

STATEMENT OF CASE

**PREPARED ON BEHALF OF NATIONAL GAS TRANSMISSION PLC
CAMBRIDGE SOUTH EAST TRANSPORT AND WORKS ACT ORDER**

1 Introduction

- 1.1 This Statement of Case is submitted on behalf of National Gas Transmission plc (**NGT**) in response to the application by Cambridgeshire County Council (**Applicant**) for the proposed Cambridge South East Transport and Works Act Order (**Order**) to enable the construction of the Cambridge South East Transport Scheme being:

"the construction, operation and maintenance of a guided busway between Cambridge Biomedical Campus at the southern end of Francis Crick Avenue in Cambridge and a new travel hub facility at the A1307/A11/A505 road junction southeast of the village of Babraham".
(**Scheme**).

- 1.2 On 6 March 2025, NGT submitted an objection to the Applicant's application for the Order (**Objection**). As stated in its Objection, NGT does not in principle object to the proposed Order but has concerns with regards to the proximity of the Scheme to certain apparatus and requires sufficient protections to be in place to ensure that its apparatus is not adversely affected by the works proposed under the proposed Order.

2 Interfaces

- 2.1 NGT has assets which form an essential part of the gas transmission network in Great Britain either within, or in close proximity to, land affected by the Draft Order. The Book of Reference (**BoR**) identifies plots 129, 129A, 131, 134, 135, 138, 139, 140, 141 and 142 (**Plots**) as containing rights benefitting NGT for the purposes of its apparatus. The Plots include the transmission pipeline known as FM03 – Gt Wilbraham to Whitwell (**Existing Pipeline**) shown on the plan at Appendix 1 (**Existing Pipeline Plan**).

- 2.2 Following the issue of its Objection, NGT has undertaken further review of the interfaces between Scheme and the Existing Pipeline and NGT has concerns with regards to three critical locations and interactions as shown on the Existing Pipeline Plan:

- (a) **Interface Area A:** Overpassing of Existing Pipeline by Work No. 11 (new access road and roundabout on A1307 Cambridge Road);
- (b) **Interface Area B:** Proximity of Existing Pipeline to Work No. 10 (busway, travel hub and park and ride facilities) and Work No. 11; and
- (c) **Interface Area C:** Overpassing of Existing Pipeline by Work No. 9 (busway).

- 2.3 The works at Interface Area A and Interface Area Care together hereafter known as the **Pipeline Overpassings**. Works No. 9, 10 and 11 are together hereafter referred to as the **Applicant's Works**.

- 2.4 The draft Order contains protective provisions for the benefit of NGT. (Negotiations in relation to the form of the protective provisions are currently ongoing (as further detailed in paragraphs 6 and 7 below)). The protective provisions include, as standard, the necessary provisions regarding the process by which the consent of NGT is required for specified works and the carrying out of protective works. NGT will seek to ensure that the interfaces with the Existing Pipeline are fully covered by the consent process, but having regard to the clear and material impact on the Existing Pipeline NGT wishes to raise it with the Applicant and secure specific provision in relation to it in order to prevent significant delay or a potential impediment to the Scheme once the Order is granted.

3 Interface Area A and Interface Area C

- 3.1 NGT has concerns with regards to the proposed overpassing of the Existing Pipeline in Interface Area A and in Interface Area C both during construction and operation of Work No. 9 and Work No. 11 due to the current specification of the Existing Pipeline.

Position under regulations and guidance

- 3.2 The Pressure Systems Safety Regulations 2000 (**PSSR**) are the health and safety regulation for certain kinds of pressure systems (which include the Existing Pipeline) and were made under the general Health and Safety at Work etc. Act 1974. The aim of PSSR is to prevent serious injury from the hazard of stored energy (pressure) as a result of the failure of a pressure system or one of its component parts. Owners of relevant infrastructure have duties under the PSSR and the accompanying Approved Code of Practice and Guidance¹ to ensure that, amongst other things, the apparatus is safe for operation.
- 3.3 In order to comply with the PSSR, NGT applies the principal industry standard *IGEM/TD/1 (Steel pipelines for high pressure gas transmission)* (**IGEM/TD/1**) and *IGEM/TD/2 (Assessing the risks from high pressure natural gas pipelines)* (**IGEM/TD/2**). These standards deal with the design, construction, operation and maintenance of onshore steel pipelines used for the large-scale transmission of natural gas (IGEM/TD/1) and provide a framework for assessment of acute safety risks associated with major accident hazard pipelines (IGEM/TD/2). The principal issues arising from the Proposed Development as covered under these standards relate to increased population density and building proximity distance.
- 3.4 Clause 6.10.4 (Changes to traffic routes (roads and railways)) of the IGEM/TD/1 states:
- “Additional traffic routes or modifications to existing routes on a pipeline represent a significant increased risk of third-party damage throughout the construction and over the remaining life of the pipeline. The additional traffic also increases the population exposure to risk from the pipeline. The pipeline design and integrity shall be reviewed in order to manage the additional risks over the life of the pipeline.”*
- 3.5 Clauses 6.10.2 and 6.10.3 set out the acceptable standards where pipelines either cross or encroach within minimum proximity distances to certain types of traffic routes. These routes are classified as:
- (a) **Clause 6.10.2:** High density traffic routes (roads and railways) (**HDTRs**), being:
- (i) all motorways; and
- (ii) all roads that carry a volume of traffic totally, in both directions, 2,000 vehicles per hour and above, for periods of at least 10 hours per week. The 10 hours may be spread evenly over the week or may be concentrated into set periods. On dual carriageway roads which carry less than this number, consideration needs to be given to future growth.
- (b) Other traffic routes (being not high density traffic routes) (**OTRs**)

¹ <https://www.hse.gov.uk/pubns/priced/l122.pdf>

- 3.6 In the case of HDTRs, pipelines which cross or encroach with the minimum proximity distance shall:
- (a) Have a nominal wall thickness of not less than 11.9mm; and
 - (b) Have a design factor not exceeding 0.3, or 0.5 for pipelines of nominal wall thickness not less than 19.1mm.

3.7 **Clause 6.10.3:** In the case of OTRs, pipelines shall:

- (a) Either:
 - (i) Have a nominal wall thickness of not less than 9.5mm; or
 - (ii) Be provided with impact protection in accordance with sub-section 6.9 IGEM/TD/1; and
- (b) Have a design factor not exceeding 0.3, or 0.5 for pipelines of nominal wall thickness not less than 19.1mm.

3.8 Clause 6.10.4 continues:

“Where the addition of a new traffic route or construction works to upgrade an existing traffic route impacts upon the design of a pipeline, the developments should include provisions to modify the existing pipeline. The pipeline shall be modified to meet the requirements of clauses 6.10.2 to 6.10.3.

If it not reasonable or practicable to modify the pipeline to meet the requirements of clauses 6.10.2 to 6.10.3, appropriately designed and specified protection agreed by the pipeline operator may be installed.”

Application at Interface Area A and Interface Area C

- 3.9 The Existing Pipeline has a wall thickness of 15.9mm and a design factor of above 0.5 (approximately 0.51). The building proximity distance (within which restricts development within the relevant area) (**BPD**) is 78 metres. The Existing Pipeline also has additional protective sleeving for the section running under the A1307 Cambridge Road.
- 3.10 Irrespective of whether the routes are classified as HDTRs or OTRs, the Existing Pipeline is not of a sufficient specification to comply with the standards set out in clauses 6.10.2 and 6.10.3 IGEM/TD/1 so as to accommodate the Pipeline Overpassings.
- 3.11 Paragraph 3.6(b) and paragraph 3.7(b) above, set out the design factor limits in relation to HDTRs and OTRs. There are two limbs to the requirements: (1) that pipelines have a design factor not exceeding 0.3 and (2) for pipeless with nominal wall thicknesses of less than 19.1mm, the design factor must be 0.5.
- 3.12 The Existing Pipeline has a design factor of 0.51 and nominal wall thickness of 15.9mm. It is therefore below the specification for both limbs of the requirement to safely accommodate either HDTRs or OTRs without additional works to upgrade it.

4 Interface Area B

- 4.1 NGT's concerns with Interface Area B of the Scheme relate to the suitability of locating a development that would increase the population density in proximity to the Existing Pipeline to a level that is contrary to relevant regulations and guidance.

Position under regulations and guidance

- 4.2 Under clause 6.7 of the IGEM/TD/1, locations adjacent to pipelines are categorised according to population density and/or the nature of the immediate surrounding area. The following designated areas are used:
- (a) Type R: Rural areas with a population density not exceeding 2.5 persons per hectare.
 - (b) Type S: Areas which have been developed with residential properties, shops, schools, etc. where the population density is greater than 2.5 persons per hectare and less than 30 persons per hectare.
 - (c) Type H: Areas where there is a high population density which is greater than 30 persons per hectare and is not a Type T Area. These areas are associated with creeping development near Type S Area locations for example where a shopping centre, or an entertainment centre, or a sporting stadium, or a hospital, or a multi-storey building has been constructed near a pipeline, or an industrial or commercial building has been repurposed for residential use.
 - (d) Type T: Central areas of town or cities, with a high population density resulting from for example a combination of multi-storey buildings, hospitals, major transport hubs, public meeting places, etc.
- 4.3 Reclassification of location types is carried out formally by NGT and is an ongoing process but where a development introduces an increase to population density such that the Type changes, a QRA is required to assess the risks to life and property and determine if any mitigation measures are required as a result, which may include diversion of a pipeline.
- 4.4 Clause 6.7.1.3 also provides that new pipeline routes should 'avoid Type H Areas' and where new development is planned in proximity to an existing pipeline with the population density increasing such that the Interface Area Becomes a Type H area, then the area should be subject to QRA.

Application to Interface Area B

- 4.5 NGT notes that the park and ride facility will comprise (according to the Design and Access Statement [CSET-16, p.52]):
- Total number of parking spaces: 1250 bays
 - Coach parking: 10 coach bays
 - Blue badge holder parking: 63 bays
 - Drop of parking: 29 bays
 - Motorcycle parking

- 70 Secure cycle lockers
- 50 cycle stands
- 80 two tier cycle racks
- A small building in the central area will provide a covered waiting area for passengers, toilets, and maintenance facilities

(together the **Park and Ride Facility**).

- 4.6 The location of the Existing Pipeline is currently classed as Type R as there are less than 2.5 persons per hectare. NGT is concerned that the introduction of the Park and Ride Facility will result in the Interface Area Becoming either a Type H or Type T designated area due to the increase in population density. Type H anticipates there being population density greater than 30 persons per hectare. Type T specifies types of development that would be anticipated within central areas of towns or cities such as major transport hubs.
- 4.7 As set out in paragraph 4.4, development leading to an increase in population density to Type H would require a qualitative risk assessment (**QRA**) to ascertain risk levels and any mitigation measures required. Undertaking a QRA would evidence the need for any mitigation measures to be put in place which could ultimately result in the diversion of the Existing Pipeline or the Scheme being unviable from a health and safety perspective.
- 4.8 The implications for the Proposed Development being designated as a Type S designated Interface Area And no QRA being carried out are that no mitigation measures would be identified or installed leading to an increased risk of a rupture event resulting in injury, loss of life, property damage and environmental damage.

5 Required protections

- 5.1 With regards to Interface Area A and Interface Area C, NGT considers that the existing pipeline would need to be uprated so as to be sufficiently protected from the proposed vehicle movements over Interface Area A and Interface Area C as part of the Pipeline Overpassings so as to comply with health and safety standards. This would be achieved through the replacement of a section of the Existing Pipeline with a higher, more resilient standard of pipeline known as 'heavy wall pipeline' which would be sufficient to withstand the proposed works. The upgraded pipeline would be brought into the network and then the existing pipeline would be decommissioned.
- 5.2 As referred to above, NGT also has concerns with regards to the proximity of the Existing Pipeline to Works No. 10 (Interface Area B). The usual position where a change in location Type is proposed, a QRA is required to be undertaken at additional cost and delay the developer with the potential result being that a pipeline may need to be diverted.
- 5.3 Given that it is clear that works are already required to the Existing Pipeline as a result of Pipeline Overpassings, NGT considers that the most effective means of dealing with both the Pipeline Overpassings and the population density increase at Interface Area B would be to undertake the upgrading of the Existing Pipeline along the section of the Existing Pipeline from Interface Area A to Interface Area C (**NGT Protective Works**), incorporating that part of the Existing Pipeline alongside the proposed Park and Ride Facility. This would avoid the need to divert the Existing Pipeline further away from the Park and Ride Facility or prevent the coming forward of the Park and Ride Facility due to the risk to life arising from the population density increase.

- 5.4 To determine where the upgraded pipeline would need to be located e.g. immediately parallel to the Existing Pipeline or in an alternative location, a conceptual design study (**CDS**) would need to be undertaken. This generally takes 3-6 months and would be followed by the detailed design stage which would provide a comprehensive solution for the proposed works.
- 5.5 The current Order does not anticipate these works taking place and NGT would therefore be required to use its own powers to gain land entry and easement rights, temporary and permanent which would cause delays to the Scheme's programme. To reduce the impact on the progress of the Scheme, NGT consider that the simplest and most efficient method of achieving the NGT Protective Works, both in terms of cost and time, would be for the Order to be updated to provide for them. This may involve expanding the Order limits to provide for temporary possession for the construction of the upgraded pipeline and permanent subsurface for its route. The CDS will provide a definitive answer on the location of the upgraded pipeline. It is therefore critical that this workstream is commenced as soon as possible.
- 5.6 From NGT's review of the title position, it is understood that the area in which the Existing Pipeline is located and the Park and Ride Facility is to be located is owned by a single landowner (Cheveley Park Farms Limited). It is therefore anticipated that the proposed solution might be possible without introducing new affected parties and with minimal further engagement with landowners.
- 5.7 Subject to the provision of this further information, NGT considers that conditions may be required in the draft Order to ensure that the relevant parts of Works No. 9, 10 and 11 are not undertaken until the NGT Protective Works are completed to NGT's reasonable satisfaction. This would avoid the need for these works to be redone as a result of NGT needing to undertake the NGT Protective Works.

6 Protective protections

- 6.1 As a result of the above, it is critical that any works or structures proposed by the Scheme are designed, constructed and operated in such a way that they do not negatively impact on the safe and efficient operation of the Existing Pipeline. NGT therefore requires a number of protections to be put in place, both in terms of the NGT Protective Works and processes for ongoing management of the interfaces (being the Protective Provisions as referred to below).
- 6.2 The construction and subsequent operation of the Scheme must be managed in such a way as to ensure the integrity of the Existing Pipeline and so as not to interfere with its operation. Without the necessary protections in place, there is significant risk of failure of the Existing Pipeline and a consequential risk to life from the Scheme.
- 6.3 In order to ensure the safe and efficient operation of its network, NGT requires certain amendments to be made to the draft Order, in the form of the addition of the NGT Protective Provisions (as set out in Appendix 2 to this Statement of Case). The form of Protective Provisions that NGT requires are appended to this Statement of Case and are the standard form of protective provisions secured in relation to development consent orders (adapted for use in Transport and Works Act orders). These have been secured in the recently granted Byers Gill Solar Farm DCO (granted 23 July 2025), East Yorkshire Solar Farm DCO (granted 9 May 2025) and Viking CCS Pipeline DCO (granted 9 April 2025).
- 6.4 The form of Protective Provisions included at Appendix 2 supersedes the version circulated with the Objection and a comparison showing the differences between this new version and the form of protective provisions currently in the draft Order is included at Appendix 3. These amendments are required irrespective of any amendments to the Order as referred to above.

- 6.5 In order to ensure that all necessary information is provided to NGT ahead of the commencement of any development forming a part of the Scheme, the draft Protective Provisions include a mechanism whereby the Applicant must, prior to the commencement of certain works, provide NGT with plans and other details for approval before the development in question may commence. Similarly, the draft Protective Provisions would allow NGT to require the provision of protective works, should these be necessary to ensure the safety of the Existing Pipeline and the wider gas transmission network.
- 6.6 NGT requires specific protective provisions to be put in place to provide for an appropriate level of control and protection for all retained assets (including the Existing Pipeline) and assurance that industry standards will be complied with in connection with works to and in the vicinity of the same.
- 6.7 In circumstances where the diversion of the Existing Pipeline is necessary, the draft Protective Provisions provide the process by which such diversions could take place, following approval of such works by NGT to ensure that it is no worse position than it was prior to the diversion taking place.
- 6.8 The Scheme proposes powers of compulsory acquisition or temporary possession in relation to NGT's land and interests, as described in the Book of Reference.
- 6.9 In order to ensure the coordination of the construction of the Scheme with the operation of the Existing Pipeline and the wider gas transmission network, the draft Protective Provisions prevent the Applicant from exercising certain powers under the Order without the prior consent of NGT. This allows for the proper management of any compulsory acquisition or temporary possession of land, as well as the exercise of powers such as the survey of land.
- 6.10 NGT asserts that maintaining appropriate property rights for access, operation and maintenance of its assets and protecting these from compulsory acquisition and related powers in the Draft Order is a fundamental safety issue.
- 6.11 Insufficient property rights would have the following safety implications:
- (a) inability for qualified personnel to access apparatus for its maintenance, repair and inspection;
 - (b) risk of strike to buried assets if development occurs within the easement zone which seeks to protect such buried assets; and
 - (c) risk of inappropriate development within the vicinity of the assets, thereby increasing the risk of damage to the asset and to the integrity of the gas transmission network.
- 6.12 In order to facilitate the protections described above and set out at Appendix 2, the NGT Protective Provisions also include mechanisms to provide for the payment of costs and provision of indemnities by the Applicant and the cooperation of the parties in working together to facilitate the Scheme while protecting the Existing Pipeline and the wider gas transmission network.

7 Current status of engagement with the Applicant

- 7.1 NGT notes that the Applicant's Consultation Report **[CSET-05]** refers in section 7.3 (and Figure 7-1) to the presence of the Existing Pipeline and impacts on it were considered by the Applicant. However, of the locations available to the Applicant for the Park and Ride Facility and for the busway route to and from the park and ride site, the locations that were chosen ('Option B' and the 'Brown route') were those that interacted most directly with the Existing Pipeline. The

Applicant's Consultation Report does not make clear why this location was selected given the potential interfaces with the Existing Pipeline and the Applicant's Environmental Statement does not consider the potential for major accidents or disasters arising from the failure of the Existing Pipeline.

- 7.2 The Applicant's Environmental Statement considers the need for diversion of six gas pipelines and protection of one gas pipeline, but it is unclear whether this relates to the Existing Pipeline or other infrastructure or the justification for such diversions and protections if this does not include the Existing Pipeline.
- 7.3 NGT seeks to engage with the Applicant to find a solution to the issues above, including exploring whether the scope of the Order could be increased to provide for the diversion and reinforcing of the Existing Pipeline. NGT has recently raised these issues with the Applicant and looks forward to further engagement on this and the continued negotiation of the Protective Provisions.

8 Conclusions

- 8.1 For the reasons set out at above, it is appropriate and necessary that certain protections to be afforded to NGT. This is particularly so given the status afforded to NGT as a statutory undertaker holding land and interests for the purpose of that undertaking, as provided for by section 16 of the Acquisition of Land Act 1981.
- 8.2 A CDS needs to be undertaken to ascertain the means of achieving the NGT Protective Works and NGT believes that the most appropriate mechanism for securing works that need to be undertaken is an amendment to the draft Order to provide for them. NGT welcomes further engagement with the Applicant to consider the appropriate means of securing this.
- 8.3 The NGT Protective Provisions described above, and as set out in full at Appendix 2 to this Statement of Case, are derived from precedented provisions secured for the benefit of NGT in the context of both development consent orders. NGT's position is that the drafting appended to this Statement of Case must be incorporated into the draft Order so as to ensure the integrity of the gas transmission network.
- 8.4 NGT reserves its right to attend and speak at an Inquiry in due course and requests that it be kept up to date of all future correspondence in relation to participation in such an Inquiry. Notwithstanding this, NGT remains committed to progressing discussions so as to secure the necessary protections without the need to put these matters before the Inquiry.

