



Health and Safety Executive for Northern Ireland

Proposals for the Freight Containers (Safety Convention) (Amendment) Regulations (Northern Ireland) 2016

Consultative Document

March 2016

Proposals for the Freight Containers (Safety Convention) (Amendment) Regulations (Northern Ireland) 2016.

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This Consultation Document is closely based on the Consultation Document entitled “*Consultation on the Freight Containers (Safety Convention) (Amendment) Regulations 2016*” issued by the Health and Safety Executive in Great Britain (HSEGB), whose assistance is greatly acknowledged. If you would prefer a printed version, it can be obtained on request. Furthermore, if you require a more accessible format, executive summaries are available in Braille or large print, on disc or audio-cassette, or in Irish, Ulster Scots and other languages of the minority ethnic communities in Northern Ireland. To obtain a summary in one of these formats, please contact Robert Greer at the address shown at paragraph 28.

INTRODUCTION

1. This Consultative Document (CD) seeks views on proposals by the Health and Safety Executive for Northern Ireland (HSENI) to introduce new Regulations entitled the Freight Containers (Safety Convention) (Amendment) Regulations (Northern Ireland) 2016. A draft copy of the proposed Regulations is shown at **Annex A**.
2. The proposed Regulations will amend the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 2) (“the 1992 Regulations”) and are required in order to give effect to the amendments to the International Convention for Safe Containers 1972, known as “CSC” within the rest of this document. CSC is a treaty that the UK ratified in 1978 and therefore the UK is bound by the treaty and its terms in accordance with international law.
3. The Health and Safety Executive in Great Britain (HSEGB) has consulted on proposals for equivalent Regulations in England, Scotland and Wales – see [CD278 - Consultation on the revision of the Freight Containers \(Safety Convention\) Regulations 1984](#).

BACKGROUND

4. In 1978 the UK ratified the International Convention for Safe Containers 1972 (CSC) and in doing so agreed to be bound by the treaty and its terms in accordance with international law. Northern Ireland (NI) implements the CSC domestically through the 1992 Regulations. The Maritime Safety Committee (MSC), the highest technical body of the International Maritime Organization (IMO), has adopted a number of amendments to CSC. There are key time-bound amendments to the CSC, adopted by the MSC under resolutions MSC 310 (88) and MSC 355 (92), which came into force on 1 July 2012 and 1 July 2014 respectively. These amendments are not yet implemented in NI (or in GB). The terms of the CSC mean the UK should give effect to the amendments by updating domestic legislation. If the 1992 Regulations (and equivalent GB Regulations) were not updated in line with CSC then the UK would not fulfil its international treaty obligations.
5. The law of treaties is articulated by the Vienna Convention on the Law of Treaties. This provides that ratification of a treaty signifies the State’s consent to be bound by the treaty and its terms in accordance with international law. The UK has therefore since 1978, agreed to be bound by the terms of the CSC. Furthermore, the terms of the CSC confirm that once an amendment has entered into force then unless a State expresses a different intention, the State will be bound by the CSC as amended. As such, the UK is bound by the CSC and the amendments above and should give effect to them in accordance with International law.
6. The purpose of the CSC is to maintain a high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements. It sets out procedures for

an Approved Continuous Examination Programme (ACEP); this means containers used in international transport must be approved for safety by the Administration of a contracting party. HSENI has responsibility for administering the arrangements in NI. A Safety Approval Plate (SAP) on each container is required to indicate compliance and display relevant data, including; the ACEP number or the next examination date; the approval reference that links the design of the container with the manufacturer and the classification society.

7. Current information indicates that there are no manufacturers of freight containers in NI and containers that are in use will have been approved in Great Britain or elsewhere. Approvals and examination schemes approved in Great Britain are acceptable in NI.

KEY CHANGES

8. The CSC has been amended by the IMO in response to incidents or concerns raised by signatories to CSC. Four minor amendments were adopted by the IMO in 1981, 1983, 1991 and 1993. There are key time-bound amendments to the CSC, adopted by the MSC under resolutions MSC 310 (88) and MSC 355 (92) which came into force on 1 July 2012 and 1 July 2014 respectively. These introduce significant, physical changes to the SAP and additional safety tests. **Annex A** contains the draft Northern Ireland Regulations, reflecting the amendments to CSC.

