

2002 No. 1267

HEALTH AND SAFETY

The Pressure Equipment (Amendment) Regulations 2002

Made - - - - - *6th May 2002*
Laid before Parliament *9th May 2002*
Coming into force - - *30th May 2002*

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to pressure equipment and assemblies, in exercise of the powers conferred on her by that section, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pressure Equipment (Amendment) Regulations 2002 and shall come into force on 30th May 2002.

Amendment to the Pressure Equipment Regulations 1999

2.—(1) In regulation 2 of the Pressure Equipment Regulations 1999(c), after regulation 2(3) there shall be inserted the following paragraph—

“(4) For the purposes of these Regulations, an item of pressure equipment or an assembly which is made available for the first time in the Community whether for reward or free of charge shall not be regarded as having been placed on the market where:—

- (a) it has been manufactured within the Community or imported from a country or territory outside the Community; and
- (b) prior to its being made so available it has been used otherwise than in the course of business at all times since its manufacture or import.

(2) For regulation 26(1) there shall be substituted the following—

“(1) A person guilty of an offence under regulation 25(a) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.”.

(3) In Schedule 8, sub-paragraph 2(d), for the reference to sub-paragraph “(b)” there shall be substituted a reference to sub-paragraph “(c)”.

6th May 2002

Sainsbury of Turville,
Parliamentary Under Secretary of State for Science and Innovation,
Department of Trade and Industry

(a) S.I. 1998/2793.
(b) 1972 c. 68.
(c) S.I. 1999/2001.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations amend the Pressure Equipment Regulations 1999 (S.I. 1999/2001) (“the 1999 Regulations”) by providing that pressure equipment that is placed on the market after it has been used otherwise than in the course of business at all times since its manufacture or import shall not be subject to the requirements of the 1999 Regulations relating to placing on the market of such equipment (regulation 2(1)). They also increase the penalty for certain offences created by the 1999 Regulations (regulation 2(2)). Regulation 2(3) corrects a cross-reference in the 1999 Regulations.

The 1999 Regulations implement Council Directive 97/23/EC (OJ No. L181, 9.7.97, p.1) on the approximation of the laws of the member states concerning pressure equipment (“the Directive”). The Directive was intended only to apply to commercial transactions involving pressure equipment and assemblies, and these Regulations give effect to that intention, as well as amending the enforcement provisions and correcting a cross-reference in the 1999 Regulations. It has therefore not been necessary to prepare a Transposition Note for this instrument.

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