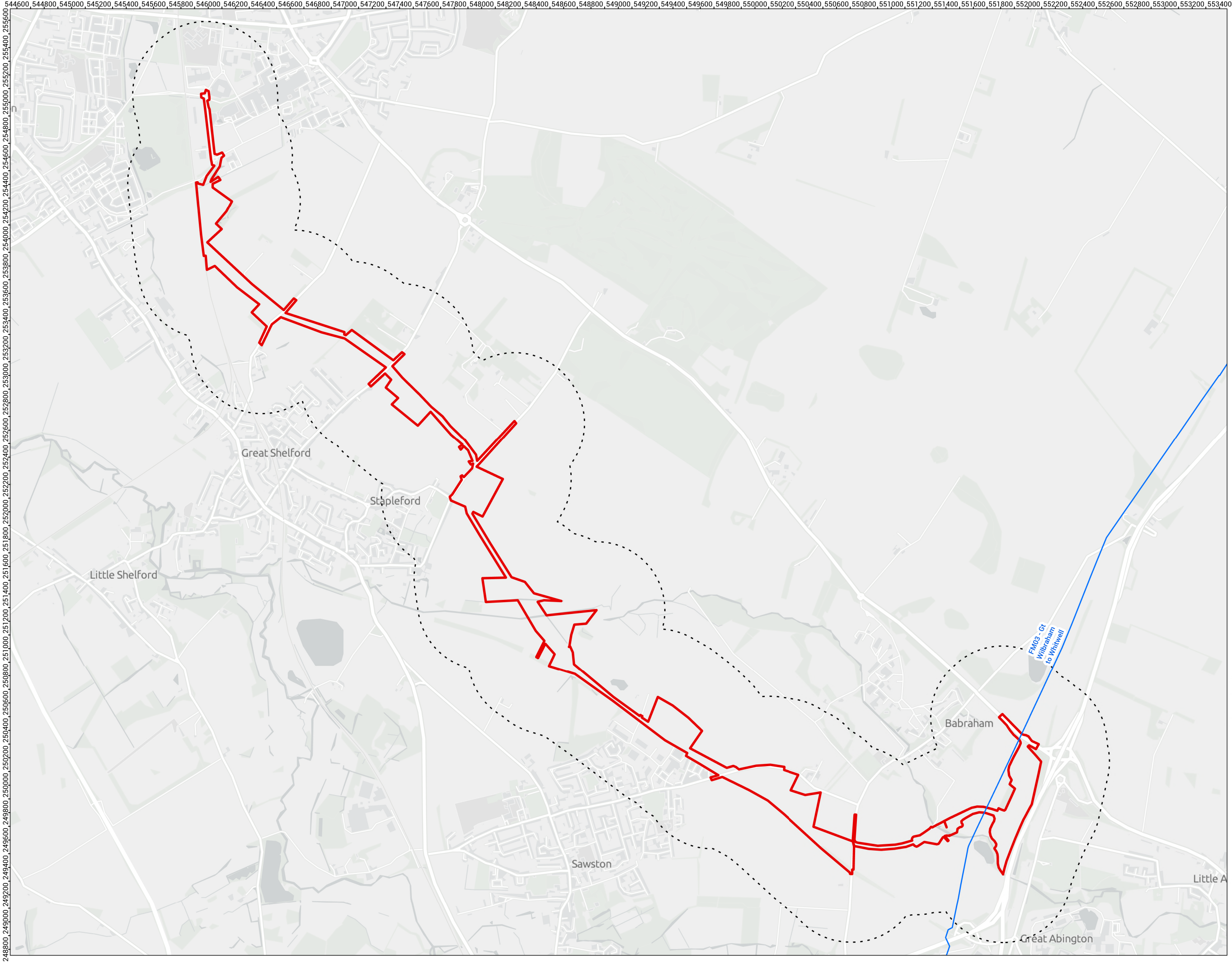
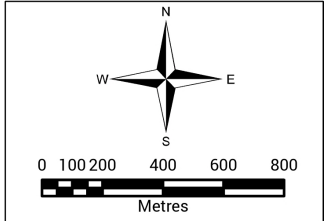
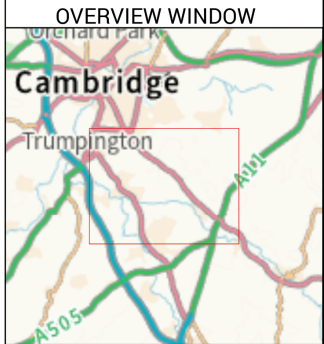
Addleshaw Goddard LLP

For and on behalf of National Gas Transmission plc

19 September 2025

APPENDIX 1

NGT Assets Plan



- LEGEND:
- NGT Pipeline
 - Order Limits
 - Order Limits 500m Buffer

REVISION: A
CLIENT: national gas
SCHEME: Cambridge South East Transport Phase 2
TITLE: Interaction Plan
FP: 105189-001
SCALE: 1:25,000 @ A3
DATE: 30/10/2024
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DRAWING REF:
NGT-2024-10-EP-INT-Cambridge South
East Transport Phase 2

APPENDIX 2

NGT Protective Provisions

NATIONAL GAS TRANSMISSION PLC

SCHEDULE 11 PROTECTIVE PROVISIONS

PART 9

FOR THE PROTECTION OF NATIONAL GAS TRANSMISSION PLC AS GAS UNDERTAKER

Application

1.(1) For the protection of National Gas as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Gas.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Gas, where the benefit of this Order is transferred or granted to another person under article 49 (*Powers of disposal, agreements for operation, etc.*) –

(a) any agreement of the type mentioned in subparagraph (1) has effect as if it had been made between National Gas and the transferee or grantee (as the case may be); and

(b) written notice of the transfer or grant must be given to National Gas on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Gas (but without prejudice to paragraph 11(3)b).

Interpretation

2. In this Part of this Schedule—

“1991 Act” means the New Roads and Street Works Act 1991;

“acceptable credit provider” means a bank or financial institution with a credit rating that is not lower than: (i) “A-” if the rating is assigned by Standard & Poor’s Ratings Group or Fitch Ratings; and “A3” if the rating is assigned by Moody’s Investors Services Inc.;

“acceptable insurance” means general third party liability insurance effected and maintained by the undertaker with a combined property damage and bodily injury limit of indemnity of not less than £50,000,000.00 (fifty million pounds) per occurrence or series of occurrences arising out of one event. Such insurance shall be maintained (a) during the construction period of the authorised works; and (b) after the construction period of the authorised works in respect of any use and maintenance of the authorised development by or on behalf of the undertaker which constitute specified works and arranged with an insurer whose security/credit rating meets the same requirements as an “acceptable credit provider”, such insurance shall include (without limitation):

(a) a waiver of subrogation and an indemnity to principal clause in favour of National Gas

(b) pollution liability for third party property damage and third party bodily damage arising from any pollution/contamination event with a (sub)limit of indemnity of not less than £10,000,000.00 (ten million pounds) per occurrence or series of occurrences arising out of one event or £20,000,000.00 (twenty million pounds) in aggregate;

“acceptable security” means either:

(a) a parent company guarantee from a parent company in favour of National Gas to cover the undertaker's liability to National Gas to a total liability cap of £50,000,000.00 (fifty million pounds) (in a form reasonably satisfactory to National Gas and where required by National Gas, accompanied with a legal opinion confirming the due capacity and authorisation of the parent company to enter into and be bound by the terms of such guarantee); or

(b) a bank bond or letter of credit from an acceptable credit provider in favour of National Gas to cover the undertaker's liability to National Gas for an amount of not less than £10,000,000.00 (ten million pounds) per asset per event up to a total liability cap of £50,000,000.00 (fifty million pounds) (in a form reasonably satisfactory to National Gas);

“alternative apparatus” means appropriate alternative apparatus to the satisfaction of National Gas to enable National Gas to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any mains, pipes or other apparatus belonging to or maintained by National Gas for the purposes of gas supply, together with any alternative apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of National Gas for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“authorised works” has the same meaning as is given to the term article 2 (Interpretation) of this Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

“commence” and “commencement” in relation to any part of the authorised works referred to in the provisions of this Schedule means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) in respect of that part of the authorised works save that for the purposes of this Part of this Schedule shall also include any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment;

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by National Gas (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, shall require the undertaker to submit for National Gas's approval a ground mitigation scheme;

“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Gas, including to construct, use, repair, alter, inspect, renew or remove the apparatus;

“National Gas” means National Gas Transmission plc (Company Number 02006000) whose registered office is at National Grid House, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986;

“Network Code” means the network code prepared by National Gas pursuant to Standard Special Condition A11(3) of its Gas Transporter’s Licence, which incorporates the Uniform Network Code, as defined in Standard Special Condition A11(6) of National Gas’s Gas Transporters Licence, as both documents are amended from time to time;

“Network Code Claims” means any claim made against National Gas by any person or loss suffered by National Gas under the Network Code arising out of or in connection with any failure by National Gas to make gas available for off take at, or a failure to accept gas tendered for delivery from, any entry point to or exit point from the gas national transmission system as a result of the authorised works or any costs and/or expenses incurred by National Gas as a result of or in connection with it taking action (including purchase or buy back of capacity) for the purpose of managing constraint or potential constraint on the gas national transmission system which may arise as a result of the authorised works;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

“parent company” means a parent company of the undertaker acceptable to and which shall have been approved by National Gas acting reasonably;

“specified works” means any of the authorised works or activities undertaken in association with the authorised works which:

(a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 7(2) or otherwise; and/or

(b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 7(2) or otherwise; and/or

(c) includes any of the activities that are referred to in paragraph 8 of T/SP/SSW/22 (National Gas's policies for safe working in proximity to gas apparatus “Specification for safe working in the vicinity of National Gas, High pressure Gas pipelines and associated installation requirements for third parties”.

“undertaker” means the undertaker as defined in article 2(1) of this Order;

On Street Apparatus

3. Except for paragraphs 4 (*apparatus in stopped up streets*), 9 (*retained apparatus: protection*), 10 (*expenses*) and 11 (*indemnity*) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Gas, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Gas are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of National Gas in stopped up streets

4.—(1) Where any street is stopped up under article 11 (*Construction of new and stopping up of existing streets, means of access, etc.*), if National Gas has any apparatus in the street or accessed via that street National Gas has the same rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to National Gas, or procure the granting to National Gas of, legal easements reasonably satisfactory to National Gas in respect of such apparatus and access to it prior to the stopping up of any such street or highway but nothing in this paragraph affects any right of the undertaker or National Gas to require the removal of that apparatus under paragraph 7 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 9.

(1) Notwithstanding the temporary stopping up or diversion of any highway under the powers of article (*Temporary stopping up of streets*), National Gas is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Acquisition of land

5. (1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not (a) appropriate or acquire or take temporary possession of any land or apparatus or (b) appropriate, acquire, extinguish, interfere with or override any easement, other interest or right and/or apparatus of National Gas otherwise than by agreement.

(2) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Gas and the undertaker) that is subject to the requirements of this Part of this Schedule that will cause any conflict with or breach the terms of any easement or other legal or land interest of National Gas or affect the provisions of any enactment or agreement regulating the relations between National Gas and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Gas reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Gas and the undertaker acting reasonably and which must be no less favourable on the whole to National Gas unless otherwise agreed by National Gas, and it will be the responsibility of the undertaker to procure and/or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) Save where otherwise agreed in writing between National Gas and the undertaker the undertaker and National Gas agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation and/or removal of apparatus/including but not limited to the payment of costs and expenses relating to such relocation and/or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Gas and/or other enactments relied upon by National Gas as of right or other use in relation to the apparatus, then the provisions in this Schedule shall prevail.

(4) Any agreement or consent granted by National Gas under paragraph 8 or any other paragraph of this Part of this Schedule, shall not be taken to constitute agreement under sub-paragraph (1).

Removal of apparatus

6.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Gas to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of National Gas in accordance with sub-paragraph (2) to (5).

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Gas advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Gas reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), secure any necessary consents for the alternative apparatus and afford to National Gas to its satisfaction (taking into account paragraph 7(1)) the necessary facilities and rights

- (a) for the construction of alternative apparatus in other land of or land secured by the undertaker; and
- (b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, National Gas may in its sole discretion, on receipt of a written

notice to that effect from the undertaker, take such steps as are reasonable in the circumstances to assist the undertaker to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation shall not extend to the requirement for National Gas to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between National Gas and the undertaker.

(5) National Gas must, after the alternative apparatus to be provided or constructed has been agreed, and subject to any written diversion agreement having been entered into between the parties and the grant to National Gas of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

7.—(1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Gas facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National Gas and must be no less favourable on the whole to National Gas than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Gas.

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Gas than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the matter may be referred to arbitration in accordance with paragraph 14 (*Arbitration*) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Gas as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of gas undertaker

8.—(1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Gas a plan and, if reasonably required by National Gas, a ground monitoring scheme in respect of those works.

(2) In relation to specified works the plan to be submitted to National Gas under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant etc;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and
- (f) any intended maintenance regimes.

(3) The undertaker must not commence any works to which sub-paragraphs (1) and (2) apply until National Gas has given written approval of the plan so submitted.

(4) Any approval of National Gas required under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (5) or (6); and,
- (b) must not be unreasonably withheld.

(5) In relation to any work to which sub-paragraphs (1) and/or (2) apply, National Gas may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage for the provision of protective works (which may include the removal of apparatus and the provision of alternative apparatus) or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(6) Works executed under sub-paragraphs (1) or (2) must be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub paragraph (5), as approved or as amended from time to time by agreement between the undertaker and National Gas and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (5) or (7) by National Gas for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Gas will be entitled to watch and inspect the execution of those works.

(7) Where under sub-paragraph (6) National Gas requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to National Gas' satisfaction prior to the commencement of any specified works for which protective works are required and National Gas must give notice of its requirement for such works within 42 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).

(8) If National Gas in accordance with sub-paragraphs (5) or (7) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3, 5 to 7, 9 and 10 apply as if the removal of the apparatus had been required by the undertaker under paragraph 6(2).

(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan.

(10) The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to National Gas notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraphs (6), (7) and (8) insofar as is reasonably practicable in the circumstances and comply with sub paragraph (11) at all times;

(11) At all times when carrying out any works authorised under the Order National Gas must comply with National Gas's policies for safe working in proximity to gas apparatus "Specification for safe working in the vicinity of National Gas, High pressure Gas pipelines and associated installation requirements for third parties T/SP/SSW22" and HSE's "HS(~G)47 Avoiding Danger from underground services".

(12) As soon as reasonably practicable after any ground subsidence event attributable to the authorised works the undertaker shall implement an appropriate ground mitigation scheme save that National Gas retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 9.

Expenses

9. (1) Subject to the following provisions of this paragraph, save where otherwise agreed in writing between National Gas and the undertaker and subject to the following provisions of this paragraph, the undertaker must pay to National Gas within 30 days of receipt of an itemised invoice or claim from National Gas all charges, costs and expenses reasonably anticipated within the following three months or reasonably and properly incurred by National Gas in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by National Gas in connection with the acquisition of rights or the exercise of statutory powers for such

apparatus including without limitation all costs incurred by National Gas as a consequence of National Gas:

- (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 6(3); or
- (ii) exercising any compulsory purchase powers in the Order transferred to or benefitting National Gas;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the identification of and the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the carrying out of any studies in relation to the effects of the specified works, the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 14 (*arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to National Gas by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Gas in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on National Gas any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

10.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of National Gas, or there is any interruption in any service provided, or in the supply of any goods or energy, by National Gas, or National Gas becomes liable to pay any amount to any third party, the undertaker will—

- (a) bear and pay on demand accompanied by an invoice or claim from National Gas the cost reasonably and properly incurred by National Gas in making good such damage or restoring the supply; and
- (b) indemnify National Gas for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Gas, by reason or in consequence of any such damage or interruption or National Gas becoming liable to any third party and including Network Code Claims other than arising from any default of National Gas.

(2) The fact that any act or thing may have been done by National Gas on behalf of the undertaker or in accordance with a plan approved by National Gas or in accordance with any requirement of National Gas or under its supervision will not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Gas fails to carry out and execute the works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of—

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of National Gas, its officers, servants, contractors or agents;
- (b) any part of the authorised works and/or any other works authorised by this Part of this Schedule carried out by National Gas as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to article 49 (Powers of disposal, agreements for operation, etc.) subject to the proviso that once such works become apparatus (“new apparatus”), any authorised works yet to be executed and not falling within this sub-section 3(b) will be subject to the full terms of this Part of this Schedule including this paragraph 10; and/or
- (c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable;

(4) National Gas must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

(5) National Gas must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

(6) National Gas must use its reasonable endeavours to mitigate and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies where it is within National Gas’s reasonable ability and control to do so and which expressly excludes any obligation to mitigate liability arising from third parties which is outside of National Gas’s control and if reasonably requested to do so by the undertaker National Gas must provide an explanation of how the claim has been minimised, where relevant.

(7) Not to commence construction (and not to permit the commencement of such construction) of the authorised works on any land owned by National Gas or in respect of which National Gas has an easement or wayleave for its apparatus or any other interest or to carry out any works within 15 metres of National Gas's apparatus until the following conditions are satisfied:

- (a) unless and until National Gas is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has first provided the acceptable security (and provided evidence that it shall maintain such acceptable security for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Gas has confirmed the same to the undertaker in writing; and
- (b) unless and until National Gas is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has procured acceptable insurance (and provided evidence to National Gas that it shall maintain such acceptable insurance for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Gas has confirmed the same in writing to the undertaker.

(8) In the event that the undertaker fails to comply with Paragraph 11(7) of this Part of this Schedule, nothing in this Part of this Schedule shall prevent National Gas from seeking injunctive relief (or any other equitable remedy) in any court of competent jurisdiction.

Enactments and agreements

11. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between National Gas and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Gas in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

12.(1) Where in consequence of the proposed construction of any part of the authorised works, the undertaker or National Gas requires the removal of apparatus under paragraph 6(2) or National Gas makes requirements for the protection or alteration of apparatus under paragraph 8, the undertaker shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of National Gas's undertaking and National Gas shall use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever National Gas's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker or the taking of action by the undertaker, it must not be unreasonably withheld or delayed.

Access

13. If in consequence of the agreement reached in accordance with paragraph 5(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable National Gas to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

14.- Save for differences or disputes arising under paragraph 6(2), 6(4) 7(1) and 8, any difference or dispute arising between the undertaker and National Gas under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and National Gas, be determined by arbitration in accordance with article 59 (*arbitration*).

Notices

15. Notwithstanding article 57 (service of notices), any plans submitted to National Gas by the undertaker pursuant to paragraph 8 must be submitted using the LSBUD system (<https://lsbud.co.uk/>) or to such other address as National Gas may from time to time appoint instead for that purpose and notify to the undertaker in writing.

APPENDIX 3

Comparison of NGT Protective Provisions

NATIONAL GAS TRANSMISSION PLC

SCHEDULE 11 PROTECTIVE PROVISIONS

PART 9

FOR THE PROTECTION OF NATIONAL GAS TRANSMISSION PLC AS GAS UNDERTAKER

Application

1. (1) For the protection of National Gas as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and National Gas.

(2) Subject to sub-paragraph (3) or to the extent otherwise agreed in writing between the undertaker and National Gas, where the benefit of this Order is transferred or granted to another person under article 49 (*Powers of disposal, agreements for operation, etc.*) –

(a) any agreement of the type mentioned in subparagraph (1) has effect as if it had been made between National Gas and the transferee or grantee (as the case may be); and

(b) written notice of the transfer or grant must be given to National Gas on or before the date of that transfer or grant.

(3) Sub-paragraph (2) does not apply where the benefit of the Order is transferred or granted to National Gas (but without prejudice to paragraph 11(3)b).

