies on the GB market can affix the new UKCA marking (when relevant) before placing the equipment and assemblies on the GB market. CE marking based on self-declaration of conformity by the manufacturer is still possible until 31 December 2021 for the GB market.

It will also be possible to affix both the UKCA marking and the CE marking to the same product on the basis of self-declaration, as long as the EU and GB requirements remain the same. When selling to the EU, the CE marking remains mandatory.

Testing Certificates

Where conformity assessment is a 2-stage process, it is possible for products to have an EU-type-examination certification (1st stage) followed by a declaration by the manufacturer or third party of the production process under the responsibility of a UK approved body (2nd stage) until 31 December 2021. Such equipment and assemblies should have the UKCA mark followed by the UK Approved Body Number.

Further guidance on UKCA marking can be found here:

https://www.gov.uk/guidance/using-the-ukca-marking

10. Qualifying Northern Ireland Goods

The government has committed to providing unfettered access for qualifying Northern Ireland goods to the rest of the UK market after 1 January 2021. Products that can be placed on the market in Northern Ireland in accordance with the legislation, as it applies to Northern Ireland, can be sold in the rest of the UK without any additional approvals.

This means that products that are qualifying Northern Ireland goods can be sold in the rest of the UK if any of the following apply:

- the CE marking is lawfully applied to the good on the basis of self-declaration;
- any mandatory third-party conformity assessment was carried out by an EU-recognised notified body (including a body in a country with which the EU has a relevant mutual recognition agreement) and a CE marking is affixed;
- the certificate of conformity previously held by a UK approved body has been transferred to an EU-recognised notified body and a CE marking has been affixed; or
- any mandatory third-party conformity assessment was carried out by a UK-based body, and the good is therefore marked with the CE marking and with the new UKNI marking.

This will be the case even if there are changes between the EU rules that the Northern Ireland Protocol applies to NI and the GB rules.

You can find more information about the UKNI marking here:

https://www.gov.uk/guidance/using-the-ukni-marking

NI businesses that are importing products from the EEA and placing them on the GB market must ensure that the relevant conformity assessment procedure has been carried out, that the technical documentation has been drawn up and that the equipment bears the CE marking. They will also have to comply with the importer labelling duties (see Section 7 on obligations of importers).

You can find out more about qualifying Northern Ireland goods here

https://www.gov.uk/guidance/moving-qualifying-goods-from-northern-ireland-to-the-rest-of-the-uk

11. Approved Bodies

The UK has established a new framework for UK based bodies to assess pressure equipment and assemblies against GB rules. Existing UK notified bodies are granted new UK 'approved body' status and listed on a new UK database. This includes recognised third-party organisations (RTPO) and user inspectorates (UI). There is no need for existing UK notified bodies, RTPO or UI to seek re-accreditation in order to benefit from UK identification status. These approved bodies retain their 4-digit identification number. New approved bodies will be assigned a number by the Office for Product Safety and Standards on behalf of the Secretary of State.

Approved bodies, RTPOs and UIs can assess products and processes for the UK market against UK essential safety requirements (which are substantially the same as EU essential requirements) with respect to the activities for which they have been approved.

UK approved bodies and RTPOs must be established in the UK and be independent of the manufacturer; UIs must act exclusively for the group of which it is part and must be based in the United Kingdom.

Approved bodies that are tasked with assessing the conformity of pressure equipment and assemblies must, as well as test the equipment where necessary, also examine the technical documentation and supporting evidence in respect of pressure equipment to assess the adequacy of the technical design.

Where an approved body, RTPO or UI finds that essential safety requirements have not been met by a manufacturer, they must not issue a certificate of conformity or grant an approval and they must require the manufacturer to take corrective measures.

Pressure equipment material manufacturers who choose to have their material manufacturing quality-assurance systems or their material itself assessed, as set out as options in the 2016 Regulations, must use a competent body established with the United Kingdom to carry out these assessments and may contact opss.engineering@beis.gov.uk for further information. From 1 January 2021, materials must comply with designated standards or have a particular material appraisal.

Products (and materials) subject to EU based Notified Bodies undertaking EU conformity assessment will be accepted on the GB market until 31 December 2021.

A register of UK Approved Bodies can be found on the UKMCAB system:

https://www.gov.uk/uk-market-conformity-assessment-bodies

The register also contains details of bodies in other countries such as Australia, New Zealand, Canada, Japan, and the United States of America, which the UK is designating as Approved Bodies through Mutual Recognition Agreements.

