



Jersey

HEALTH AND SAFETY AT WORK (FREIGHT CONTAINERS SAFETY CONVENTION) (JERSEY) REGULATIONS 1994

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HEALTH AND SAFETY AT WORK (FREIGHT CONTAINERS SAFETY CONVENTION) (JERSEY) REGULATIONS 1994

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Jersey

HEALTH AND SAFETY AT WORK (FREIGHT CONTAINERS SAFETY CONVENTION) (JERSEY) REGULATIONS 1994¹

THE STATES, in pursuance of Article 9 of the [Health and Safety at Work \(Jersey\) Law 1989](#) have made the following Regulations –

Commencement [\[see endnotes\]](#)

1 Interpretation

(1) In these Regulations unless the context otherwise requires –

“Convention” means the International Convention for Safe Containers signed at Geneva on 2nd December 1972;

“container” means an article of transport equipment which is –

- (a) of a permanent character and accordingly strong enough for repeated use;
- (b) designed to facilitate the transport of goods by one or more modes of transport without intermediate reloading;
- (c) designed to be secured or readily handled or both, having corner fittings for these purposes; and
- (d) of a size such that the area enclosed by the outer bottom corners is either –
 - (i) if the container is fitted with top corner fittings, at least 7 m², or
 - (ii) in any other case, at least 14 m²,

and includes a container when carried on a chassis but does not include a vehicle or packaging, or any article of transport equipment designed solely for use in air transport, or a swap body except when it is carried by or on board a sea-going ship and is not mounted on a road vehicle or rail wagon;

“corner fittings” means an arrangement of apertures and faces at either the top or the bottom or both at the top and the bottom of the container for the purposes of handling, stacking and securing or any of those purposes;

“maintained” means maintained in an efficient state in efficient working order and in good repair;

“maximum operating gross mass” means the maximum allowable sum of the mass of the container and its cargo;

“safety approval plate” means a plate in the form and containing the information specified in the Schedule;

“swap body” means a container which is specially designed for carriage by road only or by rail and road only and is without stacking capability and top lift facilities;

“use” means use for the purpose for which the container is designed but does not include –

- (a) movement to a place for remedial action, provided that –
 - (i) so far as is reasonably practicable the movement is without risk to the safety of any person, and
 - (ii) the remedial action is carried out before the container is repacked with goods;
 - (b) if the container is not loaded with goods –
 - (i) transport to a place for testing the container to obtain approval under Regulation 4, or
 - (ii) delivery of the container to its purchaser by the vendor or the vendor’s agent.²
- (2) A reference in these Regulations to a document is a reference to that document as revised or re-issued from time to time.

2 Application

These Regulations apply to any container used at work, or supplied for use at work, and which is in Jersey.

3 Conditions of use

- (1) The owner or lessee of a container shall not use it, or permit it to be used, unless –
- (a) it has valid approval in accordance with Regulation 4;
 - (b) it has a valid safety approval plate fixed to it in accordance with Regulation 5;
 - (c) it is properly maintained;
 - (d) the examination requirements in Regulation 6 are met in respect of it; and
 - (e) all markings on the container showing maximum operating gross mass are consistent with the maximum operating gross mass information on the safety approval plate.³
- (2) Any other person using or permitting the use of a container shall, so far as is reasonably practicable, ensure that –
- (a) a valid safety approval plate is fixed to it in accordance with Regulation 5; and
 - (b) all markings on the container showing maximum operating gross mass are consistent with the maximum operating gross mass information on the safety approval plate.⁴

