
STATUTORY INSTRUMENTS

2016 No. 1105

The Pressure Equipment (Safety) Regulations 2016

PART 6

Miscellaneous

Review **E+W+S**

- 87.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.
- (3) The report must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning on the commencement date.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Review **N.I.**

- 87.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.
- (2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other [F6relevant states].
- (3) The report must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning on the commencement date.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F6** Words in [reg. 87\(2\)](#) substituted (N.I.) (31.12.2020) by [The Pressure Vessels \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/678\)](#), [reg. 1\(b\)](#), [Sch. 2 para. 7\(1\)](#)

Transitional provisions

88.—(1) Nothing in these Regulations prevents the making available on the market or putting into service of pressure equipment or assemblies which—

- (a) were placed on the market before the commencement date; and
- (b) are in conformity with the 1999 Regulations.

(2) Nothing in these Regulations prevents the putting into service of pressure equipment and assemblies which—

- (a) were placed on the market before 30th May 2002; and
- (b) comply with any provisions with which they would have been required to comply in order for them to be placed on the market in the United Kingdom on 28th November 1999.

[^{F1}Transitional provision in relation to EU Exit

88A.—(1) In this regulation—

“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day;

“product” means [^{F2}pressure equipment or an assembly required, under regulation 6 or 7, to satisfy the essential safety requirements set out in Schedule 2] to which these Regulations apply on or after IP completion day.

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 24 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the member States of any matter; or
- (b) any obligation to take action outside of the United Kingdom in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under regulation 42 as it had effect immediately before IP completion day in relation to that product

that action has effect as if it had been done under regulation 42 as it had effect on and after IP completion day.

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^{F3}(5) Subject to paragraph (6), where before 11pm on 31st December 2024—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 14 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 41 or 42.

(6) Paragraph (5) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.]]

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| <p>F1 Reg. 88A inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 24 para. 41 (as amended by S.I. 2020/676, regs. 1(1), 2 and by S.I. 2020/852, reg. 4(2), Sch. 1 para. 1(m)(viii)); 2020 c. 1, Sch. 5 para. 1(1)</p> <p>F2 Words in reg. 88A(1) substituted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 15(2)(a)</p> <p>F3 Reg. 88A(5)(6) inserted (31.12.2022) by The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022 (S.I. 2022/1393), regs. 1(1), 15(2)(b)</p> |
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E+W+S

89. For the purposes of these Regulations, a certificate issued, or approval granted, by a notified body, recognised third party organisation or user inspectorate under the 1999 Regulations, or any enactment of another member State which implemented Directive [97/23/EC](#)^{M1}, is to be treated as a certificate issued or approval granted under Annex II to the Directive (as amended from time to time).

Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Marginal Citations

- M1** Directive [97/23/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States relating to pressure equipment, OJ No L181, 9.7.1997, p.1.

N.I.

89. For the purposes of these Regulations, a certificate issued, or approval granted, by a notified body, recognised third party organisation or user inspectorate under the 1999 Regulations, or any enactment of another [^{F7}relevant state] which implemented Directive [97/23/EC](#)^{F8}, is to be treated as a certificate issued or approval granted under Annex II to the Directive (as amended from time to time).

Extent Information

- E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F7** Words in [reg. 89](#) substituted (N.I.) (31.12.2020) by [The Pressure Vessels \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/678\)](#), [reg. 1\(b\)](#), [Sch. 2 para. 7\(2\)](#)
- F8** Directive 97/23/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to pressure equipment, OJ No L181, 9.7.1997, p.1.

Revocations, amendments and savings **E+W+S**

90. —

(1) Subject to paragraph (2) [^{F4}and (2A)], the 1999 Regulations are revoked.

[^{F5}(2) Subject to the modifications made in paragraph (2A), the Regulations referred to in paragraph (1) continue to apply, as if they had not been revoked, to pressure equipment or assemblies placed on the market before the commencement date.

(2A) The modifications referred to in paragraph (2) are that in the 1999 Regulations—

- (a) references to “the Community” shall be read as including the United Kingdom;
- (b) references to a “member State” shall be read as including the United Kingdom; and
- (c) in Schedule 8 (enforcement), in paragraph 6, omit “with a view to this information being passed by him to the Commission”.]

(3) Accordingly, despite its repeal by paragraph 12(a) of Schedule 12, the entry in paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 relating to the 1999 Regulations is to continue to have effect in relation to pressure equipment or assemblies placed on the market before the commencement date.

Extent Information

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F4** Words in [reg. 90\(1\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 24 para. 42\(a\)](#) (with [Sch. 24 para. 41](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F5** [Reg. 90\(2\)\(2A\)](#) substituted for [reg. 90\(2\)](#) (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 24 para. 42\(b\)](#) (with [Sch. 24 para. 41](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Revocations, amendments and savings **N.I.**

90. —

(1) Subject to paragraph (2), the 1999 Regulations are revoked.

(2) The Regulations referred to in paragraph (1) continue to apply, as if they had not been revoked, to pressure equipment or assemblies placed on the market before the commencement date.

(3) Accordingly, despite its repeal by paragraph 12(a) of Schedule 12, the entry in paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 relating to the 1999 Regulations is to continue to have effect in relation to pressure equipment or assemblies placed on the market before the commencement date.

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Extent Information

E6 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

91. Schedule 12 (Consequential amendments and revocations) has effect.

Changes to legislation:

There are currently no known outstanding effects for the The Pressure Equipment (Safety) Regulations 2016, PART 6.