
STATUTORY INSTRUMENTS

1989 No. 2169

HEALTH AND SAFETY

**The Pressure Systems and Transportable
Gas Containers Regulations 1989**

<i>Made</i>	- - - -	<i>22nd November 1989</i>
<i>Laid before Parliament</i>		<i>4th December 1989</i>
<i>Coming into force</i>		
<i>Regulations 1 to 3, 5 to 7, 13 to 15, 23 to 25 and 27</i>		<i>1st July 1990</i>
<i>Regulations 4 (to the extent specified in Part I of Schedule 1), 16 to 22, and 26 (to the extent specified in Part I of Schedule 1)</i>		<i>1st January 1991</i>
<i>The remainder</i>		<i>1st July 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (3)(a) and (b), (4), (5), (6)(a) and (b), and (9), 43(2), to (6), 47(3) and 82(3)(a) of, and paragraphs 1(1)(a) and (c), (2) and (3), 14, 15(1) and 16 of Schedule 3 to, the Health and Safety at Work etc. Act 1974⁽¹⁾ (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

PART I
INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Pressure Systems and Transportable Gas Containers Regulations 1989 and shall come into force in accordance with the provisions of Part I of Schedule 1.

(1) 1974 c. 37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c. 71) Schedule 15, paragraphs 6 and 16 respectively.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“approved design standard” and “approved design specification” means a design standard or design specification, as the case may be, approved under regulation 16(2)(a);

“competent person” means a competent individual person (other than an employee) or a competent body of persons corporate or unincorporate; and accordingly any reference in these Regulations 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;

“design specification” means a specification for the design of one type of transportable gas container;

“design standard” means a standard for the design of more than one type of transportable gas container;

“EEC – type cylinder” has the meaning assigned by regulation 16(2)(b);

“examination” means a careful and critical scrutiny of a pressure system, part of a pressure system or transportable gas container, 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 or transportable gas container) to ensure is carried out independently of any advice from the competent person making the examination;

“the Executive” means the Health and Safety Executive;

“framework directive” means Council Directive [76/767/EEC](#) concerning the approximation of the laws of the Member States relating to common provisions for pressure vessels and methods of inspecting them⁽²⁾;

“installed system” means a pressure system other than a mobile system;

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

“owner” in relation to a pressure system or transportable gas container means the employer or self-employed person who owns the pressure system or transportable gas container or, if he does not have a place of business in Great Britain, his agent in Great Britain 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;

(2) OJ No. L262, 27.9.1976, p.153.

“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 gas container 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 gas container;

“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;

“separate directives” means Council Directives [84/525/EEC\(3\)](#), [84/526/EEC\(4\)](#) and [84/527/EEC\(5\)](#) concerning the 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;

“system failure” means the unintentional release of stored energy (other than from a pressure relief system) from a pressure system or transportable gas container;

“transportable gas container” means a container, including any permanent fitting of such a container, which is used, or is intended to be used, to contain a relevant fluid and is—

- (a) designed to be transportable for the purpose of refilling and has an internal volume of at least 0.5 litres and not greater than 3,000 litres;
- (b) a non-refillable container having an internal volume of at least 1.4 litres and not greater than 5 litres; or
- (c) for the purposes of regulation 17(3) only, a non-refillable container;

“user” in relation to a pressure system, or a vessel to which Part IV applies, means the employer or self-employed person who has control of the operation of the pressure system or such a

(3) OJ No. L300, 19.11.84, p.1.

(4) OJ No. L300, 19.11.84, p.20.

(5) OJ No. L300, 19.11.84, p.58.

vessel, or in the case of a pressure system or such a vessel at or in a mine or any part of a quarry (both within the meaning of Section 180 of the Mines and Quarries Act 1954⁽⁶⁾), it means the manager for the time being of that mine or that part of the quarry.

- (2) In these Regulations, unless the context otherwise requires, any reference to—
- (a) a numbered regulation, Part or Schedule is a reference to the regulation, Part or a Schedule in these Regulations so numbered;
 - (b) a numbered paragraph is a reference to that paragraph so numbered in the regulation or Schedule in which that reference appears.

Application and duties

- 3.—(1) Subject to Schedule 2 (which sets out exceptions to the Regulations)—
- (a) Part II shall apply to or in relation to pressure systems and transportable gas containers;
 - (b) Part III shall apply to or in relation to pressure systems;
 - (c) Part V shall apply to or in relation to transportable gas containers,

which are used or intended to be used at work.

(2) 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.

- (3) Any requirement or prohibition imposed by these Regulations on a person—
- (a) who designs, manufactures, imports or supplies any pressure system or transportable gas container, or any article which is intended to be a component part of any pressure system or transportable gas container, shall extend only to such a system, container 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, container or article, shall extend only to matters within his control.

(4) The provisions of Schedule 3 (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, construction, repair, and modification

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

(2) The pressure system, transportable gas container, 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, transportable gas container 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.

(6) 1954 c. 70.

(5) The pressure system and transportable gas container 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.

(6) The employer of a person who modifies or repairs a pressure system or transportable gas container at work shall ensure that nothing about the way in which it is modified or repaired gives rise to danger or otherwise impairs the operation of any protective device or inspection facility.

PART III

PRESSURE SYSTEMS

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) or (2) 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 4 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) No person shall remove from a pressure vessel any mark or plate containing any of the information specified in Schedule 4.

(6) No person shall 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.

(3) No person shall draw up or certify a scheme of examination under paragraph (2)(a) unless the scheme is suitable and—

- (a) specifies the nature and frequency of examination;
- (b) specifies any measures necessary to prepare the pressure system for safe examination other than those it would be reasonable to expect the user (in the case of an installed system) or owner (in the case of a mobile system) to take without specialist advice; and
- (c) where appropriate, provides for an examination to be carried out before the pressure system is used for the first time.

(4) References in paragraphs (2) and (3) to the suitability of the scheme are references to its suitability for the purposes of preventing danger from those parts of the pressure system included in the scheme.