The key changes to the 1992 Regulations are:

Review of ACEP arrangements

9. Under the changes to CSC, ACEP arrangements will have to be reviewed by the administration for the contracting parties (in NI this is HSENI) once every 10 years to ensure they remain viable.

Updating the terminology on SAPs

10. The requirements for ACEP programmes have been expanded to more clearly describe the validity of, and elements to be included in, such programmes. The majority of the amendments are to ensure uniform use of terminology and to align physical dimensions and units to the SI system (international system of units). Specifications for SAPs have also been updated in CSC. For example, regulation 4 of the 1992 Regulations would need to be amended as it refers to “maximum gross weight”. This no longer aligns with the terminology used in the updated CSC and would have to be replaced with “maximum operating gross mass”.

Conspicuous marking of containers with limited stacking or racking capacity

11. Under the changes to CSC, those containers considered to have limited stacking or racking capacity and which were constructed or commenced since entry into force of CSC in 1984, will be required to be conspicuously marked in accordance with ISO 6346 standard. These containers are not

currently required to be marked. ISO is the acronym for the International Organization for Standardization that develops voluntary International Standards. There is one member body per country (in the UK it is the British Standards Institution). The ISO standard is incorporated into the CSC which states at Annex I that the standard must be adhered to. The standard covers the serial number, owner, country code, and size of any given shipping container.

Testing containers operating with one door removed

12. Under the changes to CSC, containers with one door removed would have to undergo additional tests before being approved for operation under CSC.

Authorised officers (Annex III)

13. A new Annex III has been added to CSC on control and verification. If there is significant evidence that the condition of a container creates an obvious risk to safety, Annex III provides the detail to enable authorised officers to assess the integrity of structurally sensitive components of containers and to decide whether a container is safe to continue in transportation. Currently, HSENI appoints no such officers and assesses its current arrangements to be proportionate to the risks presented. As such, HSENI does not intend to enact the powers enabled by the Convention to do so.

THE PROPOSALS

14. Given the UK ratified the CSC in 1978, it must 'give effect' to it in accordance with the principles of international law. Now that time-bound amendments are required, it is necessary that HSENI implement all the changes to CSC, as not doing so would be against the principle of good faith and so in contravention of the CSC.
15. For these reasons HSENI proposes to amend the 1992 Regulations with the changes coming into operation in the final quarter of 2016.
16. HSEGB aims to publish revised guidance 12 weeks before the GB Regulations come into force in October 2016. HSENI proposes to adopt the GB guidance for use in Northern Ireland. **Your views on this would be appreciated.**

WHAT WILL THE REVISED REGULATIONS MEAN FOR STAKEHOLDERS?

17. The main groups affected by the proposed changes will be container owners and operators. Initial engagement by HSEGB with the industry suggests a number of companies might already have applied the changes in the CSC, as they are in force in other countries and the international nature of their work would have required them to become compliant.

RELATIONSHIP WITH GREAT BRITAIN

18. The proposals set out in this CD do not differ in any significant way from the proposals on corresponding GB Regulations (see the acknowledgement on page 1 of this CD). Such differences as do occur relate only to Northern Ireland legislation and institutions. As the GB and Northern Ireland proposals, taken together, are intended to comply with international law, it is essential that the same legal requirements apply throughout the United Kingdom.
19. In finalising its proposals, HSENI will have regard to changes made as a result of the consultation on proposals for the GB Freight Containers (Safety Convention) (Amendment) Regulations 2016.

COSTS AND BENEFITS

Great Britain

20. An impact assessment (IA) prepared for the corresponding GB proposals is attached at **Annex B**. This gives a best estimate net cost to society of around £1.9 million in present values. All of this cost would be borne by industry.

