STATUTORY RULES OF NORTHERN IRELAND

2003 No. 386

HEALTH AND SAFETY

Transportable Pressure Vessels Regulations (Northern Ireland) 2003

Made - - - -	*22nd August 2003*
Coming into operation –	
regulations 1, 2, 10 and 12(1) to (5)	*1st October 2003*
remaining regulations	*1st December 2003*

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), (2), (3), (4), (5) and (6), 20(2), 40(2) to (4), 43(3), 54(1) and (2) and 55(2) of, and paragraphs 1(1) to (4), 2, 3, 5, 8, 11, 13, 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**) 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(**4**) 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 1

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Transportable Pressure Vessels Regulations (Northern Ireland) 2003 and shall come into operation on 1st December 2003 except for this regulation and regulations 2, 10 and 12(1) to (5) which shall come into operation on 1st October 2003.

(**1**) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5)
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) S.I. 1978/1039 (N.I. 9); Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 6)
(**4**) Article 13 of S.I. 1978/1039 (N.I. 9) was amended by Article 4, and Article 46(1) was amended by Article 6(1) of, and paragraphs 8 and 18 of Schedule 1 to, S.I. 1998/2795 (N.I. 18)
(**5**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**6**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 8), Article 6(1) and Schedule 1, paragraphs 8 and 18

Interpretation

2.—(1) In these Regulations –

"ADR" means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September 1957(**7**), as revised or re-issued from time to time;

"aerosol" means a non-refillable vessel made of metal, glass or plastic and containing a gas which is compressed, liquefied or dissolved under pressure, with or without a liquid, paste or powder, and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a foam, paste or powder or in a liquid state or a gaseous state;

"approved body" shall be construed in accordance with regulation 9;

"Approved Carriage List" means the list described in regulation 4(1)(a) of the CDGCPL Regulations as revised in accordance with regulation 4(2) of those Regulations;

"bundle of cylinders" means a transportable assembly of cylinders held firmly together and interconnected by a manifold;

"the CDGCPL Regulations" means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(**8**);

"CE marking" means the marking required by regulation 16 of the Pressure Equipment Regulations 1999(**9**);

"conformity assessment procedures" means those procedures set out in Schedule 3 and "conformity assessment" shall be interpreted accordingly;

"conformity marking" means the marking referred to in regulation 11 and set out in Schedule 7;

"conformity reassessment procedure" means the procedure set out in Schedule 5;

"COTIF" means the Convention concerning International Carriage by Rail(**10**), as revised or re-issued from time to time;

"cryogenic receptacle" means a thermally insulated vessel for the transport of refrigerated liquefied gases with a capacity not exceeding 1,000 litres;

"cylinder" means a vessel with a capacity not exceeding 150 litres;

"EEC-type cylinder" means a transportable pressure vessel –

(a) in respect of which there is an EEC Verification Certificate in force issued by an inspection body which, under the law of any member State, is authorised to grant such a certificate for the purposes of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder, or, in the case of a cylinder not subject to EEC verification under any of the separate Directives, which conforms to the requirements of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder; and

(b) which bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder;

"gas" means a gas classified as a flammable gas, a toxic gas or a non-flammable, non-toxic gas in accordance with regulation 5 of the CDGCPL Regulations;

"group" has the same meaning as in the Transportable Pressure Equipment Directive;

(**7**) Current edition (2001): ISBN 92 1 139069 9
(**8**) S.R. 1997 No. 247, as amended by S.R. 1997 No. 360, S.R. 1998 No. 438, S.R. 1998 No. 448, S.R. 2000 No. 119 and S.R. 2002 No. 34
(**9**) S.I. 1999/2001
(**10**) Cmnd 5897

"notified body" shall be construed in accordance with regulation 8;

"owner" means, in relation to a transportable pressure vessel –

(a) subject to (b) and (c) below, the employer or the self-employed person who owns it (other than a person who buys it solely to use the gas therein before selling it back to the supplier);

(b) subject to sub-paragraph (c), in the case of a lease, the lessee; or

(c) where the person referred to in sub-paragraph (a) or (b) does not have a place of business in Northern Ireland –

(i) the agent of that person in Northern Ireland, or

(ii) if there is no such agent, the user;

"periodic inspection procedures" means the procedures set out in Schedule 6 and "periodic inspection" shall be interpreted accordingly;

"Pressure Vessels Framework Directive" means Council Directive 76/767/EEC of 27 July 1976(**11**), concerning the approximation of laws of the member States relating to common provision for pressure vessels and methods for inspecting them;

"reassessment of conformity" shall be construed in accordance with regulation 6;

"RID" means the Regulations concerning the International Carriage of Dangerous Goods by Rail which form Annex 1 to Appendix B to COTIF;

"separate Directives" means Council Directives 84/525/EEC of 17 September 1984, 84/526/EEC of 17 September 1984 and 84/527/EEC of 17 September 1984(**12**) concerning the approximation of laws of the member States relating to seamless steel gas cylinders, seamless unalloyed aluminium and aluminium alloy gas cylinders, and welded unalloyed steel gas cylinders, respectively;

"transport" means transport by road or on a railway, in each case on a vehicle;

"the Transportable Pressure Equipment Directive" means Council Directive 1999/36/EC of 29 April 1999(**13**) concerning the approximation of laws of member States relating to common provision for transportable pressure equipment and methods for inspection;

"transportable pressure vessel" means a cylinder, tube or cryogenic receptacle, including –

(a) any valve or other accessory fitted to the vessel and having a direct safety function; and

