1992 No. 15

HEALTH AND SAFETY

Gas Cylinders (Pattern Approval) Regulations (Northern Ireland) 1992

Made . . . . . 14th January 1992

Coming into operation . . 2nd March 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 Gas Cylinders (Pattern Approval) Regulations (Northern Ireland) 1992, and shall come into operation on 2nd March 1992.

Interpretation

2.—(1) In these Regulations—

"application" shall be construed in accordance with regulation 3(1);

"appointed person" shall be construed in accordance with regulation 8(4);

"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;

"manufacturer" means a manufacturer of gas cylinders;

"provisional fee" means the fee payable under regulation 4(1);

"review" shall be construed in accordance with regulation 8(1); and

"Separate Directives" means Council Directives No. 84/525/EEC(**d**), No. 84/526/EEC(**e**) and No. 84/527/EEC(**f**) concerning the

(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
(d) O.J. No. L300, 19.11.84, p. 1
(e) O.J. No. L300, 19.11.84, p. 20
(f) O.J. No. L300, 19.11.84, p. 48

approximation of the 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; 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) References in these Regulations to EEC pattern approval of a type of gas cylinder include references to EEC pattern approval of a family of gas cylinders, that is to say, gas cylinders from the same factory differing only in length within the following limits—

(*a*) the minimum overall length must not be less than 3 times the external diameter of the cylinder; and

(*b*) the maximum overall length must not be more than 1.5 times the overall length of the cylinder tested.

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

Application for approval

3.—(1) An application by a manufacturer for EEC pattern approval of a type of gas cylinder (hereafter referred to as "an application") may be made to the Department.

(2) An application shall be made in writing and shall contain such information and be supported by such documents as the Framework Directive and the relevant Separate Directive require, and such further information and supporting documents as the Department may reasonably require.

(3) The manufacturer making an application in respect of any type of gas cylinder shall make available to the Department such samples of that type of gas cylinder as the relevant Separate Directive requires.

Grant of EEC pattern approval

4.—(1) On receiving an application in respect of any type of gas cylinder the Department shall, on payment of the provisional fee, carry out or cause to be carried out on its behalf such checks, examinations and tests on that type of cylinder as are required for EEC pattern approval under 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 accordance with paragraph (1) are satisfactory, the Department shall, in respect of that type of cylinder grant EEC pattern approval and issue an EEC pattern approval certificate to the applicant.

(3) The EEC pattern approval certificate issued under paragraph (2) in respect of a type of gas cylinder shall—

(*a*) be in accordance with the model set out in the relevant Separate Directive; and

(**a**) 1954 c. 33 (N.I.)

(*b*) be accompanied by the technical annex specified in that Directive, and such descriptions and drawings as are necessary to identify the pattern and, where it is appropriate, to explain how it functions.

(4) The Department shall not proceed with an application in respect of any type of gas cylinder in any case where, to its knowledge, an application for EEC pattern approval in respect of the same type of gas cylinder has previously been made to another authority which, under the law of any Member State, is authorised to grant such approval for the purposes of the Framework Directive and the relevant Separate Directive.

Fees

5.—(1) The provisional fee shall be equal to the costs which the Department estimates it will incur in, or in connection with, carrying out or causing to be carried out the functions referred to in regulation 4(1) or (2) in respect of the application concerned.

(2) Where the actual costs referred to in paragraph (1) are greater than the provisional fee, the difference between those costs and that fee shall be payable by the manufacturer who made the application concerned to the Department, and where those costs are less than the provisional fee, the difference between those costs and that fee shall be repayable by the Department to that manufacturer.

(3) For the purposes of estimating the provisional fee and ascertaining the costs referred to in paragraph (1) the Department may determine the cost of employing an officer for any period on work appropriate to his grade by reference to the cost to it of employing officers of his grade for that period.

Withdrawal of approval

6. The Department shall withdraw an EEC pattern approval granted, and the appropriate EEC pattern approval certificate issued, under regulation 4(2) if it has reason to believe that—

(*a*) the approval should not have been granted; or

(*b*) gas cylinders of the type for which the approval was granted fail to conform to the approval and either—

(i) the cylinders concerned constitute a safety hazard; or

(ii) the manufacturer has failed to comply with a written request from the Department to make within the period specified in the request, the appropriate manufacturing changes necessary to conform to the approval; except that the approval need not be withdrawn if the changes are minimal, or have no fundamental effect on the design of the cylinder or on manufacturing methods.

Notices of withdrawal or refusal

7.—(1) On taking a decision, in respect of any type of gas cylinder, to refuse to grant EEC pattern approval or to withdraw such an approval the Department shall, as soon as practicable thereafter, send to the manufacturer a notice in writing of that decision.