
STATUTORY INSTRUMENTS

2021 No. 1370

**EXITING THE EUROPEAN UNION
HEALTH AND SAFETY**

**The Carriage of Dangerous Goods and Use of Transportable
Pressure Equipment (Amendment) (EU Exit) Regulations 2021**

<i>Sift requirements satisfied</i>	<i>16th November 2021</i>
<i>Made - - - -</i>	<i>2nd December 2021</i>
<i>Laid before Parliament</i>	<i>8th December 2021</i>
<i>Coming into force- - -</i>	<i>1st January 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 8B(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018⁽¹⁾ (“the 2018 Act”).

The requirements of paragraph 3(2) of Schedule 7 to the 2018 Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

In accordance with paragraph 2(7) of Schedule 3 to the Railways Act 2005⁽²⁾ the Secretary of State has consulted the Office of Rail and Road.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2021 and come into force on 1st January 2023.

(2) These Regulations extend to England and Wales and Scotland.

Amendment of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009

2. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009⁽³⁾ are amended as set out in regulations 3 to 17.

(1) 2018 c. 16. Section 8 was amended by section 27(2) to (6) of the European Union (Withdrawal Agreement) Act 2020 (c. 1), and section 8B was inserted by section 18 of that Act.
(2) 2005 c. 14. Paragraph 2(7) of Schedule 3 was amended by the Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), by which the Office of Rail Regulation was renamed the Office of Rail and Road.
(3) S.I. 2009/1348; relevant amending instruments are S.I. 2011/1885, 2014/469, 2019/598 and 2020/1111.

Amendment of regulation 2 (interpretation - general)

3. In regulation 2 (interpretation - general), in the Table in paragraph (5)—
- (a) in the meaning of the expression “making available on the GB market”, after “activity,” insert “including any supply on a hire, lease or rental basis,”,
 - (b) after the meaning of the expression “Northern Ireland competent authority” insert—

““Northern Ireland TPE”	Transportable pressure equipment which— (a) complies with Part 4 of the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010(4), and (b) is “qualifying Northern Ireland goods” within the meaning given in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018(5).”
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- (c) in the meaning of the expression “pi marking” omit “, and may include a pi marking accompanied by the indication “UK(NI)”,
- (d) in the meaning of the expression “pi marked TPE”, at the end insert “, but excluding Northern Ireland TPE”.

Amendment of regulation 19A (general obligations)

4. In regulation 19A (general obligations), at the end of paragraph (5)(b) insert “and Northern Ireland TPE”.

Insertion of regulation 19AZA

5. After regulation 19A (general obligations) insert—

“Prohibition on placing or making available certain transportable pressure equipment on the GB market on or after 1st January 2023

19AZA.—(1) A manufacturer, importer, or distributor may only place equipment on the GB market on or after 1st January 2023 if the equipment is UK TPE or Northern Ireland TPE.

(2) Subject to paragraph (3), a manufacturer, importer, or distributor may only make equipment available on the GB market on or after 1st January 2023 if the equipment—

- (a) is UK TPE or Northern Ireland TPE; or
- (b) is pi marked TPE which was placed on the market prior to 1st January 2023.

(3) Where a conformity assessment has been carried out in relation to equipment by a notified body prior to IP completion day, a manufacturer, importer or distributor may only place the equipment on the market where—

- (a) the manufacturer arranges for the notified body conformity assessment and any technical documentation to be transferred to an appointed body;

(4) S.R. 2010 No. 160.

(5) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020. Regulations made under this provision are the Definition of Qualifying Northern Ireland Goods (EU Exit) Regulations 2020 (S.I. 2020/1454).

- (b) the appointed body referred to in sub-paragraph (a) accepts responsibility for the notified body conformity assessment; and
- (c) the appointed body issues a certificate of conformity relying, or relying in part, on any examinations or tests undertaken prior to the issue of the notified body conformity assessment.”.

Amendment of regulation 19AA (obligations of manufacturers prior to placing equipment on the GB market)

6. In regulation 19AA (obligations of manufacturers prior to placing equipment on the GB market), in paragraph (3) for “pi marked TPE” substitute “Northern Ireland TPE”.

Amendment of regulation 19AB (obligations of manufacturers after placing UK TPE on the GB market)

7. In regulation 19AB (obligations of manufacturers after placing UK TPE on the GB market)—
- (a) in the heading, after “UK TPE” insert “or Northern Ireland TPE”,
 - (b) in paragraph (1), after “UK TPE marking” insert “and Northern Ireland TPE”,
 - (c) in paragraph (2)—
 - (i) in the opening words, after “Annexes” insert “or with regulation 19AA(3) (as applicable)”,
 - (ii) for paragraphs (i) and (ii) of sub-paragraph (a) substitute—
 - “(i) regulation 19AA(2) and the Annexes, in respect of UK TPE; or
 - (ii) regulation 19AA(3) and the Annexes, in respect of Northern Ireland TPE;”,
 - (d) for paragraph (3)(a) substitute—
 - “(a) the risk, including providing details of any non-compliance with—
 - (i) regulation 19AA(2) or the Annexes, in respect of UK TPE; and
 - (ii) regulation 19AA(3) or the Annexes, in respect of Northern Ireland TPE;”,
 - (e) for paragraph (4)(a) substitute—
 - “(a) each instance of non-compliance with—
 - (i) regulation 19AA(2) or the Annexes, in respect of UK TPE; and
 - (ii) regulation 19AA(3) or the Annexes, in respect of Northern Ireland TPE;”,
 - (f) in paragraph (5)(a), for paragraphs (i) and (ii) substitute—
 - “(i) regulation 19AA(2) and the Annexes, in respect of UK TPE; or
 - (ii) regulation 19AA(3) and the Annexes, in respect of Northern Ireland TPE;”,

Amendment of regulation 19B (obligations of manufacturers after placing pi marked TPE on the GB market)

8. In regulation 19B (obligations of manufacturers after placing pi marked TPE on the GB market), at the end of paragraph (1) insert “prior to 1st January 2023”.