STATUTORY RULES OF NORTHERN IRELAND

2004 No. 222

HEALTH AND SAFETY

Pressure Systems Safety Regulations (Northern Ireland) 2004

Made - - - -	*14th May 2004*
Coming into operation	*21st June 2004*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), in exercise of the powers conferred on it by Articles 17(1) to (6)(**3**), 43(3) and 55(2) of, and paragraphs 1(1), (2) and (3), 13, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**4**) and of every other power enabling it in that behalf and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**5**) of that Order after the carrying out by the said Executive of consultations in accordance with Article 46(3)(**6**) of that Order, hereby makes the following Regulations:

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Pressure Systems Safety Regulations (Northern Ireland) 2004 and shall come into operation on 21st June 2004.

Interpretation

2.—(1) In these Regulations –

"the 1978 Order" means the Health and Safety at Work (Northern Ireland) Order 1978;

(**1**) Formerly the Department of Economic Development; *see*S.I. 1982/846 (N.I. 11), Article 3 and S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)
(**4**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Article 3(1). Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)
(**5**) Article 13 was amended by S.I. 1998/2795 (N.I. 18), Article 4
(**6**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18(c)

"the CDGCPL(NI) Regulations" means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(**7**);

"competent person" means a competent individual person (other than an employee) or a competent body of persons corporate or unincorporate; and accordingly any reference herein to a competent person performing a function includes a reference to his performing it through his employees;

"danger" in relation to a pressure system means reasonably foreseeable danger to persons from system failure, but (except in the case of steam) it does not mean danger from the hazardous characteristics of the relevant fluid other than from its pressure;

"examination" means a careful and critical scrutiny of a pressure system or part of a pressure system, in or out of service as appropriate, using suitable techniques, including testing where appropriate, to assess –

(a) its actual condition; and

(b) whether, for the period up to the next examination, it will not cause danger when properly used if normal maintenance is carried out, and for this purpose "normal maintenance" means such maintenance as it is reasonable to expect the user (in the case of an installed system) or owner (in the case of a mobile system) to ensure is carried out independently of any advice from the competent person making the examination;

"the Executive" means the Health and Safety Executive for Northern Ireland;

"installed system" means a pressure system other than a mobile system;

"maximum allowable pressure" and "minimum allowable pressure" mean the maximum pressure and minimum pressure respectively for which a pressure vessel is designed;

"mobile system" means a pressure system which can be readily moved between and used in different locations but it does not include a pressure system of a locomotive;

"owner" in relation to a pressure system means the employer or self-employed person who owns the pressure system or, if he does not have a place of business in Northern Ireland, his agent in Northern Ireland or, if there is no such agent, the user;

"pipeline" means a pipe or system of pipes used for the conveyance of relevant fluid across the boundaries of premises, together with any apparatus for inducing or facilitating the flow of relevant fluid through, or through a part of, the pipe or system, and any valves, valve chambers, pumps, compressors and similar works which are annexed to, or incorporated in the course of, the pipe or system;

"pipework" means a pipe or system of pipes together with associated valves, pumps, compressors and other pressure containing components and includes a hose or bellows but does not include a pipeline or any protective devices;

"pressure system" means –

(a) a system comprising one or more pressure vessels of rigid construction, any associated pipework and protective devices;

(b) the pipework with its protective devices to which a transportable pressure receptacle is, or is intended to be, connected; or

(c) a pipeline and its protective devices,

which contains or is liable to contain a relevant fluid, but does not include a transportable pressure receptacle or a transportable pressure vessel;

(**7**) S.R. 1997 No. 247

"protective devices" means devices designed to protect the pressure system against system failure and devices designed to give warning that system failure might occur, and include bursting discs;

"relevant fluid" means –

(a) steam;

(b) any fluid or mixture of fluids which is at a pressure greater than 0·5 bar above atmospheric pressure, and which fluid or mixture of fluids is –

(i) a gas, or

(ii) a liquid which would have a vapour pressure greater than 0·5 bar above atmospheric pressure when in equilibrium with its vapour at either the actual temperature of the liquid or 17·5 degrees Celsius; or

(c) a gas dissolved under pressure in a solvent contained in a porous substance at ambient temperature and which could be released from the solvent without the application of heat;

"safe operating limits" means the operating limits (incorporating a suitable margin of safety) beyond which system failure is liable to occur;

"scheme of examination" means the written scheme referred to in regulation 8;

"system failure" means the unintentional release of stored energy (other than from a pressure relief system) from a pressure system;

"territorial sea" means the territorial sea of the United Kingdom adjacent to Northern Ireland and "within the territorial sea" includes on, over and under it;

"transportable pressure receptacle" has the same meaning as in regulation 2(1) of the CDGCPL(NI) Regulations;

"transportable pressure vessel" has the same meaning as in regulation 2(1) of the Transportable Pressure Vessels Regulations (Northern Ireland) 2003(**8**);

"user" in relation to a pressure system, or a vessel to which regulation 15 applies, means the employer or self-employed person who has control of the operation of the pressure system or such a vessel or, in the case of a pressure system or such a vessel at or in –

(a) a mine within the meaning of section 156 of the Mines Act (Northern Ireland) 1969(**9**) it means the manager for the time being of that mine;

(b) a quarry within the meaning of Article 2(2) of the Quarries (Northern Ireland) Order 1983(**10**) it means the operator for the time being of that quarry.