(b) any permanent fitting of such a vessel,

which is used or intended to be used for the storage or transport of a gas, UN 1051 STABILISED HYDROGEN CYANIDE, UN 1052 ANHYDROUS HYDROGEN FLUORIDE or UN 1790 HYDROFLUORIC ACID, solution, with more than 85% hydrofluoric acid, but does not include a bundle of cylinders or an aerosol;

"tube" means a seamless vessel with a capacity greater than 150 litres but not more than 5,000 litres;

"UN number" means United Nations Serial Number, that is to say, one of the four digit numbers devised by the United Nations and specified in the Approved Carriage List as a means of identification for dangerous goods, and any reference to the letters "UN" followed by a number, in relation to certain dangerous goods, means the particular UN number for those goods specified in the Approved Carriage List;

"vehicle" means a conveyance which is used for transporting transportable pressure vessels by road or on a railway;

(**11**) O.J. No. L262, 27.9.1976, p. 153
(**12**) O.J. No. L300, 19.11.1984, pp. 1, 20 and 48, respectively
(**13**) O.J. No. L138, 1.6.1999, p. 20

(2) In these Regulations, the words "used at work", when referring to a transportable pressure vessel, include the filling, emptying, refilling, storage and transport of that vessel at work and an intention to conduct any of those activities.

Application

3.—(1) Subject to paragraphs (2) and (3) and Schedule 1, these Regulations shall apply to any transportable pressure vessel used at work and manufactured –

(a) on or after 1st October 2003; and

(b) on or before 30th September 2003 where that vessel is –

(i) subject to reassessment of conformity, or

(ii) an EEC-type cylinder.

(2) Until 1st October 2005, any person who places on the market or uses at work a transportable pressure vessel manufactured on or after 1st October 2003 may choose to comply with the provisions of the CDGCPL Regulations rather than these Regulations.

(3) Regulations 4 to 6 shall not apply to an EEC-type cylinder.

PART 2

GENERAL REQUIREMENTS

Requirements relating to the placing on the market and use at work of transportable pressure vessels

4.—(1) Subject to regulation 5, a person shall not place on the market or use at work any transportable pressure vessel unless the requirements of paragraphs (2) to (4) have been complied with.

(2) The transportable pressure vessel must –

(a) be safe and suitable for purpose;

(b) have been designed, manufactured and tested according to –

(i) any standard listed in Schedule 2 which is relevant to that vessel; or

(ii) any other standard approved by the Executive for the purpose of these Regulations as meeting the relevant requirements of Chapter 6.2 of ADR;

(c) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Schedule 4, to be in conformity with the standards identified pursuant to sub-paragraph (b); and

(d) bear the conformity marking, the identification number of the notified body and any marking required by the standards identified pursuant to sub-paragraph (b).

(3) Where the transportable pressure vessel includes valves (in particular safety valves, valves for filling and emptying and cylinder valves) those valves must –

(a) have been designed, manufactured and tested according to –

(i) any standard listed in Schedule 2 which is relevant to those valves; or

(ii) where there is no such standard, the requirements of the Pressure Equipment Regulations 1999(**14**); and

(**14**) S.I. 1999/2001

(b) meet the requirements specified in paragraph (5).

(4) Where the transportable pressure vessel includes accessories, other than valves, which have a direct safety function, those accessories must –

(a) have been designed, manufactured and tested to be in compliance with the requirements set out in Chapter 6.2 of ADR; and

(b) meet the requirements specified in paragraph (5).

(5) The requirements referred to in paragraphs (3) and (4) are that the valves or the accessories, as the case may be, must –

(a) be safe and suitable for purpose;

(b) have been assessed by a notified body, in accordance with the relevant conformity assessment procedures specified in Schedule 4, to be in conformity with the standards or requirements identified pursuant to paragraph (3) or (4), as the case may be; and

(c) bear the conformity marking or the CE marking, as appropriate.

(6) Any technical documentation or other information required to be retained under a conformity assessment procedure shall be retained by the person specified in that procedure for any period specified in that procedure.

(7) Any person may submit an application to the Executive for the approval of any standard referred to in paragraph (2)(b)(ii).

Transportable pressure vessels placed on the market or used at work exclusively in Northern Ireland

5.—(1) Regulation 4 shall not apply in respect of any transportable pressure vessel which is placed on the market or used at work exclusively within Northern Ireland provided the requirements of paragraphs (2) to (4) are complied with.

(2) The transportable pressure vessel must –

(a) be safe and suitable for purpose;

(b) have been designed, manufactured and tested according to –

(i) any standard listed in Schedule 2 which is relevant to that vessel; or

(ii) any other standard approved by the Executive for the purposes of these Regulations as meeting the relevant requirements of Chapter 6.2 of ADR;

(c) where relevant, have been assessed by an approved body, in accordance with conformity assessment procedures A1, C1, F and G (and for this purpose references in those procedures to "notified body" shall be read as if they are references to "approved body"), to be in conformity with the standards identified pursuant to sub-paragraph (b);

(d) bear the identification number of the relevant approved body and any marking required by the standards identified pursuant to sub-paragraph (b); and

(e) not bear the conformity marking or the identification number of any notified body.

(3) Where the transportable pressure vessel includes valves (in particular safety valves, valves for filling and emptying and cylinder valves) those valves must –

(a) have been designed, manufactured and tested according to –

(i) any standard listed in Schedule 2 which is relevant to those valves; or

(ii) where there is no such standard, the requirements of the Pressure Equipment Regulations 1999; and

(b) meet the requirements specified in paragraph (5).