Examination in accordance with the written scheme

9.—(1) Subject to paragraph (7), the user of an installed system and the owner of a mobile system shall—

- (a) ensure that those parts of the pressure system included in the scheme of examination are examined by a competent person within the intervals specified in the scheme and, where the scheme so provides, before the system is used for the first time; and
- (b) before each examination take all appropriate safety measures to prepare the system for examination, including any such measures as are specified in the scheme of examination pursuant to regulation 8(3)(b).

(2) Where a competent person undertakes an examination for the purposes of paragraph (1) he shall carry out that examination properly and in accordance with the scheme of examination.

(3) Where a competent person has carried out an examination for the purposes of paragraph (1) he shall, subject to paragraph (4) and regulation 13(4), make a written report of the examination, sign or otherwise authenticate it, date it and send it to the user (in the case of an installed system) or owner (in the case of a mobile system); and the said report shall be so sent as soon as is practicable after completing the examination (or, in the case of integrated installed systems where the examination is part of a series, as soon as is practicable after completing the last examination in that series), and in any event to arrive—

- (a) within 28 days of the completion of the examination (or, in the case of integrated installed systems where the examination is part of a series, within 28 days of the completion of the last examination in that series); or
- (b) before the date specified in the report under paragraph (5)(b),

whichever is sooner.

(4) Where the competent person referred to in paragraph (3) is the user (in the case of an installed system) or owner (in the case of a mobile system) the requirement in that paragraph to send the report to the user or owner shall not apply, but he shall make the report by the time it would have been required to have been sent to him under that paragraph if he had not been the competent person.

(5) The report required by paragraph (3) shall—

- (a) state which parts of the pressure system have been examined, the condition of those parts and the results of the examination;
- (b) specify any repairs or modifications to, or changes in the established safe operating limits of, the parts examined which, in the opinion of the competent person, are necessary to prevent danger or to ensure the continued effective working of the protective devices, and specify the date by which any such repairs or modifications must be completed or any such changes to the safe operating limits must be made;
- (c) specify the date within the limits set by the scheme of examination after which the pressure system may not be operated without a further examination under the scheme of examination; and
- (d) state whether in the opinion of the competent person the scheme of examination is suitable (for the purpose of preventing danger from those parts of the pressure system included in it) or should be modified, and if the latter state the reasons.

(6) The user of an installed system and the owner of a mobile system which has been examined under this regulation shall ensure that the system is not operated, and no person shall supply such a mobile system for operation, after (in each case)—

- (a) the date specified under paragraph (5)(b), unless the repairs or modifications specified under that paragraph have been completed, and the changes in the established safe operating limits so specified have been made; or
- (b) the date specified under paragraph (5)(c) (or, if that date has been postponed under paragraph (7), the postponed date) unless a further examination has been carried out under the scheme of examination.

(7) The date specified in a report under paragraph (5)(c) may be postponed to a later date by agreement in writing between the competent person who made the report and the user (in the case of an installed system) or owner (in the case of a mobile system) if—

- (a) such postponement does not give rise to danger;
- (b) only one such postponement is made for any one examination; and

(c) such postponement is notified by the user or owner in writing to the enforcing authority for the premises at which the pressure system is situated, before the date specified in the report under paragraph (5)(c).

(8) Where the competent person referred to in paragraph (7) is the user (in the case of an installed system) or owner (in the case of a mobile system) the reference in that paragraph to an agreement in writing shall not apply, but there shall be included in the notification under sub-paragraph (c) of that paragraph a declaration that the postponement will not give rise to danger.

(9) The owner of a mobile system shall ensure that the date specified under paragraph (5)(c) is legibly and durably marked on the mobile system and that the mark is clearly visible.

Action in case of imminent danger

10.—(1) If the competent person carrying out an examination under the scheme of examination is of the opinion that the pressure system or part of the pressure system will give rise to imminent danger unless certain repairs or modifications have been carried out or unless suitable changes to the operating conditions have been made, then without prejudice to the requirements of regulation 9, he shall forthwith make a written report to that effect identifying the system and specifying the repairs, modifications or changes concerned and give it—

- (a) in the case of an installed system, to the user; or
- (b) in the case of a mobile system, to the owner and to the user, if any,

and the competent person shall within 14 days of the completion of the examination send a written report containing the same particulars to the enforcing authority for the premises at which the pressure system is situated.

- (2) Where a report is given in accordance with paragraph (1) to—
- (a) the user of a pressure system, he shall ensure that the system (or, if the report only affects a discrete part of the system, that part) is not operated;
 - (b) the owner of a mobile system, he shall take all reasonably practicable steps to ensure that the system (or, if the report only affects a discrete part of the system, that part) is not operated,

until the repairs, modifications or changes, as the case may be, have been carried out or made.

(3) Where the competent person referred to in paragraph (1) is the user (in the case of an installed system) or owner (in the case of a mobile system) the requirement in that paragraph to give the report to the user or owner shall not apply, and the reference in paragraph (2) to the giving of the report to the user or owner shall be construed as a reference to the making of the report by him.

Operation

11.—(1) The user of an installed system and the owner of a mobile system shall provide for any person operating the system adequate and suitable instructions for—

- (a) the safe operation of the system; and
- (b) the action to be taken in the event of an emergency.

(2) The user of a pressure system shall ensure that it is not operated except in accordance with the instructions provided in respect of that system under paragraph (1)(a).

Maintenance

12. The user of an installed system and the owner of a mobile system shall ensure that the system is properly maintained in good repair, so as to prevent danger.

Keeping of records, etc

13.—(1) The user of an installed system and the owner of a mobile system shall, subject to paragraph (4), keep the following documents or copies thereof:—

- (a) the last report relating to the system made by the competent person pursuant to regulation 9(3);
- (b) any such previous reports if they contain information which will materially assist in assessing whether—
 - (i) the system is safe to operate, or
 - (ii) any repairs or modifications to the system can be carried out safely;
- (c) any documents provided pursuant to regulation 5 which relate to those parts of the pressure system included in the scheme of examination; and
- (d) any agreement made pursuant to regulation 9(7), and, in a case to which regulation 9(8) applies, a copy of the notification referred to in regulation 9(7)(c), until a further examination has been carried out since that agreement or notification under the scheme of examination.

