STATUTORY INSTRUMENTS

2015 No. 399

HEALTH AND SAFETY

The Pressure Equipment (Amendment) Regulations 2015

Made - - - -	*25th February 2015*
Laid before Parliament	*27th February 2015*
Coming into force - -	*1st June 2015*

The Secretary of State is 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 of pressure equipment.

The Secretary of State, in exercise of the powers conferred upon him by section 2(2) of that Act, makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Pressure Equipment (Amendment) Regulations 2015 and come into force on 1st June 2015.

Amendment of the Pressure Equipment Regulations 1999

2. Regulation 2(2) of the Pressure Equipment Regulations 1999(**c**) is amended as follows.

3. For the definition of "fluid in Group 1" substitute the following definition—

""fluid in Group 1" means—

(a) a substance or mixture—

(i) as defined in Article 2(7) and (8) respectively of Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures(**d**) ("the CLP Regulation"); and

(ii) that is classified as hazardous in accordance with the following physical or health hazard classes laid down in Parts 2 and 3 of Annex I to the CLP Regulation—

(aa) unstable explosives or explosives of Divisions 1.1, 1.2, 1.3, 1.4 and 1.5;

(**a**) S.I. 1998/2793.
(**b**) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a) and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1.
(**c**) S.I. 1999/2001, to which there are amendments not relevant to these Regulations.
(**d**) OJ L 353, 31.12.2008, p.1.

(bb) flammable gases, categories 1 and 2;

(cc) oxidising gases, category 1;

(dd) flammable liquids, categories 1 and 2;

(ee) flammable liquids, category 3 where the maximum allowable temperature is above the flashpoint;

(ff) flammable solids, categories 1 and 2;

(gg) self-reactive substances and mixtures, types A to F;

(hh) pyrophoric liquids category 1;

(ii) pyrophoric solids, category 1;

(jj) substances and mixtures which in contact with water emit flammable gases, categories 1, 2 and 3;

(kk) oxidising liquids, categories 1, 2 and 3;

(ll) oxidising solids, categories 1, 2 and 3;

(mm) organic peroxides, types A to F;

(nn) acute oral toxicity, categories 1 and 2;

(oo) acute dermal toxicity, categories 1 and 2;

(pp) acute inhalation toxicity, categories 1, 2 and 3;

(qq) specific target organ toxicity – single exposure, category 1; or

(b) a substance or mixture contained in pressure equipment with a maximum allowable temperature TS which exceeds the flashpoint of the fluid;".

4. For the definition of "fluid in Group 2" substitute the following definition—

""fluid in Group 2" means a substance or mixture which is not a substance or mixture within the definition of a fluid in Group 1;".

Matthew Hancock
Minister of State for Business and Enterprise and Energy
Department for Business, Innovation and Skills

25th February 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Pressure Equipment Regulations 1999 (S.I.1999/ 2001) ("the 1999 Regulations"). The 1999 Regulations implement Directive 97/23/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning pressure equipment (OJ No. L 181, 9.7.1997, p.1) ("the 1997 Directive"). The 1997 Directive will be replaced by Directive 2014/68/EU of the European Parliament and of the Council of 15th May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (recast) (OJ No L 189, 27.6.2014, p164) ("the 2014 Directive").

The 2014 Directive will be implemented in new Pressure Equipment Regulations in 2016, but Article 13 of the 2014 Directive must apply from 1st June 2015 and is therefore implemented by these Regulations.

Article 13 of the 2014 Directive aligns with Regulation (EC) 1272/2008/EC on the Classification, Labelling and Packaging of Substances and Mixtures (OJ No L 353, 31.12.2008, p1) ("the CLP Regulation") which implements UN obligations on chemical classification. This alignment updates the equipment classification provisions in the 1997 Directive. Article 13 of the 2014 Directive replaces Article 9 of the 1997 Directive and so the references to hazard classifications reflecting Article 9 of the 1997 Directive instead need to reflect the updated classifications in Article 13 of the 2014 Directive.

Regulation 3 replaces the definition of "fluid in Group 1" in the 1999 Regulations and thereby implements the new hazard classifications in the 2014 Directive in accordance with the classes set out in Parts 2 and 3 of Annex I of the CLP Regulation. Regulation 4 amends the definition of "fluid in Group 2" consequentially.

A full impact assessment of the effect that these Regulations would have on the costs of business and the voluntary sector is published with the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk. The Transposition Note in relation to the implementation of Article 13 of the 2014 Directive is published with the Explanatory Memorandum and available on that website. Copies of these documents are available in the libraries of both Houses of Parliament.

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