Interpretation

2. In this Part of this Schedule—

“1991 Act” means the New Roads and Street Works Act 1991;

“acceptable credit provider” means a bank or financial institution with a credit rating that is not lower than: (i) “A-” if the rating is assigned by Standard & Poor’s Ratings Group or Fitch Ratings; and “A3” if the rating is assigned by Moody’s Investors Services Inc.;

“acceptable insurance” means general third party liability insurance effected and maintained by the undertaker with a combined property damage and bodily injury limit of indemnity of not less than £50,000,000.00 (fifty million pounds) per occurrence or series of occurrences arising out of one event. Such insurance shall be maintained (a) during the construction period of the authorised works; and (b) after the construction period of the authorised works in respect of any use and maintenance of the authorised development by or on behalf of the undertaker which constitute specified works and arranged with an insurer whose security/credit rating meets the same requirements as an “acceptable credit provider”, such insurance shall include (without limitation):

(a) a waiver of subrogation and an indemnity to principal clause in favour of National Gas

(b) pollution liability for third party property damage and third party bodily damage arising from any pollution/contamination event with a (sub)limit of indemnity of not less than £10,000,000.00 (ten million pounds) per occurrence or series of occurrences arising out of one event or £20,000,000.00 (twenty million pounds) in aggregate;

“acceptable security” means either:

(a) a parent company guarantee from a parent company in favour of National Gas to cover the undertaker’s liability to National Gas to a total liability cap of £50,000,000.00 (fifty million pounds) (in a form reasonably satisfactory to National Gas and where required by National Gas,

accompanied with a legal opinion confirming the due capacity and authorisation of the parent company to enter into and be bound by the terms of such guarantee); or

(b) a bank bond or letter of credit from an acceptable credit provider in favour of National Gas to cover the undertaker's liability to National Gas for an amount of not less than £10,000,000.00 (ten million pounds) per asset per event up to a total liability cap of £50,000,000.00 (fifty million pounds) (in a form reasonably satisfactory to National Gas);

“alternative apparatus” means appropriate alternative apparatus to the satisfaction of National Gas to enable National Gas to fulfil its statutory functions in a manner no less efficient than previously;

“apparatus” means any mains, pipes or other apparatus belonging to or maintained by National Gas for the purposes of gas supply, together with any alternative apparatus and such other apparatus constructed pursuant to the Order that becomes operational apparatus of National Gas for the purposes of transmission, distribution and/or supply and includes any structure in which apparatus is or will be lodged or which gives or will give access to apparatus;

“authorised works” has the same meaning as is given to the term article 2 (Interpretation) of this Order and for the purposes of this Part of this Schedule includes the use and maintenance of the authorised works and construction of any works authorised by this Schedule;

“commence” and “commencement” in relation to any part of the authorised works referred to in the provisions of this Schedule means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) in respect of that part of the authorised works save that for the purposes of this Part of this Schedule shall also include any below ground surveys, monitoring, ground work operations or the receipt and erection of construction plant and equipment;

“deed of consent” means a deed of consent, crossing agreement, deed of variation or new deed of grant agreed between the parties acting reasonably in order to vary or replace existing easements, agreements, enactments and other such interests so as to secure land rights and interests as are necessary to carry out, maintain, operate and use the apparatus in a manner consistent with the terms of this Part of this Schedule;

“functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by National Gas (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;

“ground monitoring scheme” means a scheme for monitoring ground subsidence which sets out the apparatus which is to be subject to such monitoring, the extent of land to be monitored, the manner in which ground levels are to be monitored, the timescales of any monitoring activities and the extent of ground subsidence which, if exceeded, shall require the undertaker to submit for National Gas's approval a ground mitigation scheme;

“ground subsidence event” means any ground subsidence identified by the monitoring activities set out in the ground monitoring scheme that has exceeded the level described in the ground monitoring scheme as requiring a ground mitigation scheme;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon such land;

“maintain” and “maintenance” shall include the ability and right to do any of the following in relation to any apparatus or alternative apparatus of National Gas, including to construct, use, repair, alter, inspect, renew or remove the apparatus;

“National Gas” means National Gas Transmission plc (Company Number 02006000) whose registered office is at National Grid House, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA or any successor as a gas transporter within the meaning of Part 1 of the Gas Act 1986;

“Network Code” means the network code prepared by National Gas pursuant to Standard Special Condition A11(3) of its Gas Transporter's Licence, which incorporates the Uniform Network Code, as defined in Standard Special Condition A11(6) of National Gas's Gas Transporters Licence, as both documents are amended from time to time;

“Network Code Claims” means any claim made against National Gas by any person or loss suffered by National Gas under the Network Code arising out of or in connection with any failure by National Gas to make gas available for off take at, or a failure to accept gas tendered for delivery from, any entry point to or exit point from the gas national transmission system as a result of the authorised works or any costs and/or expenses incurred by National Gas as a result of or in

connection with it taking action (including purchase or buy back of capacity) for the purpose of managing constraint or potential constraint on the gas national transmission system which may arise as a result of the authorised works;

“plan” or “plans” include all designs, drawings, specifications, method statements, soil reports, programmes, calculations, risk assessments and other documents that are reasonably necessary properly and sufficiently to describe and assess the works to be executed;

“parent company” means a parent company of the undertaker acceptable to and which shall have been approved by National Gas acting reasonably;

“specified works” means any of the authorised works or activities undertaken in association with the authorised works which:

(a) will or may be situated over, or within 15 metres measured in any direction of any apparatus the removal of which has not been required by the undertaker under paragraph 7(2) or otherwise; and/or

(b) may in any way adversely affect any apparatus the removal of which has not been required by the undertaker under paragraph 7(2) or otherwise; and/or

(c) includes any of the activities that are referred to in paragraph 8 of T/SP/SSW/22 (National Gas's policies for safe working in proximity to gas apparatus “Specification for safe working in the vicinity of National Gas, High pressure Gas pipelines and associated installation requirements for third parties”.

“undertaker” means the undertaker as defined in article 2(1) of this Order;

On Street Apparatus

3. Except for paragraphs 4 (*apparatus in stopped up streets*), 9 (*retained apparatus: protection*), 10 (*expenses*) and 11 (*indemnity*) of this Schedule which will apply in respect of the exercise of all or any powers under the Order affecting the rights and apparatus of National Gas, the other provisions of this Schedule do not apply to apparatus in respect of which the relations between the undertaker and National Gas are regulated by the provisions of Part 3 of the 1991 Act.

Apparatus of National Gas in stopped up streets

4. —(1) Where any street is stopped up under article 11 (*Construction of new and stopping up of existing streets, means of access, etc.*), if National Gas has any apparatus in the street or accessed via that street National Gas has the same rights in respect of that apparatus as it enjoyed immediately before the stopping up and the undertaker must grant to National Gas, or procure the granting to National Gas of, legal easements reasonably satisfactory to National Gas in respect of such apparatus and access to it prior to the stopping up of any such street or highway but nothing in this paragraph affects any right of the undertaker or National Gas to require the removal of that apparatus under paragraph 7 or the power of the undertaker, subject to compliance with this sub-paragraph, to carry out works under paragraph 9.

(2) Notwithstanding the temporary stopping up or diversion of any highway under the powers of article (*Temporary stopping up ~~and restriction of use of streets~~*), National Gas is at liberty at all times to take all necessary access across any such stopped up highway and to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus which at the time of the stopping up or diversion was in that highway.

Acquisition of land

5. (1) Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not (a) appropriate or acquire or take temporary possession of any land or apparatus or (b) appropriate, acquire, extinguish, interfere with or override any easement, other interest or right and/or apparatus of National Gas otherwise than by agreement.

(2) As a condition of an agreement between the parties in sub-paragraph (1), prior to the carrying out of any part of the authorised works (or in such other timeframe as may be agreed between National Gas and the undertaker) that is subject to the requirements of this Part of this Schedule that

will cause any conflict with or breach the terms of any easement or other legal or land interest of National Gas or affect the provisions of any enactment or agreement regulating the relations between National Gas and the undertaker in respect of any apparatus laid or erected in land belonging to or secured by the undertaker, the undertaker must as National Gas reasonably requires enter into such deeds of consent upon such terms and conditions as may be agreed between National Gas and the undertaker acting reasonably and which must be no less favourable on the whole to National Gas unless otherwise agreed by National Gas, and it will be the responsibility of the undertaker to procure and/or secure the consent and entering into of such deeds and variations by all other third parties with an interest in the land at that time who are affected by such authorised works.

(3) Save where otherwise agreed in writing between National Gas and the undertaker the undertaker and National Gas agree that where there is any inconsistency or duplication between the provisions set out in this Part of this Schedule relating to the relocation and/or removal of apparatus/including but not limited to the payment of costs and expenses relating to such relocation and/or removal of apparatus) and the provisions of any existing easement, rights, agreements and licences granted, used, enjoyed or exercised by National Gas and/or other enactments relied upon by National Gas as of right or other use in relation to the apparatus, then the provisions in this Schedule shall prevail.

(4) Any agreement or consent granted by National Gas under paragraph 8 or any other paragraph of this Part of this Schedule, shall not be taken to constitute agreement under sub-paragraph (1).

Removal of apparatus

6.—(1) If, in the exercise of the powers conferred by this Order, the undertaker acquires any interest in or possesses temporarily any land in which any apparatus is placed, that apparatus must not be removed under this Part of this Schedule and any right of National Gas to maintain that apparatus in that land must not be extinguished until alternative apparatus has been constructed, and is in operation to the reasonable satisfaction of National Gas in accordance with sub-paragraph (2) to (5).

(2) If, for the purpose of executing any works in, on, under or over any land purchased, held, appropriated or used under this Order, the undertaker requires the removal of any apparatus placed in that land, it must give to National Gas advance written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order National Gas reasonably needs to remove any of its apparatus) the undertaker must, subject to sub-paragraph (3), secure any necessary consents for the alternative apparatus and afford to National Gas to its satisfaction (taking into account paragraph 7(1)) the necessary facilities and rights

(a) for the construction of alternative apparatus in other land of or land secured by the undertaker; and

(b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of or land secured by the undertaker, or the undertaker is unable to afford such facilities and rights as are mentioned in sub-paragraph (2) in the land in which the alternative apparatus or part of such apparatus is to be constructed, National Gas may in its sole discretion, on receipt of a written notice to that effect from the undertaker, take such steps as are reasonable in the circumstances to assist the undertaker to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed save that this obligation shall not extend to the requirement for National Gas to use its compulsory purchase powers to this end unless it elects to so do.

(4) Any alternative apparatus to be constructed in land of or land secured by the undertaker under this Part of this Schedule must be constructed in such manner and in such line or situation as may be agreed between National Gas and the undertaker.

(5) National Gas must, after the alternative apparatus to be provided or constructed has been agreed, and subject to any written diversion agreement having been entered into between the parties and the grant to National Gas of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the undertaker to be removed under the provisions of this Part of this Schedule.

Facilities and rights for alternative apparatus

7. — (1) Where, in accordance with the provisions of this Part of this Schedule, the undertaker affords to or secures for National Gas facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and conditions as may be agreed between the undertaker and National Gas and must be no less favourable on the whole to National Gas than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by National Gas.

(2) If the facilities and rights to be afforded by the undertaker in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are less favourable on the whole to National Gas than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the matter may be referred to arbitration in accordance with paragraph 14 (*Arbitration*) of this Part of this Schedule and the arbitrator must make such provision for the payment of compensation by the undertaker to National Gas as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection of gas undertaker

8. — (1) Not less than 56 days before the commencement of any specified works the undertaker must submit to National Gas a plan and, if reasonably required by National Gas, a ground monitoring scheme in respect of those works.

(2) In relation to specified works the plan to be submitted to National Gas under sub-paragraph (1) must include a method statement and describe—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal including details of excavation, positioning of plant etc;
- (d) the position of all apparatus;
- (e) by way of detailed drawings, every alteration proposed to be made to or close to any such apparatus; and
- (f) any intended maintenance regimes.

(3) The undertaker must not commence any works to which sub-paragraphs (1) and (2) apply until National Gas has given written approval of the plan so submitted.

(4) Any approval of National Gas required under sub-paragraph (3)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraphs (5) or (6); and,
- (b) must not be unreasonably withheld.

(5) In relation to any work to which sub-paragraphs (1) and/or (2) apply, National Gas may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its apparatus against interference or risk of damage for the provision of protective works (which may include the removal of apparatus and the provision of alternative apparatus) or for the purpose of providing or securing proper and convenient means of access to any apparatus.

(6) Works executed under sub-paragraphs (1) or (2) must be executed in accordance with the plan, submitted under sub-paragraph (1) or as relevant sub paragraph (5), as approved or as amended from time to time by agreement between the undertaker and National Gas and in accordance with such reasonable requirements as may be made in accordance with sub-paragraphs (5) or (7) by National Gas for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and National Gas will be entitled to watch and inspect the execution of those works.

(7) Where under sub-paragraph (6) National Gas requires any protective works to be carried out by itself or by the undertaker (whether of a temporary or permanent nature) such protective works, inclusive of any measures or schemes required and approved as part of the plan approved pursuant to this paragraph, must be carried out to National Gas' satisfaction prior to the commencement of any specified

works for which protective works are required and National Gas must give notice of its requirement for such works within 42 days of the date of submission of a plan pursuant to this paragraph (except in an emergency).

(8) If National Gas in accordance with sub-paragraphs (5) or (7) and in consequence of the works proposed by the undertaker, reasonably requires the removal of any apparatus and gives written notice to the undertaker of that requirement, paragraphs 1 to 3 ~~and~~, 5 to 7, 9 and 10 apply as if the removal of the apparatus had been required by the undertaker under paragraph 6(2).

(9) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 56 days before commencing the execution of the specified works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph will apply to and in respect of the new plan.

(10) The undertaker will not be required to comply with sub-paragraph (1) where it needs to carry out emergency works as defined in the 1991 Act but in that case it must give to National Gas notice as soon as is reasonably practicable and a plan of those works and must comply with sub-paragraphs (6), (7) and (8) insofar as is reasonably practicable in the circumstances and comply with sub paragraph (11) at all times;

(11) At all times when carrying out any works authorised under the Order National Gas must comply with National Gas's policies for safe working in proximity to gas apparatus "Specification for safe working in the vicinity of National Gas, High pressure Gas pipelines and associated installation requirements for third parties T/SP/SSW22" and HSE's "HS(~G)47 Avoiding Danger from underground services".

(12) As soon as reasonably practicable after any ground subsidence event attributable to the authorised works the undertaker shall implement an appropriate ground mitigation scheme save that National Gas retains the right to carry out any further necessary protective works for the safeguarding of its apparatus and can recover any such costs in line with paragraph 9.

Expenses

9. (1) Subject to the following provisions of this paragraph, save where otherwise agreed in writing between National Gas and the undertaker and subject to the following provisions of this paragraph, the undertaker must pay to National Gas within 30 days of receipt of an itemised invoice or claim from National Gas all charges, costs and expenses reasonably anticipated within the following three months or reasonably and properly incurred by National Gas in, or in connection with, the inspection, removal, relaying or replacing, alteration or protection of any apparatus or the construction of any new or alternative apparatus which may be required in consequence of the execution of any authorised works including without limitation—

- (a) any costs reasonably incurred by or compensation properly paid by National Gas in connection with the acquisition of rights or the exercise of statutory powers for such apparatus including without limitation all costs incurred by National Gas as a consequence of National Gas:
 - (i) using its own compulsory purchase powers to acquire any necessary rights under paragraph 6(3); or
 - (ii) exercising any compulsory purchase powers in the Order transferred to or benefitting National Gas;
- (b) in connection with the cost of the carrying out of any diversion work or the provision of any alternative apparatus, where no written diversion agreement is otherwise in place;
- (c) the cutting off of any apparatus from any other apparatus or the making safe of redundant apparatus;
- (d) the approval of plans;
- (e) the identification of and the carrying out of protective works, plus a capitalised sum to cover the cost of maintaining and renewing permanent protective works;
- (f) the carrying out of any studies in relation to the effects of the specified works, the survey of any land, apparatus or works, the inspection and monitoring of works or the installation or removal of any temporary works reasonably necessary in consequence of the execution of any such works referred to in this Part of this Schedule.

(2) There will be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule and which is not re-used as part of the alternative apparatus, that value being calculated after removal.

(3) If in accordance with the provisions of this Part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the undertaker or, in default of agreement, is not determined by arbitration in accordance with paragraph 14 (*arbitration*) to be necessary, then, if such placing involves cost in the construction of works under this Part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to National Gas by virtue of sub-paragraph (1) will be reduced by the amount of that excess save to the extent that it is not possible in the circumstances to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs will be borne by the undertaker.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus will not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole will be treated as if it also had been agreed or had been so determined.

(5) Any amount which apart from this sub-paragraph would be payable to National Gas in respect of works by virtue of sub-paragraph (1) will, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on National Gas any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

10.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any works authorised by this Part of this Schedule or in consequence of the construction, use maintenance or failure of any of the authorised works by or on behalf of the undertaker or in consequence of any act or default of the undertaker (or any person employed or authorised by him) in the course of carrying out such works, including without limitation works carried out by the undertaker under this Part of this Schedule or any subsidence resulting from any of these works, any damage is caused to any apparatus or alternative apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of the authorised works) or property of National Gas, or there is any interruption in any service provided, or in the supply of any goods or energy, by National Gas, or National Gas becomes liable to pay any amount to any third party, the undertaker will—

- (a) bear and pay on demand accompanied by an invoice or claim from National Gas the cost reasonably and properly incurred by National Gas in making good such damage or restoring the supply; and
- (b) indemnify National Gas for any other expenses, loss, demands, proceedings, damages, claims, penalty or costs incurred by or recovered from National Gas, by reason or in consequence of any such damage or interruption or National Gas becoming liable to any third party and including Network Code Claims other than arising from any default of National Gas.

(2) The fact that any act or thing may have been done by National Gas on behalf of the undertaker or in accordance with a plan approved by National Gas or in accordance with any requirement of National Gas or under its supervision will not (unless sub-paragraph (3) applies), excuse the undertaker from liability under the provisions of this sub-paragraph (1) unless National Gas fails to carry out and execute the

works properly with due care and attention and in a skilful and workman like manner or in a manner that does not accord with the approved plan.

(3) Nothing in sub-paragraph (1) imposes any liability on the undertaker in respect of-

- (a) any damage or interruption to the extent that it is attributable to the neglect or default of National Gas, its officers, servants, contractors or agents;
- (b) any part of the authorised works and/or any other works authorised by this Part of this Schedule carried out by National Gas as an assignee, transferee or lessee of the undertaker with the benefit of the Order pursuant to article 49 (Powers of disposal, agreements for operation, etc.) subject to the proviso that once such works become apparatus ("new apparatus"), any authorised works yet to be executed and not falling within this sub-section 3(b) will be subject to the full terms of this Part of this Schedule including this paragraph 10; and/or
- (c) any indirect or consequential loss of any third party (including but not limited to loss of use, revenue, profit, contract, production, increased cost of working or business interruption) arising from any such damage or interruption, which is not reasonably foreseeable;

(4) National Gas must give the undertaker reasonable notice of any such third party claim or demand and no settlement, admission of liability or compromise must, unless payment is required in connection with a statutory compensation scheme, be made without first consulting the undertaker and considering their representations.

(5) National Gas must, in respect of any matter covered by the indemnity given by the undertaker in this paragraph, at all times act reasonably and in the same manner as it would as if settling third party claims on its own behalf from its own funds.

(6) National Gas must use its reasonable endeavours to mitigate and to minimise any costs, expenses, loss, demands, and penalties to which the indemnity under this paragraph applies where it is within National Gas's reasonable ability and control to do so and which expressly excludes any obligation to mitigate liability arising from third parties which is outside of National Gas's control and if reasonably requested to do so by the undertaker National Gas must provide an explanation of how the claim has been minimised, where relevant.

(7) Not to commence construction (and not to permit the commencement of such construction) of the authorised works on any land owned by National Gas or in respect of which National Gas has an easement or wayleave for its apparatus or any other interest or to carry out any works within 15 metres of National Gas's apparatus until the following conditions are satisfied:

- (a) unless and until National Gas is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has first provided the acceptable security (and provided evidence that it shall maintain such acceptable security for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Gas has confirmed the same to the undertaker in writing; and
- (b) unless and until National Gas is satisfied acting reasonably (but subject to all necessary regulatory constraints) that the undertaker has procured acceptable insurance (and provided evidence to National Gas that it shall maintain such acceptable insurance for the construction period of the authorised works from the proposed date of commencement of construction of the authorised works) and National Gas has confirmed the same in writing to the undertaker.

(8) In the event that the undertaker fails to comply with Paragraph 11(7) of this Part of this Schedule, nothing in this Part of this Schedule shall prevent National Gas from seeking injunctive relief (or any other equitable remedy) in any court of competent jurisdiction.

Enactments and agreements

11. Save to the extent provided for to the contrary elsewhere in this Part of this Schedule or by agreement in writing between National Gas and the undertaker, nothing in this Part of this Schedule affects the provisions of any enactment or agreement regulating the relations between the undertaker and National Gas in respect of any apparatus laid or erected in land belonging to the undertaker on the date on which this Order is made.

Co-operation

12.(1) Where in consequence of the proposed construction of any part of the authorised works, the undertaker or National Gas requires the removal of apparatus under paragraph 6(2) or National Gas makes requirements for the protection or alteration of apparatus under paragraph 8, the undertaker shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised works and taking into account the need to ensure the safe and efficient operation of National Gas's undertaking and National Gas shall use its best endeavours to co-operate with the undertaker for that purpose.

(2) For the avoidance of doubt whenever National Gas's consent, agreement or approval is required in relation to plans, documents or other information submitted by the undertaker or the taking of action by the undertaker, it must not be unreasonably withheld or delayed.