12. Enforcement

For pressure equipment intended for workplace use, the Health and Safety Executive (HSE) has a duty to enforce the Regulations in Great Britain.

In Great Britain, local trading standards authorities have a duty to enforce the Regulations in relation to consumer goods i.e. those intended for private use or consumption.

In relation to equipment or assemblies intended for use on relevant nuclear sites, it is the Office for Nuclear Regulation.

The Regulations also provide powers to the Secretary of State or a person appointed to act on their behalf to enforce the Regulations.

The Regulations provide powers to the authorities to take action against economic operators for products that present a risk or are not in conformity with the Regulations as set out in regulation 71. Economic operators are also required to co-operate with the enforcement authority and, on request, must provide information and take action as appropriate.

The UK market surveillance authorities (HSE, local trading standards authorities, ONR) will take all appropriate measures to withdraw from the market, to prohibit or restrict the supply of pressure equipment which may endanger the health and safety of persons, domestic animals or property.

Regulators' Code

Market surveillance authorities must continue to have regard to the Regulators' Code when developing the policies and operational procedures that guide their regulatory activities in this area. They should carry out their activities in a way that supports those they regulate to comply and grow, including choosing proportionate approaches that reflect risk.

In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required, or decisions taken, and the reasons for these. Unless immediate action is needed to prevent a serious breach, regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent. The Secretary of State takes account of the provisions of both the Regulators' Code and the Growth Duty in exercising his regulatory functions.

A link to the Regulators' Code can be found here:

https://www.gov.uk/government/publications/regulators-code

Penalties

A person committing an offence under the Regulations may be liable to a penalty. Penalties can include:

- a fine or prison sentence of up to three months, or both, on summary conviction; or
- a fine or prison sentence of up to two years, or both, on conviction or indictment.

It is a matter for the enforcement authority to decide what action is appropriate in each case taking into account the circumstances of the case and the enforcement authorities' own policies, operational procedures and practices in line with the Regulators' Code. Should a prosecution take place, it is at the discretion of the court to decide the penalties imposed on the offender.

13. Glossary

- **Approved Body** – A conformity assessment body which has been approved by the Secretary of State or was previously a UK 'notified body' before 1 January 2021.
- **Authorised Representative** – A person appointed in writing by a manufacturer to perform specific tasks for the manufacturer. From 1 January 2021, authorised representatives for the GB market must be based in the UK. Manufacturers remain ultimately responsible for ensuring these tasks are carried out properly.
- **Competent body –** a body such as an approved body or a recognised third-party organisation (RTPO) or user inspectorate (UI) recognised as being able to carry out conformity assessment.

- **Declaration of conformity** – A document prepared by the manufacturer which must detail, among other things, the following:
  - The specific equipment to which the declaration is referring
  - The name and address of the manufacturer and, where applicable, their authorised representative

  This must be kept by the manufacturer for a period of ten years from the date on which the equipment was placed on the GB market. This declaration must be made available to the enforcing authority upon request.
- **Distributor** – Any person in the GB supply chain, other than the manufacturer or the importer, who makes equipment available on the GB market.
- **Enforcing Authority** – In Great Britain, for equipment intended for use in the workplace, this is the Health and Safety Executive. For products for consumer use this is local trading standards authorities. For equipment intended for use on nuclear sites it is the Office for Nuclear Regulation.
- **Importer** – A person established in the UK who places pressure equipment from a country outside of the GB on the market. This includes a person based in NI who has been supplied with the product from an EEA country, who would, under NI law, be a distributor. A person who before 1 January 2021 (under EU Rules) distributed pressure equipment within the EU (including the UK, and including Switzerland) will now be an importer if they are bringing pressure equipment into the GB from another country (including EU Member States, the EEA or Switzerland).
- **Manufacturer** – A person who manufactures pressure equipment, or has pressure equipment designed or manufactured, and either markets that equipment under their name or trademark or uses it for their own purposes.
- **UKCA Marking** – The UKCA (UK Conformity Assessed) marking is the new UK conformity marking used for certain goods (including pressure equipment or assemblies) being placed on the GB market, in place of the CE marking, which is the conformity marking used in Northern Ireland and the European Union.
- **UKNI Marking** (also known as the UK(NI) indication) **–** The UKNI marking is a new marking applied in addition to the CE marking, where a good requiring mandatory third-party conformity assessment has been tested against EU requirements by a UK body. The UKNI marking applies when placing such products on the Northern Ireland market. Under the Government's unfettered access commitments, products lawfully marked with the UKNI marking can also be placed on the GB market if they are also qualifying Northern Ireland goods.

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