(2) The documents required to be kept by this regulation shall be kept—

- (a) in the case of an installed system, at the premises where the system is installed, or at other premises approved for the purposes of this sub-paragraph by the enforcing authority responsible for enforcing these Regulations at the premises where the system is installed;
- (b) in the case of a mobile system, at the premises in Great Britain from which the deployment of the system is controlled.

(3) Where the user or owner of a pressure system or part thereof changes, the previous user or owner shall as soon as is practicable give to the new user or owner all documents (relating to the system or part thereof, as the case may be) kept by him under this regulation, or copies thereof.

(4) Subject to paragraph (6) it shall be sufficient compliance with regulation 9(3) if the individual making the examination enters his report in a computer and duly authenticates it as soon as is practicable after completing the examination (or, in the case of integrated installed systems where the examination is part of a series, as soon as is practicable after completing the last examination in that series), and in any event by the time referred to in regulation 9(3)(a) or (b), whichever is sooner; and in such a case it shall be sufficient compliance with sub-paragraphs (a) or (b) of paragraph (1) if the report is kept by the user in a computer.

(5) Where the procedure referred to in paragraph (4) is used in respect of the reports mentioned in sub-paragraph (a) or (b) of paragraph (1) and the user or owner of the pressure system or part thereof changes, the previous user or owner shall provide in writing to the new user or owner the information contained in those reports.

(6) The procedure referred to in paragraph (4) may only be used if the report—

- (a) is capable of being reproduced as a written copy when required at the premises referred to in the appropriate sub-paragraph in paragraph (2);
- (b) is secure from loss or unauthorised interference; and
- (c) can be authenticated only by the individual making the examination.

(7) In this regulation “computer” means the computer system including the software.

PART IV

PRECAUTIONS TO PREVENT PRESSURISATION OF CERTAIN VESSELS

Application

14. This Part shall apply to a vessel—

- (a) which is constructed with a permanent outlet to the atmosphere or to a space where the pressure does not exceed atmospheric pressure; and
- (b) which could become a pressure vessel if that outlet were obstructed.

Precautions to prevent pressurisation

15. The user of a vessel to which this Part applies shall ensure that the outlet referred to in regulation 14(a) is at all times kept open and free from obstruction when the vessel is in use.

PART V

TRANSPORTABLE GAS CONTAINERS

Design standards, approval and certification

16.—(1) No person shall—

- (a) supply for the first time;
- (b) import; or
- (c) manufacture and use,

a transportable gas container unless the conditions specified in sub-paragraphs (a) or (b) of paragraph (2) have been met.

(2) The conditions referred to in paragraph (1) are—

- (a) the container has been verified (either by certificate in writing or by means of stamping the container) as conforming to a design standard or design specification approved by the Executive—
 - (i) by a person or body of persons corporate or unincorporate approved by the Executive for the purposes of this paragraph, or
 - (ii) in accordance with a quality assurance scheme approved by the Executive; or
- (b) the container is an EEC-type cylinder, that is—
 - (i) there is an EEC Verification Certificate in force in respect of it 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 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, it conforms to the requirements of the framework directive and the separate directive relating to that type of cylinder, and
 - (ii) it bears all the marks and inscriptions required by the framework directive and the separate directive relating to that type of cylinder.

(3) Any approval under this regulation shall be by a certificate in writing, may be made subject to conditions and may be revoked by a certificate in writing at any time.

(4) Schedule 5 shall have effect with respect to fees for approvals under this regulation.

(5) In paragraph (1)(a) the reference to supplying a transportable gas container for the first time is a reference to supplying an unused transportable gas container, that is, one from which a relevant fluid has not been used.

Filling of containers

17.—(1) The employer of a person who is to fill a transportable gas container with a relevant fluid at work shall ensure that before it is filled that person—

- (a) checks from the marks on the cylinder that—
 - (i) it appears to have undergone proper examinations at appropriate intervals by a competent person (unless the manufacturer’s mark reveals that such an examination is not yet due), and
 - (ii) it is suitable for containing that fluid; and
- (b) makes all other appropriate safety checks.

(2) The employer of a person who fills a transportable gas container with a relevant fluid at work shall ensure that that person—

- (a) checks that after filling it is within its safe operating limits;
- (b) checks that it is not overfilled; and
- (c) removes any excess fluid in a safe manner in the event of overfilling.

(3) An employer shall ensure that no person employed by him refills at work a non-refillable container with a relevant fluid.

Examination of containers

18.—(1) The owner of a transportable gas container shall, for the purpose of determining whether it is safe, ensure that the container is examined at appropriate intervals by a competent person.

(2) Where a competent person undertakes an examination for the purposes of paragraph (1), he shall carry out that examination properly, and if on completing the examination he is satisfied that the container is safe, he shall ensure that there is affixed to the container a mark showing the date of the examination.

(3) No person other than the competent person or person authorised by him shall affix to a transportable gas container the mark referred to in paragraph (2) or a mark liable to be confused with it.

Modifications of containers

19.—(1) Subject to paragraph (2),

- (a) an employer shall ensure that no person employed by him modifies at work the body of a transportable gas container—
 - (i) of seamless construction; or
 - (ii) which has contained acetylene;
- (b) an employer shall ensure that no person employed by him modifies at work the body of any other type of transportable gas container if that modification would put the transportable gas container outside the scope of the design standard or design specification to which it was originally constructed;
- (c) a person shall not supply any modified transportable gas container for use unless following such work a person or body of persons approved by the Executive for the purposes of

regulation 16(2)(a)(i) has marked or certified it as being fit for use, or, in the case of an EEC-type cylinder, an inspection body referred to in regulation 16(2)(b)(i) has so marked or certified it.

(2) Paragraph (1) shall not apply to the remaking of a thread if this is done in accordance with a standard approved by the Executive.

Repair Work

20.—(1) An employer shall ensure that no person employed by him carries out at work any major repair on the body of a transportable gas container—

- (a) of seamless construction; or
- (b) which has contained acetylene.