Access

13. If in consequence of the agreement reached in accordance with paragraph 5(1) or the powers granted under this Order the access to any apparatus is materially obstructed, the undertaker must provide such alternative means of access to such apparatus as will enable National Gas to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

14.- Save for differences or disputes arising under paragraph 6(2), 6(4) 7(1) and 8, any difference or dispute arising between the undertaker and National Gas under this Part of this Schedule must, unless otherwise agreed in writing between the undertaker and National Gas, be determined by arbitration in accordance with article 59 (*arbitration*).

Notices

15. Notwithstanding article 57 (service of notices), any plans submitted to National Gas by the undertaker pursuant to paragraph 8 must be submitted using the LSBUD system (<https://lsbud.co.uk/>) or to such other address as National Gas may from time to time appoint instead for that purpose and notify to the undertaker in writing.

Summary report: Litera Compare for Word 11.10.0.38 Document comparison done on 19/09/2025 12:48:25	
Style name: Show Moves	
Intelligent Table Comparison: Active	
Original filename: Provisions to include in Order only (unhighlight(103033214.2).docx	
Modified filename: SoC PPs(105552505.1).docx	
Changes:	
<u>Add</u>	7
Delete	5
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	12

LIST OF EVIDENCE MATERIALS

PREPARED ON BEHALF OF NATIONAL GAS TRANSMISSION PLC

CAMBRIDGE SOUTH EAST TRANSPORT AND WORKS ACT ORDER

Evidence materials

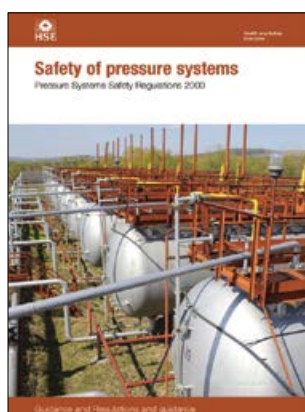
1. The Pressure Systems Safety Regulations 2000
2. Health and Safety Executive – Safety of pressure systems Approved Code of Practice and Guidance
3. *IGEM/TD/1 (Steel pipelines for high pressure gas transmission)*
4. *IGEM/TD/2 (Assessing the risks from high pressure natural gas pipelines)*

**Health and Safety Executive – Safety of pressure systems Approved Code of Practice and
Guidance**

Safety of pressure systems

Pressure Systems Safety Regulations 2000

Approved Code of Practice and guidance



The Pressure Systems Safety Regulations 2000 (PSSR) cover the safe design and use of pressure systems. The aim of PSSR is to prevent serious injury from the hazard of stored energy (pressure) as a result of the failure of a pressure system or one of its component parts.

The revised PSSR ACOP and guidance is aimed at dutyholders under PSSR who are involved with pressure systems used at work. It is for users, owners, competent persons, designers, manufacturers, importers, suppliers and installers of pressure systems used at work.

Since the last edition, the ACOP and guidance has been updated for clarity. The content has not been radically changed, as it was fit for purpose. The main changes to this publication are as follows:

L122 (Second edition) Published 2014

- The decision tree on whether PSSR applies has been moved to the front of the book and explanatory notes have been added to it, to help readers decide if PSSR applies to them or not
- A new Appendix has been added to provide clarity on how to apply PSSR in a proportionate manner to small pressure vessels in schools
- The section on the legal background to PSSR and related legislation has been removed as it was out of date

The Regulations themselves have not changed at all, so dutyholders' responsibilities remain unchanged.

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First published 2000
Second edition 2014

ISBN 978 0 7176 6644 7

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Approved Code of Practice

This Code has been approved by the Health and Safety Executive, with the consent of the Secretary of State. It gives practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of those specific matters on which the Code gives advice. You may use alternative methods to those set out in the Code in order to comply with the law.

However, the Code has a special legal status. If you are prosecuted for breach of health and safety law, and it is proved that you did not follow the relevant provisions of the Code, you will need to show that you have complied with the law in some other way or a Court will find you at fault.

Guidance

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

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Preface

This publication contains the full text of the Regulations, the Approved Code of Practice (ACOP) and guidance on the Pressure Systems Safety Regulations 2000 (SI 2000/128) (PSSR).

ACOPs are approved by the HSE Board with the consent of the Secretary of State (see Appendix 1: Notice of Approval for details).

The ACOP describes preferred or recommended methods that can be used (or standards to be met) to comply with the Regulations and the duties imposed by the Health and Safety at Work etc Act.¹ The accompanying guidance also provides advice on achieving compliance, or it may give information of a general nature, including explanation of the requirements of the law, more specific technical information or references to further sources of information.

The legal status of ACOP and guidance text is given on the copyright page.

The ACOP text is set out in **bold** and the accompanying guidance in normal type, the text of the Regulations is in *italics*. Coloured borders also indicate each section clearly.

Introduction

1 This Approved Code of Practice (ACOP) and guidance, produced in support of the Pressure Systems Safety Regulations 2000 (SI 2000/128) (PSSR), was reviewed in 2014. It is aimed at dutyholders under the Regulations, which includes users, owners, competent persons, designers, manufacturers, importers, suppliers and installers. To work out whether PSSR applies to your pressure system, see Figure 1.

2 Although only the courts can give an authoritative interpretation of law, in considering the application of these Regulations and guidance to people working under another's direction, the following should be considered:

If people working under the control and direction of others are treated as self-employed for tax and national insurance purposes, they are nevertheless treated as their employees for health and safety purposes. It may therefore be necessary to take appropriate action to protect them. If any doubt exists about who is responsible for the health and safety of a worker, this could be clarified and included in the terms of a contract. However, remember, a legal duty under section 3 of the Health and Safety at Work etc Act 1974 (the HSW Act)¹ cannot be passed on by means of a contract and there will still be duties towards others under section 3 of the HSW Act. If such workers are employed on the basis that they are responsible for their own health and safety, legal advice should be sought before doing so.

3 Each section of this ACOP gives practical guidance on a specific regulation, the number, title and content of which appear at the head of each section.

4 Words and expressions which are defined in the HSW Act or in PSSR have the same meaning in this ACOP and guidance unless the context requires otherwise. Where the expression 'user/owner' is used in the ACOP and guidance, it should be read as an abbreviated form of 'user of an installed system or owner of a mobile system'.

5 The aim of PSSR is to prevent serious injury from the hazard of stored energy, as a result of the failure of a pressure system or one of its component parts.

6 The Regulations are concerned with steam at any pressure, gases which exert a pressure in excess of 0.5 bar above atmospheric pressure and fluids which may be mixtures of liquids, gases and vapours where the gas or vapour phase may exert a pressure in excess of 0.5 bar above atmospheric pressure. A list of equivalent measurements to 1 bar is given in Appendix 2 of this ACOP.

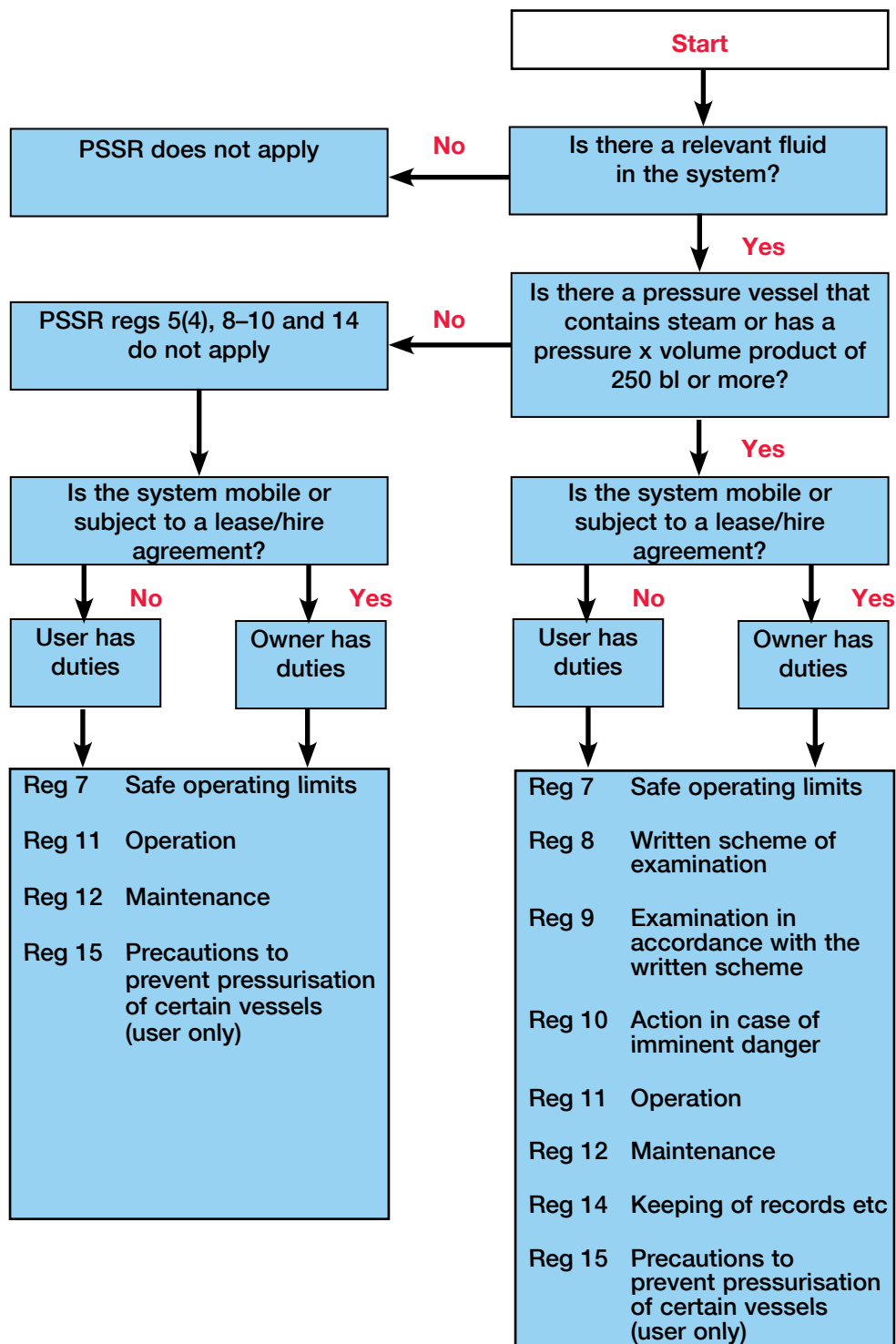
7 With the exception of the scalding effects of steam, the Regulations do not consider the hazardous properties of the contents released following system failure. PSSR does not deal with all the hazards arising from the operation of such a system. The contents may be toxic, or the plant may be part of a major hazard site. These aspects are the subject of separate legislative requirements and dutyholders

must consider these other risks when deciding on the precautions required. In PSSR, the stored contents' properties are of concern only to the extent that they may be liable to cause a more rapid deterioration in the condition of the system, so leading to an increased risk of failure. The risk from steam includes not only any possible deterioration in the condition of the system, which could increase the risk of failure, but also its scalding effect in the event of release.

8 In the case of some storage systems where gas is kept in liquid form at very low temperatures in a tank, the pressure above the liquid is below 0.5 bar (gauge) and PSSR would not apply unless the pressure rises above 0.5 bar (gauge). The Regulations do not apply simply as a result of pressure exerted by a head of liquid. Also, the Regulations do not aim to deal with vacuum conditions.

9 The amount of stored energy in a vessel is generally considered to be directly related to the volume of the vessel and the pressure of the contents. The measure of the stored energy has been expressed by multiplying the pressure by the internal volume ($P \times V$), ie the pressure-volume product. If the values used are bar for pressure and litres for volume, the measure (or product) is given in bar litres (bl).

Figure 1 User/owner decision tree: Do the Regulations apply to my pressure system?



Note: This diagram only covers type (a) pressure systems, as defined in regulation 2(1) under 'pressure system', 'one or more pressure vessels of rigid construction, any associated pipework and protective devices.'

It does not cover a type (b) pressure system, 'the pipework with its protective devices to which a transportable pressure receptacle is, or is intended to be, connected,' or a type (c) pressure system, 'a pipeline and its protective devices.' If your pressure system is as defined in (b) or (c), this diagram will not work.

See paragraphs 19–24 for a definition of a 'relevant fluid' in PSSR, as referred to in the decision tree.

PART I Introduction

Regulation 1 Citation and commencement

Regulation	1
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(1) *These Regulations may be cited as the Pressure Systems Safety Regulations 2000 and shall come into force on 21st February 2000.*

Regulation 2 Interpretation

Regulation	2
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(1) *In these Regulations, unless the context otherwise requires—*

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

*“the CDGCPL Regulations” means the Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996;**

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

** S.I. 1996/2092, now superseded by S.I. 2009/1348*

Regulation

2

“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 Great Britain, his agent in Great Britain 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;

“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;

Regulation

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

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

“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 180 of the Mines and Quarries Act 1954 it means the manager for the time being of that mine;*
- (b) a quarry within the meaning of regulation 3 of the Quarries Regulations 1999 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.*

(3) In these Regulations, unless the context otherwise requires, any reference to—

- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered;*
- (b) a numbered paragraph is a reference to that paragraph so numbered in the regulation or Schedule in which that reference appears.*

**Now superseded by S.I. 2009/1348.*

Guidance

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Competent person

10 The term ‘competent person’ refers not to the individual employee who carries out duties under the Regulations but to the body which employs the person charged with those duties. Thus, the definition of competent person makes it clear that the legal duty to comply rests with a competent person’s employer, and not with an individual, unless that person is self-employed.

Danger

11 The Regulations are concerned with reasonably foreseeable danger to people from the unintentional release of stored energy. In addition, they deal with the scalding effects of steam which is classed as a relevant fluid at any pressure. Other system failures, such as gas leaks, which do not have the potential to cause injury from stored energy, are not covered. Risk of injury from escapes of toxic or flammable materials are covered under other statutory provisions.

Guidance

2

Examination

12 In the context of these Regulations, the term examination relates only to examinations carried out under the written scheme of examination, ie ones conducted to assess the condition of those parts of the system which may give rise to danger (as defined) in the event of an uncontrolled release of stored energy.

Installed system and mobile system

13 The Regulations distinguish between those systems which are fixed in a permanent location (installed) and those which are normally and frequently moved from place to place (mobile).

14 For installed systems the user is responsible for compliance with regulations 7–12 and 14. In the case of mobile systems the owner is responsible. If the owner does not have a place of business in Great Britain and has no agent in Great Britain, the user is responsible.

Pipework

15 This term covers all parts of the system except pressure vessels and protective devices. (See paragraph 44 for specific guidance on the application of the terms pipework and protective devices on gas regulators. See also Table 1 in Appendix 3 for the interface between the terms 'pipework' and 'pipeline' used in these Regulations and the Pressure Equipment Regulations 1999 (PER).)²

Pipeline

16 Only pipelines (and their protective devices) for gases and liquefied gases within the definition of relevant fluid are covered as a pressure system. 'Pipeline' also covers the compressors, valves, associated pipework and other apparatus used to cause the gas to flow through the pipeline system. The definition extends to the primary shut-off valve at each end of the pipeline. But see also the exceptions in paragraphs 4 and 5 of Schedule 1, Part I relating to the operation of pipelines. In particular, pipelines and their protective devices where the pressure does not exceed 2 bar (gauge) are excepted from these Regulations. This guidance should be read in conjunction with the publication *A guide to the Pipelines Safety Regulations 1996. Guidance on Regulations*³ (see also Table 1 in Appendix 3 for the interface between the definition of the term 'pipeline' used in these Regulations and the Pipelines Safety Regulations 1996 (PSR)).

Pressure system

17 The Regulations define three types of system:

- (a) a system comprising a pressure vessel, its associated pipework and protective devices. There must be a pressure vessel in the system for the Regulations to apply under this definition. Where there is more than one system on the premises, whether interconnected or not, the user/owner is responsible for deciding where the boundaries for each system occur;
- (b) pipework with its protective devices to which a transportable pressure receptacle is, or is intended to be, connected. A transportable pressure receptacle on its own is not a pressure system as defined. Pipework

Guidance

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- containing a relevant fluid (other than steam) at a pressure of 0.5 bar or less is outside the scope of the Regulations;
- (c) a pipeline with its protective devices.

For the purposes of these Regulations, a pressure vessel is a vessel used, or intended to be used, to contain a relevant fluid.

Protective devices

18 'Protective device' includes any protective control or measuring equipment which is essential to prevent a dangerous situation from arising. Instrumentation and control equipment would be classed as a protective device in the following situations:

- (a) where it has to function correctly to be able to protect the system; and
- (b) where it prevents the safe operating limits being exceeded in situations where no other protective device is provided (for example, where the relevant fluid is so toxic that it cannot be released to atmosphere). In these cases the control equipment is itself the protective device.

Protective devices which protect a system which contains or is liable to contain a relevant fluid are covered by the Regulations even if they are located on a part of the system which does not contain a relevant fluid.

Relevant fluid

19 The following conditions have to be fulfilled for a fluid to be a relevant fluid within the scope of the Regulations:

- (a) the pressure must be greater than 0.5 bar above atmospheric (except for steam). Where the pressure varies with time, the maximum pressure that is normally reached should be the determining factor;
- (b) either the fluid should be a gas or mixture of gases under the actual conditions in that part of the system or a liquid which would turn into a gas if system failure occurred. Therefore the Regulations will cover compressed air (a mixture of gases) as well as other compressed gases such as nitrogen, acetylene and oxygen. The definition will also include hot water contained above its boiling point at atmospheric pressure (pressurised hot water) or aqueous solutions where a vapour pressure above 0.5 bar (gauge) is generated. Classifications of gases are given in BS EN 720-1:1999.⁴

20 Only those parts of a system which contain a relevant fluid fall within the scope of the Regulations, except protective devices which are within scope irrespective of whether they contain a relevant fluid provided that they form part of a system which contains or is liable to contain a relevant fluid. Except in the case of steam, once the pressure along a line of pipework drops below 0.5 bar (gauge), there is no longer a relevant fluid and that part of the pipework is then no longer part of the system covered by the Regulations.

21 For the definition of relevant fluid not to apply, the user/owner should be able to show clear evidence that the system does not contain (and is not liable to contain) a relevant fluid under foreseeable operating conditions. See also paragraph 192 which gives information on Schedule 1, Part I, exception 4(b) dealing with unintentional pressurisation.

Guidance

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22 In some cases a fluid will consist of a mixture of gas and liquid, and in others a liquid with gas dissolved in it. The Regulations are intended to cover the former example but not the latter. To determine whether the fluid is a relevant fluid as defined, you should establish whether the gaseous element will separate out from the liquid with time to produce a vapour pressure in excess of 0.5 bar (gauge). The definition of relevant fluid thus excludes from scope motor gasoline and stabilised crude oils in which the vapour pressure of a dissolved relevant fluid is suppressed by the lower vapour pressure of other constituents.

23 In the case of some storage systems where gas is kept in liquid form at very low temperatures in a tank, the pressure above the liquid is below 0.5 bar (gauge) and the Regulations would not apply unless the pressure rises above 0.5 bar (gauge).

24 The reference to a gas dissolved under pressure in a solvent contained in a porous substance covers acetylene.

System failure

25 Releases of stored energy through properly sized pressure relief equipment are not to be regarded as system failure, as such pressure-relieving arrangements should form part of the normal protection of a properly designed pressure system.

User

26 Once a pressure system is installed, the primary duty for compliance rests with the user.

Requirement for anything in writing or written

27 Any information that is required to be provided in a written form (eg a written scheme of examination), or in writing (eg an agreement to postpone a due examination), can (subject to the conditions) be provided in any suitable means, for example electronically.

ACOP

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Competent person

28 The term 'competent person' is used in connection with two distinct functions:

- (a) drawing up or certifying schemes of examination (regulation 8); and
- (b) carrying out examinations under the scheme (regulation 9).

The general guidance in paragraphs 28–34 relates to both functions. Paragraphs 96–112 deal with schemes of examination and paragraphs 123–130 deal with examinations themselves.

29 Although separate guidance is given on these functions, this does not mean that they have to be carried out by different competent persons. In addition, the user/owner may seek advice from a competent person on other matters relating to these Regulations. For example, advice could be sought on the scope of the written scheme (see paragraphs 103 and 104). In such circumstances, a competent person would be acting solely as an adviser, rather than as a competent person as defined.

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30 It is the responsibility of the user/owner to select a competent person capable of carrying out the duties in a proper manner with sufficient expertise in the particular type of system. In some cases, the necessary expertise will lie within the user's/owner's own organisation (but see paragraph 33 for guidance on independence). In such cases, the user/owner is acting as competent person and is responsible for compliance with the Regulations. However, small or medium-sized businesses may not have sufficient in-house expertise. If this is the case, they should use a suitably qualified and experienced independent competent person. Whether the competent person is drawn from within the user's/owner's organisation or from outside, they should have sufficient understanding of the systems in question to enable them to draw up schemes of examination or certify them as suitable.

