

Effective from 6 April 2017

Freight container examination schemes or programmes

Conditions for approval (the Yellow guide)

Docks Information Sheet DIS9

Published April 2017

The Freight Containers (Safety Convention) Regulations 2017 require that containers are examined in accordance with a scheme or programme approved by the Health and Safety Executive.

This document sets out what should be covered by container examination schemes or programmes. It is for organisations approved to carry out examination schemes or programmes.

Any organisation that meets the conditions and wishes to have a scheme or programme approved should email docks@hse.gsi.gov.uk.

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The Periodic Examination Scheme (PES) and the Approved Continuous Examination Programme (ACEP)

1. Periodic Examination Scheme (PES) and Approved Continuous Examination Programme (ACEP) are terms given to the arrangements for the examination of containers. They both require examinations to the same standard to be carried out in the same manner. Both schemes are intended to ensure that containers are maintained to the required level of safety. The differences between PES and ACEP lie only in the frequency with which examinations are necessary and the marking of the container on or near the safety approval plate. The frequency of examinations is explained in paragraphs 3 & 4 and the marking in paragraph 12.

Limit of approval

2. The examination schemes and programmes approved under the conditions in this document apply to containers that have been approved under the Freight Containers (Safety Convention) Regulations 2017. Please refer to Docks information Sheet DIS8 Approval of Freight Containers – Arrangements in Great Britain (Green Guide) for further guidance on container approval.

Frequency of examinations

3. For a container operated under a Periodic Examination Scheme (PES) the interval from the date of manufacture to the date of the first examination must not exceed five years. Subsequent examinations should be at intervals of not more than 30 months.
4. For a container operated under an Approved Continuous Examination Programme (ACEP) the examination should be carried out in connection with a major repair, refurbishment or on-hire/off-hire interchange but in no case must the interval without an examination exceed 30 months.

Agreement for examination and maintenance

5. In this guidance, an agreement between an owner and a lessee by which the owner's responsibility for maintenance and examination of a container is exercised by the lessee is referred to as an Agreement.

Competent person

6. Every container examination must be carried out by a person appointed for the purpose (subsequently referred to as a competent person), who may authorise another suitable individual to carry out on their behalf and under their supervision any part, but not the whole, of the examination.
7. Every container examination carried out for the purposes of the Regulations must be carried out by someone who has sufficient knowledge, skills and experience of containers to be capable of determining whether the container has defects which could place any person in danger.

Carrying out examinations

8. In any container examination:

- (a) insofar as the competent person carrying out the examination may require, the container must, within a reasonable time before the examination, be emptied, cleaned and prepared;
- (b) suitable means of lifting and supporting the container must be made available, if required by the competent person, so that the whole of the underside is accessible to them;
- (c) safe means of access and egress, a safe place of work, sufficient lighting and other facilities necessary must be provided to allow the examination to be carried out safely and effectively; and
- (d) the competent person may require the use of any appropriate method of non-destructive testing including the application of appropriate tests in accordance with Annex II of the International Convention for Safe Containers (CSC)* or, if applicable, International Standard ISO 1496.
 - Can be obtained from the International Maritime Organisation at sales@imo.org or www.imo.org/Publications/Pages/Home.

Factors to be considered in the examination

9. The competent person should carry out a detailed visual examination of the exterior, and if reasonably practicable (eg if the container is empty at the time) of the interior. All load-bearing parts, including the base structure, should be examined. If the external condition of the container warrants, the competent person may require a container to be unloaded. Exceptionally they may call for removal of insulation where they have reason to believe that it may be covering significant defects. Removal of insulation should be no more than may be required to uncover the suspected defect. The underside of the container should be examined either when it is resting on a skeletal trailer or, if the competent person considers it necessary, after it has been lifted onto other supports.

10. The competent person must consider at least the following factors:

- (a) corrosion;
- (b) the condition of any welding;
- (c) the condition of any riveting or similar method of fastening;
- (d) the presence of mechanical damage;
- (e) the condition of at least the following structural components where fitted:
 - I. corner fittings;
 - II. end frames (and fixings in the case of folding end frames);
 - III. grapple arm positions;
 - IV. fork-lift pockets;
 - V. door and hatch closure gear;
 - VI. floor;
 - VII. roof;
 - VIII. upper and lower side rails;
 - IX. external panelling;
 - X. floor bearers;
 - XI. the validity of the safety approval plate.

11. The above factors take no account of examinations required by other national or international provisions relating to the tanks of tank containers.

