EXPLANATORY MEMORANDUM TO

THE FREIGHT CONTAINERS (SAFETY CONVENTION) REGULATIONS (NORTHERN IRELAND) 2025

S.R. 2025 No. 90

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for the Economy (DfE) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Rule is made under Articles 17(1) to (6) and 55(2) of, and paragraphs 1(1) to (3), 2, 3(1) and 5(1) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978 and is subject to the negative resolution procedure.

1.3 The Rule is due to come into operation on 9th June 2025.

2. Purpose

2.1 The Rule gives effect to the International Convention for Safe Containers 1972 ("CSC") – which the UK ratified in 1978. It revokes the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 ("the 1992 Regulations"), which previously gave effect to CSC in Northern Ireland, and replaces them with new Regulations giving effect to the current version of CSC, which has been amended several times.

3. Background

3.1 CSC was introduced by the International Maritime Organisation and has been subject to a number of amendments in response to incidents or concerns raised by signatories to CSC. Four minor amendments were adopted in 1981, 1983, 1991 and 1993. Two further amendments in 2012 and 2014 introduced more significant changes such as additional safety tests. As the UK is bound by CSC, it should implement the amendments.

3.2 CSC is aimed at maintaining a high level of safety in the transport and handling of containers by providing internationally acceptable test procedures and related strength requirements.

3.3 The Health and Safety Executive for Northern Ireland ("HSENI") considered amending the 1992 Regulations but decided instead to introduce a set of new Regulations, to assist affected businesses to understand and comply with the new requirements.

3.4 The main changes to CSC implemented by this Statutory Rule are:

- Updating terminology on Safety Approval Plates. Containers with limited stacking or racking capacity must be conspicuously marked in accordance with ISO 6346 standard (ISO being the International Organization for Standardization).

- Requiring containers operating with one door removed to undergo additional tests.

- Requiring approved examination schemes to be evaluated by audit at least once every 5 years and reviewed by HSENI once every 10 years.

4. Consultation

4.1 HSENI ran a public consultation exercise from March 2016 to June 2016 on proposals to amend the 1992 Regulations. This was similar to a consultation exercise by the Health and Safety Executive in Great Britain ("HSE") in January 2016. After considering the responses, HSE reviewed its policy and decided to introduce additional measures. As this would have meant substantial changes to the existing GB Regulations, HSE again consulted in October 2016.

4.2 In conjunction with colleagues in Great Britain, HSENI reviewed its policy and also decided to introduce additional measures. Again this would have meant substantial changes to the 1992 Regulations and a decision was made to replace them with new Regulations and supporting guidance.

4.3 HSENI ran a second public consultation exercise from 2nd August 2017 to 29th September 2017. There were approximately 450 consultees, including relevant stakeholders, individuals and bodies representative of section 75 of the Northern Ireland Act 1998 and other organisations with an interest in equality and related issues (including each member of the Northern Ireland Assembly). The consultation document was also posted on the HSENI website.

4.4 During the consultation period 3 formal replies were received. None of the respondents made any substantive comments.

5. Equality Impact

5.1 The Statutory Rule has been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified.

6. Regulatory Impact

6.1 An Impact Assessment was carried out in respect of the corresponding Great Britain Statutory Instrument. The Department for the Economy believes that, on a proportionate basis, the costs and benefits for Northern Ireland would be broadly similar to those for Great Britain.

7. Financial Implications

7.1 There are no implications for Departmental budgets.

7.2 Based on the GB figures, HSENI estimates that the total cost to Northern Ireland businesses will be around £40 thousand. It has an equivalent annual net direct cost to business (EANDCB) of £5 thousand.

7.3 Most of the costs would fall to container operators who have to "conspicuously mark" any container that has limited stacking and racking capabilities. They would also need to change Safety Approval Plates on containers manufactured from 1st July 2014 and respond to an audit on their approved examination programmes and review every 5 years and 10 years respectively.

7.4 The Statutory Rule will remove the inconsistency with the implementation of CSC in other countries and thereby remove a potential source of legal or business uncertainty for owners and operators. It is not possible to quantify or monetise this benefit.

7.5 Since there is a legal requirement to implement changes to CSC, these costs are unavoidable.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department has considered the matter of Convention rights and is satisfied that there are no matters of concern.

9. EU Implications

9.1 The Technical Standards and Regulations Directive 2015/1535/EU, requires measures imposing technical standards on products to be notified to the European Commission (EC). Drafts of the Statutory Rule and of the supporting guidance were notified to the EC on 9th November 2017, and no detailed opinions were received.

10. Parity of Replicatory Measure

10.1 In Great Britain the corresponding Statutory Instrument is the Freight Containers (Safety Convention) Regulations 2017 (S.I. 2017/325), which was made on 8th March 2017 and came into force on 6th April 2017.

11. Additional Information

11.1 The Statutory Rule will be supported by guidance documents *Approval of Freight Containers – Arrangements in Great Britain (The Green Guide)* and *Freight Container Examination Schemes or Programmes – Conditions for Approval (The Yellow Guide)* which have been updated to reflect the changes to CSC and the new Regulations. These guidance documents, produced by HSE, have been adopted for use in Northern Ireland. They are published in a free, downloadable format on HSE's website and will also be provided through the HSENI website.

Department for the Economy
14 May 2025