31 A competent person capable of drawing up schemes of examination or examining a simple system may not have the expertise, knowledge and experience to act as competent person for more complex systems. For a number of systems, including the larger or more complex, it is unlikely that one individual will have sufficient knowledge and expertise to act on their own. A competent person should be chosen who has available a team of employees with the necessary breadth of knowledge and experience.

32 In general terms, the competent person should have:

- (a) staff with practical and theoretical knowledge and actual experience of the relevant systems;
- (b) access to specialist services;
- (c) effective support and professional expertise within their organisation; and
- (d) proper standards of professional probity.

33 Where the competent person is a direct employee of the user's/owner's organisation, there should be a suitable degree of independence from the operating functions of the company. In particular, where the staff are provided from an in-house inspection department and carry out functions in addition to their competent person duties, they should be separately accountable under their job descriptions for their activities as competent persons. They should act in an objective and professional manner with no conflict of interests and should give an impartial assessment of the nature and condition of the system.

34 The competent person is responsible for all examinations. For example, where ancillary examination methods (eg non-destructive testing) are undertaken by another person or body, the competent person should accept responsibility for the results of these tests and their interpretation.

Guidance

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35 It is for users to select a competent person to carry out the duties required by these Regulations. The following bodies may provide competent person services:

- (a) a user company;
- (b) a third-party organisation/external company; or
- (c) a self-employed person.

36 Accreditation to BS EN ISO/IEC 17020:2012⁵ is an indication of the competence of an inspection department, organisation or self-employed person. Accreditation is carried out on behalf of Government by the United Kingdom Accreditation Service (UKAS) (see www.ukas.com). Accreditation to BS EN ISO/IEC

Guidance

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17020:2012 is recommended for bodies acting as competent persons engaged to draw up or certify a written scheme of examination or conduct examinations for major systems (as detailed in paragraph 98(c)). Users/owners may also wish to consider using accredited bodies for other categories of system. Accreditation to BS EN ISO/IEC 17020:2012 is voluntary.

Examination

37 Although the Regulations apply to all pressure systems as defined, periodic examination is restricted to those parts of the system covered by the written scheme of examination required by regulation 8. The effect of the Regulations is therefore to focus attention on the initial integrity of the whole system when newly installed (regulations 4, 5 and 6) and its maintenance (regulation 12), while limiting subsequent examinations to those parts in which a defect may give rise to danger (regulations 8, 9 and 10).

38 Any suitable inspection technique may be used, including online examination, if it is adequate to assess fitness for continued use. There is no requirement to open up equipment for internal examination, provided that the inspection technique is appropriate.

Installed system and mobile system

39 Some storage tanks for relevant fluids are installed at several sites during their working life. These tanks are normally secured with permanent connections and should be regarded as installed systems. Similarly, a steam boiler fitted with skids may be installed temporarily to maintain steam supply to the site during the replacement of an existing boiler. (Such an installation should not be treated as a mobile system. This equipment will also require proper testing and checks before it is taken into use, even if it is to be replaced with a permanent boiler in due course.)

40 On the other hand, a self-contained mobile air compressor set with an air receiver which is towed to construction sites should be regarded as a mobile system. In circumstances where mobile equipment is hired or leased and assembled at a location, for instance direct pressure blasting equipment, the act of assembling the equipment by a contractor does not create a new owner.

41 Steam locomotives, including model steam engines, are classed as installed systems for the purposes of the Regulations. These locomotives are often owned by individual benefactors or preservation trusts without ready access to technical resources. Users should assume responsibility for the examination and maintenance of these locomotives rather than the owners who would otherwise be responsible for compliance.

42 Lorries carrying cargo loaded or discharged under pressure greater than 0.5 bar (gauge) are mobile systems regardless of whether the pressure source is part of the lorry apparatus or external to the lorry.

Pressure systems

43 The user/owner should decide, after seeking suitable advice, if required, whether pressurised equipment for which they are responsible is covered by these Regulations in practice and, if it is not, what other legislation applies.

Guidance

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Gas regulators

44 In most cases, gas regulators are installed primarily for process control purposes. Regulators installed for this purpose should be regarded as pipework and included in the written scheme where their failure could give rise to danger. Any regulator installed with the primary function of protecting the system should be regarded as a protective device and the Regulations would apply accordingly.

Safe operating limits

45 These are the limits beyond which the system should not be taken. They are not the ultimate limits beyond which system failure will occur. In establishing the limits within which a system should be operated, there may be a need to take account of matters other than pressure energy and the likelihood of system failure. Small steam generators, for example, present a risk from scalding as opposed to stored energy.

User

46 The role of the user is generally a corporate responsibility. Often the user will be a firm or organisation in control of the operation of the system and therefore in the best position to comply with the Regulations. The user may not be the occupier or owner of the premises or even the employer of the bulk of the employees who work there. For some pressure systems, such as refrigeration plant, where more than one employer or self-employed person has an interest in the running of the system, a number of factors will determine who has responsibility as the user. These factors may include:

- (a) who decides when the plant will be turned on or off;
- (b) who decides who has access to the plant;
- (c) who is responsible for the controls of the plant; and
- (d) who maintains and runs the plant on a day-to-day basis.

Some of these factors will have more weight than others. For example, an employer who owns a system may pay a contractor to switch the system on and off (among other things), but retain authority to decide when it should be turned on or off. In this situation, the contractor would not be considered to have control of the operation of the system. Consequently, the duties of the user would rest with the employer who owns the system. It is possible for two employers (or self-employed persons) to devise a way in which the pressure system is controlled so that it is clearly the contractor who has full control of the system's operation. In these circumstances, the duties of the user would be for the second party (the contractor) to fulfil. It must be clear to both parties who is responsible as user under the Regulations.

Regulation 3 Application and duties

Regulation

3

(1) *These Regulations shall apply—*

- (a) *in Great Britain; and*
- (b) *outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of articles 7 and 8(a) of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 1995 save in relation to anything to which articles 4 to 6 of that Order apply.*

Regulation

3

(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.*

(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.*

Guidance

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47 The primary purpose of the Regulations is to secure the safety of people at work. The Regulations therefore apply to pressure systems used, or intended to be used, at work (but see Schedule 1 for exceptions to all or part of the Regulations). The duties imposed relate to activities at work. They also cover the self-employed, for example a self-employed installer of a pressure system, or a self-employed competent person.

48 There are instances, for example in the gases industry, where it is customary for bulk suppliers of gas to lease pressure vessels and associated systems to customers on a long-term contractual basis. Schedule 2 provides for the owner of the system in such cases to be responsible for discharging the legal duties under certain regulations rather than the user. Such arrangements must be the subject of a written agreement between the owner and user in each case. Schedule 2 contains details of the regulations concerned.

PART II General

Regulation 4 Design and construction

Regulation

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.

Guidance

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49 This regulation places duties on designers, manufacturers and any person who supplies equipment or a component intended to be part of a pressure system to ensure that it is fit for purpose, so as to prevent danger. Equipment (including assemblies) supplied in accordance with PER is considered to meet these requirements and is, therefore, excepted from this regulation (see Schedule 1, Part II, paragraph 1).

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50 Designers and manufacturers should consider at the manufacturing stage both the purpose of the plant and the means of ensuring compliance with these Regulations.

51 The designer, manufacturer, importer or supplier should consider and take due account of the following, where applicable:

- (a) the expected working life (the design life) of the system;
- (b) the properties of the contained fluid;
- (c) all extreme operating conditions including start-up, shutdown and reasonably foreseeable fault or emergency conditions;
- (d) the need for system examination to ensure continued integrity throughout its design life;
- (e) any foreseeable changes to the design conditions;
- (f) conditions for standby operation;
- (g) protection against system failure, using suitable measuring, control and protective devices as appropriate;

ACOP

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- (h) suitable materials for each component part;
- (i) the external forces expected to be exerted on the system including thermal loads and wind loading; and
- (j) safe access for operation, maintenance and examination, including the fitting of access (eg a door) safety devices or suitable guards, as appropriate.

Further recommended practice, where appropriate, on these points is given in paragraphs 52–68.

Properties of the fluid

52 The system should be designed to avoid as far as possible the accumulation of liquids, condensates or sediment in pipework. For example, the design of a compressed air system or of steam pipework should minimise the number of places, such as low points, where liquid can accumulate and should provide for adequate drainage. Devices should be fitted at appropriate points in the system to allow venting of vapour and/or to prevent a vacuum forming. All pipework drainage should be to a safe place.

53 Special considerations will apply if the pressure vessel is to be used for low temperature storage, eg liquid nitrogen, or a highly corrosive material. It is recommended to specify any process materials which should not be put into the system because of incompatibility with the construction materials.

Extreme operating conditions

54 Account should be taken of the most demanding combination of temperature, pressure and other relevant parameters to which the equipment may be subjected under reasonably foreseeable circumstances. These should include the conditions which will exist during start-up, shutdown and stand-by operation.

Examination requirements

55 Vessels should be provided with suitably sized openings, including manholes and handholes where appropriate, to allow adequate examination of the interior. Where internal examination may be unnecessary or even harmful, for instance because of size or the hazardous nature of the fluid contained within the system, the designer should consider what examinations are needed and provide adequate means for this to be carried out.

Foreseeable changes

56 These may include allowances for corrosion if some corrosion is foreseeable and unavoidable, or for wear if stirrers or agitators are liable to cause wear which may give rise to danger. The designer should ensure that the system can safely withstand the consequences of any reasonably foreseeable fault or emergency conditions unless it is to be fitted with appropriate control and protective equipment which will either prevent the conditions arising or enable the stored energy to be safely dissipated.

ACOP

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Protection against failure

57 Every plant item in which the pressure can exceed the safe operating limit (ie those which have not been designed to withstand the maximum pressure which can be generated within the system) should be protected, whenever operational, by at least one pressure-relieving or pressure-limiting device. The device should be suitable for its intended duty and should be fitted as close as practicable to the plant item it is designed to protect. Sufficient devices should be fitted at other points to ensure that the pressures inside the system do not exceed the safe operating limits (see paragraph 63 for an explanation of accumulation). In the event of a pressure-relief device operating, the design should enable the contents to be released in as safe a manner as is practicable.

58 Where part of the system has a lower safe operating limit than other parts, suitable pressure-reducing valves, safety valves, pressure relief and indicating devices should be provided.

59 Some equipment, for example steam receivers, may not require individual safety valves. However, it should not be possible to isolate them from the device which is providing protection if the source of pressure can still be applied.

60 Suitable measuring or indicating devices should be provided to give clear indications of relevant critical conditions within the system, eg temperatures, pressures, liquid levels. The display of any measuring equipment should be clearly visible. It should be possible to see when safe operating limits are being reached. Suitable moisture filters and/or drains should be provided where moisture would adversely affect the integrity of the system or the operation of any protective device.

61 Equipment, such as boilers, in which a low level (or into which a low flow rate) of water could lead to unsafe conditions should be fitted with at least one suitable water level indicator and to an alarm which sounds when the water level drops to a predetermined value. The indicator should be connected directly to the equipment. Fusible plugs should only be used as the sole low water alarm when other types of low water alarm are not practicable. They should be fitted at the point or points where overheating is first likely to occur if the water level drops. The gauge glasses of tubular water level gauges should be effectively protected to prevent injury from the effects of the glass breaking and the contents being ejected.

62 The pressure-relieving device should be so designed that it will deal adequately, where appropriate, with the dynamic flow characteristics of those fluids which result in two-phase flow conditions.

63 The devices and associated inlet and outlet pipework should have an adequate discharge capacity to limit pressure to within the safe operating limits. It should reach full discharge capacity within a set limit of overpressure (accumulation). The normal operating pressure of the system should be sufficiently below the setting of the protective device to prevent its premature operation.

ACOP

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Construction materials

64 Materials used in construction should be suitable for the intended use. Account should be taken of the intended duty of the valve, including pressure, temperature, size, frequency of use, nature of contents and any particular foreseeable fault conditions, when selecting valves. The direction of opening and closing should preferably be indicated on valves.

65 Plastic pipes are often used on compressed air systems. However, not all plastics are suitable for use where there is the possibility of their becoming brittle or otherwise damaged due to exposure to heat or other adverse conditions.

External forces

66 Account should be taken of any external forces which could affect the integrity of the equipment. These may include the forces exerted on pipework from thermal expansion and contraction, externally applied loads or any reasonably foreseeable vibration or shock loading, for example from water hammer. Suitable expansion bends and/or joints and drains should be incorporated in the pipework as necessary.

Safe access

67 Any equipment such as an autoclave to which regular access is required during process operations, eg for loading and unloading, should be provided with suitable door safety devices. The function of these devices is to securely fasten any door while it is subjected to internal pressure and thereby prevent the risk of the door being violently blown open. The devices should ensure that the vessel cannot be pressurised until the door is securely closed. It should not be possible to open the door until the internal pressure has been fully and suitably vented to atmospheric pressure. The door should be restrained for the first part of its travel until the seal has been broken.

68 Where access is required for the use of tools such as rakes or scrapers and where physical access to the plant item and the area around the door is prevented by an effective guard, this would be a satisfactory alternative way of meeting the pressure interlock requirements.

Guidance

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69 Certain British Standards are in common use for the design and manufacture of some types of pressurised equipment. Where they exist, British Standards, other national or international standards (where they provide an equivalent level of safety) provide a sound basis for the design of pressurised equipment. Verification of system design and manufacture is not required under these Regulations. Some manufacturing standards and some users may require such independent verification. You are advised to seek competent advice on this.

Regulation 5 Provision of information and marking

Regulation 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) *No person shall remove from a pressure vessel any mark or plate containing any of the information specified in Schedule 3.*

(6) *No person shall falsify any mark on a pressure system, or on a plate attached to it, relating to its design, construction, test or operation.*

Guidance 5

70 The aim of this regulation is to ensure that adequate information about any pressure system subject to PSSR is made available to users/owners by designers, suppliers or those who modify or repair equipment. Basic information about pressure vessels should be permanently marked on the vessel. This information is listed in Schedule 3 of these Regulations.

71 By virtue of the exception at Schedule 1, Part II, paragraph 1, regulations 5(1) and 5(4) apply only to pressure systems which are not supplied in accordance with PER.

72 Regulation 5(4) does not apply to a pressure system containing a relevant fluid other than steam where the product of the pressure in bars and internal volume of the vessel, or in systems with more than one vessel each vessel is less than 250 bar litres (see Schedule 1, Part II, paragraph 2).

ACOP 5

73 **The designer or supplier of a pressure system or component part covered by this regulation should consider the most effective way of providing the appropriate information to those who need it.**

ACOP

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74 Additional information about pressure vessels and information relevant to the whole system (apart from that already marked on the vessel under regulation 5(4)) should be provided in writing. This is so that users/owners are supplied with sufficient information on the design, construction, examination, operation and maintenance of the equipment to enable them to comply with the requirements of these Regulations. The designer or supplier should use their judgement, knowledge and experience to decide what information is required. The following items should be considered where relevant, but please note that this is not an exhaustive list:

- (a) design standards used and evidence of compliance with national/ European/international standards or documentation showing conformity;
- (b) design pressures (maximum and minimum);
- (c) fatigue life;
- (d) design temperatures (maximum and minimum);
- (e) creep life;
- (f) intended contents, especially where the design has been carried out for a specific process;
- (g) flow rates and discharge capacities;
- (h) corrosion allowances;
- (i) wall thickness;
- (j) volume capacities, especially for storage vessels. Depending on the intended contents these may be expressed as maximum volume, pressure or filling ratio; and
- (k) materials of construction.

Guidance

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75 There may be several stages in the supply chain before the equipment reaches the user/owner. For example, components such as safety devices fabricated by others may be used by a manufacturer or installer of a complete vessel or system. It is important that all relevant information is passed on at each stage of the production or supply process. However, the manufacturer does not have to provide a statement of the safe operating limits if sufficient information is provided to enable the safe operating limits to be determined.

76 Where pressure systems are supplied in accordance with PER, the user/owner should satisfy themselves that they have been supplied with appropriate documentation confirming evidence of conformity with EC Directives issued by the manufacturer and, where appropriate, the conformity assessment body.

77 It may be advantageous to the user/owner if the manufacturer of a standard vessel produced in series, such as a steam boiler or air receiver, initially provides the written scheme of examination required by regulation 8. The manufacturer will know how the item was designed to operate and the intended frequency of examinations. However, the competent person will still have to certify the written scheme of examination and fulfil their duties under regulations 8 and 9. For instance, this will include reviewing the written scheme and considering the frequency of examinations according to the rate of deterioration and wear experienced by the system in use.

Regulation 6 Installation

Regulation

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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.

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78 If the installer of the system is also the designer, manufacturer or supplier they will have responsibilities under regulations 4 and 5 as well.

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79 When planning the installation, the employer of the installer should ensure that all of the following items are actioned where relevant. Please note that this list is not exhaustive. Additional actions may be needed depending on the type of system, its location, and planned operating conditions. The employer should:

- (a) ensure that those doing the installation have the required training, skills and experience;
- (b) provide adequate supervision, taking into account the complexity of the system being installed;
- (c) prepare suitable foundations to support the system, taking into account the nature of the ground and design loads such as the weight of the system and any likely external forces;
- (d) decide on the most suitable method of lifting and handling the vessel(s), protective devices and pipework, so as to avoid accidental damage;
- (e) check for signs of damage in transit;
- (f) protect the system from adverse weather conditions before and during installation;
- (g) remove any protective packaging carefully before commissioning;
- (h) ensure that any hot work, such as welding or cutting, will not affect the integrity of the system;
- (i) ensure that protective devices are clear of obstruction, operate correctly without hindrance or blockage and that the discharge is routed to a safe place;
- (j) ensure that any access doors/hatches are clear of obstruction and operate correctly;
- (k) ensure that any labels or markings attached to the system are clearly visible;
- (l) provide adequate access for maintenance and examination purposes;
- (m) provide suitable physical protection against mechanical damage, eg accidental impact by vehicles;
- (n) allow sufficient space for access around and beneath valves, in particular drain valves;
- (o) clear away any debris such as metal shavings or dust arising from the installation process; and
- (p) have the installation work checked and approved on completion by a suitably qualified person.

Compressed air systems

80 Additional points which should be noted for compressed air systems are:

- (a) the installation site should provide a well-ventilated, cool and clean air environment;
- (b) intercoolers and aftercoolers should, where they are cooled by air, be located so that the air flow over their surfaces is not obstructed;
- (c) inlet air should be drawn from an area which is free from potentially flammable or corrosive concentrations of fumes or vapours; and
- (d) the inlet air should not be excessively laden with moisture or dust.

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81 The complexity of the planning and installation process will depend on the nature of each individual system and the amount of detail given in the specification for the work. The specification will normally be supplied by the user/owner. It will include any information available from the manufacturer/supplier. There may be a

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detailed installation specification or a simple broad outline. Whatever the level of information provided, it is the responsibility of the employer of the installer to ensure that nothing in the installation process affects the integrity of the system or could give rise to danger. Nor should it affect the operation of the protective devices or hinder access for maintenance, examination or inspection tasks.

Regulation 7 Safe operating limits

Regulation 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.*

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82 This regulation complements regulation 5 which makes the designer, manufacturer and supplier responsible for providing adequate information about the system or its component parts. It prohibits the user/owner from operating the system or allowing it to be operated before the safe operating limits have been established.

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Establishing the limits

83 Where the system consists of a standard production item, the designer/manufacturer should assess the safe operating limits and pass the relevant information to the user/owner. In these circumstances, the user/owner will not always need to carry out the detailed work required to establish the safe operating limits of the system. In cases where the user/owner has specified the design, the responsibility for establishing the safe operating limits rests with the user/owner.

84 If the user/owner does not have sufficient technical expertise to establish the safe operating limits, an organisation which is competent to carry out the task should be used.

85 The exact nature and type of safe operating limits which need to be specified will depend on the complexity and operating conditions of the particular system. Small, simple systems may need little more than the establishment of the maximum pressure for safe operation. Complex, larger systems are likely to need a wide range of conditions specified, eg maximum and minimum temperatures and pressures, nature, volumes and flow rates of contents, operating times, heat input or coolant flow. In all cases the safe operating limits should incorporate a suitable margin of safety.

