
STATUTORY INSTRUMENTS

1989 No. 2169

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

PART V

TRANSPORTABLE GAS CONTAINERS

Design standards, approval and certification

16.—(1) No person shall—

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

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

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

- (a) the container has been verified (either by certificate in writing or by means of stamping the container) as conforming to a design standard or design specification approved by the Executive—
 - (i) by a person or body of persons corporate or unincorporate approved by the Executive for the purposes of this paragraph, or
 - (ii) in accordance with a quality assurance scheme approved by the Executive; or
- (b) the container is an EEC-type cylinder, that is—

- (i) there is an EEC Verification Certificate in force in respect of it issued by an inspection body which, under the law of any Member State, is authorised to grant such a Certificate for the purposes of the framework directive and the separate directive relating to that type of cylinder, or, in the case of a cylinder not subject to EEC verification under any of the separate directives, it conforms to the requirements of the framework directive and the separate directive relating to that type of cylinder, and

- (ii) it bears all the marks and inscriptions required by the framework directive and the separate directive relating to that type of cylinder.

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

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

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

Filling of containers

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

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

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

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

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

Examination of containers

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

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

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

Modifications of containers

19.—(1) Subject to paragraph (2),

- (a) an employer shall ensure that no person employed by him modifies at work the body of a transportable gas container—
 - (i) of seamless construction; or
 - (ii) which has contained acetylene;
- (b) an employer shall ensure that no person employed by him modifies at work the body of any other type of transportable gas container if that modification would put the transportable gas container outside the scope of the design standard or design specification to which it was originally constructed;
- (c) a person shall not supply any modified transportable gas container for use unless following such work a person or body of persons approved by the Executive for the purposes of regulation 16(2)(a)(i) has marked or certified it as being fit for use, or, in the case of an EEC-type cylinder, an inspection body referred to in regulation 16(2)(b)(i) has so marked or certified it.

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

Repair Work

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

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

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

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

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

Re-rating

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

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

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

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

Records

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

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

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

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

(d) which—

(i) is a refillable container,

(ii) is used solely for containing liquefied petroleum gas, and

(iii) has a water capacity up to and including 6.5 litres;

shall keep a copy of the design specification for the container.

(3) The owner of a transportable gas container for acetylene shall keep records of the tare weight of the container, including the porous substance and acetone or other solvent, the nature of the solvent and the maximum pressure allowed in the container.