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 Office for Product Safety & Standards

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Rushington Business Park
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Southampton
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27th January 2022

Our ref: RTPO

Dear Sir,

**APPOINTMENT OF ULTRAMAG INSPECTION SERVICES LTD AS A
RECOGNISED THIRD PARTY ORGANISATION UNDER THE PRESSURE
EQUIPMENT (SAFETY) REGULATIONS 2016, AS AMENDED.**

The Secretary of State appoints Ultramag Inspection Services Ltd (“the Company”) to act as a Recognised Third Party Organisation under the above Regulations. The Company is also appointed to act as a Recognised Third Party Organisation (Northern Ireland) for the same scope of designation, but only in respect to goods placed on the market in Northern Ireland. This will require the Company to perform conformity assessment in line with EU requirements for goods conformity assessed for the Northern Ireland market.

The terms and conditions of appointment outlined in this letter apply to the Company whether it is acting as a Recognised Third Party Organisation or as a RTPO for the Northern Ireland market. References to provisions in the regulations relating to Recognised Third Party Organisations shall be read as references to the corresponding provisions that relate to the Company’s role as a RTPO for the Northern Ireland market.

The Secretary of State will notify those details of the appointment relevant to the operation of Conformity Assessment activities in Northern Ireland to the European Commission, including changes to those details which may occur in the future.

The company is required to confirm its acceptance of the appointment and the terms and conditions of the appointment contained in this letter prior to commencing any conformity assessment activity. Details of the appointment will not be published on the UK Market of Conformity Assessment Bodies (UKMCAB) database until such confirmation is received. Confirmation should be emailed to approvedbodies@beis.gov.uk

Terms and Conditions of Appointment

The Company will be appointed in respect of the product categories and conformity assessment procedures set out below:

<i>Appointment as a Recognised Third Party Organisation for Pressure Equipment in the following categories</i>	<i>Approval of personnel or procedures in accordance with</i>
Category II Category III Category IV	Schedule 2 (21) Approval of permanent joining procedures

1. The appointment will be made public.
2. This appointment will remain in force until it is withdrawn by the Secretary of State under paragraph 5 or after the elapse of a period of 90 days after the Company has notified the Secretary of State in writing that it wishes the appointment to be terminated under paragraph 6.
3. This appointment is subject to the following conditions, in addition to the requirements set out in the legislation:
 - a. The Company must at all times carry out the duties and functions of a Recognised Third Party Organisation under the Regulations to the satisfaction of the Secretary of State;
 - b. The Company must always hold the necessary accreditation for the functions and products for which it is appointed or otherwise be able to demonstrate its suitability for appointment;
 - c. The Secretary of State continues to be satisfied as to the Company's suitability, including its status and competence, to be a Recognised Third Party Organisation; in connection with this the Company must, at the reasonable request of the Secretary of State, submit to immediate reassessment of its suitability for appointment;
 - d. The Company must submit itself to annual surveillance for the purpose of making sure that the Company is performing its duties and functions in accordance with its appointment and accreditation; provided always that the Secretary of State may require more frequent surveillance;
 - e. The Company must submit itself every 4 years for a full reassessment and/or re-accreditation for the Secretary of State to be satisfied that the Company remains suitable for appointment;
 - f. For the purposes of reassessment, reaccreditation or maintenance of accreditation and surveillance an assessment will normally be carried out on behalf of the Secretary of State by the United Kingdom Accreditation Service (UKAS), which will submit a report to the

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Secretary of State. Alternatively, such assessment may be carried out by or on behalf of the Secretary of State;

- g. The Company must fulfil and comply at all times with the requirements relating to Recognised Third Party Organisations specified in Schedule 4 of the above Regulations. The Secretary of State may request confirmation concerning adequate insurance cover from time to time;
- h. The Company must comply with the relevant obligations as stated in Schedule 6 of the above Regulations and in addition:
 - i. The Company must have documented procedures covering all aspects of its work relating to the conformity assessment procedures which it carries out, adequate internal organisation and adequate procedures in place to give confidence in the quality of its services.
 - ii. Under the appropriate conformity assessment procedures, the Company must examine or inspect against the Essential Safety Requirements (Schedule 2 of the above Regulations).
- i. The Company must ensure that it undertakes the necessary activities to maintain sufficient technical knowledge to be able to interpret and apply the Essential Safety Requirements to the state of the art current at the time of the assessment.
- j. In cases where the Company, in accordance with Schedule 6 of the above Regulations, is minded to refuse to issue, to restrict, suspend or withdraw a conformity assessment certificate or approval it must:
 - i. give notice in writing to the applicant of the reasons why it is minded to do so;
 - ii. give the applicant the opportunity of making representations within a reasonable period of the notice being given as to why the issue of the certificate or approval should not be refused, take into account any such representations before taking its decision; and
 - iii. inform the Secretary of State of such action.
- k. Where the company receives a request for information relating to a conformity assessment activity from a market surveillance or enforcement authority they shall inform the Secretary of State of such request.
- l. In cases where judgements or interpretation of a standard or requirement are implicit or explicit in a decision to grant or withhold certification, the Company must have procedures for achieving consistency.