Record keeping

86 A suitable system for recording and retaining information about safe operating limits and any changes to them should be used. Where the limits have been specified by the designer or manufacturer, then the operating manual supplied with the system should be used to pass on the information. Larger or more complex systems may have the information recorded in

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several documents. Whatever method is used, the information should be readily available to those people who need it, including the competent person responsible for the examinations in accordance with the written scheme. It is recommended that the details of the safe operating limits are made available to the person operating the system (under the provision of instructions at regulation 11) and retained with the documents required to be kept under regulation 14.

87 For mobile systems the owner must provide the user with a written statement detailing the safe operating limits or ensure that this information is clearly marked on the equipment. Where the system is likely to be on hire for long periods, both a written statement and durable marking are preferable. This should ensure that information about the safe operating limits is always readily available.

Second-hand systems

88 Second-hand equipment should be thoroughly assessed so that users/owners are satisfied that the safe operating limits have been established correctly. Often the original design information is not available and, even when it is, the equipment may have deteriorated to an extent where the current safe operating limits are below the original design values.

Reviewing the limits

89 Users/owners should ensure that the safe operating limits specified for a system are kept up to date. They should be reviewed at the time of examinations under the written scheme, when significant repairs or modifications are carried out or where there are major changes to the operating conditions, eg a change in the relevant fluid contained within the system. If the safe operating limits are altered, the discharge capacity of the pressure-relieving devices should be reviewed to ensure that the system is adequately protected against overpressure at all times.

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90 In order to operate the pressurised plant in a safe manner, the user must be aware of its safe operating limits and make sure that these limits are not exceeded.

91 The manufacturer's literature will normally specify the safe operating limits for standard items. However, the manufacturer is not required to specify the safe operating limits as long as sufficient information is provided to allow them to be determined. This is particularly relevant where the manufacturer is not supplying the whole system.

92 The terminology used for different types of systems will vary. For example, the safe operating limit for a boiler may be known as the 'maximum permissible working pressure' whereas for an air receiver it may be described as the 'safe working pressure'. The safe operating limits for refrigeration plant will be expressed in terms of minimum and maximum temperatures. In cases of doubt, or where the information is not clear, further advice should be sought from the manufacturer or other competent organisation.

93 It is recommended that the safe operating limits for mobile systems on hire for short periods are marked on the equipment itself.

Regulation 8 Written scheme of examination

Regulation 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) *No person shall 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.*

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94 Responsibility under this regulation may be summarised as follows:

- (a) the user/owner ensures the scope of the scheme is appropriate, ie which parts of the system are covered (with advice, if necessary, from a suitably experienced adviser); and
- (b) the competent person specifies the nature and frequency of examinations and any special measures needed to prepare the system for safe examination.

Where the written scheme of examination is written by someone other than a competent person, it must be certified as suitable by a competent person.

95 The term 'pipework' has been broadly defined (see paragraph 15). The effect of regulation 8 is to enable the exclusion of most 'pipework' from the written scheme where appropriate. It should be noted, however, that all pipework, irrespective of diameter or pressure, will be subject to the initial integrity, installation, operation and maintenance provisions.

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96 Before a pressure system is operated the user/owner must ensure that a written scheme of examination has been prepared. The written scheme of examination should be drawn up by a competent person, or if drawn up by someone other than a competent person, certified as suitable by a competent person. See paragraphs 28–34 for general guidance on the role of the competent person and paragraphs 100–112 for guidance on the function of the competent person in relation to the written scheme of examination.

Attributes and role of competent persons

97 The level of expertise needed by the competent person depends on the size and complexity of the system in question. To illustrate the level of expertise, knowledge and experience needed in different circumstances, pressure systems are divided into three categories as described in paragraph 98. However, in practice there are no clear dividing lines. The three categories should be taken as an indication of the range of systems covered rather than providing clear-cut divisions. Each system should be individually assessed and an informed decision made on which of the categories is the most appropriate.

98 The three categories are as follows:

- (a) Minor systems include those containing steam, pressurised hot water, compressed air, inert gases or fluorocarbon refrigerants which are small and present few engineering problems. The pressure (above atmospheric pressure) should be less than 20 bar (2.0 MPa) (except for systems with a direct-fired heat source when it should be less than 2 bar (200 kPa). The pressure-volume product for the largest vessel should be less than 2×10^5 bar litres (20 MPa m³). The temperatures in the system should be between -20 °C and 250 °C except in the case of smaller refrigeration systems operating at lower temperatures which will also fall into this category. Pipelines are not included.
- (b) Intermediate systems include most storage systems and process systems which do not fall into either of the other two categories. Pipelines are included unless they fall into the major system category.
- (c) Major systems are those which because of their size, complexity or hazardous contents require the highest level of expertise in determining their condition. They include steam-generating systems where the individual capacities of the steam-generators are more than 10 MW, any pressure storage system where the pressure-volume product for the largest pressure vessel is more than 10^6 bar litres (100 MPa m³) and any manufacturing or chemical reaction system where the pressure-volume product for the largest pressure vessel is more than 10^5 bar litres (10 MPa m³). Pipelines are included if the pressure-volume product is greater than 10^5 bar litres.

99 The attributes needed for competent persons who draw up or certify schemes of examination relating to minor, intermediate and major systems are shown below.

(a) Minor systems.

- (i) **Staff.** At least one member of staff qualified to incorporated engineer level with adequate relevant experience and knowledge of the law, codes of practice, examination and inspection techniques and understanding of the effects of operation for the system concerned.

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- (i) **Specialist services.** Established access to basic design and plant operation advice, materials engineering and non-destructive testing (NDT) facilities.
 - (ii) **Organisation.** Sufficient organisation to ensure a reasonable document storage and retrieval system with ready access to relevant law, technical standards and codes.
- (b) **Intermediate systems.**
 - (i) **Staff.** Depending on the complexity of the system, at least one senior member of staff of chartered engineer or equivalent status in each relevant discipline and supported by technically qualified and experienced staff with knowledge of the law, codes of practice, examination and inspection techniques and understanding of the effects of operation for the system concerned.
 - (ii) **Specialist services.** In-house or clearly established access to design and plant operation advice, materials engineering and NDT.
 - (iii) **Organisation.** Clear supervisory arrangements with an adequate degree of formal organisation. Appropriate document storage and retrieval system with ready access to relevant law, technical codes and standards.
- (c) **Major systems.**
 - (i) **Staff.** Depending on the complexity of the system, at least one senior member of staff of chartered engineer or equivalent status in each relevant discipline and supported by technically qualified and experienced staff with knowledge of the law, codes of practice, examination and inspection techniques and understanding of the effects of operation for the system concerned.
 - (ii) **Specialist services.** In-house or clearly established access to the full range of relevant specialist services in the fields of design and plant operation advice, materials engineering and NDT.
 - (iii) **Organisation.** Formal structure and clear lines of authority and responsibility set out in a written statement. Formal recruitment and training policies for staff. Effective document storage and retrieval system with ready access to relevant law, technical codes and standards.

Drawing up the written scheme of examination

100 The written scheme of examination can be written and certified as suitable either by an independent competent person or by the in-house competent person. For either function, the criteria for competent persons at paragraph 99 should be met, depending on the category of the system.

101 Where the appropriate technical expertise exists in-house, the written scheme may be drawn up by the user of the system and certified as suitable by a competent individual within their own organisation provided they fulfil the requirements for a competent person. Alternatively, there may be sufficient in-house expertise to draw up the scheme but not certify it, in which case the user should employ an independent competent person to carry out the certification.

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102 The competent person should ensure that the written scheme specifies:

- (a) which parts of the pressure system need to be subject to examination, ie the scope as defined by the user/owner (see paragraphs 103 and 104); and
- (b) what types of examination are necessary and the intervals between them, ie the content (see paragraphs 105 and 106).

Scope

103 The responsibility for ensuring the scope of the written scheme of examination is suitable rests with the user/owner. The user/owner should first establish which parts of the pressure system are pressure vessels, protective devices, or pipework as defined in the Regulations, and then decide which parts of the system should be included in the written scheme. The following points should be taken into account:

- (a) in general, pressure vessels should be included (it might be reasonable to exclude small vessels with low stored energy which form part of a larger system);
- (b) all protective devices should be included, even if they are on a part of the system which is not included;
- (c) pipework, which is widely defined to include pipes, associated valves, pumps, compressors, hoses, bellows and other pressure-containing components, will only need to be included in the scheme if:
 - (i) its mechanical integrity is liable to be significantly reduced by corrosion, erosion, fatigue or any other factors; and
 - (ii) failure resulting in the sudden release of stored energy would give rise to danger.

104 The user/owner should be able to justify any decision to exclude parts of the system from the scope of the written scheme. To arrive at a properly informed decision, and particularly where parts of the system are to be excluded from the written scheme, users or owners should seek advice from a person with the appropriate and relevant technical expertise and experience. Such a person need not be a competent person as defined in these Regulations. But the person advising on the scope of the written scheme must have an appropriate level of expertise and experience of the particular type of system. The user/owner may choose to seek advice on this matter from a competent person.

Content

105 As a minimum, the following information should be included in the written scheme of examination:

- (a) those parts of the system which are to be examined;
- (b) identification of the item of plant or equipment;
- (c) the nature of the examination required, including the inspection and testing to be carried out on any protective devices;
- (d) the preparatory work necessary to enable the item to be examined safely;
- (e) specify what examination is necessary before the system is first used, where appropriate;
- (f) the maximum interval between examinations;

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- (g) the critical parts of the system which, if modified or repaired, should be examined by a competent person before it is used again;
- (h) the name of the competent person certifying the written scheme; and
- (i) the date of the certification.

106 The nature of the examination should be specified in the written scheme. This may vary from out-of-service examination with the system stripped down, to in-service examination with the system running under normal operating conditions. Some systems (for example fired equipment) may need to undergo both out-of-service and in-service examinations. Where the written scheme requires both an out-of-service and an in-service examination, the in-service examination should be completed as soon as reasonably practicable after the completion of the out-of-service examination. The competent person may need to seek advice from the manufacturer/supplier on appropriate methods of testing, particularly where internal examination is difficult.

First examination

107 Where appropriate, the requirement for an examination before the system is first taken into use should be specified in the written scheme of examination. For equipment supplied in accordance with PER, the person who draws up or certifies the written scheme should consider whether an initial examination is appropriate and the form that any such examination should take. This consideration should take account of the results of the conformity assessment to which the equipment was subject before it was placed on the market. In general, further assessment of the equipment under the written scheme should be judged on the merits of each individual case.

Periodicity

108 When deciding on the periodicity between examinations, the aim should be to ensure that sufficient examinations are carried out to identify at an early stage any deterioration or malfunction which is likely to affect the safe operation of the system. Different parts of the system may be examined at different intervals, depending on the degree of risk associated with each part.

109 Protective devices should be examined at least at the same time and frequency as the plant to which they are fitted. Some protective devices may need to be examined at more frequent intervals. The examination should include checks that the devices function correctly and are properly calibrated or, alternatively, that they have been replaced by recently tested units.

110 All relevant factors should be taken into account when deciding on the appropriate interval between examinations, including:

- (a) the safety record and previous history of the system;
- (b) any generic information available about the particular type of system;
- (c) its current condition, eg due to corrosion/erosion etc (internal and external);
- (d) the expected operating conditions (especially any particularly arduous conditions);
- (e) the quality of fluids used in the system;
- (f) the standard of technical supervision, operation, maintenance and inspection in the user's/owner's organisation; and
- (g) the applicability of any on-stream monitoring.

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Repair/modification

111 The scheme should, where necessary, specify the type of repair or modification which needs to be examined by the competent person carrying out examinations under regulation 9 before the system is put back into use. Alternatively, the user/owner may decide to draw up a comprehensive written method to be followed for certain specified repairs or modifications to all or some of the systems.

Storage

112 The written scheme of examination may be kept in hard copy form, stored electronically or on a storage device. If a computer system is used it must be able to reproduce the scheme readily as a written copy, be authenticated by the competent person and be protected from unauthorised alteration.

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113 The user/owner should decide, in consultation with a person competent to advise as appropriate, whether a written scheme of examination is required. Each system should be considered individually, taking into account the exceptions to all or certain regulations detailed in Schedule 1. The examples given below are for general guidance purposes only and the lists are not exhaustive. The following types of pressurised systems are likely to require a written scheme of examination:

- (a) steam sterilising autoclave and associated pipework and protective devices;
- (b) steam boiler and associated pipework and protective devices;
- (c) pressure cooker;
- (d) gas-loaded hydraulic accumulator, if forming part of a pressure system;
- (e) portable hot water/steam-cleaning unit fitted with a pressure vessel;
- (f) vapour compression refrigeration system where the installed power exceeds 25 kW;
- (g) standard or narrow gauge steam locomotive;
- (h) the components of self-contained breathing apparatus sets (excluding the transportable pressure receptacle); and
- (i) fixed LPG storage system supplying fuel for heating in a workplace.

The following pressurised systems are unlikely to require a written scheme of examination:

- (a) an office hot water urn (for tea making);
- (b) a machine tool hydraulic system;
- (c) portable oxy-fuel gas welding sets; and
- (d) an atmospheric oil storage tank.

114 In practice, it should only be necessary in the case of unusual or complicated systems to set out any special safety precautions which are needed to prepare the system for examination. This should only be spelt out where the user or owner does not have specialist advice available on these matters.

115 There are many factors to be considered by the competent person when deciding the maximum interval between examinations under the written scheme of examination (see paragraph 110). The competent person should use their judgement and experience to determine the appropriate interval based on the relevant information. Earlier legislation set out maximum examination intervals for some types of equipment. The competent person may wish to consider using these as a guide when drawing up or certifying the written scheme of examination, if appropriate for that system. For steam plant the period was usually 14 months with

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more frequent examinations specified where operating conditions were arduous. The examination period for steam receivers linked to such plant was generally in the range of 26–38 months. Air receivers on compressed air systems were generally examined every 24–48 months, with examinations taking place less frequently, ie every 72 months where corrosion was minimal and maintenance of safety standards was high.

Review

116 The written scheme must be 'suitable' in all the circumstances so it should be reviewed from time to time. It is the user's/owner's responsibility under the Regulations to ensure that the content of the written scheme is reviewed periodically by a competent person.

117 While a review may be carried out at any time, it is recommended this is done when an examination has been completed and before the written report of that examination is issued. The competent person may decide that the period between each examination should be altered and this will mean revising the written scheme. For example, as the age of some plant increases, more frequent examinations may be needed or their content or type may have to be changed.

118 A review which alters the frequency of examinations under the written scheme cannot be used to extend the date by which the next examination is due to take place as specified in the last written report. Under regulation 9(5)(c), the competent person will have specified in the last written report the date by which the next examination should take place and after which the system cannot be operated without a further examination. That requirement must be met unless a postponement is made in accordance with regulation 9(7).

Regulation 9 Examination in accordance with the written scheme

Regulation

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—*

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- (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 no person shall 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*

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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.

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119 Although this regulation places duties on the competent person in relation to carrying out the examination, there is a clear duty on users/owners to ensure that the equipment is not operated beyond the date specified in the current examination report.

120 The words 'as soon as is practicable' in regulation 9(3) are intended to ensure that where repairs have to be carried out within a short timescale, there is no delay between the time the examination is actually carried out and the receipt by the user of the examination report. Where examinations are concentrated into a short period of time for reasons of efficiency, for instance on large integrated chemical plants, it may be unreasonable to expect all the reports to be completed at the same time. In these circumstances, the competent person should complete the reports and forward them within 28 days of the completion of the final examination in that series.

121 In regulation 9(5)(c) the date referred to is the date beyond which the competent person has decided the system should not be operated for safety reasons, based upon the results of the examination under the written scheme. In any case, the date set for the next examination must not exceed the period stated in the written scheme.

122 Regulation 9(7) makes provision for the postponement of the next examination subject to the fulfilment of certain conditions. It is for the user/owner to fulfil all these conditions before the examination can legally be postponed. Details of the postponement have to be notified by the user/owner to the enforcing authority (ie HSE or the Environmental Health Department of the Local Authority).

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123 The user/owner should ensure that any necessary preparatory work is completed so that the competent person can carry out the examination safely. Preparatory works may be specified to a greater or lesser extent in the written scheme. Whether any special preparatory works form part of the written scheme or not, the user/owner should consider the type of preparations required, seeking advice from a suitably qualified person where necessary. According to the type of system, the preparatory works may need to include:

- (a) cooling the system;
- (b) positively isolating the parts of the system to be examined;
- (c) returning the system to ambient conditions;
- (d) removing the contents;
- (e) venting vessels;
- (f) erecting suitable staging for access;
- (g) removing protective devices;
- (h) ensuring that, where appropriate, vessels, pipework etc are visible and accessible (ie by removing brickwork or lagging);
- (i) cleaning surfaces;
- (j) removing scale and other deposits;
- (k) removing pieces of insulation;
- (l) ensuring that any ancillary testing equipment is available; and
- (m) arranging for the system to be tested (for example for leaks) where appropriate.

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124 The competent person should have sufficient practical and theoretical knowledge and actual experience of the type of system under examination to enable defects or weaknesses to be identified and an assessment made of their significance in terms of the integrity and safety of the equipment.

125 The competent person should examine and report on all parts of the system covered by the written scheme of examination. The competent person should be satisfied that, as a result of the examination, the condition of the parts included in the written scheme and their fitness for continued use has been properly assessed. The following points (although not exhaustive) should aid the competent person's decisions:

- (a) the age and known history of the part or system;
- (b) the nature of the relevant fluid;
- (c) the conditions of use;
- (d) the length of time since the last examination; and
- (e) the expected operating conditions and maintenance regime until the date of the next examination.

126 Unless the user or owner informs the competent person of an intended change of use, the assessment of the system's fitness should be based on the current operating conditions and method of use continuing unchanged. The competent person should assume that normal maintenance will be carried out as defined in regulation 2 under 'examination'.

127 The report should be based on the actual condition of the system as found during the examination. If repairs are carried out as a result of the examination, the report should include details of the fault and the remedial action taken even if the repair works are finished before the examination has been completed.

128 The competent person should consider whether any changes are needed in the safe operating limits, or in the scheme of examination. The report may state that continued use of the system is dependent on altering certain specified operating conditions or undertaking specific maintenance tasks.

129 The competent person may decide that the risk of danger may be significantly increased if the next examination is delayed until a date set in accordance with the current written scheme. In these circumstances, the written scheme should be reviewed and an earlier date set beyond which the system should not be operated without a further examination.

130 At the end of the examination, the competent person should be satisfied that the protective devices, especially any safety valves, have been tested and set correctly. Where protective devices which have been removed during an examination are found to be defective, the cause of the problem should be investigated further by the user/owner and the necessary corrective measures taken (see also paragraphs 138–143 for guidance on action in case of imminent danger).

Guidance

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131 Although the user/owner is not directly responsible for the quality of the examination (and in many cases will not be able to judge the quality of the work undertaken by the competent person), they will need to be assured that the examination has been carried out in a satisfactory manner.

132 The user's/owner's co-operation will be needed to ensure that the system is properly prepared and made available in time for the competent person to carry out the examination.

Guidance

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133 Adequate advance notice should be given to the competent person that an examination is due and the user/owner should make the system available in good time.

134 All parts of the system covered by the scheme must be examined within the intervals specified in the written scheme of examination. Where there are several identical vessels on site operated by the same user, a form of staged examination may be used. For example a written scheme covers four identical vessels and specifies a frequency of examination of five years. It is acceptable to examine a different vessel each year within the group of four provided they are all examined within the five-year period.

135 There are other hazards not covered by these Regulations that should be considered (wherever relevant) before an examination (for example means of access, entry into confined spaces, lack of oxygen, hazards of toxic substances, asbestos in lagging). The risks posed by these hazards must be assessed to comply with the requirements of the Management of Health and Safety at Work Regulations 1999⁶ and other more specific provisions, and the appropriate precautions required should be taken. The person who carries out an examination, either individually or as part of a team, must take reasonable care and co-operate fully with other workers and with the user/owner to comply with the general duties of employees at work placed on them by section 7 of the HSW Act.

Mobile systems

136 For mobile systems the date of the next examination must be marked on the system. A permanent form of marking, such as engraving, is not required. It will generally be sufficient if the date is painted on the equipment.