Northern Ireland

21. HSENI is of the opinion that the analysis and considerations as set out in the GB IA can be applied to Northern Ireland on a proportionate basis. Therefore HSENI estimates that the total cost to Northern Ireland business will be around £48 thousand in present values. This is mainly costs to container owners and operators arising from having to change Safety Approval Plates and from having to conspicuously mark containers with limited stacking and racking capacity.
22. Updating the Regulations will remove inconsistency with the implementation of the CSC in other countries and thereby remove a potential source of legal or business uncertainty for owners and operators. However HSENI's current proportionate approach to the 1992 Regulations is expected to limit the present burden of uncertainty. It is not possible to quantify or monetise this benefit.
23. **Comments on these conclusions would be welcome.**
24. Before finalising Northern Ireland costs and benefits HSENI will take into account any further evidence provided from the consultation process and the outcome reached in the GB final stage IA.

EQUALITY IMPACT

25. The proposals have 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. The proposed introduction of the Freight Containers (Safety Convention)

(Amendment) Regulations (Northern Ireland) 2016 will apply equally to all relevant businesses and there is no evidence to suggest that this will impact disproportionately upon any particular group. A copy of the screening document is at **Annex C**.

HUMAN RIGHTS

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

INVITATION TO COMMENT

27. HSENI would welcome your comments on the proposals in this CD. In particular, comment is invited on the assumption relating to costs relevant to Northern Ireland and the conclusion that the proposals would have no adverse effect on any section 75 groups.

28. Comments, in whatever format you choose to use, should be sent to: -

Robert Greer
Health and Safety Executive for Northern Ireland
83 Ladas Drive, Belfast, BT6 9FR
Tel: (028) 90 546 817; Fax: (028) 90 235 383;
Textphone: (028) 90 546 896
E-mail: robert.greer@hseni.gov.uk

so as to arrive no later than noon on **Monday 13 June 2016**.

29. HSENI tries to make its consultation procedures as thorough and open as possible. Responses to this consultation will be kept at the office of HSENI at the above address after the close of this consultation period, where they can be inspected by members of the public or be copied to them. HSENI can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of information given by you in response to this consultation.

30. The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, HSENI in this case. This right of access to information includes information provided in response to a consultation. HSENI cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public, please include an explanation in your response.

31. This means that information provided in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

March 2016

Health and Safety Executive for Northern Ireland

 STATUTORY RULES OF NORTHERN IRELAND

2016 No. 000

HEALTH AND SAFETY
**The Freight Containers (Safety Convention) (Amendment)
Regulations (Northern Ireland) 2016**

Made - - - - *xth xxx 2016*

Coming into operation - *xth xxx 2016*

The Department of Enterprise, Trade and Investment(**a**), being the Department concerned(**b**), makes the following Regulations in exercise of the powers conferred by Articles 17(1), (2), (4), (5) and (6)(**c**), 40(2) and (4) and 55 of, and paragraphs 1(1), (2) and (3), 3(1) and 5(1) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**d**) (“the 1978 Order”).

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**e**) of the 1978 Order after the Executive has carried out consultations in accordance with Article 46(3)(**f**).

Citation and commencement

1. These Regulations may be cited as the Freight Containers (Safety Convention) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on xth xxx 2016.

Amendment of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992

2.—(1) The Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(**g**) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2—

(a) after the definition of “corner fittings” insert—

““designated area” means any area designated by Order under section 1(7) of the Continental Shelf Act 1964(**h**) and “within a designated area” includes over and under it”;

(a) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see* S.I. 1982/846 (N.I. 11), Article 3

(b) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)

(c) Article 17 shall be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)

(d) S.I. 1978/1039 (N.I. 9): the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1). Article 55 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 19

(e) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

(f) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18 and the Health Protection Agency Act 2004 (c. 17), section 11 and Schedule 3, paragraph 10(3)

(g) S.R. 1992 No. 2, as amended by S.R. 1999 No. 150 and revoked in part by S.R. 1998 No. 125

(h) 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (1982 c. 23), Schedule 3, paragraph 1 and by the Energy Act 2011 (c. 16), section 103