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- m. Sub-contracting of work by the Company will be subject to certain conditions guaranteeing:
- i. the competence of the establishment operating as sub-contractor by the sub-contractor meeting the relevant requirements of the EN 17000 series of standards; and
 - ii. its ability to exercise effective responsibility for the work carried out under sub-contract; and

In any case the Company remains entirely responsible for the work carried out under the sub-contract.

- n. The Company must authorise, at any reasonable time, access by or on behalf of the Secretary of State to:
- i. all documentation arising out of its duties and functions under this appointment and the Company shall comply with any reasonable request made by or on behalf of the Secretary of State for information regarding the exercise of those duties and functions;
 - ii. its premises for the purpose of verifying its compliance with the conditions and with the minimum criteria.
- o. The Company must take part in Conformity Assessment Body co-ordination activities that the Secretary of State may choose to establish. If, exceptionally, the Company is unable to send a representative or a suitable substitute to a national co-ordination activity, it shall without delay explain the reasons for its non-attendance to the Secretary of State;
- p. The Company must maintain its impartiality and independence from all applicants for its services and in no circumstances should it take on the role of authorised representative for any applicant;
- q. The Company must inform the Secretary of State of any changes which have a bearing upon its status as a Recognised Third Party Organisation or its ability to perform the duties and functions of a Recognised Third Party Organisation under the Regulations;
- r. The Company must inform the Secretary of State of the following events as soon as they occur:
- i. the Company is unable to pay its debts as they fall due, or is deemed unable to pay its debts or becomes insolvent within the meaning of the Insolvency Act 1986 section 123 or any other enactment;
 - ii. a winding up or an administration order is made in relation to the Company, or the Company petitions or applies to the court for

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such an order, passes a resolution to present such a petition or application, or convenes a meeting for the purpose of considering such a resolution;

- iii. any steps are taken with a view to proposing any kind of composition, scheme of arrangement, compromise or arrangement involving the Company and its creditors generally, or any class of them;
 - iv. any administrative receiver, receiver, manager or other person with functions like those of an administrative receiver, receiver or manager is appointed to the Company or any significant part of its assets, or the Company requests the appointment of such a person;
 - v. the directors of the Company take any steps to obtain a moratorium for the company within the meaning of the Insolvency Act 1986; or
 - vi. the Company becomes a subsidiary of any company of which it is not a subsidiary at the date of this letter or ceases to be a subsidiary of any company of which it is a subsidiary at the date of this letter. The word "subsidiary" shall be interpreted in accordance with the definitions in Section 1159 of the Companies Act 2006.
- s. Documentation to be retained:

The Company is required to maintain an up to date record of all certifications that it has issued, to whom it has been issued and to what it applies. These records shall be retained by the RTPO and made available on request to the Secretary of State, or such other person as may be authorised by the Secretary of State, subject to the usual provisions relating to confidentiality. A list of the relevant technical documentation must be annexed to the certificate and a copy kept by the Company. The Company is required to keep available on request a complete electronic copy of all of the information detailed above. All of the above shall be supplied to the Secretary of State on ceasing to be a Recognised Third Party Organisation or other time as directed.

- 4. The Secretary of State may, by notice in writing, add conditions or vary or delete any conditions, to this appointment; such additions, variations or deletions shall have effect thirty days after the date of that notice unless a different period is agreed in writing between the Secretary of State and the Company.
- 5. Without prejudice to the right of the Secretary of State to terminate this appointment under the Regulations, this appointment will be withdrawn or suspended immediately if it appears to the Secretary of State that the

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Company no longer meets the requirements relating to Recognised Third Party Organisations and/or the terms of this letter.