Format of reports

137 No particular format is laid down for the report as systems vary in size and complexity. The format can be chosen to fit in with the record-keeping systems of the user/owner and competent person. Computer-generated reports with appropriate validation are acceptable and this is likely to speed up the despatch of reports from centrally organised inspection organisations with locally based inspectors. Any secure system that can be validated as the sole record-keeping medium is acceptable. Suggested items for inclusion in the report include the following:

- (a) the name and address of the owner;
- (b) the address, location of system and name of the user (if different from owner);
- (c) whether subject to a written agreement under Schedule 2;
- (d) identification of system or parts examined;
- (e) the condition of the system or parts examined;
- (f) parts not examined;
- (g) result of the examination;
- (h) any repairs needed and the timescale for completion;
- (i) any changes in the safe operating limits and the date by which they should be made;
- (j) any change in the written scheme of examination;
- (k) the date by which the next examination must be completed;
- (l) other observations;
- (m) where the most recent examination due was postponed in accordance with regulation 9(7), the names of appropriate members of the competent person's and the user's/owner's organisation, the date of giving the relaxation and the

Guidance 9

- new date by which the examination was to be completed;
- (n) the date the examination took place;
 - (o) name and address of competent person;
 - (p) a signature; and
 - (q) the date of the report.

Regulation 10 Action in case of imminent danger

Regulation 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.*

Guidance 10

138 This regulation applies only to serious defects requiring immediate attention. That is, where there is a risk of imminent failure of the system if immediate repairs are not undertaken or other suitable modifications are not made to the operating conditions. The word 'forthwith' means that the competent person should notify the user/owner immediately so that appropriate action can be taken to prevent danger.

139 The user/owner should be notified immediately of those defects which the competent person considers could cause imminent failure of the system. Therefore, the written report to the user/owner should be made immediately. It is separate from and does not replace the report of the examination under the written scheme of examination required by regulation 9.

140 The competent person's reports are a vital diagnostic aid to the safe operation of pressure equipment. Defects which are identified only as a result of the competent person's examination, rather than as a result of checks under the maintenance regime, can point to failings in the general management of the system.

Guidance 10

Although the particular fault may be rectified immediately it is identified, the competent person should complete the report to the user/owner and relevant enforcing authority as detailed below.

141 Notification to the enforcing authority (ie HSE or the Environmental Health Department of the Local Authority) is also a separate action required of the competent person. The period of 14 days to make this report to the enforcing authority is to allow sufficient time for a formal written report to be sent.

142 If the competent person is not clear about who is the relevant enforcing authority for a particular premises, they should contact the nearest HSE office for advice (see HSE's website at www.hse.gov.uk).

143 The sequence of events for reporting imminent danger is given below:

- (a) The competent person immediately produces a written report identifying the system and specifying the repairs, modifications or changes required and gives it to the user/owner.
- (b) The user/owner ensures that the system (or, if the report only affects a discrete part of the system, that part) is not operated until the necessary repairs, modifications or changes have been carried out.
- (c) The competent person sends a written report to the relevant enforcing authority within 14 days.
- (d) The competent person produces a report of the examination under the written scheme (regulation 9) and sends it to the user/owner within 28 days.

Regulation 11 Operation

Regulation 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).*

Guidance 11

144 Although the provision of training to people who use pressure systems is not covered by this regulation, it is required by regulation 9 of the Provision and Use of Work Equipment Regulations (PUWER).⁷ PUWER places a duty on the employer to ensure that anyone using work equipment, or supervising/managing its use, should have received adequate training for the purposes of health and safety.

ACOP 11

145 The instructions provided to operators by the user/owner should cover:

- (a) all procedures and information needed so that the system can be operated safely; and**
- (b) any special procedures to be followed in the event of an emergency.**

146 Information provided by manufacturers or suppliers, such as instruction sheets and operating manuals, may form part or all of the instructions developed to meet these Regulations. To fulfil this role they should be sufficiently comprehensive, cover the particular installation and its safe operation and be consistent with the site operating conditions.

ACOP

11

147 The operator should be familiar with and have ready access to all the instructions. Instructions should be presented in the most appropriate way, eg simple, concise instructions may be displayed near the relevant part of the system. These should be pointed out to the operator before they use it for the first time.

148 Where a system is leased, the owner should provide all necessary instructions to the user. The user should ensure that the system is only operated in accordance with the instructions.

Content

149 The instructions should contain all the information needed for the safe operation of the system including:

- (a) start-up and shutdown procedures;
- (b) precautions for standby operation;
- (c) function and effect of controls and protective devices;
- (d) likely fluctuations expected in normal operation;
- (e) the requirement to ensure that the system is adequately protected against overpressure at all times; and
- (f) procedures in the event of an emergency.

150 The following paragraphs give more details on the contents of instructions for particular types of systems.

Steam and pressurised hot water plant

151 Pre-firing and start-up instructions should include:

- (a) methods of establishing the proper water level in the boiler and maintaining adequate water supplies;
- (b) methods of carrying out any necessary flue gas side purging;
- (c) methods of establishing correct firing conditions so that pressure/temperature are raised carefully, preventing undue thermal shock; and
- (d) procedures to avoid water hammer.

152 There should also be instructions covering:

- (a) feed water treatment, if appropriate;
- (b) safe blowdown of the boiler and any other part of the system requiring such treatment;
- (c) precautions to be taken when emptying the boiler, eg by allowing it to cool down sufficiently before emptying it;
- (d) precautions to ensure positive isolation and depressurisation of one boiler from a common header and blowdown system if internal access is required (see also paragraph 153);
- (e) precautions to be taken before carrying out maintenance operations. This will include the requirement to ensure that the system is normally depressurised before carrying out maintenance and that protective devices are not disconnected or isolated while the plant is operating; and
- (f) procedures to be followed in the event of a shortage of water, bursting of tubes or other event requiring the boiler to be shut down.

ACOP

11

153 Where internal access is required and the steam boiler is one of a range of two or more boilers, this will include the requirement to either:

- (a) disconnect all inlets through which steam or hot water might enter the boiler from any part of the range; or
- (b) close and securely lock all valves or taps controlling the entry of steam or hot water. Where the boiler has a blow-off pipe in common with one or more other boilers or delivers into a common blow-off vessel or sump, it should only be possible to open the blow-off valve or tap on each boiler with a key which cannot be removed until the valve or tap is closed. There should only be one key in use for that set of blow-off valves or taps.

Compressed air systems

154 The instructions should cover at least all of the following items relevant to the particular system:

- (a) checking and topping up of compressor lubricants;
- (b) draining of receivers, intercoolers, aftercoolers, pipework etc;
- (c) need for good housekeeping, in particular where dirt and/or spillage may affect the operation of or obscure any protective devices;
- (d) warnings of the dangers associated with the removal of inspection covers or pipework before residual pressure has been vented; and
- (e) thorough cleaning of receivers at the time of examination.

Vessels with quick-opening or bolted access doors

155 Instructions for vessels with quick-opening or bolted doors for access during a process cycle should include:

- (a) information on the dangers of forcing the doors into position and of bypassing or interfering with door mechanisms;
- (b) checks on door locking mechanisms in the open and closed positions;
- (c) tightening and releasing the securing bolts of multi-bolted doors; and
- (d) checking that venting is complete before attempting to disengage the door-securing mechanism.

Guidance

11

156 In addition to instructions, preparing a schematic circuit or flow diagram for the system is recommended. The diagram could include all significant controls, valves and relevant safe operating limits with those of importance in an emergency clearly identified. Its purpose is to provide an easily accessible 'picture' of how the system is operated and controlled and to aid identification of the system's parts. It should be updated when changes are made to the system and be kept with the operating instructions.

157 The instructions should state that equipment should be depressurised before maintenance or other such tasks are carried out, thus avoiding the need to disconnect or isolate protective devices while the plant is in use. Only in very exceptional cases where plant cannot be depressurised, should protective devices be isolated or disconnected. In those very exceptional circumstances, adequate alternative arrangements are required to ensure that the system is fully protected against overpressure at all times. These arrangements should be detailed in the operating instructions. The following examples, while not exhaustive, detail precautions which should be taken before pressure-relieving devices are isolated from the vessels that they are designed to protect.

Guidance 11

Multiple pressure relief devices

158 When isolating any one relief device for testing or servicing, ensure that the remaining relief device(s) connected to the vessel provides the full capacity required.

Single pressure relief devices

159 Where provision is made for removal of the valve for testing or servicing by the use, for example, of an automatic shut-off valve, a replacement relief device should be fitted immediately to ensure that the vessel is not left unprotected.

Simultaneous isolation of relief and pressure source

160 Where the only source of pressure which could lead to an unsafe condition originates from an external source, this source should also be isolated from the vessel protected by the relief device.

Regulation 12 Maintenance

Regulation 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.

Guidance 12

161 This regulation builds on the more general duties in the HSW Act and regulation 5 of PUWER which require that work equipment is maintained so that it does not give rise to risks to health and safety. The guidance and ACOP on PUWER⁷ contains information on maintenance management techniques.

162 The purpose of maintenance under this regulation is to ensure the safe operation and condition of the system. The actual process of carrying out the maintenance tasks is not covered. The risks associated with maintenance must be assessed to comply with the requirements of the Management of Health and Safety at Work Regulations 1999 and the appropriate precautions taken.

163 The need for maintenance should not be confused with the requirement for examinations under the written scheme. They are two separate issues although problems identified during an examination under the written scheme may require maintenance to correct.

ACOP 12

164 The type and frequency of maintenance for the system should be assessed and a suitable maintenance programme planned.

165 A suitable maintenance programme should take account of:

- (a) the age of the system;
- (b) the operating/process conditions;
- (c) the working environment;
- (d) the manufacturer's/supplier's instructions;
- (e) any previous maintenance history;
- (f) reports of examinations carried out under the written scheme of examination by the competent person;
- (g) the results of other relevant inspections (eg for maintenance or operational purposes);
- (h) repairs or modifications to the system; and
- (i) the risks to health and safety from failure or deterioration.

ACOP

12

166 Problems identified during operation of the system should be assessed for their impact on the safety of the system. For instance, recurrent discharge of a relief valve may indicate that the system or the relief valve are not working correctly and should be investigated as part of the planned maintenance regime. In processes where protective devices and other safeguards may become ineffective because of accumulations of deposits of process waste materials, frequent checks should be made to keep them in efficient working order. For example, in the case of digesters in by-product plants, regular checks should be made on the interlocking components and seals of doors to ensure that they operate correctly. Moving parts should be regularly lubricated and protective devices cleared of fatty deposits.

167 Where the manufacturer/supplier has provided maintenance instructions for all or part of the system, these should form the basis of the maintenance programme. They should be supplemented as appropriate where they are not sufficiently comprehensive to cover the particular installation. In assessing whether the manufacturer's/supplier's instructions are sufficient, account should be taken of the complexity of the system, whether they cover the particular installation and reflect the on-site operating conditions.

168 The type and frequency of maintenance tasks (inspections, replacement of parts etc) should be decided for all those parts which, through failure or malfunction, would affect the safe operation of the system. Although pipework systems may not always be included for examination under the written scheme, checks and remedial action in potentially vulnerable areas such as expansion loops, bends, dead legs and low points or where leaks have been noticed will be necessary. Where appropriate, parts of systems should be checked during regular shutdowns when it may be easier to identify signs of deterioration such as leakage, external damage or corrosion, particularly if the equipment or pipework is lagged. Although PSSR only covers risks from stored energy, examination of pipework would be required under other legislation if the contents were hazardous, for example toxic or flammable substances.

169 Systems which have been out of service for a significant period of time will need detailed checks and maintenance before being returned to service, irrespective of any examinations carried out under the written scheme.

Instructions

170 Instructions for maintenance staff should be readily available. The method used to provide staff with instructions will depend on the complexity of the system and the user's organisational arrangements. For example, a simple maintenance schedule could take the form of a checklist displayed near to the system. The aim should be to select the most appropriate method, taking into account all the relevant factors.

Guidance

12

171 The extent and complexity of maintenance can vary substantially from simple checks on basic equipment to integrated programmes for complex plant. Checks should be carried out to ensure that safety-related features are operating correctly. A fault affecting production is normally apparent within a short time whereas a fault in a safety critical part, such as a protective device, could remain undetected unless appropriate safety checks are included as part of the maintenance programme.

172 Maintenance work to improve plant efficiency, reduce fuel consumption or for other production process reasons is not covered. It is helpful to implement a

Guidance 12

maintenance regime which combines both safety-related and operational maintenance tasks in one complete maintenance programme for the system.

Regulation 13 Modification and repair

Regulation 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.

Guidance 13

173 The dutyholder for this regulation is the employer of the person engaged to carry out the repair or modification.

ACOP 13

174 When designing any modifications (including extensions or additions) or repairs to the pressurised parts of the system, whether temporary or permanent, the following should be taken into account:

- (a) the original design specification;
- (b) the duty for which the system is to be used after the repair or modification, including any change in relevant fluid;
- (c) the effects any such work may have on the integrity of the pressure system;
- (d) whether the protective devices are still adequate; and
- (e) continued suitability of the written scheme of examination.

175 Repair or modification of non-pressure containing parts of the system should be carried out so that the integrity of the pressure system is not adversely affected. This should ensure that any repairs, modifications (including extensions or additions) do not affect the operation of any protective devices.

176 Any repair or modification (including extensions or additions) should be designed in accordance with appropriate standards, taking into account the expected future duty of the system as well as the original design specification. It should be done by a person competent to do such work.

Guidance 13

177 Where substantial modifications or repairs (including extensions or additions) are to be carried out which might increase the risk of system failure, the user should consult a person who is competent to advise before work begins.

Regulation 14 Keeping of records etc

Regulation 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;*

Regulation 14

- (c) any—
 - (i) information provided pursuant to regulation 5 of these Regulations; 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, which Annex is set out in Schedule 2 to the Pressure Equipment Regulations 1999, and provided pursuant to regulation 7(1) and (3) or 8(1) and (3)(b)(i) of those Regulations, 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 Great Britain 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.

ACOP 14

178 Records retained should assist the competent person in the examination under the written scheme, the purpose being to assess whether the system is safe for continued use and/or if any planned repairs or modifications can be carried out safely.

179 The user/owner should keep the following documents readily available:

- (a) any designer's/manufacture's/supplier's documents relating to parts of the system included in the written scheme;
- (b) any documents required to be kept by PER;
- (c) the most recent examination report produced by the competent person under the written scheme of examination;
- (d) any agreement or notification relating to postponement of the most recent examination under the written scheme; and
- (e) all other reports which contain information relevant to the assessment of matters of safety.

180 In deciding whether a report contains relevant information, the user/owner should take account of the content of the report, the system's complexity, the operating conditions, previous history of repair and any significant modifications to the system.

ACOP

14

181 Records of abnormal or particularly arduous operating conditions should be kept if they will be of use to the competent person at the next examination.

182 Where the owner/user is unsure whether certain records are relevant, the competent person should be asked to advise.

183 To avoid confusion, the records should be kept in such a way that it is possible to identify the particular system or parts of the system easily against those detailed in the written scheme of examination.

Guidance

14

184 Where a system is sold or otherwise changes hands, the previous user/owner has a duty to pass all documents held under this regulation to the new user/owner. In this way, valuable information about the equipment's past history can be made available to those people who will be responsible for the system.

185 Examination reports and the written scheme of examination may be kept in hard copy form, stored electronically or on a storage device. If a computer system is used to keep this information then it must be able to reproduce it as a written copy when necessary, for example to an inspector from the relevant enforcing authority. It should be protected from unauthorised alteration and be authenticated only by the competent person who carried out the examination.

Regulation 15 Precautions to prevent pressurisation of certain vessels

Regulation

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.*

Guidance

15

186 The purpose of this regulation is to prevent an unintentional build-up of pressure in a vessel which is provided with a permanent outlet to atmosphere, or to a space where the pressure does not exceed atmospheric pressure.

187 This operating requirement applies principally to steam plant. There are other processes that may have a similar operating requirement. For example, in the chemical industry where a reactor vessel is provided with a vent to atmosphere, keep the vent clear of obstruction to ensure that the reaction proceeds at or near atmospheric pressure. If the outlet becomes blocked with deposits or otherwise, the temperature in the reactor could build up to a point where control of the process is lost, the contents decompose, the vessel becomes overpressurised and then fails.

PART III Miscellaneous

Regulation 16 Defence

Regulation 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—*

- (a) *before the hearing to determine mode of trial, where the proceedings are in England or Wales;*
- (b) *before the intermediate diet, where the proceedings are summary proceedings in Scotland; or*
- (c) *before the first diet, where the proceedings are solemn proceedings in Scotland,*

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 some 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.*

Regulation 17 Power to grant exemptions

Regulation 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 a 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 enactment which apply to the case,*

Regulation 17

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.

Regulation 18 Repeals and revocations

Regulation 18

(1) Sections 34 to 38 of the Factories Act 1961 are repealed.

(2) The Pressure Systems and Transportable Gas Containers Regulations 1989, regulation 21(6) of and Schedule 6 to the CDGCPL Regulations and regulation 3 of and Schedule 2 to the Carriage of Dangerous Goods (Amendment) Regulations 1999 are revoked.

Regulation 19 Transitional provision

Regulation 19

The substitution of provisions in these Regulations for provisions of the Pressure Systems and Transportable Gas Containers Regulations 1989 shall not affect the continuity of the law; and accordingly anything done under or for the purposes of such provision of the 1989 Regulations shall have effect as if done under or for the purposes of any corresponding provision of these Regulations.

SCHEDULE 1

Part 1 Pressure systems excepted from all regulations

Schedule

1

Regulation 3(2)

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.

Schedule

1

(7) Any plant or equipment required by regulation 6(3)(b) of the Diving at Work Regulations 1997 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 Regulations 1996 apply.

(9) A tank to which the Carriage of Dangerous Goods By Rail Regulations 1996 or the Carriage of Dangerous Goods by Road Regulations 1996 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 Rail as revised or reissued 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 Great Britain 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 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 section 185(1) of the Road Traffic Act 1998.

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

Schedule

1

(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.

(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.

Guidance

188 Schedule 1 of the Regulations lists a number of general exceptions which significantly affect their application. Users/owners applying the Regulations are advised to consult Schedule 1, together with this guidance, to determine what parts of the Regulations, if any, are relevant in the prevailing circumstances.

Exceptions 1 and 2

189 These exceptions cover systems which form part of the equipment of a ship. Also covered are weapons systems, and any aircraft or similar craft.

Exception 3

190 The Regulations do not cover pressure systems which form part of the braking, control or suspension system of road or rail vehicles. No internal combustion engine is considered to be covered by the Regulations.

Exception 4

191 A system which is only a pressure system because it is subject to a leak test is not covered by the Regulations. For example, radiators under leak test would be exempt. For a definition of 'leak test' and other forms of pressure testing, see the HSE Guidance Note GS4 *Safety in pressure testing*.⁸

192 The exception also covers situations where pressurisation is unintentional and not reasonably foreseeable. This is not a blanket exception to cover situations where the hazard should have been foreseen but was not. Proper enquiry should determine the safe operating limits when new plant or processes are developed. Protective measures should be designed into the plant if loss of process control can lead to excess pressure generation within the system.

Schedule

1

Guidance

193 Also exempt from the Regulations are pipelines normally used for conveyance of liquids but which are pressurised solely as part of a test or line clearance operation.

Exception 5

194 The definition of a pressure system includes 'a pipeline containing a relevant fluid'. This exception excludes from the Regulations low pressure gas distribution pipelines provided that:

- (a) the operating pressure does not exceed 2 bar above atmospheric pressure; and
- (b) a protective device prevents the pressure from exceeding a maximum of 2.7 bar above atmospheric pressure in the event of a temporary pressure excursion occurring.

Exception 6

195 Where pressurised apparatus has been set up in a laboratory and is itself the subject of a research experiment, it is not always reasonably practicable to apply most of the Regulations to the equipment. In the case of other research projects, the individual circumstances and duration of the project will dictate whether it is reasonably practicable to comply with the Regulations. Anyone relying on this exception should be able to justify their reasons for non-compliance and any failure to take the basic precautions required under the Regulations to prevent risk of injury from system failure.

Exception 7

196 Plant and equipment used in diving projects is already the subject of requirements under the Diving at Work Regulations 1997.⁹ Plant and equipment required by regulation 6(3)(b) of those Regulations are excepted from PSSR. The wording 'intended to be used' is inserted to extend the exception to manufacturer's premises where the diving equipment may be under test.

Exception 8

197 The Regulations do not apply to any working chamber, tunnel, manlock or airlock in which people work in compressed air and which are covered by the Work in Compressed Air Regulations 1996.¹⁰ If pressure systems such as mobile compressors and air receivers are provided on the surface or are taken into the working chamber, tunnel, manlock or airlock for work activities, these pressure systems fall within the scope of PSSR.

