

2004 No. 222

HEALTH AND SAFETY

Pressure Systems Safety Regulations (Northern Ireland) 2004

The Department of Enterprise, Trade and Investment(1), being the Department concerned(2), in exercise of the powers conferred on it by Articles 17(1) to (6)(3), 43(3) and 55(2) of, and paragraphs 1(1), (2) and (3), 13, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(4) and of every other power enabling it in that behalf and for the purpose of giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(5) of that Order after the carrying out by the said Executive of consultations in accordance with Article 46(3)(6) of that Order, hereby makes the following Regulations:

PART I

INTRODUCTION

Citation and commencement

1. These Regulations may be cited as the Pressure Systems Safety Regulations (Northern Ireland) 2004 and shall come into operation on 21st June 2004.

Interpretation

2.—(1) In these Regulations –

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

- (1) Formerly the Department of Economic Development; *see* [S.I. 1982/846 \(N.I. 11\)](#), Article 3 and [S.I. 1999/283 \(N.I. 1\)](#), Article 3(5)
- (2) *See* Article 2(2) of [S.I. 1978/1039 \(N.I. 9\)](#)
- (3) Article 17 must be read with [S.I. 1992/1728 \(N.I. 17\)](#), Articles 3(2) and 4(2)
- (4) [S.I. 1978/1039 \(N.I. 9\)](#); the general purposes of Part II referred to in Article 17(1) were extended by [S.I. 1992/1728 \(N.I. 17\)](#), Article 3(1). Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of [S.I. 1997/1774 \(N.I. 16\)](#)
- (5) Article 13 was amended by [S.I. 1998/2795 \(N.I. 18\)](#), Article 4
- (6) Article 46(3) was amended by [S.I. 1998/2795 \(N.I. 18\)](#), Article 6(1) and Schedule 1, paragraphs 8 and 18(c)

“the CDGCPL(NI) Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations (Northern Ireland) 1997(7);

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

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

“the Executive” means the Health and Safety Executive for Northern Ireland;

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

“maximum allowable pressure” and “minimum allowable pressure” mean the maximum pressure and minimum pressure respectively for which a pressure vessel is designed;

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

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

“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 pressure receptacle 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 pressure receptacle or a transportable pressure vessel;

“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;

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

“territorial sea” means the territorial sea of the United Kingdom adjacent to Northern Ireland and “within the territorial sea” includes on, over and under it;

“transportable pressure receptacle” has the same meaning as in regulation 2(1) of the CDGCPL(NI) Regulations;

“transportable pressure vessel” has the same meaning as in regulation 2(1) of the Transportable Pressure Vessels Regulations (Northern Ireland) 2003⁽⁸⁾;

“user” in relation to a pressure system, or a vessel to which regulation 15 applies, means the employer or self-employed person who has control of the operation of the pressure system or such a vessel or, in the case of a pressure system or such a vessel at or in –

- (a) a mine within the meaning of section 156 of the Mines Act (Northern Ireland) 1969⁽⁹⁾ it means the manager for the time being of that mine;
- (b) a quarry within the meaning of Article 2(2) of the Quarries (Northern Ireland) Order 1983⁽¹⁰⁾ it means the operator for the time being of that quarry.

(2) Any reference in these Regulations to anything being in writing or written (including any reference to anything being kept in writing) shall include reference to its being in a form –

- (a) in which it is capable of being reproduced as a written copy when required;
- (b) which is secure from loss or unauthorised interference.

Application and duties

3.—(1) These Regulations shall apply within the territorial sea only to and in relation to the premises and activities to which any of paragraphs 2 to 6 of Schedule 4 applies.

(2) Subject to Schedule 1 (which sets out exceptions to the Regulations), these Regulations shall apply to or in relation to pressure systems which are used or intended to be used at work.

⁽⁸⁾ S.R. 2003 No. 386

⁽⁹⁾ 1969 c. 6 (N.I.)

⁽¹⁰⁾ S.I. 1983/150 (N.I. 4)

(3) 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.