(2) An employer shall ensure that no person employed by him carries out at work any major repair on the body of any other type of transportable gas container unless he is competent to do so.

(3) No person shall supply a transportable gas container which has undergone a major repair unless following such work a person or body of persons approved by the Executive for the purposes of regulation 16(2)(a)(i) has marked or certified it as being fit for use, or, in the case of an EEC-type cylinder, an inspection body referred to in regulation 16(2)(b)(i) has so marked or certified it.

(4) In this regulation “major repair” means any repair involving hot work or welding on the body of a transportable gas container but (except in relation to paragraph (1)(b)) it does not mean heat treatment applied for the purpose of restoring the metallurgical properties of the container.

Re-rating

21.—(1) This regulation applies to the re-rating of a transportable gas container, that is the reassessment of its capability to contain compressed gas safely with a view to improving its capacity by means of an increase in the charging pressure (or in the case of liquefied gas, the filling ratio) from that originally assessed and marked on the container at the time of manufacture.

(2) An employer shall ensure that no person employed by him re-rates a transportable gas container at work unless he is competent to do so and does it in accordance with suitable written procedures drawn up by the owner of the container.

(3) No person shall supply a transportable gas container which has been re-rated unless following the re-rating a person or body of persons approved by the Executive for the purposes of regulation 16(2)(a)(i) has certified it as being safe for use.

(4) In this regulation “filling ratio” means the ratio of the volume of liquefied gas in the container to the total volume of the container.

Records

22.—(1) The manufacturer or, if he does not have a place of business in Great Britain, his agent in Great Britain, or if he has no agent, the importer, of a transportable gas container—

- (a) made to an approved design specification, shall keep a copy of the said specification together with any certificate of conformity issued in accordance with regulation 16(2)(a);
- (b) made to an approved design standard, shall keep a copy of any certificate of conformity issued in accordance with regulation 16(2)(a);
- (c) which is an EEC-type cylinder, shall keep the EEC Verification Certificate referred to in regulation 16(2)(b)(i) where one has been issued.

(2) The owner of a hired out transportable gas container—

- (a) made to an approved design specification, shall keep a copy of the said specification together with a copy of any certificate of conformity issued in accordance with regulation 16(2)(a);
 - (b) made to an approved design standard, shall keep a copy of any certificate of conformity issued in accordance with regulation 16(2)(a);
 - (c) which is an EEC-type cylinder, shall keep a copy of the EEC Verification Certificate referred to in regulation 16(2)(b)(i) where one has been issued,
 - (d) which—
 - (i) is a refillable container,
 - (ii) is used solely for containing liquefied petroleum gas, and
 - (iii) has a water capacity up to and including 6.5 litres;shall keep a copy of the design specification for the container.
- (3) The owner of a transportable gas container for acetylene shall keep records of the tare weight of the container, including the porous substance and acetone or other solvent, the nature of the solvent and the maximum pressure allowed in the container.

PART VI

MISCELLANEOUS

Defence

23.—(1) In any proceedings for an offence for a contravention of any of the provisions of these Regulations it shall, subject to paragraphs (2) and (3), be a defence for the person charged to prove—

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called "the other person"); and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The person charged shall not, without leave of the court, be entitled to rely on the defence referred to in paragraph (1) unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

(3) For the purpose of enabling the other person to be charged with and convicted of the offence by virtue of section 36 of the 1974 Act, a person who establishes a defence under this regulation shall nevertheless be treated for the purposes of that section as having committed the offence.

Power to grant exemptions

24.—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt—

- (a) any person or class of persons;
- (b) any type or class of pressure system; or
- (c) any type or class of transportable gas container,

from the application of any of the requirements or prohibitions imposed by these Regulations, and any such exemption may be granted subject to conditions and to a limit of time, and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirement imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Extension outside Great Britain

25. These Regulations shall apply outside Great Britain in relation to any activity to which, sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of Articles 6 and 7(a) (b) and (d) of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1989(7) as they apply within Great Britain.

Repeals, revocations and modifications

26.—(1) The enactment specified in Part I of Schedule 6 in column 1 is hereby repealed to the extent specified in the corresponding entry in column 3.

(2) The enactment specified in Part II of Schedule 6 in column 1 shall be modified to the extent specified in the corresponding entry in column 3.

(3) The instruments specified in Part III of Schedule 6 in column 1 are hereby revoked to the extent specified in the corresponding entry in column 3.

(4) The instruments specified in Part IV of Schedule 6 in column 1 shall be modified to the extent specified in the corresponding entry in column 3.

Transitional provisions

27. The provisions of Parts II and III of Schedule 1 shall have effect.

Signed by order of the Secretary of State.

22nd November 1989

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

SCHEDULE 1

Regulations 1 and 27

COMING INTO FORCE OF THE REGULATIONS AND TRANSITIONAL PROVISIONS

PART I

coming into force of the regulations

1. Regulations 1 to 3, 5 to 7, 13 to 15, 23 to 25 and 27 shall come into force on 1st July 1990.
2. Regulation 4 (in so far as it relates to transportable gas containers), regulations 16 to 22, and regulation 26 (in so far as it revokes the instruments marked with an asterisk in Schedule 6) shall come into force on 1st January 1991.
3. All the other provisions of these Regulations shall come into force on 1st July 1994.