- (b) after the definition of “the Executive” insert—
 - ““g” means the standard acceleration of gravity; g equals 9.8 m/s^2 ”;
 - (c) after the definition of “the Health and Safety Executive” insert—
 - ““load” when used to describe a physical quantity to which units may be ascribed, signifies mass”;
 - (d) after the definition of “maintained” insert—
 - ““Maximum operating gross mass or Rating” means the maximum allowable sum of the mass of the container and its cargo;
 - “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.”;
 - (e) in the definition “safety approval plate” for “the Schedule” substitute “Schedule 1”; and
 - (f) after the definition of “swap body” insert—
 - ““territorial sea” means the territorial sea of the United Kingdom adjacent to Northern Ireland and “within the territorial sea” includes on, over and under it.”
- (3) For regulation 3 substitute—

“Application

3. These Regulations apply to—
- (a) any container used at work, or supplied for use at work;
 - (b) any container so used or supplied and which is within the territorial sea or a designated area only to and in relation to the premises and activities to which any of paragraphs 2 to 9 of Schedule 2 apply.”
- (4) In regulation 4 for “gross weight” substitute “operating gross mass” in each place occurring.
- (5) In regulation 6(a) for “the Schedule” substitute “Schedule 1”.
- (6) The Schedule shall be renumbered Schedule 1.
- (7) In paragraph 2(d) of Schedule 1—
- (a) in paragraph (iv) for “gross weight” substitute “operating gross mass”;
 - (b) in paragraph (v) for “weight” substitute “load” in both places occurring;
 - (c) for paragraph (vi) substitute—
 - “(vi) line 6—the transverse racking test force in newtons,”;
 - (d) for paragraph (vii) substitute—
 - “(vii) line 7— the end-wall strength to be indicated on plate only if end-walls are designed to withstand a force of less or greater than 0.4 times the gravitational force by maximum permissible payload,”;
 - (e) for paragraph (viii) substitute—
 - “(viii) line 8 – side-wall strength to be indicated on plate only 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,”;
 - (f) after paragraph (ix) insert—
 - “(x) line 10 - one door off stacking strength if the container is approved for one door off operation. The marking shall show—
 - (a) ALLOWABLE STACKING LOAD ONE DOOR OFF FOR 1.8g (...KG...LBS).

This marking shall be displayed immediately near the stacking test value (see line 5); and

(xi) line 11 - one door off racking strength if the container is approved for one door off operation. The marking shall show—

- (a) TRANSVERSE RACKING TEST FORCE ONE DOOR OFF
(...newtons)

This marking shall be displayed immediately near the racking test value (see line 6”);

(g) for figure 1 substitute—

“Figure 1

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

(h) after paragraph 2 insert—

“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 prior to that date as long as no structural modifications occur to that container.

Marking in accordance with British Standard

4. Where the stacking or racking values are less than 192,000kg or 150kN, respectively, the container shall be considered as having limited stacking or racking capacity and shall be conspicuously marked as required under British Standard Freight Containers – Coding, identification and marking(a) at or before their next scheduled examination.”

(8) After Schedule 1 insert—

“SCHEDULE 2

Regulation 3

PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA OR A DESIGNATED AREA

Interpretation

1.—(1) In this Schedule—

“activity” includes a diving project and standing a vessel by;

“diving project” has the meaning assigned to it by regulation 2(1) of the Diving at Work Regulations (Northern Ireland) 2005(b) save that it includes an activity in which

(a) BS EN ISO 6346:1995 + A3:2012; published by BSI Standards Limited 2013, under the authority of the Standards Board and came into effect on 15 April 1996. ISBN 978 0 580 80120 4.

(b) S.R. 2005 No. 45, as amended by S.R. 2007 No. 247

person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

“offshore installation” shall be construed in accordance with paragraph 2(2) and (3);

“supplementary unit” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;

“vessel” includes a hovercraft and any floating structure which is capable of being navigated.

(2) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(3) Any reference in this Schedule to premises and activities includes a reference to any person, article or substance on those premises or engaged in, or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

Offshore installations

2.—(1) This paragraph shall apply within the territorial sea or a designated area to and in relation to—

- (a) any offshore installation and any activity on it;
- (b) any activity in connection with, or any activity immediately preparatory to an activity in connection with, an offshore installation, whether carried on from the installation itself, in or from a vessel or in any manner, other than an activity falling within sub-paragraph (4);
- (c) a diving project involving—
 - (i) the survey and preparation of the sea bed for an offshore installation;
 - (ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation.

