



## BERMUDA

### FREIGHT CONTAINERS (SAFETY CONVENTION) REGULATIONS 2019

BR 99 / 2019

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	Safety Approval Plate Specifications

The Minister responsible for Maritime Administration, in exercise of powers conferred by sections 93 and 94(1)(c) of the Merchant Shipping Act 2002 and after consulting with the persons referred to in section 94(3) of the Merchant Shipping Act 2002, makes the following Regulations:

#### Citation

1 These Regulations may be cited as the Freight Containers (Safety Convention) Regulations 2019.

#### Interpretation

2 In these Regulations—

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“1986 Regulations” means the Freight Containers (Safety Convention) Regulations 1986;

“Chief Marine Surveyor” means the Chief Marine Surveyor referred to in section 10 of the Merchant Shipping Act 2002;

“container” means an article of transport equipment, excluding a vehicle or packaging or any article of transport equipment designed solely for use in air transport, 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 square metres; and
  - (ii) in any other case, at least 14 square metres,

and includes a container when carried on a chassis, a swap body that is carried by or on board a sea going ship, and which is not mounted on a road vehicle or rail wagon;

“Convention” means the International Convention for Safe Containers 1972;

“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 by 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 if—

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- (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; and
- (b) in the case of an empty container—
  - (i) transport to a place for testing to obtain approval under Regulation 5; or
  - (ii) delivery to its purchaser by the vendor or their agent.

### 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 and enforcement

4 (1) The owner or lessee of a container must 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 8 are met in respect of that container;
- (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; and
- (f) it meets the conspicuous marking requirements in Regulation 9.

(2) Any other person using or permitting the use of a container must, so far as is reasonably practicable, ensure that—

- (a) a valid safety approval plate is fixed to it in accordance with Regulation 6;
- (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; and
- (c) it meets the conspicuous marking requirements in Regulation 9.

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

- (a) the container is properly maintained; and

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(b) the examination requirements in Regulation 8 are met.

(4) In proceedings for an offence of using or permitting a container to be used, which is not properly maintained or examined, it is a defence 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 that the bailee or lessee was responsible for ensuring that the container is maintained or examined;
- (b) in the case of a lessee—
  - (i) that it was not an express term of the lease that the lessee was responsible for ensuring that the container is maintained or examined; or
  - (ii) under a further lease, it was an express term that the further lessee was responsible for ensuring that the container is maintained or examined; and
- (c) in the case of a bailee who is a bailor under a further bailment, that it was an express term of the further bailment that the further bailee was responsible for ensuring that the container is maintained or examined.

(5) In this Regulation “owner” includes the owner’s agent.

Approval of containers by design type or individually

5 (1) An approval referred to in Regulation 4(1)(a) (whether relating to a design type or to an individual container) is valid only if—

- (a) it has been issued—
  - (i) by the Chief Marine Surveyor;
  - (ii) by a person or organisation appointed for the time being by the Chief Marine Surveyor in accordance with paragraph (2); or
  - (iii) by or under the authority of a Government which has ratified, accepted, approved or acceded to the Convention; and
- (b) it has not been withdrawn in writing by—
  - (i) the person or organisation which issued the approval; or
  - (ii) the Chief Marine Surveyor, whether or not it was issued by the Chief Marine Surveyor.

(2) An appointment by the Chief Marine Surveyor for the purpose of issuing approvals under paragraph (1)(a)(ii) must be in writing and may be—

- (a) for a specified period;
- (b) subject to conditions; and
- (c) varied or revoked at any time by the Chief Marine Surveyor, in writing.

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### Fixing of safety approval plate

- 6 A container has a valid safety approval plate fixed to it if—
- (a) the safety approval plate is marked and fixed to it in accordance with—
    - (i) the Schedule; or
    - (ii) where Regulation 7 applies, the 1986 Regulations; and
  - (b) the information on the safety approval plate is correct and relates to a valid approval.

### Containers constructed before 1st July 2014

- 7 A container constructed prior to 1st July 2014 may retain the safety approval plate required by the 1986 Regulations, provided no structural modifications have been made to that container.

### Examination of containers

- 8 (1) The examinations in Regulation 4(1)(d) and (3)(b) must be in accordance with an examination scheme or programme approved by the Chief Marine Surveyor for the purposes of this Regulation.
- (2) There must 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) The examination requirements in paragraph (1) do not apply in the case of an owner, if—
- (a) examinations comply with the procedure adopted by the State where the owner is permanently resident or incorporated;
  - (b) 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
  - (c) that Government has ratified, accepted, approved or acceded to the Convention.

### Marking in accordance with British Standard or other accepted international standard

- 9 (1) Where the stacking or racking values are less than 192,000kg or 150kN, respectively, the container must be conspicuously marked, as required under British Standard Freight Containers.
- (2) The Chief Marine Surveyor may on application, give approval for the use of an international standard for the construction of containers other than the British Standard.
- (3) In this Regulation “scheduled examination” means the next examination conducted in accordance with Regulation 8.

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### Revocation

10 The Freight Containers (Safety Convention) Regulations 1986 are revoked.

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### SCHEDULE

(Regulations 2 and 6)

#### SAFETY APPROVAL PLATE SPECIFICATIONS

##### Location

1 The safety approval plate required by Regulation 6 must be permanently fixed to the container in such a position, 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.

##### Construction and content

2 (1) The safety approval plate must—

- (a) be in the form prescribed by Figure 1;
- (b) consist of a permanent, non-corroding, fireproof, rectangular plate measuring at least 200mm by 100mm;
- (c) be marked in a permanent, clear and legible manner 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-sub-paragraph (d) and by Figure 1 of this Schedule, in letters of at least 5mm in height, but nothing in this sub-sub-paragraph prevents 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 number allotted by the Government or organisation that has granted 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, the designed maximum superimposed static stacking load);
  - (vi) line 6—the transverse racking test force in newtons;

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- (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 the 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.
- (2) Lines 7 and 8 may be used for the purposes of sub-sub-paragraph (d)(ix) if they are not required to contain other information.
- (3) The safety approval plate must, in the case of a container approved for one door off operation, the stacking and racking strengths, which must be marked as follows—
- “ALLOWABLE STACKING LOAD ONE DOOR OFF FOR 1.8g (...KG...LBS)”.
- (4) The marking in sub paragraph (3) must be displayed immediately near the stacking test value as follows (see line 5)—
- “TRANSVERSE RACKING TEST FORCE ONE DOOR OFF (...newtons)”.
- (5) This marking must be displayed immediately near the racking test value (see line 6):

Figure 1

CSC SAFETY APPROVAL	
1.	.....
2.	DATE MANUFACTURED.....
3.	IDENTIFICATION No.....
4.	MAXIMUM OPERATING GROSS MASS.....kg.....lb
5.	ALLOWABLE STACKING LOAD FOR 1.8g.....kg..... lb
6.	TRANSVERSE RACKING TEST FORCE.....newtons
7.	.....
8.	.....
9.	.....



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### Interpretation

3 In this Schedule—

“g” means the standard acceleration of gravity; g equals  $9.8 \text{ m/s}^2$ ;

“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

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

Made this 16th day of October 2019

Minister of Tourism and Transport

[Operative Date: 17 October 2019]