In the case of suspension, the appointment of the Company as a Recognised Third Party Organisation may be reinstated subject to the Company satisfying the Secretary of State that steps have been taken to address the non-conformity with the requirements relating to Recognised Third Party Organisations and/or the terms of this letter.

6. This appointment will be terminated in accordance with Regulation at the request of the Company upon the expiry of 90 days' notice in writing to the Secretary of State.
7. This appointment is subject to the following additional conditions in the event of it being withdrawn or terminated under paragraphs 5 or 6:
 - a. the Company must prepare and submit to the Secretary of State within three calendar months of the date on which the termination of the appointment takes effect or, if appropriate, of the date of withdrawal, a report in writing on the exercise of its duties and functions under the Regulations; this report must contain such information as may have been agreed in writing between the Secretary of State and the Company;
 - b. the Company must transfer to the Secretary of State or to such person or company as the Secretary of State directs, without charge, all records, information and other things, whether stored manually, by computer or by any other means whatsoever, arising out of the performance of its duties and functions under the Regulations as the Secretary of State may specify.
8. The Company's attention is drawn to the modules for the various phases of conformity assessment procedures and the rules for the affixing and use of the UKCA conformity marking in the Regulations and the Regulation on Accreditation and Market Surveillance (765/2008) as it forms part of UK law under the European Union (Withdrawal) Act 2018. The Company must comply with the rules for affixing and use of the UKCA conformity marking under the modules for conformity assessment procedures set out in these Regulations.
9. Where conformity assessment is required for the Northern Ireland market, the Company's attention is drawn to the modules for various phases of conformity assessment procedures and the rules for affixing and use of the UKNI marking in under the Regulation on Accreditation and Market Surveillance (765/2008) read together with the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement. The Company must comply with the rules for affixing and use of the UKNI conformity marking under the modules for conformity assessment procedures set out in the relevant legislation.
10. The Company must apply the conformity assessment procedures as necessary but without imposing an unnecessary burden on the applicants for

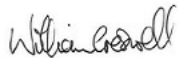
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its services.

11. The Company's attention is drawn to the Privacy Notice in Annex A of this letter. This outlines how the Office for Product Safety and Standards will process any personal data the Company shares. By agreeing to these terms and conditions, the Company consents to their data being processed in this way.
12. If the above terms and conditions of appointment are acceptable, the Company should signify its consent by email to approvedbodies@beis.gov.uk. The appointment will be confirmed once the Company's consent is received.

For and on behalf of the Secretary of State

Yours sincerely



Will Creswell
Deputy Director
Office for Product Safety and Standards

ANNEX A – Privacy Notice

Background

The Office for Product Safety and Standards (OPSS) within the Department for Business, Energy and Industrial Strategy (BEIS) compiles and maintains a register of approved Conformity Assessment Bodies (CABs) that have been appointed by the Secretary of State to carry out one or more conformity assessment procedures. This register is available to UK Government Departments with responsibilities for product safety and a public version is available on the internet at gov.uk [here](#). The register must be made publicly available to meet a legal requirement and provide information to other CABs, businesses and members of the public. This privacy note is to inform CAB registrants about privacy matters and is not intended to supersede or replace the BEIS Privacy Notice found elsewhere on the BEIS website.

Personally Identifiable Information

The OPSS CAB registration service uses information received from various sources to conduct the registration when an organisation requests appointment as a CAB. Personally Identifiable Information ("PII") may be uploaded as part of the register but such data is ancillary to the primary purpose of the register. It is not a requirement that PII (information that can be used to identify an individual, such as a name or a personalised email address when attached to a registrant's domain name) is included in an organisation's contact details. However, if PII is provided by a registering organisation, it will be used as the basis for contacting an organisation and will be included in the register. Our legal basis for processing any PII is the performance of a task in the public interest, including that which is set out in law in respect of the duty on the Secretary of State to subsequently monitor, including making contact with, each approved CAB with a view to verifying that it continues to meet the requirements.

Changes and Updates

It is the listing CAB organisation's responsibility to keep contact details on the register up-to-date. Details may be modified by an authorised representative contacting approvedbodies@beis.gov.uk quoting the identification number. OPSS will retain any PII in contact details provided for as long as necessary to maintain the CAB registration. Requests to delete or anonymise PII may be made by contacting approvedbodies@beis.gov.uk. We reserve the right to remove any or all content from the register at our sole discretion or to suspend, withdraw or terminate the register at any time without notice.