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STATUTORY INSTRUMENTS

2016 No. 1092

HEALTH AND SAFETY
CONSUMER PROTECTION

The Simple Pressure Vessels (Safety) Regulations 2016

Made - - - -	*15th November 2016*
Laid before Parliament	*16th November 2016*
Coming into force - -	*8th December 2016*

The Secretary of State is a Minister designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to measures relating to safety as regards simple pressure vessels.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A [F3] of Schedule 2 to, that Act.

F1 S.I. 1989/1327.

F2 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). The enabling powers of section 2(2) were extended by virtue of the amendment of section 1(2) by section 1 of the European Economic Area Act 1993 (c.51).

F3 Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008.

PART 1

Citation and commencement

1. These Regulations may be cited as the Simple Pressure Vessels (Safety) Regulations 2016 and come into force on 8th December 2016 ("the commencement date").

Interpretation

2.—(1) In these Regulations, "vessel" means a simple pressure vessel manufactured in series with the following characteristics—

(a) the vessel is welded, intended to be subjected to an internal gauge pressure greater than 0.5 bar and to contain air or nitrogen, and is not intended to be fired;

(b) the parts and assemblies contributing to the strength of the vessel under pressure are made either of non-alloy quality steel or of non-alloy aluminium or non-age hardening aluminium alloys;

(c) the vessel is made of either of the following elements—

(i) a cylindrical part of circular cross-section closed by outwardly dished and/or flat ends which revolve around the same axis as the cylindrical part;

(ii) two dished ends revolving around the same axis;

(d) the maximum working pressure of the vessel does not exceed 30 bar and the product of PS x V does not exceed 10,000 bar.L; and

(e) the minimum working temperature of the vessel is no lower than -50°C and the maximum working temperature is not higher than—

(i) 300°C where the vessel is constructed of steel; and

(ii) 100°C where the vessel is constructed of aluminium or aluminium alloy vessels.

(2) A vessel is manufactured in series if more than one vessel of the same type is manufactured during a given period by a continuous manufacturing process, in accordance with a common design and using the same manufacturing processes.

(3) The categories of vessels relevant for the purposes of these Regulations are—

(a) "category A vessel", meaning a vessel of which the product of PS x V exceeds 50 bar.L, this category being subdivided into—

(i) "category A.1 vessel", meaning a vessel of which the product of PS x V exceeds 3,000 bar.L;

(ii) "category A.2 vessel", meaning a vessel of which the product of PS x V is more than 200 bar.L but not more than 3,000 bar.L;

(iii) "category A.3 vessel" meaning a vessel of which the product of PS x V is more than 50 bar.L but not more than 200 bar.L; and

(b) "category B vessel" meaning a vessel of which the product of PS x V is 50 bar.L or less.

(4) In these Regulations—

"the 1991 Regulations" means the Simple Pressure Vessels (Safety) Regulations 1991 [F4];

"the 1974 Act" means the Health and Safety at Work etc Act 1974 [F5];

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978; [F6]

"the 1987 Act" means the Consumer Protection Act 1987 [F7];

"accreditation" has the meaning set out in Article 2(10) of RAMS (as amended from time to time);

"accreditation certificate" means a certificate, issued by the United Kingdom Accreditation Service or a national accreditation body in another Member State, attesting that a conformity assessment body meets the notified body requirements;

"authorised representative" means a person established in the EU appointed in accordance with regulation 15;

"CE marking" means a marking in the form set out in Annex II of RAMS (as amended from time–to-time);

"competent national authority" means an authority of a Member State responsible for enforcing the law of that state which implements the Directive;

"conformity assessment" means the process demonstrating whether the essential safety requirements relating to a vessel have been fulfilled;

"conformity assessment activities" means any activities connected with conformity assessment, including calibration, testing, certification and inspection;

"conformity assessment body" means a body that performs conformity assessment activities;

"conformity assessment procedure" means a procedure referred to in regulations 40 (conformity assessment procedures prior to manufacture) and 41(conformity assessment procedures prior to placing a vessel on the market);

"the Directive" means Directive 2014/29/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels [F8];

"distributor" means any person in the supply chain, other than the manufacturer or the importer, who makes a vessel available on the market;

"district council" means a district council within the meaning of the Local Government Act (Northern Ireland) 1972 [F9];

"economic operator" means a manufacturer, an authorised representative, an importer or a distributor;

"enforcing authority" means any person enforcing these Regulations under regulation 55 (enforcement);

"essential safety requirements" means the requirements set out in Schedule 1;

"harmonised standard" has the meaning given by Article 2(1)(c) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council, and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council [F10] (as amended from time to time);

"the HSE" means the Health and Safety Executive established under section 10 of the 1974 Act;

"the HSENI" means the Health and Safety Executive for Northern Ireland established under Article 12 of the 1978 Order;

"importer" means a person who—

(a) is established in the EU; and

(b) who places a vessel from a third country on the EU market;

