

SCHEDULE 8

Regulations 3(5)(b) and 19(2)(b)

REQUIREMENTS FOR TRANSPORTABLE PRESSURE RECEPTACLES
MANUFACTURED BEFORE 1st JANUARY 1999 WHICH
ARE NOT COVERED BY THE APPROVED REQUIREMENTS

1. The requirements referred to in regulation 3(5)(b) are specified in paragraphs 2 to 10.

2.—(1) Any person who designs, manufactures, imports or supplies any transportable pressure receptacle or any article which is intended to be a component part thereof shall ensure that sub-paragraph (2) is complied with.

(2) The transportable pressure receptacle or article, as the case may be, shall be—

- (a) properly designed and properly constructed from suitable material, so as to prevent danger;
- (b) so designed and constructed that all necessary examinations for preventing danger can be carried out; and
- (c) provided with such protective devices as may be necessary for preventing danger and any such device which is designed to release contents shall do so safely, as far as is practicable.

(3) The employer of a person who modifies or repairs a transportable pressure receptacle 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.

3.—(1) A person shall not supply or import a transportable pressure receptacle unless the conditions specified in sub-paragraph (3)(a) or (b) have been met.

(2) A person who fills a transportable pressure receptacle shall ensure, before doing so and so far as is reasonably practicable, that the conditions specified in sub-paragraph (3)(a) or (b) have been met.

(3) The conditions referred to in sub-paragraphs (1) and (2) are—

- (a) the receptacle has been verified in accordance with sub-paragraph (4) (either by a certificate in writing or by means of stamping on the receptacle) as conforming to a design standard or design specification approved by the Department;
- (b) the receptacle is an EEC-type cylinder.

(4) For the purposes of sub-paragraph (3)(a) a receptacle shall be verified—

- (a) by a person approved by the Department under this sub-paragraph (and for this purpose, any approval given under regulation 16(2)(a)(i) of the Pressure Systems and Transportable Gas Containers Regulations (Northern Ireland) 1991, as in operation immediately before the commencement of these Regulations, shall be deemed, subject to sub-paragraph (5), to be an approval under this sub-paragraph but shall remain subject to any conditions attached to it, and to the expiry date specified therein); or
- (b) in accordance with a quality assurance scheme approved by the Department.

(5) Any approval under the Regulations referred to in sub-paragraph (4)(a) which has not expired on 31st December 1998 shall cease to have effect on that date.

(6) The provisions of regulations 15(2) to (5) shall apply in relation to any person approved under sub-paragraph (4)(a) as if that person were approved under regulation 15(1)(a).

4.—(1) From 1st January 1999, the owner of a transportable pressure receptacle shall, for the purpose of determining whether it is safe, ensure that the receptacle has been examined and tested by an approved person in accordance with the appropriate examination and testing requirements of the Approved Requirements.

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(2) Until 1st January 1999, the owner of a transportable pressure receptacle shall ensure, for the purpose of determining whether it is safe, that the receptacle is examined at appropriate intervals by a competent person.

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

(4) A person shall not affix to a transportable pressure receptacle the mark referred to in sub-paragraph (3) unless he is an approved person or a competent person or a person authorised by such a person.

(5) A person shall not affix to a transportable pressure receptacle a mark liable to be confused with the mark referred to in sub-paragraph (3).

5.—(1) From 1st January 1999 the employer of a person who is to fill with a gas a transportable pressure receptacle at work, shall ensure that before it is filled that person—

(a) checks from the marks on the receptacle—

(i) that the receptacle appears to have been examined and tested by an approved person in accordance with the appropriate examination and testing requirements of the Approved Requirements; and

(ii) it is suitable for containing that gas; and

(b) makes all other appropriate safety checks.

(2) Until 1st January 1999, the employer of a person who is to fill with a gas a transportable pressure receptacle at work, shall ensure that before the receptacle is filled that person—

(a) checks from the marks on the receptacle—

(i) that it appears to have been examined at appropriate intervals by a competent person;

(ii) that it is suitable for containing that gas; and

(b) makes all other appropriate safety checks.

(3) The employer of a person who fills a transportable pressure receptacle 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) in the event of overfilling, removes any excess gas in a safe manner.

(4) Every employer shall ensure that any person employed by him does not refill at work a non-refillable receptacle with a gas.

6. In these Regulations “competent person” means a competent individual person (other than an employee) or a competent body of persons corporate or unincorporate; and any reference in these Regulations to a competent person performing a function includes a reference to his performing it through his employees.

7.—(1) Subject to sub-paragraph (2)—

(a) every employer shall ensure that any person employed by him does not modify at work the body of a transportable pressure receptacle—

(i) of seamless construction; or

(ii) which has contained acetylene;

- (b) every employer shall ensure that any person employed by him does not modify at work the body of any other type of transportable pressure receptacle if that modification would put the transportable pressure receptacle outside the scope of the design standard or design specification to which it was originally constructed; and
- (c) a person shall not supply any modified transportable pressure receptacle for use unless following such modification a person approved under paragraph 3(4)(a) has marked or certified the receptacle as being fit for use or, in the case of an EEC-type cylinder, an inspection body referred to in regulation 13(b)(i) has so marked or certified it.

(2) Sub-paragraph (1) shall not apply in relation to any modification constituting the remaking of a thread if such modification is carried out in accordance with a standard approved by the Department.

8.—(1) Every employer shall ensure that any person employed by him does not carry out at work any major repair on the body of a transportable pressure receptacle—

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

(2) Every employer shall ensure that any person employed by him does not carry out at work any major repair on the body of any other type of transportable pressure receptacle unless he is competent to do so.

(3) A person shall not supply a transportable pressure receptacle which has undergone a major repair unless following such work a person approved under paragraph 3(4)(a) 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 13(b)(i) has so marked or certified it.

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

9.—(1) This paragraph applies to the re-rating of a transportable pressure receptacle, 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 receptacle at the time of the manufacture.

(2) Every employer shall ensure that any person employed by him does not re-rate a transportable pressure receptacle at work unless he is competent to do so and does so in accordance with suitable written procedures drawn up by the owner of the receptacle.

(3) A person shall not supply a transportable pressure receptacle which has been re-rated unless, following the re-rating, a person or body approved under paragraph 3(4)(a) has certified it as being safe for use.

(4) In this paragraph “filling ratio” means the ratio of the volume of the liquid gas in the receptacle to the total volume of the receptacle.

10.—(1) 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—

- (a) which is to be made to an approved design specification, shall keep a copy of the design specification to which the said receptacle was manufactured together with any certificate of conformity issued under paragraph 3(3)(a);
- (b) which is made to an approved design standard, shall keep a copy of any certificate of conformity issued under paragraph 3(3)(a);

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- (c) which is an EEC-type cylinder, shall keep a copy of the EEC Verification Certificate referred to in regulation 13(b)(i), where one has been issued; and
 - (d) which—
 - (i) is a refillable receptacle;
 - (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 to which the said receptacle was manufactured.
- (2) The owner of a transportable pressure receptacle for acetylene shall keep records of the tare weight of the receptacle, including the porous substance and acetone or other solvent, the nature of the solvent and the maximum pressure allowed in the receptacle.