EXPLANATORY MEMORANDUM TO

THE PRESSURE EQUIPMENT (AMENDMENT) REGULATIONS 2015

2015 No. 399

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of the instrument is to amend the Pressure Equipment Regulations 1999 (as amended) (S.I. 1999/2001) ("the 1999 Regulations") in order to implement part of the revised EU Pressure Equipment Directive (2014/68/EU).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This instrument is being made in order to implement Article 13 of the revised EU Pressure Equipment Directive (2014/68/EU), ("the 2014 Directive") which aligns hazard classifications for substances and mixtures with Regulation 1272/2008/EC on the Classification, Labelling and Packaging of Substances and Mixtures ("CLP") which implements UN obligations on chemical classification.

4.2 Article 13 of the 2014 Directive replaces Article 9 of the Pressure Equipment Directive (97/23/EC) ("the 1997 Directive") and so references to hazard classifications which reflected those in Article 9 of the 1997 Directive should instead reflect the new classifications in Article 13 of the 2014 Directive to align with the CLP.

4.3 Provisions implementing Article 13 of the 2014 Directive must apply from 1 June 2015. The implementation of the remaining provisions of the 2014 Directive will be dealt with in separate Regulations to enter into force by 18 July 2016 which will replace and repeal the current Pressure Equipment Regulations (SI 1999/2001).

5. Territorial Extent and Application

5.1 **This** instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Pressure Equipment Directive provides the technical requirements that ensure the safety of industrial and domestic equipment that contains pressurised gas or liquids. Equipment is grouped according to whether or not the contents are hazardous. This grouping is currently based upon the hazard classifications set out in the Dangerous Substances Directive (67/548/EC). Directive 67/548/EC is to be replaced by Regulation 1272/2008/EC on the Classification, Labelling and Packaging of Substances and Mixtures ("the CLP"), which implements UN obligations on the classification of chemicals, on 1 June 2015. The 2014 Directive reflects the change of references from those based on the Dangerous Substances Directive to those in the CLP and updates the equipment classification provisions in the 1997 Directive accordingly.

7.2 The Pressure Equipment (Amendment) Regulations 2015 ("the Regulations") therefore update the classifications in the Pressure Equipment Regulations 1999 from those based on the Dangerous Substances Directive to those in the CLP. There are no changes to the technical requirements for equipment under the Regulations.

7.3 The Regulations copy out the relevant parts of the 2014 Directive. A Transposition Note is attached in the Annex to this Memorandum.

7.4 BIS submitted an Explanatory Memorandum on the proposal for a revised Pressure Equipment Directive on 24 July 2013, which was cleared by both the Lords and Commons Scrutiny Committees.

8. Consultation outcome

8.1 The Department for Business, Innovation and Skills carried out two informal stakeholder consultations in November 2013 and December 2014 respectively. The Regulations are of low impact and will affect a limited number of organisations, so it was judged that short, focussed consultations would be more effective and less burdensome on stakeholders than full, formal consultations. Responses to the first consultation were supportive of the measure; there were no responses to the second consultation.

9. Guidance

9.1 BIS will be producing updated guidance to reflect the Regulations alongside the existing information on gov.uk.

10. Impact

10.1 The impact on business, charities or voluntary bodies is judged to be low.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment is attached to this memorandum.

11. Regulating small business

11.1 The legislation applies to small business. The Government considers that the legislation is not expected to impose a disproportionate cost to small firms.

12. Monitoring & review

12.1 The main part of the 2014 Directive will be implemented in new Pressure Equipment Regulations in 2016, which will replace and revoke the current Pressure Equipment Regulations and their amendments, including these Regulations.

13. Contact

13.1 Andrew Lunnon at the Department for Business, Innovation and Skills Tel: 020-7215 0158 or email: andrew.lunnon@bis.gsi.gov.uk can answer any queries regarding the instrument.