

**BERMUDA STATUTORY INSTRUMENT**

**BR 10/1986**

**FREIGHT CONTAINERS (SAFETY CONVENTION)  
REGULATIONS 1986**

*[made under section 9(c) of the Health and Safety at Work Act 1982 [title 18  
item 10] and brought into operation on 14 March 1986]*

ARRANGEMENT OF REGULATIONS

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**Citation**

1 These regulations may be cited as the Freight Containers (Safety Convention) Regulations 1986.

**Interpretation**

2 (1) In these regulations, unless the context otherwise requires—

"the Convention" means the International Convention for Safe Containers signed at Geneva on 2 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;

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- (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) at least 7 square metres if the container is fitted with top corner fittings; or
  - (ii) at least 14 square metres in any other case; 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 purpose 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;

"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 shall not include—

- (a) movement to a place for remedial action provided:
  - (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 5; or
  - (ii) delivery of the container to its purchaser by the vendor or his agent.

(2) Unless the context otherwise requires, any reference in these regulations to—

- (a) a numbered regulation is a reference to the regulation of these regulations which bears that number;
- (b) a numbered paragraph is a reference to that paragraph so numbered in the regulation in which the reference appears;
- (c) "the Schedule", is a reference to the Schedule to these regulations;
- (d) any document, operates as a reference to that document as revised or re-issued from time to time.

**Application of regulations**

3 These regulations apply to any container used at work, or supplied for use at work, and which is in Bermuda.

**Conditions of use**

4 (1) The owner or lessee of a container shall not use or permit that container to be used unless—

- (a) it has valid approval in accordance with regulation 5;
- (b) it has a valid safety approval plate fixed to it in accordance with regulation 6;
- (c) it is properly maintained;
- (d) the examination requirements in regulation 7 are met in respect of that container; and
- (e) all markings on the container showing maximum gross weight are consistent with the maximum gross weight information on the safety approval plate, except that if construction of the container commenced before 1 January 1984, then compliance with this sub-paragraph is not required before 1 January 1989.

(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 6; and
- (b) all markings on the container showing maximum gross weight are consistent with the maximum gross weight information on the safety approval plate, except that if construction of the container commenced before 1 January 1984, then compliance with this sub-paragraph is not required before 1 January 1989.

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(3) Where it is an express term of a bailment of a container that the bailee shall be responsible for ensuring that the container is maintained or examined, the bailee shall, in addition to any duty placed on him by paragraph (2), ensure that—

- (a) it is properly maintained; and
- (b) the examination requirements in regulation 7 are met in respect of that container.

(4) It shall be a defence to any proceedings for using or permitting to be used a container which does not have a valid approval in accordance with regulation 5 that at the time of the contravention an approval had been given by an organisation authorised for this purpose before these regulations came into operation and such an approval had not ceased to be valid for the purposes for which it was given.

(5) It shall be a defence to any proceedings for using or permitting a container to be used 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 he should be responsible for ensuring that the container was maintained or examined; or
  - (ii) that he 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 he 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.

**Approval of containers**

5 (1) An approval referred to in regulation 4(l)(a) (whether relating to a design type or to an individual container) shall be valid only if—

- (a) it has been issued—
  - (i) by the Minister; or

- (ii) by a person appointed for the time being by the Minister in accordance with paragraph (3); or
  - (iii) by or under the authority of a Government which has ratified or accepted or approved or acceded to the Convention; and
- (b) it has not ceased in accordance with paragraph (2) to be valid.
- (2) If—
- (a) the person who issued the approval states in writing that it is no longer valid; or
  - (b) the Minister states in writing that the approval is no longer valid, whether or not it was issued by the Minister;

then that approval shall cease to be valid for the purpose of paragraph (1).

(3) The Minister may appoint in writing such persons as he considers appropriate for the purpose of issuing approvals under paragraph (1)(a)(ii) and any such appointment may be subject to conditions and limited as to time and may be varied or revoked in writing at any time by the Minister.

**Fixing of safety approval plate**

6 A container shall be regarded as having 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; and
- (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 7 and before it is again used.

**Examination of containers**

7 (1) The examination referred in regulation 4(l)(d) and (3)(b) shall be in accordance with an examination scheme or programme approved by the Minister for the purposes of this regulation.

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(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 marked.

(3) A fee of \$200 is payable by the applicant to the Minister when any application for approval of a scheme or programme under regulation 7(1) is made.

(4) Compliance with the procedure adopted by the State in which the owner is permanently resident or incorporated shall be deemed to be in compliance with this regulation provided the procedure has been approved or prescribed by the Government of that State, or by any organisation authorised by such a Government to act on its behalf, for the purpose of the Convention and that Government has ratified, accepted, approved or acceded to the Convention.

**Exemption**

8 The Minister may, on the advice of the Council and after consultation with any interested persons he considers advisable, exempt conditionally or otherwise any person or class of persons from any provisions of the regulations, provided that the standard of health and safety of any employee at work is not thereby adversely affected.

**Commencement**

9 [omitted]

**SCHEDULE**

(Regulations 2 and 6)

1 The safety approval plate required by regulation 6 shall be permanently fixed to the container in a position such that it is—

- (a) readily visible; and
- (b) adjacent to any other officially approved plate carried on the container; and
- (c) not likely to be easily damaged.

2 The 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) 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 purposes 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 gross weight in kilograms and pounds;

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- (v) line 5 - the allowable stacking weight for 1.8g in kilograms and pounds (that is to say, the designed maximum superimposed static stacking weight);
- (vi) line 6 - the transverse racking test load value in kilograms and pounds;
- (vii) line 7 - the end wall strength value as a proportion of the maximum permissible payload, which shall not be entered unless the end walls are designed to withstand a load of less or more than 0.4 times the maximum permissible payload;
- (viii) line 8 - the side wall strength value as a proportion of the maximum permissible payload, which shall not be entered unless the side walls are designed to withstand a load of less or more than 0.6 times the maximum permissible payload;
- (ix) line 9 - on and after 1 January 1987 (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.

Figure 1

CSC SAFETY APPROVAL

- 1 [blank].
- 2 [blank] DATE MANUFACTURED [blank]
- 3 [blank] IDENTIFICATION No. [blank]
- 4 [blank] MAXIMUM GROSS WEIGHT. [blank]. kg. [blank].lb.
- 5 [blank] ALLOWABLE STACKING WEIGHT FOR 1.8g  
[blank] kg [blank] lb
- 6 [blank] RACKING TEST LOAD VALUE kg lb



- 7 [blank]
- 8 [blank]
- 9 [blank]