

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(1), 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(1);
 - (c) the Examination of Steam Boilers Reports (No 1) Order 1964(1);
 - (d) the Shipbuilding (Air Receivers) Order 1961(1);
 - (e) regulation 9 of the Coal and Other Mines (Steam Boilers) Regulations 1956(1);
 - (f) regulations 56(2), 57 and 60(2) and (3) of the Miscellaneous Mines (General) Regulations 1956(1), and regulations 56(1) and 60(1) of those Regulations to the extent that they relate

(1) 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(1), 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 disapplied, 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.

(1) 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(2) 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(3) apply.

9. A road tanker or tank container to which the Dangerous Substances (Conveyance by Road in Road Tankers and Tank Containers) Regulations 1981(4) 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)(5) 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(6)).

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

(2) [S.I. 1981/399](#).

(3) [S.I. 1958/61](#); to which there are amendments not relevant to these Regulations.

(4) [S.I. 1981/1059](#); to which there are amendments not relevant to these Regulations.

(5) Cmnd. 8535.

(6) [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(7) and the Health and Safety (Leasing Arrangements) Regulations 1980(8) 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.

(7) 1974 c. 37; section 6(9) was amended by the Consumer Protection Act 1987 (c. 43) Schedule 3, paragraph 1(9).

(8) 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 ⁽⁹⁾ .	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.

(9) 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.