Duties of a competent person after completing a satisfactory examination

12. As soon as practicable after the competent person has carried out an examination and if they are satisfied that the container is free of any defects which could place any person in danger, they must:
- (a) sign a statement that in their opinion the container was, at the time of their examination, in a safe condition and free from any defects which could place any person in danger and that the information notified in accordance with subparagraph (b) is, to the best of their knowledge and ability, correct;
 - (b) make a notification to the owner (or lessee, if there is an Agreement) of the container, including at least the following information:
 - (i) the identification number of the container as marked on line 3 of the safety approval plate;
 - (ii) the date on which the examination was carried out;
 - (iii) details of any test carried out, the method of testing and the results of such tests;
 - (iv) the date before which, having regard to the condition of the container, the container must, in the opinion of the competent person, next be examined. This date must be determined in accordance with the criteria laid down in paragraph 9; and
 - (v) sufficient information to identify the competent person and their employer;
 - (c) ensure:
 - (i) the date notified in accordance with paragraph 12(b)(iv) is marked on or near to the safety approval plate fixed to the container to which the notification relates; or
 - (ii) as an alternative to paragraph 12(c)(i), that a decal, which meets the conditions set out in the Appendix to these Conditions, is fixed on or near to the safety approval plate fixed to the container to which the notification relates; or
 - (iii) for containers under an approved continuous examination programme, that a decal (showing the legend 'ACEP – GB' followed by a number to be allocated by HSE on approval of the scheme) is fixed on or near to the safety approval plate affixed to the container to which the notification relates.
 - (iv) for containers operated by a lessee (if there is an Agreement) the container has been re- marked in accordance with the Appendix to these conditions.
 - (v) containers built with a limited stacking or racking capacity are conspicuously marked in accordance with the Schedule to the Freight Container (Safety Convention) Regulations 2017

Criteria for determining the next examination date

13. The date for next examination to be notified to the owner (or lessee if there is an Agreement) in accordance with paragraph 12(b) (iv) must be:
- (a) a date not more than 30 months from the date of examination; or
 - (b) such earlier date as is nominated by the owner (or lessee, if there is an Agreement) for their administrative convenience; or
 - (c) such earlier date as is determined by the competent person having regard to the condition of the container.

Container found to be defective

14. When a competent person in the course of carrying out an examination forms the opinion that the container has a defect which could place any person in danger, they should determine whether the container is unsafe for use or whether, although unsafe for certain categories of use, it is capable of proceeding to its destination. They should immediately inform the user (and also, when practicable, the owner where the owner is not the user) of their decision.

Keeping records

15. The person notified in accordance with paragraph 12(b) must ensure that a record of the details notified is:
 - (a) kept until such time as they receive a subsequent notification of examination in respect of that container, and is made available for inspection within a reasonable time of any request to inspect it; and
 - (b) while that notification is current, provided or copied to any subsequent owner (or lessee, if there is an Agreement) of that container and made available on request to any bailee or lessee of that container. On or before the termination of a bailment, the bailee must have given the owner (or lessee, if there is an Agreement) a record of the details contained in any current notification made to them.

Administrative procedures

16. The owner should ensure a system is maintained where examination records are kept, which should include the following:
 - 1 the owner's unique serial number of the container;
 - 2 the date on which the examination was carried out;
 - 3 identification of the competent person who carried out the examination;
 - 4 the name and location of the organization where the examination was carried out;
 - 5 the results of the examination; and
 - 6 in the case of a PES, the NED.

Review

17. Approved programmes will remain valid providing it can be demonstrated that all the required elements of the PES and ACEP are maintained by programme owners. HSE will evaluate approved programmes every 10 years to ensure their continued viability.

Periodic Audit

18. At least every five years HSE will require approved programmes audits to evaluate whether the approval conditions are being complied with. Where there is evidence of non compliance approvals may be withdrawn.

Powers of HSE

19. An authorised HSE officer is able to apply restrictions where there is significant evidence for believing that the condition of the container is such as to create an obvious risk to safety. Restrictions might include an immediate out of service determination.

Appendix: Containers under a periodic examination scheme

A decal may be used, in accordance with paragraph 12(c)(ii) of these Conditions, to indicate the date of first examination and subsequent examinations of a container provided that:

- (a) the relevant date (month and year) is shown in internationally recognisable words or figures on the decals or on the safety approval plate itself; and
- (b) the date of the first examination is shown on the safety approval plate itself; and
- (c) the decals are coloured in accordance with the year of examination as follows:

BROWN 2004 2010 2016

BLUE 2005 2011 2017

YELLOW 2006 2012 2018

RED 2007 2013 2019

BLACK 2008 2014 2020

GREEN 2009 2015 2021

Containers operated by a lessee

Containers marked with an NED but operated by a lessee with an approved continuous examination programme should be re-marked by the fitting of the lessee's ACEP reference decal and removal or covering of the next examination date.

Containers marked with an ACEP reference but operated by a lessee with a periodic examination scheme (PES) should be re-marked by the removal or covering of the ACEP reference and the fitting of an NED decal following the first examination under the lessee's examination scheme.

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.

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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