

# **STATES OF JERSEY**



## **DRAFT HEALTH AND SAFETY AT WORK (FREIGHT CONTAINERS SAFETY CONVENTION) (AMENDMENT) (JERSEY) REGULATIONS 201-**

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**Lodged au Greffe on 12th September 2017  
by the Minister for Social Security**

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**STATES GREFFE**





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### **REPORT**

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#### **Summary**

To comply with International Treaty obligations, the [Health and Safety at Work \(Freight Containers Safety Convention\) \(Jersey\) Regulations 1994](#) (“the Regulations”) require amendment to reflect changes to the Convention under which the Regulations were originally introduced. These will introduce minor changes relating to the Safety Approval Plate (“SAP”) and approval tests set out in the existing Regulations.

#### **Background**

The Regulations were introduced in 1994 in response to the 1972 Convention for Safe Containers (“the Convention”) which was ratified by the U.K. Government in 1978. On agreeing to be party to the Convention, Jersey then had a duty to bring in the Regulations.

The Maritime Safety Committee (“MSC”), the highest technical body of the International Maritime Organisation (“IMO”), has subsequently adopted a number of amendments to the 1972 Convention in response to incidents or concerns raised by signatories to the Convention. These introduce physical changes to the SAP and additional safety tests. The amendments have been implemented in the U.K. by way of new consolidated Regulations that came into force on 6th April 2017.

The terms of the Convention mean that the States of Jersey should also give effect to the amendments by updating the Regulations currently in force in the Island. If the Regulations were not updated in line with the Convention, then the States of Jersey would not be fulfilling its International Treaty obligations.

#### **What impact will the revised Regulations have for stakeholders?**

The main groups affected by the proposed changes will be container-owners and operators. Consultation with the industry suggests that there is currently only one container-owner based in Jersey. Although other duty-holders to which the Convention applies operate in the Island, they are based elsewhere and so fall outside the scope of the Jersey Regulations (although would be captured by the legislation enacted under the Convention in their respective jurisdiction).

Consultation with the only local owner and operator potentially impacted by the proposed amendments identified that, although they own an estimated 150 containers, these were manufactured prior to 1st July 2014, so the existing SAPs may be retained. The duty-holder also confirmed that it currently has no containers that have limited

stacking or racking capacity, or any containers operating with one door removed, so the changes introduced in respect of these types of container will have no impact.

Updating the Regulations will remove inconsistency with the implementation of the Convention in other countries and thereby remove a potential source of legal or business uncertainty for owners and operators.

### **Relationship with the United Kingdom**

The proposed amendments do not differ in any significant way from the proposals in corresponding U.K. Regulations. Such differences as do occur relate only to Jersey legislation and institutions.

### **Collective responsibility under Standing Order 21(3A)**

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Ministers for Social Security, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

### **Financial and manpower implications**

There are no additional financial or manpower implications for the States arising from the proposed draft amending Regulations.

## **Explanatory Note**

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These Regulations amend the Health and Safety at Work (Freight Containers Safety Convention) (Jersey) Regulations 1994 (the “principal Regulations” as defined in *Regulation 1*) to reflect changes made to the International Convention for Safe Containers 1972 (“the Convention” as defined in Regulation 1(1) of the principal Regulations) by the International Maritime Organization’s Resolutions MSC 310(88) adopted on 3 December 2010 and MSC 355(92) adopted on 21 June 2013.

*Regulation 2* amends Regulation 1 of the principal Regulations to include a definition for the new term “maximum operating gross mass” (used in the amendment to Regulation 3 of the principal Regulations) which is defined to mean the maximum allowable sum of the mass of the container and its cargo.

*Regulation 3* amends Regulation 3 of the principal Regulations (relating to conditions of use) to substitute the term “maximum operating gross mass” for the term “maximum gross weight” and to add a definition for the word “owner” so that it includes an owner’s representative in Jersey.

*Regulation 4* amends the Schedule to the principal Regulations to make changes to the information which the safety approval plate fixed on a container must contain. Permission is given for a container, the construction of which was completed prior to 1 July 2014 (the date of coming into force of MSC 355(92)), to retain the safety approval plate as permitted by the principal Regulations before the date of coming into force of the Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations 201- provided that no structural modifications are made to that container.

Regulation 5 sets out the title of these Regulations and provides that they shall come into force 7 days after they are made.





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### **Arrangement**

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#### **Regulation**

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## **DRAFT HEALTH AND SAFETY AT WORK (FREIGHT CONTAINERS SAFETY CONVENTION) (AMENDMENT) (JERSEY) REGULATIONS 201-**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Article 9 of the Health and Safety at Work (Jersey) Law 1989<sup>1</sup>, have made the following Regulations –

### **1 Interpretation**

In these Regulations “principal Regulations” means the Health and Safety at Work (Freight Containers Safety Convention) (Jersey) Regulations 1994<sup>2</sup>.

### **2 Regulation 1 amended**

In Regulation 1(1) of the principal Regulations after the definition “maintained” there shall be inserted the following definition –

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

### **3 Regulation 3 amended**

In Regulation 3 of the principal Regulations –

- (a) in paragraphs (1)(e) and (2)(b) for the words “maximum gross weight” wherever they appear there shall be substituted the words “maximum operating gross mass”;
- (b) after paragraph (5) there shall be added the following paragraph –  
“(6) In this Regulation ‘owner’ includes the owner’s representative in Jersey.”.

### **4 Schedule amended**

In the Schedule to the principal Regulations –

Draft Health and Safety at Work (Freight Containers  
Safety Convention) (Amendment) (Jersey)

Regulation 4

Regulations 201-

(a) in paragraph 2(d) –

(i) for clauses (iv), (v), (vi), (vii) and (viii) there shall be substituted the following clauses –

- “(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;”;

(ii) after clause (ix) there shall be added the following clauses –

“(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).’.”;

(b) after paragraph 2 and before Figure 1 there shall be added the following paragraphs –

“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 201-<sup>3</sup> 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<sup>2</sup>;

‘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.”;

(c) for Figure 1 there shall be substituted the following Figure –

“Figure 1

CSC SAFETY APPROVAL

1.....	DATE MANUFACTURED.....
2.....	IDENTIFICATION NO.....
3.....	MAXIMUM OPERATING GROSS MASS .....kg .....lb
4.....	ALLOWABLE STACKING LOAD FOR 1.8g .....kg .....lb
5.....	TRAVERSE RACKING TEST FORCE .....newtons
6.....	
7.....	
8.....	
9.....”.	

**5 Citation and commencement**

These Regulations may be cited as the Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations 201- and shall come into force 7 days after they are made.

Draft Health and Safety at Work (Freight Containers  
Safety Convention) (Amendment) (Jersey)  
Endnotes

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<sup>1</sup> *chapter 05.300*  
<sup>2</sup> *chapter 05.300.40*  
<sup>3</sup> *P.80/2017*