PART II

transitional provisions for plant

subject to existing examination requirements

1. This Part shall apply until regulations 8 to 10 come into force.
2. The existing examination requirements shall not apply to any plant during any period in which the user (or owner in the case of a mobile system) of the pressure system incorporating that plant complies with regulations 8 to 10 in respect of that system (notwithstanding that those regulations are not in force).
3. Paragraph 2 above shall not apply unless written notice explaining the effect of paragraph 4 below has been given by the user (or owner in the case of a mobile system) to every other person who would have duties in relation to the pressure system under regulations 8 to 10 if those regulations had been in force.
4. Where a person receives a notice under paragraph 3 above he shall, as respects the pressure system, comply with regulations 8 to 10 as if those regulations had been in force.
5. In this Part “the existing examination requirements” are the following provisions:—
 - (a) sections 33(2)(3)(4), (6) to (8), 35(6), and 36(5) of the Factories Act 1961(8), and sections 35(5) and 36(4) of that Act to the extent that they relate to the examination or testing of steam receivers (and their fittings) and of air receivers respectively;
 - (b) the Examination of Steam Boilers Regulations 1964(8);
 - (c) the Examination of Steam Boilers Reports (No 1) Order 1964(8);
 - (d) the Shipbuilding (Air Receivers) Order 1961(8);
 - (e) regulation 9 of the Coal and Other Mines (Steam Boilers) Regulations 1956(8);
 - (f) regulations 56(2), 57 and 60(2) and (3) of the Miscellaneous Mines (General) Regulations 1956(8), and regulations 56(1) and 60(1) of those Regulations to the extent that they relate

(8) For references see the appropriate entries in column 2 of Schedule 6.
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to the examination or testing of steam boilers (and their fittings and attachments) and of air receivers respectively;

- (g) regulation 18(1)(b) and (2), 19, and 22(2) and (3) of the Quarries (General) Regulations 1956⁽⁸⁾, and regulation 22(1) of those Regulations to the extent that it relates to the examination or testing of air receivers.

PART III

further transitional provisions

1. Section 33(6) of the Factories Act 1961 shall, notwithstanding its disapplication or repeal by these Regulations, be complied with in respect of a steam boiler until a report of the examination of the boiler has been received under regulation 9 of these Regulations.

2. Any record or register required to be kept under any provision disappplied, repealed or revoked, by these Regulations shall, notwithstanding that disapplication, repeal or revocation, be kept in the same manner and for the same period as if these Regulations had not been made.

SCHEDULE 2

Regulation 3(1)

EXCEPTIONS TO THE REGULATIONS

PART I

pressure systems and transportable gas containers excepted from all regulations

Parts II, III and V of these Regulations shall not apply to:–

1. A pressure system or transportable gas container which forms part of the equipment of–
 - (a) any ship to which the Merchant Shipping Acts 1894 to 1984 apply or would apply if the ship was registered in Great Britain;
 - (b) any ship or other vessel in the service of the Crown;
 - (c) any spacecraft, aircraft, hovercraft or hydrofoil.
2. A pressure system or transportable gas container which forms part of, or is intended to form part of, a weapons system.
3. A pressure system which forms part of any braking, control or suspension system of a wheeled, tracked or rail mounted vehicle.
4. That part of a system which is only a pressure system because it is–
 - (a) subject to a leak test (except that this sub-paragraph shall not apply to a pipeline);
 - (b) pressurised unintentionally, such pressurisation being not reasonably foreseeable; or
 - (c) a pipeline pressurised by a relevant fluid solely as part of a test or line clearance operation, but this exception shall not apply if the pipeline–
 - (i) is used for the conveyance of a relevant fluid, or
 - (ii) is pressurised beyond its safe operating limits.

⁽⁸⁾ For references see the appropriate entries in column 2 of Schedule 6.

5. Any pipeline and its protective devices in which the pressure does not exceed 2 bar above atmospheric pressure (or 2.7 bar above atmospheric pressure if the normal pressure does not exceed 2 bar and the overpressure is caused solely by the operation of a protective device).

6. Any pressure system or part thereof, or transportable gas container which—

- (a) is the subject of a research experiment; or
- (b) comprises temporary apparatus being used in a research experiment,

if, in the case of regulations 4, 5, 6, 7, 11, and 13, it is not reasonably practicable to comply with them.

7. Any plant or equipment, other than a transportable gas container, required by regulation 5(1)(d) of the Diving Operations at Work Regulations 1981⁽⁹⁾ and used or intended to be used in the course of a diving operation to which those Regulations apply.

8. A working chamber, tunnel, manlock or an airlock within which persons work in compressed air, being work to which the Work in Compressed Air (Special) Regulations 1958⁽¹⁰⁾ apply.

9. A road tanker or tank container to which the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations 1981⁽¹¹⁾ apply.

10. Any pressure system or transportable gas container being carried in a vehicle if—

- (a) the vehicle is engaged in an international transport operation within the meaning of the Convention concerning International Carriage by Rail (COTIF)⁽¹²⁾ as revised or re-issued from time to time; and
- (b) such carriage conforms in every respect to the provisions of the Uniform Rules concerning the Contract for International Carriage of Goods by Rail (CIM) which forms Appendix B to that Convention and to the regulations (RID) made thereunder.

11. Any pressure system or transportable gas container being carried in a vehicle if the vehicle—

- (a) is engaged in an international transport operation within the meaning of the European Agreement concerning the international carriage of dangerous goods by road (ADR) signed in Geneva on 30 September 1957, as revised or re-issued from time to time;
- (b) complies with the conditions contained in Annexes A and B to that Agreement; and
- (c) is certified pursuant to that Agreement as complying with it,

or where by a provision of that Agreement the transport operation is subject to a special bilateral or multilateral agreement under the terms of Article 4 of that agreement to which the United Kingdom is a Contracting Party.

12. Any pressure system or transportable gas container which is carried, or stored as goods in transit, as part of an international transport operation, if it complies with the appropriate provisions of the International Maritime Dangerous Goods Code issued by the International Maritime Organisation as revised or re-issued from time to time.

13. Any pressure system comprising a gas propulsion or a gas fired heating, cooking, ventilating or refrigerating system fitted to a motor vehicle or trailer (both within the meaning of section 185(1) of the Road Traffic Act 1988⁽¹³⁾).

14. Any water cooling system on an internal combustion engine or on any compressor.

⁽⁹⁾ S.I. 1981/399.

⁽¹⁰⁾ S.I. 1958/61; to which there are amendments not relevant to these Regulations.

⁽¹¹⁾ S.I. 1981/1059; to which there are amendments not relevant to these Regulations.

⁽¹²⁾ Cmnd. 8535.

⁽¹³⁾ 1988 c. 52.