Exception 9

198 A road tanker or tank container is exempt from the provisions of these Regulations while the Carriage of Dangerous Goods by Road Regulations 1996* apply.¹¹ This should prevent overlapping requirements. However, if the tank or tank container ceases to be subject to those Regulations, PSSR will apply when a relevant fluid is carried. But examinations of vessels carried out under the Carriage of Dangerous Goods by Road Regulations 1996* will be acceptable as providing compliance with the relevant requirements in PSSR (see also paragraph 214).

Guidance

199 It should be noted that certain pressurised tankers containing non-hazardous materials which are not subject to the Carriage of Dangerous Goods by Road Regulations 1996* will be mobile systems under PSSR and must be examined accordingly.

Exceptions 10, 11, 12, 13 and 14

200 These exceptions relate to international road, rail and sea transportation involving a pressure system. Broadly, such international transport operations are exempt from the provisions of the UK Regulations if full compliance is achieved with the relevant international agreements, which have broadly similar objectives to UK legislation. To be exempt, however, the transport operation has to be international, ie the consignment concerned has to be on an international journey which begins or ends abroad.

Exception 15

201 This provision exempts from the Regulations the fuel storage tank and fuel system of a vehicle which uses a relevant fluid for propulsion and also exempts other pressure systems found on a vehicle such as those for heating, cooking, ventilation and refrigeration.

Exception 16

202 This paragraph confirms the exception of pressurised water cooling systems both for internal combustion engines and compressors. The Regulations do not apply to a pressure system which is part of a braking, control or suspension system of a vehicle (exception 3) or to prime movers which are pressure vessels (exception 20).

Exception 17

203 The exception clause for tyres has been inserted to make it clear that a tyre should not be considered a rigid vessel, and so brought within the scope of the Regulations.

Exception 18

204 This exception excludes small refrigeration systems from the Regulations.

Exception 19

205 The exception for slurry tankers relates only to those tankers which are used in agriculture.

Schedule

1

* Superseded by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (SI 2009/1348).

Guidance

Exception 20

206 This exception disapplies the Regulations to prime movers, which includes turbines and prime movers of steam locomotives. The exception would also cover pressurised pit support systems used in the mining industry.

Exception 21

207 Some electrical and telecommunications systems incorporate cables which are pressurised with air in excess of 0.5 bar above atmospheric pressure. Such cables are not to be treated as part of a pressure system as defined. However, some systems incorporate a compressor and conventional air receiver and the Regulations will apply to that part of the pressure system.

Exception 22

208 Certain types of switchgear forming part of high-voltage electrical apparatus containing sulphur hexafluoride gas are covered by a specific exception. This type of equipment is manufactured for long service; it is not intended to be opened up and internal examination might increase the risk of electrical failure in service.

Exception 23

209 Water-filled fluid couplings are used extensively for conveyor systems subject to very heavy duty such as in mines. Under certain circumstances, steam can be generated in them, and larger couplings would then be subject to these Regulations unless excepted. Such couplings, which are not constructed as pressure vessels, are invariably fitted with suitable protective devices to prevent system failure, and the requirements of the Regulations are inappropriate.

Exception 24

210 Portable fire extinguishers manufactured as pressure vessels (ie not transportable pressure receptacles) are excluded from the Regulations if they have a working pressure below 25 bar (gauge) at 60 °C, and have a total mass not exceeding 23 kilogrammes. However, fixed (installed) fire extinguishing systems containing a relevant fluid are subject to the Regulations as a pressure system.

Exception 25

211 Hand-held tools which otherwise might be considered as pressure vessels, and therefore covered by the Regulations, are excepted provided that the hand-held part of the tool contains the pressure vessel. This exception mostly applies to small, compressed air-driven tools. Tools where the pressure vessel is not part of the hand-held portion (such as steam strippers where the steam is generated in a tank) are not excepted from these Regulations.

Schedule

1

Part II Pressure systems excepted from certain regulations

Schedule

1

1. Regulations 4 and 5(1) and (4) shall not apply to—
 - (a) pressure systems to which the Medical Devices Regulations 1994 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 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 August 2000 regulations 8 to 10 and 14 shall not apply to a pressure system brought into operation before the coming into force 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 1996* 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.

* Superseded by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (SI 2009/1348).

Guidance

Exception 1

212 Pressure equipment which is subject to PER is excepted from regulations on design, construction and provisions for information and marking. One example of equipment not covered by this exception is systems containing steam at a pressure of 0.5 bar (gauge) or less.

Exception 2

213 This exception relates only to pressure systems containing a relevant fluid other than steam where the product of the pressure (in bars) and the internal volume (in litres) in each vessel in the system is less than 250 bar litres. Where the relevant fluid is steam all the regulations apply, irrespective of the vessel pressure and size.

Schedule

1

Guidance

Schedule

1

Exceptions 3 and 4

214 These exceptions have been inserted to ensure that tank containers subject to the Carriage of Dangerous Goods by Road Regulations 1996* and examined under the provisions of those Regulations are not subject to the corresponding provisions of PSSR when they have been removed from a vehicle. However, the operational provisions of PSSR will continue to apply.

* Superseded by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (SI 2009/1348).

SCHEDULE 2 Modification of duties in cases where pressure systems are supplied by way of lease, hire, or other arrangements

Schedule

2

Regulation 3(5)

1.
 - (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 section 47(2) of the 1974 Act) imposed by 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 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 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 14(6)(a) where the competent person is using the procedure referred to in regulation 14(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—*

Schedule

2

- (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. *Section 6(9) of the 1974 Act* and the Health and Safety (Leasing Arrangements) Regulations 1992 shall apply to these Regulations as they apply to the remainder of section 6 of that Act.*

* Section 6(9) was amended by the Consumer Protection Act 1987 (c. 43) Schedule 3, paragraph 1(9).

Guidance

215 This Schedule allows the supplier, in the case of a leased installed system, to assume responsibility in writing for compliance with those regulations which deal with written scheme examinations, operation, maintenance and record keeping. The Schedule, therefore, covers the supply of reports on those examinations conducted under the written scheme. As these Regulations do not apply to systems installed at domestic premises, reports do not have to be provided to users in such cases. Where the user is self-employed and uses the pressure system in connection with their work activity, copies of examination reports should be provided by the supplier to the user.

Schedule

2

SCHEDULE 3 Marking of pressure vessels

Schedule

3

Regulation 5(4) and (5)

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

Appendix 1 Notice of Approval

By virtue of section 16(4) of the Health and Safety at Work etc Act, and with the consent of the Secretary of State for Work and Pensions, the Health and Safety Executive has on 3 December 2014 approved the revised Code of Practice *Safety of pressure systems: Pressure Systems Safety Regulations 2000. Approved Code of Practice and guidance* (2nd edition, 2014, L122)

The revised Code of Practice gives practical guidance with respect of the requirements of the Pressure Systems Safety Regulations 2000. The Code of Practice comes into effect on 19 December 2014.

This revised edition replaces the previous edition entitled *Safety of pressure systems: Pressure Systems Safety Regulations 2000. Approved Code of Practice* (1st edition, 2000, L122) which came into effect on 21 February 2000.

Signed

TERESA QUINN
Secretary to the Board of the Health and Safety Executive

17 December 2014

Appendix 2 Equivalent measurements to 1 bar

All references to pressures in this ACOP and guidance relate to pressures above atmospheric pressure. Atmospheric pressure is commonly known as 'gauge' pressure. As the term 'bar' is the one most often used and understood in industry, this term is used throughout. However, for convenience a list of equivalent values for 1 bar expressed in other units is given below.

1 bar = 14.5038 psi (pounds per square inch)

29.530 in of Hg (inches of mercury)

33.4553 ft of H₂O (feet of water)

0.986923 atmospheres

10⁵ N/m² (Newtons per square metre)

10⁵ Pa (Pascals)

1.020 kgf/cm² (kilogramme force per square centimetre)

10197.2 kgf/m² (kilogramme force per square metre)

Appendix 3 Interface between the Pressure Equipment Directive (PED), the Pressure Equipment Regulations 1999 (PER) and the Pressure Systems Safety Regulations 2000 (PSSR)

1 PER gives effect to Directive 97/23/EC, the Pressure Equipment Directive (PED).¹² The Directive's purpose is to harmonise national laws regarding the design, manufacture and conformity assessment of pressure equipment and assemblies subject to an internal pressure greater than 0.5 bar above atmospheric pressure (ie bar gauge). It concerns manufacturers of items such as vessels, pressurised storage containers, heat exchangers, shell and water tube boilers, industrial pipework, safety devices and pressure accessories. It also covers assemblies, ie individual pieces of equipment assembled into a 'package' or 'system'.

2 PER therefore covers the supply and putting into service of equipment that would also form a whole or part of a pressure system and fall within the scope of PSSR, but the scope of PER and PSSR are not exactly the same. For example, equipment containing steam at or below 0.5 bar gauge is not in scope of PER but is in scope of PSSR.

3 There are also some specific exclusions from PER; many are the same or similar to the exclusions to PSSR, eg equipment within the scope of other directives, but the full list of exclusions is not exactly the same.

4 PER divides pressure equipment into four major categories on the basis of two fundamental hazards: the degree of danger from failure of the equipment (expressed by the product of the pressure of the fluid and the volume of the equipment (or DN) value for piping products); and the degree of danger from the release of the fluid contained (based on classifications adopted in the directives on dangerous substances). By contrast, PSSR is primarily concerned with the release of stored energy, with the addition of the hazards associated with the release of steam.

5 Under PER, pressure equipment above certain pressure/volume (or pressure/DN) thresholds will have to meet requirements for design, manufacture and, according to the category of the equipment, certain conformity assessment and testing procedures are to be followed. Equipment below the thresholds will be required to be manufactured according to 'sound engineering practice'. Equipment supplied in accordance with PER will be excepted from the provisions of manufacture and supply in PSSR (see Schedule 1, Part II, paragraph 1 of these Regulations).

6 PER also contains its own list of definitions, which are not the same as those in PSSR. There are overlaps and areas where certain 'grouping' has occurred. For example, PER gives definitions of 'piping' and 'pressure accessories', eg valves, whereas in PSSR piping and valves come within the definition of 'pipework' (see Table 1).

7 In 2014, Directive 2014/68/EU (the recast Directive) was adopted by the EU, the provisions of which amend and expand the existing PED. UK regulations will be made giving domestic effect to the provisions of the recast Directive which will come into force by the transposition date of 19 July 2016.

Table 1 Comparison of definitions of 'pipework' and 'pipeline' in the Pressure Systems Safety Regulations 2000 (PSSR) with 'pipeline' in the Pipeline Safety Regulations (PSR) and 'piping' in the Pressure Equipment Regulations 1999 (PER)

Pipework	Pipeline
<p>PSSR definition</p> <p>As defined in regulation 2: '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'.</p>	<p>As defined in regulation 2: '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'.</p>
<p>PSR definition (abbreviated)</p> <p>No specific definition, but see 'pipeline' definition.</p>	<p>A pipe or system of pipes together with any apparatus and works (eg associated apparatus such as valves, pumps, compressors etc including equipment for: treating the fluid; supplying energy to the apparatus, ie power source; providing information, ie control system; the cathodic protection; and any structure for supporting the pipeline) for the conveyance of any fluid (subject to exclusions).</p>
<p>PER definition</p> <p>No specific definition – PER defines 'piping' which means piping components such as lengths of pipe, flanges, elbows, tees etc joined together for the transport of fluids. Piping does not include associated valves, pumps, compressors etc which are classified as 'pressure accessories'.</p>	<p>No specific definition – 'pipeline' is covered by the definition of 'piping', and all pipelines are considered to be pressure equipment (subject to exclusions). As for pipework, the associated valves, compressors, pumps etc are considered as 'pressure accessories'.</p>

Appendix 4 Application of PSSR to small pressure vessels in schools

1 Very small pressure vessels that are used in educational establishments, eg miniature steam engines that are used for demonstration purposes as part of teaching, or pressure cookers and small portable autoclaves used to sterilise equipment and materials for lessons, will usually be classed as 'Minor systems'. Where such pressure vessels are not placed under prolonged duty, it is recognised that proportionate application of PSSR is necessary, however it remains essential that any deterioration in their condition is identified and acted upon in good time.

2 Generic written schemes of examination for these pressure vessels are available, for example from educational advisory services such as CLEAPSS (see www.cleapss.org.uk) and the Scottish Schools Education Research Centre, SSERC (see www.sserc.org.uk). If you decide to use a generic scheme, it must still be reviewed individually and certified as suitable by a competent person before the pressure vessels are used. The attributes of the competent person who is certifying the written scheme as suitable should satisfy the practical guidance in paragraph 99(a) for minor systems.

3 These pressure vessels must then be examined at the intervals specified in the written scheme. The employer (educational establishment) is responsible for the selection of a suitable person to carry out the inspection to the written scheme. This may include an in-house technician who is suitably knowledgeable and experienced, as described in paragraph 124 of this ACOP. It remains the duty of the employer to ensure that whoever inspects the vessels satisfies the practical guidance in paragraph 124 (this is different from the guidance in paragraph 98), and the general guidance on impartiality set out in paragraph 33.

References and further reading

References

- 1 *Health and Safety at Work etc Act 1974* (c.37) The Stationery Office 1974
ISBN 978 0 10 543774 1 www.legislation.gov.uk
- 2 *The Pressure Equipment Regulations 1999* SI 1999/2001 The Stationery Office
www.legislation.co.uk
- 3 *A guide to the Pipelines Safety Regulations 1996. Guidance on Regulations*
L82 HSE Books 1996 ISBN 978 0 7176 1182 9
www.hse.gov.uk/pubns/books/l82.htm
- 4 BS EN 720-1:1999 *Transportable gas cylinders. Gases and gas mixtures. Properties of pure gases* British Standards Institution
- 5 BS EN ISO/IEC 17020:2012 *Conformity assessment. Requirements for the operation of various types of bodies performing inspection* British Standards Institution
- 6 *The Management of Health and Safety at Work Regulations 1999*
SI 1999/3242 The Stationery Office www.legislation.gov.uk
- 7 *Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance* L22 (Fourth edition)
HSE Books 2014 ISBN 978 0 7176 6619 5 www.hse.gov.uk/pubns/books/l22.htm
- 8 *Safety requirements for pressure testing* General Guidance Note GS4
HSE Books 2012 www.hse.gov.uk/pubns/g4.htm
- 9 *The Diving at Work Regulations 1997* SI 1997/2776 The Stationery Office
www.legislation.gov.uk
- 10 *The Work in Compressed Air Regulations 1996* SI 1996/1656 The Stationery Office
www.legislation.gov.uk
- 11 *The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007* SI 2007/1573 The Stationery Office
www.legislation.gov.uk
- 12 *Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment* 1997 EU <http://eur-lex.europa.eu/>

Further reading

Confined spaces: A brief guide to working safely Leaflet INDG258(rev1)
HSE Books 2013 www.hse.gov.uk/pubns/indg258.htm

Control of substances hazardous to health (COSHH). The Control of Substances Hazardous to Health Regulations 2002 (as amended). Approved Code of Practice and guidance L5 (Sixth edition) HSE Books 2013 ISBN 978 0 7176 6582 2
www.hse.gov.uk/pubns/books/l5.htm

Guidance on Safe Operation of Boilers BG01 2011 SAFED www.safed.co.uk

The mechanical integrity of plant containing hazardous substances – a guide to periodic examination and testing EEMUA Publication 231 2012 www.eemua.org

Pressure systems: A brief guide to safety Leaflet INDG261(rev2) HSE Books 2012
www.hse.gov.uk/pubns/indg261.htm

Safe work in confined spaces. Confined Spaces Regulations 1997. Approved Code of Practice, Regulations and guidance L101 (Second edition) HSE Books 2009
ISBN 978 0 7176 6233 3 www.hse.gov.uk/pubns/books/l101.htm

Written schemes of examination: Pressure Systems Safety Regulations 2000
Leaflet INDG178(rev2) HSE Books 2012 www.hse.gov.uk/pubns/indg178.htm

HSE's web pages on pressure equipment are at
www.hse.gov.uk/pressure-systems/index.htm

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

British Standards can be obtained in PDF or hard copy formats from BSI: <http://shop.bsigroup.com> or by contacting BSI Customer Services for hard copies only Tel: 0845 086 9001 email: cservices@bsigroup.com.

The Stationery Office publications are available from The Stationery Office, PO Box 29, Norwich NR3 1GN Tel: 0870 600 5522 Fax: 0870 600 5533 email: customer.services@tso.co.uk Website: www.tsoshop.co.uk. (They are also available from bookshops.) Statutory Instruments can be viewed free of charge at www.legislation.gov.uk where you can also search for changes to legislation.

IGEM/TD/1 (Steel pipelines for high pressure gas transmission)

Under clause 6.7 of the IGEM/TD/1, locations adjacent to pipelines are categorised according to population density and/or the nature of the immediate surrounding area. The following designated areas are used:

- (a) *"Type R: Rural areas with a population density not exceeding 2.5 persons per hectare.*
- (b) *Type S: Areas which have been developed with residential properties, shops, schools, etc. where the population density is greater than 2.5 persons per hectare and less than 30 persons per hectare.*
- (c) *Type H: Areas where there is a high population density which is greater than 30 persons per hectare and is not a Type T Area. These areas are associated with creeping development near Type S Area locations for example where a shopping centre, or an entertainment centre, or a sporting stadium, or a hospital, or a multi-storey building has been constructed near a pipeline, or an industrial or commercial building has been repurposed for residential use.*
- (d) *Type T: Central areas of town or cities, with a high population density resulting from for example a combination of multi-storey buildings, hospitals, major transport hubs, public meeting places, etc."*

Clause 6.10.4 (Changes to traffic routes (roads and railways)) of the IGEM/TD/1 states:

"Additional traffic routes or modifications to existing routes on a pipeline represent a significant increased risk of third-party damage throughout the construction and over the remaining life of the pipeline. The additional traffic also increases the population exposure to risk from the pipeline. The pipeline design and integrity shall be reviewed in order to manage the additional risks over the life of the pipeline."

Clauses 6.10.2 and 6.10.3 set out the acceptable standards where pipelines either cross or encroach within minimum proximity distances to certain types of traffic routes. These routes are classified as:

(a) **Clause 6.10.2:** High density traffic routes (roads and railways) (**HDTRs**), being:

- (i) all motorways; and
- (ii) all roads that carry a volume of traffic totally, in both directions, 2,000 vehicles per hour and above, for periods of at least 10 hours per week. The 10 hours may be spread evenly over the week or may be concentrated into set periods. On dual carriageway roads which carry less than this number, consideration needs to be given to future growth.

(e) Other traffic routes (being not high density traffic routes) (**OTRs**)

In the case of HDTRs, pipelines which cross or encroach with the minimum proximity distance shall:

- (a) Have a nominal wall thickness of not less than 11.9mm; and
- (b) Have a design factor not exceeding 0.3, or 0.5 for pipelines of nominal wall thickness not less than 19.1mm.

Clause 6.10.3: In the case of OTRs, pipelines shall:

- (a) Either:
 - (i) Have a nominal wall thickness of not less than 9.5mm; or
 - (ii) Be provided with impact protection in accordance with sub-section 6.9 IGEM/TD/1; and
- (b) Have a design factor not exceeding 0.3, or 0.5 for pipelines of nominal wall thickness not less than 19.1mm.

Clause 6.10.4 continues:

"Where the addition of a new traffic route or construction works to upgrade an existing traffic route impacts upon the design of a pipeline, the developments should include provisions to modify the existing pipeline. The pipeline shall be modified to meet the requirements of clauses 6.10.2 to 6.10.3.

If it not reasonable or practicable to modify the pipeline to meet the requirements of clauses 6.10.2 to 6.10.3, appropriately designed and specified protection agreed by the pipeline operator may be installed."

IGEM/TD/2 (Assessing the risks from high pressure natural gas pipelines)

Gas pipelines are subject to building proximity distances (**BPD**) within which development is restricted. IGEM/TD/2 states the following (emphasis added):

"A3.1.6 At the time when a pipeline operator becomes aware of the possibility of a development near a pipeline, especially if it involves an increase in population within one building proximity distance (BPD), the operator needs to assess the population increase against original routing parameters. In some cases it may decide to initiate a full societal risk assessment to define acceptability or otherwise of the development against the societal risk curve presented in Appendix 3 of IGEM/TD/1 Edition 5.

A3.1.7 In these cases, there is a need to re-assess the impact of site-specific details on the risk levels within the interaction zone using an established risk assessment methodology. The guidance in this Standard is provided for use by pipeline operators, LPAs, developers and any person involved in the risk assessment of developments in the vicinity of existing high pressure gas pipelines. It is based on the established best practice methodology for pipeline risk assessment."