- (3) Where it is an express term of a bailment of a container that the bailee should be responsible for ensuring that the container is maintained or examined, the bailee shall, in addition to any duty placed on the bailee by paragraph (2), ensure that –
 - (a) it is properly maintained; and
 - (b) the examination requirements in Regulation 6 are met in respect of it.
- (4) It is a defence to any proceedings for using or permitting to be used a container which had not been properly maintained or examined that at the time of the contravention a bailment or lease was in force in respect of the container and –
 - (a) in the case of an owner, that it was an express term of the bailment or lease that the bailee or lessee, as the case may be, should be responsible for ensuring that the container was maintained or examined;
 - (b) in the case of a lessee –
 - (i) that it was not an express term of the lease that the lessee should be responsible for ensuring that the container was maintained or examined, or
 - (ii) that the lessee had become a lessor under a further lease and that it was an express term of the further lease that the further lessee should be responsible for ensuring that the container was maintained or examined;
 - (c) in the case of a bailee that bailee had become a bailor under a further bailment and that it was an express term of the further bailment that the further bailee should be responsible for ensuring that the container was maintained or examined.
- (5) In this Regulation, “bailment” means a *contrat de dépôt* and references to “bailor” and “bailee” shall be construed accordingly.
- (6) In this Regulation ‘owner’ includes the owner’s representative in Jersey.⁵

4 Approval of containers either by design type or individually

- (1) The approval referred to in Regulation 3(1)(a) may relate to a design type or to an individual container and, in either case, is only valid if –
 - (a) it has been issued –
 - (i) by the Minister,
 - (ii) by an inspector, or
 - (iii) by a person or body of persons specified in an Order made by the Minister; and
 - (b) it has not ceased to be valid.
- (2) An approval ceases to be valid when the person to whom it was issued is so notified in writing by –
 - (a) the person who, or body of persons which, issued the approval; or
 - (b) the Minister (whether or not it was issued by the Minister).

5 Fixing of safety approval plate

A container only has a valid safety approval plate fixed to it if –

- (a) the safety approval plate is marked and fixed to the container in accordance with the Schedule;
- (b) the information on the safety approval plate is correct and relates to a valid approval; and
- (c) the safety approval plate is fixed either –
 - (i) after the container is manufactured and before it is first used, or
 - (ii) after the container is examined in accordance with Regulation 6 and before it is again used.

6 Examination of containers

- (1) The examination referred to in Regulations 3(1)(d) and 3(3)(b) shall be in accordance with an examination scheme or programme approved by the Minister for the purposes of these Regulations.
- (2) There shall be clearly marked on the container either on or as close as practicable to the safety approval plate all matters which the examination scheme or programme requires to be so marked.
- (3) This Regulation shall be deemed to have been complied with in the case of a container whose owner is permanently resident, or is incorporated, in a place whose Government has ratified, accepted, approved or acceded to the Convention if a procedure prescribed by that Government, or by any organisation authorized by it to act on its behalf, for the purpose of the Convention has been complied with.

7 Exemptions

- (1) Subject to paragraph (2) the Minister may by certificate in writing exempt any container or class of containers, or any person or class of persons, to which these Regulations apply from any requirement or prohibition 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 Minister shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to –
 - (a) the conditions, if any, which the Minister proposes to attach to the exemption; and
 - (b) any other requirements imposed by or under any enactments which apply to the case,the Minister is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced because of it.

8 Amendment of Schedule

The Minister may by Order amend the Schedule.

9 Citation

These Regulations may be cited as the Health and Safety at Work (Freight Containers Safety Convention) (Jersey) Regulations 1994.

SCHEDULE⁶

(Regulations 1(1) and 8)

SAFETY APPROVAL PLATE

1. A safety approval plate shall be permanently fixed to the container in a position such that it is –
 - (a) readily visible;
 - (b) adjacent to any other officially approved plate carried on the container; and
 - (c) not likely to be easily damaged.
2. A safety approval plate shall –
 - (a) be in the form prescribed by figure 1 of this Schedule;
 - (b) consist of a permanent, non-corroding, fireproof rectangular plate measuring not less than 200mm by 100mm;
 - (c) be marked with –
 - (i) the legend “CSC Safety Approval” in letters of at least 8mm in height, and
 - (ii) the other legends and information prescribed by sub-paragraph (d) of this paragraph and by figure 1 of this Schedule in letters of at least 5mm in height,and such markings shall be permanent, clear and legible and in at least the English or French language, but nothing in this sub-paragraph shall prevent any markings for the purpose of an examination scheme or programme being by means of a decal;
 - (d) contain the following information in at least the English or French language –
 - (i) line 1 – the country of approval and approval reference,
 - (ii) line 2 – the month and year of manufacture,
 - (iii) line 3 – the manufacturer’s identification number in respect of the container, or in the case of containers for which that number is unknown the owner’s identification number, or the number allotted by the Government or organisation which has granted the approval,
 - (iv) line 4 – the maximum operating gross mass in kilograms and pounds,
 - (v) line 5 – the allowable stacking load for 1.8g in kilograms and pounds (that is to say, the designed maximum superimposed static stacking load),
 - (vi) line 6 – the transverse racking test force in newtons,
 - (vii) line 7 – if the end-walls are designed to withstand a force of less or greater than 0.4 times the gravitational force by maximum permissible payload, i.e. 0.4Pg, the end-wall strength,