(2) Subject to sub-paragraph (3), in this Schedule, “offshore installation” means a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water—

- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
- (b) for undertaking activities falling within paragraph 6(2);
- (c) for the conveyance of things by means of a pipe;
- (d) for undertaking activities that involve mechanically entering the pressure containment boundary of a well; or
- (e) primarily for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of heads (a) to (d),

together with any supplementary unit which is ordinarily connected to it, and all the connections.

(3) Any reference in sub-paragraph (2) to a structure or supplementary unit does not include—

- (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
- (b) a well;
- (c) a mobile structure which has been taken out of use and is not yet being moved with a view to its being used for any of the purposes specified in sub-paragraph (2);
- (d) any part of a pipeline; and
- (e) a structure falling within paragraph 8(c).

(4) Subject to sub-paragraph (5), the following activities fall within this paragraph—

- (a) transporting, towing or navigating an installation;
- (b) any of the following activities carried on in or from a vessel—
 - (i) giving assistance in the event of an emergency;
 - (ii) training in relation to the giving of assistance in the event of an emergency;
 - (iii) testing equipment for use in giving assistance in the event of an emergency;
 - (iv) putting or maintaining a vessel on stand-by ready for an activity referred to in any of sub-heads (i) to (iii).

(5) Sub-paragraph (4)(b) does not apply in respect of a vessel in or from which an activity is carried on in connection with, or any activity that is immediately preparatory to an activity in connection with, an offshore installation other than an activity falling within sub-paragraph 4(b).

Wells

3.—(1) Subject to sub-paragraph (2), this paragraph applies within the territorial sea or a designated area to and in relation to—

- (a) a well and any activity in connection with it; and
- (b) an activity which is immediately preparatory to any activity in head (a).

(2) Sub-paragraph (1) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

Pipelines

4.—(1) This paragraph applies within the territorial sea or a designated area to and in relation to—

- (a) any pipeline;
- (b) any pipeline works;
- (c) the following activities in connection with pipeline works—
 - (i) the loading, unloading, fuelling or provisioning of a vessel;
 - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel,
 being in either case a vessel which is engaged in pipeline works; or
 - (iii) the moving, supporting, laying or retrieving of anchors attached to a pipe-laying vessel including the supervision of those activities and giving of instruction in connection with them.

(2) In this paragraph—

“pipeline” means a pipe or system of pipes for the conveyance of any thing, together with—

- (a) any apparatus for inducing or facilitating the flow of any thing through, or through part of, the pipe or system;
- (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;
- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in heads (a) to (c);
- (e) apparatus for the transmission of information for the operation of the pipe or system;

- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system; but not including a pipeline of which no initial or terminal point is situated in the United Kingdom, within the territorial sea adjacent to the United Kingdom, or within a designated area;

“pipeline works” means—

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the bed of the sea for the purposes of the works mentioned in heads (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in heads (a) to (d);
- (f) a diving project in connection with any of the works mentioned in heads (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

Mines

5.—(1) This paragraph applies to and in relation to a mine within the territorial sea, and any activity in connection with it, while it is being worked.

(2) In this paragraph “mine” has the same meaning as in the Mines Act (Northern Ireland) 1969(a).

Gas Importation and Storage

6.—(1) Subject to sub-paragraph (3), this paragraph applies within the territorial sea to and in relation to any activities connected with or immediately preparatory to the activities set out in sub-paragraph (2).

(2) The activities are—

- (a) the unloading of gas to an installation or pipeline;
- (b) the storage of gas, whether temporary or permanent, in or under the shore or bed of any water;
- (c) the conversion of any natural feature for the purpose of storing gas, whether temporarily or permanently;
- (d) the recovery of gas stored;
- (e) exploration with a view to, or in connection with, the carrying on of activities within heads (a) to (d).

(3) Sub-paragraph (1) does not apply to an activity falling within sub-paragraph (2) if the provisions of this Schedule apply to or in relation to that activity by virtue of paragraph 2(1).

(4) In this paragraph—

“gas” means any substance which is gaseous at a temperature of 15°C and a pressure of 101.325 kPa (1013.25 mb); and

(a) 1969 c. 6 (N.I.)

“installation” includes any floating structure or device maintained on a station by whatever means.