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15. A container of the type known as a two-part beer keg, one part of which is intended to contain a gas or a mixture of gases under pressure.
16. A container used for the conveyance or storage of beer or carbonated drinks, the capacity of which does not exceed 0.252 cubic metres and the maximum working pressure of which is not greater than 12 bar above atmospheric pressure.
17. Any tyre used or intended to be used on a vehicle.
18. Any vapour compression refrigeration system incorporating compressor drive motors, including standby compressor motors, having a total installed power not exceeding 25 kW.
19. A mobile system of the type known as a slurry tanker, and containing or intended to contain agricultural slurry, and used in agriculture.
20. Prime movers including turbines but not including steam locomotives or traction engines.
21. Any pressure system which is an electrical or telecommunications cable.
22. Any pressure system containing sulphur hexafluoride gas and forming an integral part of high voltage electrical apparatus.
23. Any pressure system consisting of a water filled fluid coupling and used in power transmission.
24. Any portable fire extinguisher with a working pressure below 25 bar at 60°C and having a total mass not exceeding 23 kilogrammes.
25. Any part of a tool or appliance (designed to be held in the hand) which is a pressure vessel.

PART II

pressure systems and transportable gas containers excepted from certain regulations

1. Regulations 5(4), 8 to 11 and 13 shall not apply to a pressure system containing a relevant fluid (other than steam) if the product of the pressure (in bars above atmospheric) in the pressure vessel (or in the case of a system having more than one vessel, the vessel with the largest internal volume) and internal volume (in litres) is less than 250.
2. Regulations 4, 5, 7 to 10 and 13 shall not apply to a pressure system comprising a tank container if—
 - (a) it has been used in the conveyance of a dangerous substance to which the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations 1981 applied, or would have applied but for the exceptions specified in regulation 3(1)(c) and (d) thereof;
 - (b) it has been temporarily removed from a vehicle; and
 - (c) it is present solely for the purpose of unloading the substance from it.
3. Regulations 4, 5, 7 to 10 and 13 shall not apply to a pressure system comprising a tank container if—
 - (a) it is intended to be used in the conveyance of a dangerous substance to which the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations 1981 apply or would apply but for the exemptions specified in regulation 3(1)(c) and (d) thereof; and
 - (b) the tank container is present solely for the purpose of being loaded with the substance to be conveyed.

4. Regulations 16, 17(1)(a), 18 and 22(1) shall not apply to a transportable gas container which—
 - (a) is a refillable container;
 - (b) is used solely for containing liquefied petroleum gas; and
 - (c) has a water capacity up to and including 6.5 litres.
5. Regulation 4(1) to (5) shall not apply to an EEC-type cylinder.

SCHEDULE 3

Regulation 3(4)

MODIFICATION OF DUTIES IN CASES WHERE PRESSURE SYSTEMS ARE SUPPLIED BY WAY OF LEASE, HIRE, OR OTHER ARRANGEMENTS

- (a) (a) This paragraph applies where a person supplies an installed system by way of lease or hire, and agrees in writing to be responsible for discharging the duties of the user under all the provisions of regulations 8(1) and (2), 9(1), 11(1), 12, and 13.
 - (b) During such time as the agreement is in force the supplier shall discharge the duties of the user under the said provisions.
 - (c) It shall be a defence in any proceedings against the user of an installed system—
 - (i) for an offence for a contravention of any of the said provisions; or
 - (ii) in any civil proceedings for breach of a duty (mentioned in Section 47(2) of the 1974 Act) of any such provisions;for that person to prove that the supplier had agreed in writing to be responsible for discharging the user's duty at the relevant time.
 - (d) During such time as the agreement is in force the following provisions of this paragraph shall have effect.
 - (e) Where the competent person who is to carry out the examination under the scheme of examination is a person other than the supplier, the supplier shall notify the competent person that any reports required to be sent or given to the user under regulation 9(3) or 10(1) shall be sent or given to the supplier as well.
 - (f) On being so notified under sub-paragraph (e) above, the competent person shall comply with regulations 9(3) and 10(1) as if the reference therein to sending or giving a report to the user also included a reference to sending or giving a report to the supplier.
 - (g) On receipt of a report from a competent person under regulations 9(3) or 10(1) (or in the case where the supplier is also the competent person, on the making by him of that report) the supplier shall take all practicable steps to ensure that the pressure system will not be operated in contravention of regulations 9(6) or 10(2), as the case may be.
 - (h) The references in regulation 9(7) (in both places where it appears) and 9(8) to the user shall be read as references to the supplier.
 - (i) The reference in regulation 13(2)(a) to the premises where the system is installed shall be read as a reference to the premises in Great Britain where the leasing or hiring out of the system is controlled; except that this modification shall not apply to the application of that sub-paragraph to regulation 13(6)(a) where the competent person is using the procedure referred to in regulation 13(4) in relation to the sending of the report to the user.
2. Where a person supplies a pressure system to another (“the customer”) under a hire-purchase agreement, conditional sale agreement, or lease, and—

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- (a) he carries on the business of financing the acquisition of goods by others by means of such agreements, or, if financing by means of leases, the use of goods by others,
- (b) in the course of that business he acquired his interest in the pressure system supplied to the customer as a means of financing its acquisition by that customer (or, in the case of a lease, its provision to that customer); and
- (c) in the case of a lease he or his agent either has not had physical possession of that pressure system, or has had physical possession of it only for the purpose of passing it on to the customer;

the customer and not the person who provided the finance shall be treated for the purposes of these Regulations as being the owner of the pressure system, and duties placed on owners in these Regulations shall accordingly fall on the customer and not on the person providing the finance.

3. Section 6(9) of the Health and Safety at Work etc. Act 1974(**14**) and the Health and Safety (Leasing Arrangements) Regulations 1980(**15**) shall apply to these Regulations as they apply to the remainder of section 6 of that Act.

SCHEDULE 4

Regulation 5(4) and (5)

MARKING OF PRESSURE VESSELS

The information referred to in regulation 5(4) is as follows:–

1. The manufacturer's name.
2. A serial number to identify the vessel.
3. The date of manufacture of the vessel.
4. The standard to which the vessel was built.
5. The maximum design pressure of the vessel.
6. The minimum design pressure of the vessel where it is other than atmospheric.
7. The design temperature.

