1992 No. 79

HEALTH AND SAFETY

Pressure Vessels (Verification) Regulations (Northern Ireland) 1992

Made	*3rd March 1992*
Coming into operation	*13th April 1992*

The Department of Economic Development, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the regulation of design, construction, verification and inspection of pressure vessels, in exercise of the powers conferred on it by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pressure Vessels (Verification) Regulations (Northern Ireland) 1992 and shall come into operation on 13th April 1992.

Interpretation

2.—(1) In these Regulations—

"adverse decision" has the meaning assigned to it by regulation 8(1);

"the Department" means the Department of Economic Development;

"the Framework Directive" means the Council Directive No. 76/767/EEC(**c**) concerning the approximation of the laws of the Member States relating to common provisions for pressure vessels and methods of inspecting them;

"inspection body" has the meaning assigned to it by regulation 3(1);

"manufacturer", except in regulation 10, means a manufacturer of gas cylinders;

"pressure vessel" means any fixed or moveable vessel or receptacle in which a pressure of more than 0.5 bar above atmospheric pressure on a fluid (gas, steam or liquid) may obtain or develop except—

(*a*) any vessel specially designed for nuclear use, failure of which can cause an emission of radioactivity;

(*b*) any vessel specifically intended for installation on, or for the propulsion of, ships or aircraft; and

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(**a**) S.I. 1977/1718

(**b**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253

(**c**) O.J. No. L262, 27.9.76, p. 153

(*c*) any pipeline or pipeworks;

"provisional fee" means the fee referred to in regulation 10(7);

"review" has the meaning assigned to it by regulation 8(1); and

"Separate Directives" means Council Directives No. 84/525/EEC(**a**), No. 84/526/EEC(**b**) and No. 84/527/EEC(**c**) concerning the approximation of the laws of the Member States relating to seamless steel gas cylinders, seamless unalloyed aluminium alloy gas cylinders, and welded unalloyed steel gas cylinders respectively; and any reference in these Regulations to the relevant Separate Directive is a reference to the Separate Directive which relates to the type of gas cylinder concerned.

(2) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Appointment of inspection bodies

3.—(1) The Department shall appoint a body or more than one body of persons (hereinafter referred to as "an inspection body") in accordance with the provisions of this regulation, to carry out inspection of gas cylinders, to affix EEC verification marks to such cylinders, to issue EEC verification certificates, and to do such other things as may be required or permitted of such a body under or in connection with the following provisions of these Regulations.

(2) In making the appointment of an inspection body under paragraph (1), the Department—

(*a*) shall take into account the minimum criteria set out in paragraphs 1 to 7 of Annex III of the Framework Directive; and

(*b*) for the efficient and proper functioning of that body, may impose such conditions as it thinks fit.

(3) The appointment of an inspection body under paragraph (1)—

(*a*) may be for a fixed or indefinite time;

(*b*) may be revoked at any time; and

(*c*) shall be revoked if the Department has reason to believe that the body does not meet, or has ceased to meet, the criteria referred to in paragraph (2).

(4) The Department may at any time after the appointment of an inspection body under paragraph (1), for its efficient and proper functioning—

(*a*) impose such additional conditions it sees fit; and

(*b*) vary or withdraw any or all of the conditions of its appointment, whether imposed under paragraph (2) or this paragraph.

(**a**) O.J. No. L300, 19.11.84, p. 1
(**b**) O.J. No. L300, 19.11.84, p. 20
(**c**) O.J. No. L300, 19.11.84, p. 48
(**d**) 1954 c. 33 (N.I.)

Presentation of gas cylinders for EEC verification

4.—(1) Gas cylinders may be presented by a manufacturer to an inspection body for EEC verification.

(2) When presenting gas cylinders for EEC verification to an inspection body, the manufacturer shall provide that body with such information and documents as the relevant Separate Directive requires and such further information and documents as the inspection body may reasonably require for the purposes of such verification.

EEC verification

5.—(1) On being presented with gas cylinders for EEC verification, the inspection body shall, on payment of such fee as it may agree with the manufacturer, carry out such checks, examinations and tests as are required for EEC verification by the Framework Directive and the relevant Separate Directive.

(2) If the results of the checks, examinations and tests, carried out on any gas cylinders in pursuance of paragraph (1), are satisfactory, the inspection body shall—

(*a*) in the order required by the Framework Directive and the relevant Separate Directive affix to the cylinders (in a visible, legible and indelible manner) the appropriate EEC verification marks required by those Directives; and

(*b*) issue to the manufacturer an EEC verification certificate, which shall be in accordance with the model set out in the relevant Separate Directive.

Access to place of manufacture

6. The manufacturer of any gas cylinders which are subject to EEC verification by an inspection body shall allow that body reasonable access to any place where the cylinders are manufactured if such access is essential to assist the proper carrying out of the verification.

Notices of refusal

7.—(1) On taking a decision, in relation to any gas cylinders, to refuse to—

(*a*) affix the appropriate EEC verification marks in pursuance of regulation 5(2)(*a*); or

(*b*) issue the appropriate EEC verification certificate in pursuance of regulation 5(2)(*b*),

the inspection body shall, as soon as practicable thereafter, send to the manufacturer a notice in writing of that decision.

(2) The notice referred to in paragraph (1) shall—

(*a*) state the exact grounds on which the decision in question was based;

(*b*) identify the gas cylinders concerned; and