- (viii) line 8 – if side-walls are designed to withstand a force of less or greater than 0.6 times the gravitational force by maximum permissible payload, i.e. $0.6Pg$, the side-wall strength,
- (ix) line 9 – (if the approved examination scheme or programme so requires) –
 - (A) a legend indicating that the container is subject to a continuous examination programme; or
 - (B) the date (expressed in month and year only) before which the container shall next be thoroughly examined.

Lines 7 and 8 may be used for the above purposes (A) and (B) if they are not required to contain other information,

- (x) in the case of a container approved for one door off operation, the stacking strength which must be displayed immediately near the stacking test value in line 5 and marked as follows –

“(aa) ALLOWABLE STACKING LOAD ONE DOOR OFF FOR
1.8g (...KG...LBS)”
- (xi) in the case of a container approved for one door off operation, the racking strength, which must be displayed immediately near the racking test value in line 6 and marked as follows –

“(aa) TRANSVERSE RACKING TEST FORCE ONE DOOR OFF
(...newtons)”

3. A container, the construction of which was completed prior to 1 July 2014, may retain the safety approval plate as permitted by these Regulations before the date of coming into force of the Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations 2017 provided that no structural modifications are made to that container.
4. Where the stacking or racking values are less than 192,000kg or 150kN, respectively, the container must be considered as having limited stacking or racking capacity and must be conspicuously marked as required under British Standard Freight Containers – Coding, identification and marking at or before their next scheduled examination under Regulation 6.
5. In this Schedule –

“British Standard Freight Containers – Coding, identification and marking” means BS EN ISO 6346:1995+A3:2012 Freight containers. Coding, identification and marking which is published by BSI Standards Limited 2013 under the authority of the Standards Board and came into effect on 15th April 1996;

“g” means the standard acceleration of gravity and equals 9.81 m/s^2 ;

“load” when used to describe a physical quantity to which units may be ascribed, signifies “mass”;

“maximum permissible payload” means the difference between maximum operating gross mass or Rating and the mass of the empty container including permanently affixed ancillary equipment;

“P” means maximum permissible payload; and

“Rating” has the same meaning as maximum operating gross mass.

Figure 1

CSC SAFETY APPROVAL	
1.....	
2.....	DATE MANUFACTURED.....
3.....	IDENTIFICATION NO.....
4.....	MAXIMUM OPERATING GROSS MASSkglb
5.....	ALLOWABLE STACKING LOAD FOR 1.8gkglb
6.....	TRAVERSE RACKING TEST FORCEnewtons
7.....	
8.....	
9.....	

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Health and Safety at Work (Freight Containers Safety Convention) (Jersey) Regulations 1994	R&O.8668	1 June 1994	
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005	P.62/2005
Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations 2017	R&O.112/2017	7 November 2017	P.80/2017

*Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
1(2) and (3)	spent, omitted from this revised edition
1(4)	1(2)
SCHEDULE paragraph 2(d)(ix)(a)	SCHEDULE paragraph 2(d)(ix)(A)
SCHEDULE paragraph 2(d)(ix)(b)	SCHEDULE paragraph 2(d)(ix)(B)

Table of Endnote References

- ¹ *These Regulations have been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Regulation 1(1)* *amended by R&O.112/2017*
- ³ *Regulation 3(1)* *amended by R&O.112/2017*
- ⁴ *Regulation 3(2)* *amended by R&O.112/2017*
- ⁵ *Regulation 3(6)* *inserted by R&O.112/2017*
- ⁶ *Schedule* *amended by R&O.112/2017*