(4) Any requirement or prohibition imposed by these Regulations on a person –

- (a) who designs, manufactures, imports or supplies any pressure system, or any article which is intended to be a component part of any pressure system, shall extend only to such a system 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 or article shall extend only to matters within his control.

(5) The provisions of Schedule 2 (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 and construction

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

(2) The pressure system 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 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.

(5) The pressure system 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.

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) 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 3 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) A person shall not remove from a pressure vessel any mark or plate containing any of the information specified in Schedule 3.
- (6) A person shall not 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) A person shall not 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), make a written report of the examination, sign it or add his name to 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 a person shall not 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 any 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.

Modification and repair

13. The employer of a person who modifies or repairs a pressure system 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.

Keeping of records, etc.

14.—(1) The user of an installed system and the owner of a mobile system shall keep –

- (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 –
 - (i) information provided pursuant to regulation 5; or
 - (ii) instructions specified in section 3.4 of Annex I to Directive [97/23/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States concerning pressure equipment⁽¹¹⁾, which Annex is set out in Schedule 2 to the Pressure Equipment Regulations 1999⁽¹²⁾, and provided pursuant to regulation 7(1) and (3) or 8(1) and (3)(b)(i) of those Regulations,

⁽¹¹⁾ O.J. No. L181, 9.7.97, p. 1

⁽¹²⁾ [S.I. 1999/2001](#)

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) Anything 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 Northern Ireland from which the deployment of the system is controlled;
- (c) in a case to which regulation 2(2) applies, by means whereby it is capable of being reproduced as required by regulation 2(2)(a) at the premises referred to in sub-paragraph (a) or (b) as appropriate.

(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 in writing anything (relating to the system or part thereof, as the case may be) kept by him under this regulation.

Precautions to prevent pressurisation of certain vessels

15.—(1) Paragraph (2) 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.

(2) The user of a vessel to which this paragraph applies shall ensure that the outlet referred to in sub-paragraph (a) of paragraph (1) is at all times kept open and free from obstruction when the vessel is in use.

PART III

MISCELLANEOUS

Defence

16.—(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 the 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 to determine mode of trial 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) Where a contravention of these Regulations by any person is due to the act or default of the other person, that other person shall be guilty of the offence which would, but for any defence under this regulation available to the first-mentioned person, be constituted by the act or default.

Power to grant exemptions

17.—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt any person or class of persons or any type or class of pressure system 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 the Executive by a further 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 statutory provision 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.

Repeals and revocations

18.—(1) Sections 35, 38 and 39 of the Factories Act (Northern Ireland) 1965⁽¹³⁾ are repealed.

(2) The Pressure Systems and Transportable Gas Containers Regulations (Northern Ireland) 1991⁽¹⁴⁾, regulation 22(4) of and Schedule 6 to the CDGCPL(NI) Regulations and regulation 2 of and Schedule 1 to the Carriage of Dangerous Goods (Amendment) Regulations (Northern Ireland) 2002⁽¹⁵⁾ are revoked.

Transitional provision

19. The substitution of provisions in these Regulations for provisions of the Pressure Systems and Transportable Gas Containers Regulations (Northern Ireland) 1991 shall not affect the continuity of the law; and accordingly anything done under or for the purposes of such provision of the 1991 Regulations shall have effect as if done under or for the purposes of any corresponding provision of these Regulations.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 14th May 2004.

L.S.

Michael J. Bohill
A senior officer of the
Department of Enterprise, Trade and Investment

⁽¹³⁾ 1965 c. 20 (N.I.)

⁽¹⁴⁾ S.R. 1991 No. 471

⁽¹⁵⁾ S.R. 2002 No. 34

SCHEDULE 1

Regulation 3(2)