(5) For the purposes of sub-paragraphs (2) and (4), references to gas include any substance which consists wholly or mainly of gas.

Production of Energy from Water or Wind

7.—(1) This paragraph applies within the territorial sea to and in relation to any energy structure or activities connected with or preparatory to—

- (a) the exploitation of those areas for the production of energy from water or wind,
- (b) the exploration of such areas with a view to, or in connection with, the production of energy from water or wind, or
- (c) the operation of a cable for transmitting electricity from an energy structure.

(2) In this paragraph “energy structure” means a fixed or floating structure or machine, other than a vessel, which is, or is to be, or has been, used for producing energy from water or wind.

Underground Coal Gasification

8. This paragraph applies within the territorial sea or a designated area to and in relation to—

- (a) underground coal gasification and any activity in connection with it;
- (b) any activity which is immediately preparatory to any activity in sub-paragraph (a); and
- (c) any fixed or floating structure which is, or is to be, or has been, used in connection with the carrying on of activities within sub-paragraphs (a) and (b).

Other activities

9.—(1) Subject to sub-paragraph (2), this paragraph applies within the territorial sea to and in relation to—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any building, or other structure, not being in any case a vessel, or any preparation for any such activity;
- (b) the transfer of people or goods between a vessel or aircraft and a structure (including a building) mentioned in head (a);
- (c) the loading, unloading, fuelling or provisioning of a vessel;
- (d) a diving project;
- (e) the laying, installation, inspection, maintenance, operation, recovery or repair of a cable;
- (f) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel;
- (g) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(3)(c) applies;
- (h) the transfer of people or goods between a vessel or aircraft and a structure mentioned in head (g).

(2) This paragraph does not apply—

- (a) to a case where paragraph 2, 3, 4, 5, 6, 7 or 8 applies; or
- (b) to vessels which are registered outside the United Kingdom and are on passage through the territorial sea.”

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on xxth xxxx
2016.



Jackie Kerr

A senior officer of the Department of Enterprise, Trade and Investment

Title: Review of the Freight Container (Safety Convention) Regulations 1984 IA No: Lead department or agency: Health and Safety Executive Other departments or agencies: N/A	Impact Assessment (IA)				
	Date: 13/10/2015				
	Stage: Consultation				
	Source of intervention: International				
	Type of measure: Secondary legislation				
Contact for enquiries: Janice.Martin@hse.gsi.gov.uk					
Summary: Intervention and Options					RPC Opinion: Awaiting Scrutiny

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB 2014 prices, 2015 present value)	In scope of One-In, Measure qualifies as Two-Out?	
-£1.90m	-£1.90m	£0.21m	No	NA

What is the problem under consideration? Why is government intervention necessary?
 In 1978 the UK ratified the International Convention for Safe Containers 1972 (CSC). By ratifying it, the UK agreed to be bound by the treaty and its terms in accordance with international law. Great Britain (GB) implements the CSC domestically through the Freight Containers (Safety Convention) Regulations 1984 (the Regulations). The Maritime Safety Committee (MSC), the highest technical body of the International Maritime Organization (IMO) has adopted a number of amendments to CSC. These amendments are not yet implemented in GB. The terms of the CSC mean the UK government should give effect to the amendments by updating the Regulations. If the Regulations were not updated in line with CSC then the UK government would not fulfil its international treaty obligations.

What are the policy objectives and the intended effects?
 (i) To revise the Regulations and supporting HSE guidance to give effect to the changes to CSC in line with international treaty obligations. (ii) To ensure the implementation of key time-bound amendments to the CSC, adopted by the MSC under resolutions MSC 310 (88) and MSC 355 (92) which came into force on 1 July 2012 and 1 July 2014 respectively. (iii) The intended effect is to implement the amendments to CSC in a way that is proportionate to the risks, minimises the impact on businesses, and provides a level playing field and increased certainty for the logistics sector in GB.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)
 Option 1 - Do nothing. This option would not comply with the UK's international treaty obligations, and is therefore not a viable option. It will, however, be used as the notional baseline against which Option 2 is compared.
 Option 2 - Update the Regulations, in the least burdensome way possible, to come into force in October 2016. The CSC is an international treaty that the UK ratified in 1978. The law of treaties is articulated by the Vienna Convention on the Law of Treaties that provides that ratification of a treaty signifies the State's consent to be bound by the treaty and its terms in accordance with international law. Since 1978, the UK has therefore agreed to be bound by the terms of the CSC and should give effect to its terms. For these reasons, **Option 2 is the only viable option.**