SCHEDULE 5

Regulation 16(4)

FEEES ON APPLICATIONS FOR APPROVALS

1. On the making of an application under regulation 16(2)(a) to the Executive for the approval of–
 - (a) a quality assurance scheme;
 - (b) a design specification; or
 - (c) a person or body of persons,

there shall be payable by the applicant in connection with the performance by or on behalf of the Executive of its functions in relation to that application a fee or fees to be determined in accordance with the following provisions of this Schedule.

(14) 1974 c. 37; section 6(9) was amended by the Consumer Protection Act 1987 (c. 43) Schedule 3, paragraph 1(9).

(15) S.I. 1980/907.

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2. On receipt of the application the Executive shall prepare and send to the applicant an estimate of the cost to it of the work necessary for the determination of the application; and the amount so estimated shall, subject to paragraph 4 below, be the amount of the initial fee payable and shall be paid forthwith.

3. On determination of the application the Executive shall prepare and send to the applicant a detailed statement of the work carried out for the determination of the application and of the cost reasonably incurred by it in carrying out that work or in having it carried out on its behalf.

4. If the cost so stated differs from the amount estimated in accordance with paragraph 2 above—

(a) if it is greater, the amount of the difference shall be the amount of the final fee payable and shall be paid forthwith; and

(b) if it is less, the initial fee shall be redetermined accordingly and the amount of the difference shall be paid forthwith to the applicant by the Executive.

5. In estimating or stating the cost of carrying out any work the Executive may determine the cost of employing an officer for any period on work appropriate to his grade by reference to the average cost to it of employing officers of his grade for that period.

SCHEDULE 6

Regulation 26

REPEALS, REVOCATIONS AND MODIFICATIONS

PART I

repeals

(1) Short title	(2) Chapter	(3) Extent of repeal
The Factories Act 1961.	1961 c. 34.	Sections 32, 33, 35 and 36. In section 38 the words “and maximum permissible working pressure” to the end of the section. In section 122(2)(a) the words “and with respect to steam boilers, steam receivers and steam containers, and air receivers”. In section 122(4) the words “steam boilers, steam receivers and steam containers, and air receivers”. Sections 125(2)(a), 127(2)(c).

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PART II

MODIFICATIONS OF ENACTMENTS

(1) Short title	(2) Chapter	(3) Extent of modification
The Factories Act 1961.	1961 c. 34.	In section 37(1) for the words “Sections thirty-two to thirty-four” substitute “Section thirty-four”. In section 37(2) for the words “sections thirty-two to thirty-six” substitute “section thirty-four”, and delete the words “steam receiver, steam container or air receiver”.

PART III

revocations

(1) Title of instrument	(2) Reference	(3) Extent of revocation
The Locomotives and Waggon (Used on Lines and Sidings) Regulations 1906.	S.R. & O. 1906/679.	Regulation 22.
*The Order of Secretary of State (No 9), dated 23 June 1919, relating to Compressed Acetylene contained in a Porous Substance.	S.R. & O. 1919/809.	Conditions 5, 6, 7, 10 and 12 to the said Order.
*The Gas Cylinders (Conveyance) Regulations 1931.	S.R. & O. 1931/679.	The whole Regulations.
The Factories Act (Docks, Building and Engineering Construction, etc.) Modification Regulations 1938.	S.R. & O. 1938/610.	Regulation 2.
*The Compressed Gas Cylinders (Fuel for Motor Vehicles) Regulations 1940.	S.R. & O. 1940/2009.	The whole Regulations.
*The Gas Cylinders (Conveyance) Regulations 1947.	S.R. & O. 1947/1594.	The whole Regulations.

* See paragraph 2 of Part I of Schedule 1.

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(1) Title of instrument	(2) Reference	(3) Extent of revocation
The Coal and Other Mines (Steam Boilers) Order 1956(16).	S.I. 1956/1772.	The whole Order.
The Miscellaneous Mines (General) Regulations 1956.	S.I. 1956/1778.	Regulations 53, 54, 55, 56, 57, 58, 59 and 60.
The Quarries (General) Regulations 1956.	S.I. 1956/1780.	Regulations 15, 16, 17, 18, 19, 20, 21 and 22.
*The Gas Cylinders (Conveyance) Regulations 1959.	S.I. 1959/1919.	The whole Regulations.
The Shipbuilding and Shiprepairing Regulations 1960.	S.I. 1960/1932.	Regulation 68.
The Shipbuilding (Air Receivers) Order 1961.	S.I. 1961/430.	The whole Order.
The Examination of Steam Boilers Regulations 1964.	S.I. 1964/781.	The whole Regulations.
The Examination of Steam Boiler Reports (No 1) Order 1964.	S.I. 1964/1070.	The whole Order.
The Factories Act 1961 etc. (Repeals and Modifications) Regulations 1974.	S.I. 1974/1941.	Paragraph 3 of Schedule 2 to the said Regulations.
*The Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974.	S.I. 1974/1942.	Regulation 4(1).
*The Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979.	S.I. 1979/427.	In the Schedule to the said Regulations the whole of each item modifying the Gas Cylinders (Conveyance) Regulations 1931 and the Compressed Gas Cylinders (Fuel for Motor Vehicles) Regulations 1940.
The Gasholders and Steam Boilers Regulations (Metrication) Regulations 1981.	S.I. 1981/687.	Regulation 3 and the Schedule to the said Regulations.

* See paragraph 2 of Part I of Schedule 1.

(16) This Order incorporates the Coal and Other Mines (Steam Boilers) Regulations 1956.