PART I

PRESSURE SYSTEMS EXCEPTED FROM ALL REGULATIONS

These Regulations shall not apply to –

1. A pressure system which forms part of the equipment of –
 - (a) a vessel used in navigation;
 - (b) a spacecraft, aircraft, hovercraft or hydrofoil.
2. A pressure system 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.
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 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, 13 and 14, it is not reasonably practicable to comply with them.
7. Any plant or equipment required by regulation 5(1)(d) of the Diving Operations at Work Regulations (Northern Ireland) 1994⁽¹⁶⁾ and used or intended to be used in the course of a diving project 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 (Northern Ireland) 1963⁽¹⁷⁾ apply.
9. A tank to which the Carriage of Dangerous Goods By Rail Regulations (Northern Ireland) 1998⁽¹⁸⁾ or the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997⁽¹⁹⁾ apply.
10. Any pressure system being carried in a vehicle if the vehicle is engaged in an international transport operation within the meaning of the Convention concerning International Carriage by

⁽¹⁶⁾ S.R. 1994 No. 146

⁽¹⁷⁾ S.R. & O. (N.I.) 1963 No. 85

⁽¹⁸⁾ S.R. 1998 No. 131

⁽¹⁹⁾ S.R. 1997 No. 248

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Rail(20) as revised or re-issued from time to time (COTIF) and such carriage conforms in every respect either –

- (a) 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; or
- (b) to the conditions determined by an agreement relating to such carriage between the United Kingdom and another State under Article 5(2) of CIM.

11. Any pressure system being carried in a vehicle if the vehicle is registered outside the United Kingdom and the carriage is confined to Northern Ireland but nevertheless conforms with the provisions of the European Agreement concerning the international carriage of dangerous goods by road signed in Geneva on 30th September 1957 as revised or re-issued from time to time (“the ADR”).

12. Any pressure system being carried in a vehicle if the vehicle –

- (a) is engaged in an international transport operation within the meaning of the ADR;
- (b) complies with the conditions contained in Annexes A and B to the ADR; and
- (c) is certified pursuant to the ADR as complying with it,

or if the vehicle is engaged in a transport operation subject to a special bilateral or multilateral agreement to which Article 4 of the ADR refers and to which the United Kingdom is a Contracting Party.

13. Any pressure system being carried in a vehicle if the vehicle is engaged in an international transport operation within the meaning of Article 1(c) of the ADR, in accordance with regulation 3(1)(c)(ii) of the CDGCPL(NI) Regulations.

14. Any pressure system 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.

15. 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 Article 3(1) of the Road Traffic (Northern Ireland) Order 1995(21)).

16. Any water cooling system on an internal combustion engine or on a compressor.

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.

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.

(20) Cmnd. 8535

(21) S.I. 1995/2994 (N.I. 18)

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 EXCEPTED FROM CERTAIN REGULATIONS

1. Regulations 4 and 5(1) and (4) shall not apply to –

- (a) pressure systems to which the Medical Devices Regulations 1994⁽²²⁾ apply, other than those which contain or are liable to contain steam; or
- (b) pressure equipment or assemblies within the meaning of the Pressure Equipment Regulations 1999⁽²³⁾ to which regulation 7(1), 8(1), 9(1) or 10 of those Regulations apply.

2.—(1) Subject to sub-paragraph (2), regulations 5(4), 8 to 10 and 14 shall not apply to a pressure system containing a relevant fluid (other than steam) if the product of the pressure in bar and internal volume in litres of its pressure vessels is in each case less than 250 bar litres.

(2) Until 21st December 2004 regulations 8 to 10 and 14 shall not apply to a pressure system brought into operation before the coming into operation of these Regulations if the product of the pressure in bar and internal volume of its pressure vessel with the largest internal volume is less than 250 bar litres.

3. Regulations 4, 5, 7 to 10, 13 and 14 shall not apply to a tank container if –

- (a) it is intended to be used in the carriage of dangerous goods to which the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 apply, or would apply but for an exception specified in paragraph 1 of Schedule 2 thereof and is present solely for the purpose of being loaded with the goods to be carried; or
- (b) it has been used in such carriage, has been temporarily removed from a vehicle and is present solely for the purpose of unloading the goods from it.