(2) Any reference in these Regulations to anything being in writing or written (including any reference to anything being kept in writing) shall include reference to its being in a form –

(a) in which it is capable of being reproduced as a written copy when required;

(b) which is secure from loss or unauthorised interference.

Application and duties

3.—(1) These Regulations shall apply within the territorial sea only to and in relation to the premises and activities to which any of paragraphs 2 to 6 of Schedule 4 applies.

(2) Subject to Schedule 1 (which sets out exceptions to the Regulations), these Regulations shall apply to or in relation to pressure systems which are used or intended to be used at work.

(**8**) S.R. 2003 No. 386
(**9**) 1969 c. 6 (N.I.)
(**10**) S.I. 1983/150 (N.I. 4)

(3) Any requirement or prohibition imposed by these Regulations on an employer in respect of the activities of his employees shall also extend to a self-employed person in respect of his own activities at work.

(4) Any requirement or prohibition imposed by these Regulations on a person –

(a) who designs, manufactures, imports or supplies any pressure system, or any article which is intended to be a component part of any pressure system, shall extend only to such a system or article designed, manufactured, imported or supplied in the course of a trade, business or other undertaking carried on by him (whether for profit or not);

(b) who designs or manufactures such a system or article shall extend only to matters within his control.

(5) The provisions of Schedule 2 (which relate to the modification of duties in cases where pressure systems are supplied by way of lease, hire or other arrangements) shall have effect.

PART II

GENERAL

Design and construction

4.—(1) Any person who designs, manufactures, imports or supplies any pressure system or any article which is intended to be a component part of any pressure system shall ensure that paragraphs (2) to (5) are complied with.

(2) The pressure system or article, as the case may be, shall be properly designed and properly constructed from suitable material, so as to prevent danger.

(3) The pressure system or article, as the case may be, shall be so designed and constructed that all necessary examinations for preventing danger can be carried out.

(4) Where the pressure system has any means of access to its interior, it shall be so designed and constructed as to ensure, so far as practicable, that access can be gained without danger.

(5) The pressure system shall be provided with such protective devices as may be necessary for preventing danger; and any such device designed to release contents shall do so safely, so far as is practicable.

Provision of information and marking

5.—(1) Any person who –

(a) designs for another any pressure system or any article which is intended to be a component part thereof; or

(b) supplies (whether as manufacturer, importer or in any other capacity) any pressure system or any such article,

shall provide sufficient written information concerning its design, construction, examination, operation and maintenance as may reasonably foreseeably be needed to enable the provisions of these Regulations to be complied with.

(2) The employer of a person who modifies or repairs any pressure system shall provide sufficient written information concerning the modification or repair as may reasonably foreseeably be needed to enable the provisions of these Regulations to be complied with.

(3) The information referred to in paragraph (1) shall –

(a) in the case of paragraph (1)(a), be provided with the design;

(b) in the case of paragraph (1)(b), be provided with the pressure system or article when it is supplied by that person;

(c) in the case of paragraph (2), be provided to the user of the system immediately after the modification or repair.

(4) Any person who manufactures a pressure vessel shall ensure that before it is supplied by him the information specified in Schedule 3 is marked on the vessel, or on a plate attached to it, in a visible, legible and indelible form; and no person shall import a pressure vessel unless it is so marked.

(5) A person shall not remove from a pressure vessel any mark or plate containing any of the information specified in Schedule 3.

(6) A person shall not falsify any mark on a pressure system, or on a plate attached to it, relating to its design, construction, test or operation.

Installation

6. The employer of a person who installs a pressure system at work shall ensure that nothing about the way in which it is installed gives rise to danger or otherwise impairs the operation of any protective device or inspection facility.

Safe operating limits

7.—(1) The user of an installed system and owner of a mobile system shall not operate the system or allow it to be operated unless he has established the safe operating limits of that system.

(2) The owner of a mobile system shall, if he is not also the user of it –

(a) supply the user with a written statement specifying the safe operating limits of that system established pursuant to paragraph (1); or

(b) ensure that the system is legibly and durably marked with such safe operating limits and that the mark is clearly visible.

Written scheme of examination

8.—(1) The user of an installed system and owner of a mobile system shall not operate the system or allow it to be operated unless he has a written scheme for the periodic examination, by a competent person, of the following parts of the system, that is to say –

(a) all protective devices;

(b) every pressure vessel and every pipeline in which (in either case) a defect may give rise to danger; and

(c) those parts of the pipework in which a defect may give rise to danger,

and such parts of the system shall be identified in the scheme.

(2) The said user or owner shall –

(a) ensure that the scheme has been drawn up, or certified as being suitable, by a competent person;

(b) ensure that –

(i) the content of the scheme is reviewed at appropriate intervals by a competent person for the purpose of determining whether it is suitable in current conditions of use of the system; and

(ii) the content of the scheme is modified in accordance with any recommendations made by that competent person arising out of that review.