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 10/2021					
Does implementation go beyond minimum EU requirements?				No	
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro Yes	< 20 Yes	Small Yes	Medium Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)				Traded:	
				Non-traded:	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible
 SELECT SIGNATORY: _____

Date: _____

Summary: Analysis & Evidence

Policy Option 1

Description: Baseline/ Do Nothing

FULL ECONOMIC ASSESSMENT

Price Base Year 2015	PV Base Year 2016	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate:
COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Cost (Present Value)
Low	N/A	N/A	N/A		N/A
High	N/A		N/A		N/A
Best Estimate	N/A		N/A		N/A
Description and scale of key monetised costs by 'main affected groups'					
We have not estimated any costs under Option 1, as this is only the baseline against which Option 2 is assessed.					
Other key non-monetised costs by 'main affected groups'					
NA					
BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)		Total Benefit (Present Value)
Low	N/A	N/A	N/A		N/A
High	N/A		N/A		N/A
Best Estimate	N/A		N/A		N/A
Description and scale of key monetised benefits by 'main affected groups'					
We have not estimated any benefits under Option 1, as this is only the baseline against which Option 2 is assessed.					
Other key non-monetised benefits by 'main affected groups'					
NA					
Key assumptions/sensitivities/risks					Discount rate (%)
NA					

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:				In scope of OITO?	Measure qualifies as
Costs:	N/A	Benefits:	N/A	Net:	N/A
				No	NA

Summary: Analysis & Evidence

Policy Option 2

Description: Amend the Regulations in line with the Convention

FULL ECONOMIC ASSESSMENT

Price Base Year 2015	PV Base Year 2016	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -0.65	High: -4.37	Best Estimate: -1.90

COSTS (£m)	Total Transition (Present Values, Constant Price)	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0.7	0.0	0.7
High	4.4	0.0	4.4
Best Estimate	1.9	0.0	1.9

Description and scale of key monetised costs by 'main affected groups'

Transitional costs to container owners and operators arise from having to change Safety Approval Plates (SAPs) for containers manufactured since 1 July 2014. We estimate a best estimate cost to them of around £0.4m over the appraisal period in present value terms. They would also have to conspicuously mark around 75,000 containers with limited stacking or racking capacity. We estimate an additional best estimate cost to them of around £1.5m in present value terms.

Other key non-monetised costs by 'main affected groups'

Container manufacturers may encounter a small cost from having to discard old SAPs. This cost has not been monetised, but is expected to be minor.

We expect that all container manufacturers, operators and owners will familiarise with the changes in the Regulations. However, this one-off cost has not been calculated, and is expected to be very small.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Nil	Nil	Nil
High	Nil	Nil	Nil
Best Estimate	Nil	Nil	Nil

Description and scale of key monetised benefits by 'main affected groups'

No benefits have been monetised

Other key non-monetised benefits by 'main affected groups'

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

Key assumptions/sensitivities/risks

Discount rate (%) 3.5

Some estimates in this IA are based on an assumption of no prior compliance. This is unlikely because of the global nature of the industry, and leads to the costs presented likely being overestimates. The assumption of no prior compliance has been selected in this consultation stage IA as a simplifying assumption and in the absence of robust evidence of current compliance levels in certain areas. Further steps will be taken as part of consultation to clarify these assumptions for the final stage IA.