SCHEDULE 2

Regulation 3(5)

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 14.
- (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 duty (mentioned in Article 3(2) of the 1978 Order) imposed by any such provisions,

⁽²²⁾ S.I. 1994 No. 3017

⁽²³⁾ S.I. 1999 No. 2001

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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 regulation 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 regulation 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 14(2)(a) to the premises where the system is installed shall be read as a reference to the premises in Northern Ireland where the leasing or hiring out of the system is controlled.
2. Where a person supplies a pressure system to another ("the customer") under a hire-purchase agreement, conditional sale agreement, or lease, and –
- (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 purpose 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. Article 7(9) of the 1978 Order⁽²⁴⁾ and the Health and Safety (Leasing Arrangements) Regulations (Northern Ireland) 1993⁽²⁵⁾ shall apply to these Regulations as they apply to the remainder of Article 7 of that Order.

SCHEDULE 3

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.

⁽²⁴⁾ Article 7(9) was amended by the Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20))

⁽²⁵⁾ S.R. 1993 No. 27

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 allowable pressure of the vessel.
6. The minimum allowable pressure of the vessel where it is other than atmospheric.
7. The design temperature.

SCHEDULE 4

Regulation 3

PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA

Interpretation

- 1.—(1) In this Schedule –

“activity” includes a diving operation;

“designated area” means any area designated by Order under section 1(7) of the Continental Shelf Act 1964⁽²⁶⁾ and “within a designated area” includes over and under it;

“diving operation” has the same meaning as it has in the Diving Operations at Work Regulations (Northern Ireland) 1994⁽²⁷⁾ save that it includes an activity in which a person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

“energy structure” means a fixed or floating structure, other than a vessel, for producing energy from wind or water;

“offshore installation” shall be construed in accordance with paragraph 2(2) and (3);

“supplementary unit” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;

“stand-by vessel” means a vessel which is ready to give assistance in the event of an emergency on or near an offshore installation;

“vessel” includes a hovercraft and any floating structure which is capable of being staffed.

(2) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(3) Any reference in this Schedule to premises and activities includes a reference to any person, article or substance on those premises or engaged in, or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

Offshore installations

- 2.—(1) This paragraph shall apply to and in relation to –

(a) any offshore installation and any activity on it;

(b) any activity in connection with an offshore installation, or any activity which is immediately preparatory thereto, whether carried on from the installation itself, in or from a vessel or in any other manner, other than –

⁽²⁶⁾ 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (1982 c. 23), Schedule 3, paragraph 1

⁽²⁷⁾ S.R. 1994 No. 146

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- (i) transporting, towing or navigating the installation; and
 - (ii) any activity in or from a vessel being used as a stand-by vessel;
 - (c) a diving operation involving –
 - (i) the survey and preparation of the sea bed for an offshore installation;
 - (ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation.
- (2) Subject to sub-paragraph (3), in this paragraph, “offshore installation” means a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water –
- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
 - (b) for the storage of gas in or under the shore or bed of any water or the recovery of gas so stored;
 - (c) for the conveyance of things by means of a pipe; or
 - (d) mainly for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of this sub-paragraph,
- together with any supplementary unit which is ordinarily connected to it, and all the connections.
- (3) Any reference in sub-paragraph (2) to a structure or unit does not include –
- (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
 - (b) a well;
 - (c) a structure which has ceased to be used for any of the purposes specified in sub-paragraph (2) and has since been used for a purpose not so specified;
 - (d) a mobile structure which has been taken out of use and is not yet being moved with a view to its being used for any of the purposes specified in sub-paragraph (2); and
 - (e) any part of a pipeline.

Wells

- 3.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to –
- (a) a well and any activity in connection with it; and
 - (b) an activity which is immediately preparatory to any activity in head (a).
- (2) Sub-paragraph (1) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

Pipelines

- 4.—(1) This paragraph applies to and in relation to –
- (a) any pipeline;
 - (b) any pipeline works;
 - (c) the following activities in connection with pipeline works –
 - (i) the loading, unloading, fuelling or provisioning of a vessel;
 - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft in a vessel,
 being in either case a vessel which is engaged in pipeline works.