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PART IV

modifications of instruments

(1) Title of instrument	(2) Reference	(3) Extent of modification
The Visiting Forces and International Headquarters (Application of Law) Order 1965.	S.I. 1965/1536.	In Article 16(3) for the words “Sections 32 to 34 (which relate to steam boilers)” substitute the words “Section 34 (which relates to steam boilers)”.
*The Highly Flammable Liquids and Liquefied Petroleum Gases Regulations 1972.	S.I. 1972/917.	For regulation 7(7) there shall be substituted the following— “In this regulation “cylinder” means a cylinder which complies with the conditions specified in regulation 16(2)(a) or (b) of the Pressure Systems and Transportable Gas Containers Regulations 1989”.
*The Abstract of Special Regulations (Highly Flammable Liquids and Liquefied Petroleum Gases) Order 1974.	S.I. 1974/1587.	In the Schedule to the Order for the provision which relates to regulation 7(7) of the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations 1972 there shall be substituted the following— “In this regulation “cylinder” means a cylinder which complies with the conditions specified in regulation 16(2)(a) or (b) of the Pressure Systems and Transportable Gas Containers Regulations 1989”.

* See paragraph 2 of Part I of Schedule 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations impose safety requirements with respect to pressure systems and transportable gas containers which are used or intended to be used at work. They also impose safety requirements to prevent certain vessels from becoming pressurised. Exceptions to the Regulations are set out in Schedule 2 (*regulation 3(1)*).

Part II of the Regulations imposes requirements on designers, manufacturers, importers and suppliers with respect to the design and construction of pressure systems and transportable gas containers (*regulation 4(1) to (5)*), and imposes a requirement on the employer of a person who modifies or repairs such a system or container to ensure that nothing about the way in which it is modified or repaired gives rise to danger (*regulation 4(6)*).

Part III of the Regulations applies to pressure systems. The Regulations require the provision of information by designers, suppliers and employers of persons who modify or repair pressure systems (*regulation 5(1) to (3)*). They also require the manufacturer of a pressure vessel to mark it with specified information (*regulation 5(4) and Schedule 4*). The regulations prohibit a person from removing such a mark, and from falsifying a mark on a pressure system relating to its design, construction, test or operation (*regulation 5(5) and (6)*). The Regulations require an employer of a person who installs a pressure system to ensure that nothing about the way in which it is installed gives rise to danger (*regulation 6*). The Regulations also require the user of an installed system or owner of a mobile system to establish its safe operating limits (*regulation 7*).

The Regulations require the user of an installed system or owner of a mobile system to have a written scheme for the periodic examination by a competent person of specified parts of the system (*regulation 8(1)*). Such a scheme must be drawn up or certified as being suitable by a competent person, reviewed by him at appropriate intervals and modified in accordance with his recommendations (*regulation 8(2)*). It must also contain specified matters (*regulation 8(3)*). The Regulations require the user or owner to ensure that examinations are carried out within the intervals specified in the scheme (*regulation 9(1)*). The competent person making such an examination is required to make a written report of it. The report must contain specified information including the date by which any repairs, modifications or changes in the safe operating limits should be made (*regulation 9(2) to (5)*). The user or owner is prohibited from operating the system after that date unless the repairs, modifications or changes in the safe operating limits have been made or a postponement is agreed pursuant to the Regulations (*regulation 9(6) to (8)*). If the competent person is of the opinion that the system will give rise to imminent danger unless certain repairs, modifications or changes in operating conditions are made, he is required to make a written report to that effect; and the user or owner is prohibited from operating the system until they have been made (*regulation 10*).

The Regulations require the user of an installed system or owner of a mobile system to provide for persons operating the system adequate and suitable instructions for its safe operation and for emergency action. The Regulations also require him to ensure that the system is not operated except in accordance with those instructions (*regulation 11*). The Regulations require the system to be properly maintained (*regulation 12*). They also require specified documents to be kept (*regulation 13*).

The Regulations provide that where an installed system is leased or hired out the supplier may agree to be responsible for discharging the duties of the user under specified provisions of the regulations (*regulation 3(3) and Schedule 3*).

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Part IV of the Regulations applies to a vessel which is constructed with a permanent outlet to the atmosphere or to a space where the pressure does not exceed atmospheric pressure and which could become a pressure vessel if the outlet were obstructed (*regulation 14*). The Regulations require the user of the vessel to ensure that the outlet is kept open and free from obstruction when the vessel is in use (*regulation 15*).

Part V of the Regulations applies to transportable gas containers. The Regulations prohibit a person from supplying for the first time, importing or manufacturing and using such a container unless it has either been verified (by a person or in accordance with a quality assurance scheme approved by the Health and Safety Executive) as conforming to a design standard or design specification so approved, or been verified under or conforms with specified Council Directives (*regulation 16*). Schedule 5 contains provisions with respect to fees for such approvals.

The Regulations require specified checks to be made when transportable gas containers are filled and prohibit the filling of non-refillable containers (*regulation 17*). They also require containers to be examined at appropriate intervals by a competent person and to be marked with the date of the examination (*regulation 18*). The Regulations impose requirements with respect to the modification and repair of containers (*regulations 19 and 20*) and with respect to re-rating (*regulation 21*). The Regulations require specified documents to be kept (*regulation 22*).

Part VI of the Regulations provides for a defence for a contravention of the Regulations (*regulation 23*), for the grant of certificates of exemption by the Executive (*regulation 24*), for the application of the Regulations to certain activities offshore (*regulation 25*) and for the repeal, revocation and modification of various enactments and instruments specified in Schedule 6 (*regulation 26*).

Schedule 1 provides for the coming into force of the Regulations and transitional provisions (*regulation 27*). Although regulations 8 to 10 (the examination requirements for pressure vessels) and the repeal and revocation of the existing examination requirements (as set out in the Schedule) will not come into force until 1st July 1994 the Regulations provide that the existing examination requirements shall not apply if the user or owner complies with regulations 8 to 10 as if they were in force, provided that notice is given to other persons who would have had duties under those regulations. A person receiving such a notice is required to comply with regulations 8 to 10 as if they were in force.

Copies of relevant documents may be obtained as follows:–

- (a) Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) [ISBN 0–11–550814–7], from Her Majesty’s Stationery Office;
- (b) the International Maritime Dangerous Goods Code [ISBN 92 801 1125 6], from the International Maritime Organisation, 4 Albert Embankment, London SE1 7SR;
- (c) the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) [ISBN–0–11–550735–3], from Her Majesty’s Stationery Office.