"inscriptions" means the following information in respect of a vessel—

(a) the maximum working pressure (PS);

(b) the maximum working temperature (T_{max});

(c) the minimum working temperature (T_{min}); and

(d) the capacity (V);

"instructions and safety information" means the following information in respect of a vessel—

(a) its intended use; and

(b) the maintenance and installation requirements for vessel safety;

"make available on the market" means any supply of a vessel for distribution or use on the EU market in the course of a commercial activity, whether in return for payment or free of charge, and related expressions must be construed accordingly;

"manufacturer" means a person who—

(a) manufactures a vessel or has a vessel designed or manufactured; and

(b) markets that vessel under that person's name or trademark;

"market surveillance authority" has the meaning set out in regulation 54 (designation of market surveillance authority);

"maximum working pressure" or "PS" means the maximum gauge pressure (in Bar) which may be exerted under a vessel's normal conditions of use;

"maximum working temperature" or "T_{max}" means the highest stabilised temperature (in °C) which the wall of the vessel may attain under normal conditions of use;

"minimum working temperature or "T_{min}" means the lowest stabilised temperature which the wall of the vessel may attain under normal conditions of use;

"national accreditation body" has the meaning set out in Article 2(11) of RAMS (as amended from time to time);

F11 ...

"notified body requirements" means the requirements set out in Part 1 of Schedule 4;

"Official Journal" means the Official Journal of the European Union;

"place on the market" means the first making available of a vessel on the EU market, and related expressions must be construed accordingly;

RAMS means Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93[F12];

"recall" means any measure aimed at achieving the return of a vessel that has already been made available to the end-user and related expressions must be construed accordingly;

"relevant economic operator" means, in relation to a vessel, an economic operator who has obligations in respect of that vessel under Part 2 of these Regulations;

"supply" is to be read in accordance with section 46 of the 1987 Act, and includes offering or agreeing to supply, and exposing or possessing for supply, and "supplied" and "supplier" have the corresponding meanings;

"technical documentation" means the documentation referred to in paragraph 2(2)(c) of Part 1 of Schedule 2;

"technical specification" means a document that prescribes technical requirements to be fulfilled by a vessel;

"V" means capacity of the vessel in litres;

"weights and measures authority" means a local weights and measures authority as defined in section 69 of the Weights and Measures Act 1985 [F13];

"withdraw", in relation to a vessel, means any measure aimed at preventing a vessel in the supply chain from being made available on the market and related expressions must be construed accordingly.

(5) In these Regulations, a reference to a vessel being "in conformity with Part 2" means that—

(a) the vessel complies with the essential safety requirements; and

(b) is a vessel in respect of which each relevant economic operator has complied, or is complying, with the obligations imposed on them under Part 2 of these Regulations.

(6) In these Regulations, a reference to a Member State must be read as a reference to an EEA State and references to the EU must be read as references to the European Economic Area.

[[F14](7) In these Regulations (except Part 4 (notification of conformity assessment bodies) and Schedule 4 (notified bodies), "notified body" means—

(a) a notified body within the meaning set out in regulation 45 (notified bodies), or

(b) a notified body under the laws of any other Member State which implements the Directive.**]**

F4 S.I. 1991/2749; amended by S.I. 1994/3098, **S.I**. 2011/1043, S.I. 2014/1043.
F5 1974 c. 37.
F6 S.I. 1978/1039 (N.I. 9). Article 12 was amended by S.I. 1998/2795 (N.I. 18).
F7 1987 c. 43.
F8 OJ L 96, 29.3.2014, p 45.
F9 1972 c.9.
F10 OJ L 316, 14.11.2012, p 12.
F11 Words in reg. 2(4) omitted (26.12.2017) by virtue of The Radio Equipment Regulations 2017 (S.I. 2017/1206), regs. 1, **83(2)(a)** (with regs. 3-5, 77)
F12 OJ L 218, 13.8.2008, p.30.
F13 1985 c. 72; section 69 was amended by the Statute Law (Repeals) Act 1989 (c. 43), **Schedule 1**, Part 4; the Local Government (Wales) Act 1994 (c. 19), **Schedule 16**, paragraph 75; and by the Local Government etc (Scotland) Act 1994, Schedule 13, paragraph 144.
F14 Reg. 2(7) inserted (26.12.2017) by The Radio Equipment Regulations 2017 (S.I. 2017/1206), regs. 1, **83(2)(b)** (with regs. 3-5, 77)

Application

3.—(1) Subject to paragraph 2, these Regulations apply to a vessel placed on the market on or after the commencement date.

(2) These Regulations do not apply to—

(a) a vessel specifically designed for nuclear use, failure of which may cause an emission of radioactivity;

(b) a vessel specifically intended for installation in or the propulsion of ships and aircraft; and

(c) fire extinguishers.

(3) In paragraph (2), "ship" has the meaning given by section 313 of the Merchant Shipping Act 1995 [F15].

F15 1995 c. 21.