(2) In this paragraph –

“pipeline” means a pipe or system of pipes for the conveyance of any thing, together with –

- (a) any apparatus for inducing or facilitating the flow of any thing through, or through part of, the pipe or system;
- (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;
- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in heads (a) to (c);
- (e) apparatus for the transmission of information for the operation of the pipe or system;
- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system;

but not including a pipeline of which no initial or terminal point is situated in the United Kingdom, within the territorial sea adjacent to the United Kingdom, or within a designated area;

“pipeline works” means –

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the bed of the sea for the purposes of the works mentioned in heads (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in heads (a) to (d);
- (f) a diving operation in connection with any of the works mentioned in heads (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

Mines

5.—(1) This paragraph applies to and in relation to a mine within the territorial sea or extending beyond it, and any activity in connection with it, while it is being worked.

(2) In this paragraph “mine” has the same meaning as in the Mines Act (Northern Ireland) 1969⁽²⁸⁾.

Other activities

6.—(1) Subject to sub-paragraph (2), this paragraph applies to and in relation to –

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any building, energy structure or other structure, not being in any case a vessel, or any preparation for any such activity;
- (b) the transfer of people or goods between a vessel or aircraft and a structure (including a building) mentioned in head (a);

(28) 1969 c. 6 (N.I.)

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- (c) the loading, unloading, fuelling or provisioning of a vessel;
 - (d) a diving operation;
 - (e) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel;
 - (f) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(3)(d) applies;
 - (g) the operation of a cable for transmitting electricity from an energy structure to shore;
 - (h) the transfer of people or goods between a vessel or aircraft and a structure mentioned in head (f).
- (2) This paragraph shall not apply –
- (a) to a case where paragraph 2, 3, 4 or 5 applies; or
 - (b) to vessels which are registered outside the United Kingdom and are on passage through the territorial sea.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations re-enact with amendments the Pressure Systems and Transportable Gas Containers Regulations (Northern Ireland) 1991 (“the 1991 Regulations”) as amended. The 1991 Regulations imposed safety requirements with respect to pressure systems which are used or intended to be used at work. They also imposed safety requirements to prevent certain vessels from becoming pressurised. The Regulations specified a number of exceptions. In addition to minor and drafting amendments, these Regulations make the following changes of substance.

2. These Regulations modify and extend provision for sending, keeping and passing on in electronic form reports of examinations. Paragraphs (1) to (3) of regulation 13 (keeping of records, etc.) of the 1991 Regulations contained requirements for the keeping of specified “documents” or copies thereof and, on a change of user or owner, for passing them to the new user or owner; paragraphs (4) to (7) allowed a person making a written report of an examination under regulation 9(3) of those Regulations to do so in electronic form, and a user to keep the report in such form, rather than as a document. Paragraph (2) of regulation 2 is new. It provides that references to anything in writing or written includes its being in a form in which it is capable of being reproduced as a written copy; regulation 9(3) no longer requires a report to be signed; and regulation 14, in re-enacting regulation 13(1) to (3) of the 1991 Regulations, requires information to be kept and passed on, whether or not it has been supplied as a document.

3. Pressure systems to which the Medical Devices Regulations 1994 apply, other than those which contain or are liable to contain steam, and pressure equipment and assemblies to which certain of the Pressure Equipment Regulations 1999 apply, are excluded from the application of regulations 4 (design and construction) and 5(1) and (4) (provision of information and marking) (regulation 3(2) and paragraph 1 of Part II of Schedule 1).

4. The relief from regulations 5(4), 8 to 10 and 14 afforded by paragraph 2(1) of Part II of Schedule 1 (paragraph 1 of that Part in the 1991 Regulations) applies if the product of the pressure

and internal volume of each of the pressure vessels of a pressure system (rather than, as formerly, of its largest vessel) is less than 250 bar litres; paragraph 2(1) does not (as did paragraph 1 aforesaid) afford relief from regulation 11 (operation); paragraph 2(2) contains transitional provision.

5. In Great Britain, the corresponding Regulations are the Pressure Systems Safety Regulations 2000 ([S.I. 2000/128](#)). The Great Britain Health and Safety Executive has prepared a regulatory impact assessment in relation to those Regulations and a copy of that assessment together with a Northern Ireland Supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast BT6 9FR from where a copy may be obtained on request.

6. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.