
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 247

Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997

Part III

Transportable Pressure Receptacles

Design, manufacture, modification and repair

12.—(1) Any person who designs, manufactures, imports or supplies a transportable pressure receptacle intended for containing dangerous goods shall ensure that—

- (a) it is safe and suitable for its purpose; and
- (b) it complies with the appropriate design, construction, and quality assurance requirements of the Approved Requirements, including any requirement therein for the approval or supervision of the design or construction by an approved person, the examination or testing by an approved person or the approval or supervision of a quality assurance scheme for the design, construction, examination or testing by an approved person.

(2) Any person who modifies or repairs a transportable pressure receptacle shall ensure that, following such modification or repair, it complies with the requirements specified in paragraph (1) (a) and (b).

(3) A person shall not supply, and an owner shall not fill or use, a transportable pressure receptacle which has been—

- (a) modified or repaired; or
- (b) damaged in such a way that it appears that there may be a risk to safety, unless, subsequent to the modification, repair or damage, it has been examined and tested by—
- (c) an approved person in accordance with the appropriate examination and testing requirements of the Approved Requirements; or
- (d) in the case of an EEC-type cylinder, an inspection body referred to in regulation 13(b)(i).

(4) A person shall not manufacture a transportable pressure receptacle unless he has the technical expertise and all other suitable means required for the manufacture of that receptacle in accordance with the appropriate construction requirements of the Approved Requirements, including suitably qualified personnel to—

- (a) supervise the entire manufacturing process;
- (b) carry out joining of materials; and
- (c) carry out the relevant tests.

Approved Requirements, approval and certification

13. A person shall not import, supply or own a transportable pressure receptacle containing dangerous goods unless either—

- (a) he has received evidence, either by a certificate in writing or a stamp on the receptacle, provided—
 - (i) by an approved person; or
 - (ii) in accordance with a quality assurance scheme approved and supervised by an approved person,
that the receptacle conforms with the appropriate design and construction requirements of the Approved Requirements; or
- (b) the receptacle is an EEC-type cylinder, that is to say—
 - (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 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, it conforms to the requirements of the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder; and
 - (ii) it bears all the marks and inscriptions required by the Pressure Vessels Framework Directive and the separate Directive relating to that type of cylinder.

Marking of transportable pressure receptacles

14. The owner of a transportable pressure receptacle shall ensure that—

- (a) the receptacle has been marked by a competent authority or an approved person, following—
 - (i) an initial examination and test to certify that the receptacle conforms with the appropriate initial examination and test requirements of the Approved Requirements; and
 - (ii) where required by the Approved Requirements, an examination and test to certify that the receptacle conforms with any relevant periodic examination or test requirements of the Approved Requirements; and
- (b) a further periodic examination in accordance with the appropriate periodic examination and test requirements of the Approved Requirements is not overdue.

Approved persons

15.—(1) In these Regulations, an approved person means—

- (a) a person approved by the Department for the performance of particular functions under this Part, which functions shall be specified by the Department in the certificate of approval; or
- (b) a person approved by a competent authority other than the Department, for the performance of particular functions in relation to transportable pressure receptacles under the ADR,

and any reference in these Regulations to an approved person in connection with a particular function is a reference to a person approved for the performance of that function.

(2) Any approval under paragraph (1)(a) 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.

(3) Following an approval under paragraph (1)(a), the Department shall carry out, upon reasonable notice, a surveillance inspection of the approved person at such intervals as the Department considers appropriate and for that purpose the approved person shall, at his own cost, afford any facilities and assistance and make available any information which may reasonably be required by the Department.

(4) In this regulation a “surveillance inspection” means an inspection of such premises, equipment and documents and the making of such enquiries as the Department considers appropriate for the purpose of verifying compliance by an approved person with any conditions specified in the certificate of approval by the Department.

(5) Schedule 4 shall have effect with respect to fees for approvals under paragraph (1)(a) and surveillance inspections under paragraph (3) but an approved person shall not be charged for more than one such inspection in any 12 month period.

(6) Every person approved under paragraph (1)(a), in carrying out any functions under these Regulations, shall carry out such functions properly, with due regard to any criteria specified in the Approved Requirements and shall not carry out any function of an approved person other than the functions for which that person is approved.

(7) A person shall not affix to a transportable pressure receptacle the mark referred to in regulation 14 unless he is a competent authority, an approved person, or a person authorised by such authority or person.

(8) A person shall not affix to a transportable pressure receptacle a mark liable to be confused with the mark referred to in regulation 14.

Filling of transportable pressure receptacles

16. The employer of a person who fills a transportable pressure receptacle with dangerous goods shall ensure—

- (a) that, before it is filled—
 - (i) it is marked in accordance with the appropriate marking requirements of the Approved Requirements;
 - (ii) the marks on the receptacle are checked to verify that it is suitable for that gas; and
 - (iii) all other appropriate safety checks are made;
- (b) that it is filled in accordance with the appropriate filling requirements of the Approved Requirements; and
- (c) that, after it is filled—
 - (i) the receptacle is checked to verify that it is within its safe operating limits and is not overfilled; and
 - (ii) in the event of overfilling, any excess gas is removed safely.

Records

17. The manufacturer or, if he does not have a place of business in Northern Ireland, his agent in Northern Ireland or, if he has no such agent, the importer of a transportable pressure receptacle, and the owner of a hired out transportable pressure receptacle—

- (a) made in accordance with the Approved Requirements for transportable pressure receptacles, shall keep a copy of the design standard or design specification to which the said receptacle was manufactured together with any certificate of conformity issued under regulation 13(a);

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- (b) which is an EEC-type cylinder, shall keep the EEC Verification Certificate referred to in regulation 13(b)(i) where one has been issued.