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:	In scope of OIOO?	Measure qualifies as
Costs: 0.2	Benefits: 0.0	Net: -0.2
	No	NA

Evidence Base

Problem under consideration

1. The International Convention for Safe Containers 1972 (CSC), introduced by the International Maritime Organisation (IMO), is aimed at maintaining a high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements.
2. The UK implements the CSC in Great Britain (GB) via the 1984 Regulations and in Northern Ireland by way of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992. Any changes to Northern Irish regulations are out of scope of this IA.
3. CSC sets out procedures for an Approved Continuous Examination Programme (ACEP); this means containers used in international transport must be approved for safety by the Administration of a contracting party. This is administered by HSE in GB. A Safety Approval Plate (SAP), attached to each container, is required to indicate compliance and display relevant data. The CSC has been amended by the IMO in response to incidents or concerns raised by signatories to CSC. The Maritime Safety Committee (MSC), the highest technical body of the International Maritime Organization (IMO), adopted these amendments. Four minor amendments were adopted in 1981, 1983, 1991 and 1993. Two further amendments in 2012 and 2014 introduce more significant physical changes to the SAP and additional safety tests.
4. As the UK ratified CSC in 1978, it must 'give effect' to the Convention in accordance with principles of international law. In order to do this the Regulations and supporting HSE guidance require updating in line with the changes to CSC.
5. As the proposed changes to the Regulations give effect to an international convention and do not go beyond the minimum requirements laid down therein, any costs or savings to business would be out of scope of One In, Two Out, in accordance with the Better Regulation Framework Manual.

Key changes

Updating the terminology on SAPs

6. The CSC sets out procedures for an ACEP whereby an authorised examiner must approve containers used in international maritime transport for safety. Once approved, a SAP is then attached to the container to indicate compliance and display relevant details.
7. The crux of the majority of the amendments is to ensure uniform use of terminology and to align physical dimensions and units to the SI system (international system of units). Under the changes to CSC, ACEP programmes will have to be reviewed by the administration for the contracting parties (i.e. HSE) once every 10 years to ensure they remain viable. The requirements for ACEP programmes have been expanded to more clearly describe the validity of, and elements to be included in, such programmes and this will require updating HSE guidance to reflect the amendments.
8. Specifications for SAPs have also been updated in CSC. Regulation 4 of the Regulations would need to be amended as it refers, for example, to "maximum gross weight". This no longer aligns with the terminology used and would have to be replaced with "maximum operating gross mass".

Conspicuous Marking of Containers with Limited Stacking or Racking Capacity

9. Under the changes to CSC, those containers considered to have limited stacking or racking capacity will be required to be conspicuously marked in accordance with ISO 6346 standard.¹ These containers are not currently required to be marked. ISO is the acronym for the International Organization for Standardization that develops voluntary International Standards. There is one

¹ Racking and stacking capacity refers to the mass and force that containers should be able to withstand, under specific conditions. If they do not meet the requirements these containers should be clearly marked as having limited racking or stacking capacity, to ensure they are operated in ways that would not hinder their structural integrity.

member body per country (in the UK it is the British Standards Institution). The ISO standard is incorporated into the CSC which states at Annex I that the standard must be adhered to. The standard covers the serial number, owner, country code, and size of any given shipping container.

Testing Containers operating with one door removed

10. Under the changes to CSC, containers with one door removed would have to undergo additional tests before being approved for operation under CSC.

Authorised Officers (Annex III)

11. A new Annex III has been added to CSC on control and verification. If there is significant evidence that the condition of a container creates an obvious risk to safety, Annex III provides the detail to enable authorised officers to assess the integrity of structurally sensitive components of containers and to decide whether a container is safe to continue in transportation. Currently, HSE appoints no such officers and assesses its current arrangements to be proportionate to the risks presented. As such, HSE does not intend to enact the powers enabled by the Convention to do so.

Rationale for intervention

12. The CSC is an international treaty that the UK ratified in 1978. The law of treaties is articulated by the Vienna Convention on the Law of Treaties, which provides that ratification of a treaty signifies the State's consent to be bound by the treaty and its terms in accordance with international law. The UK has therefore since 1978 agreed to be bound by the terms of the CSC and to enact them in 'good faith'. As such, the UK is bound by the CSC and the amendments above and should give effect to them via the Regulations in accordance with International law.
13. The UK employs secondary legislation (the Regulations) to implement the CSC domestically. As such if the Regulations are not amended in line with amendments to the CSC then the UK will not fulfil its international treaty obligations. The failure of a state to fulfil its obligations under a treaty may result in legal consequences.
14. Revising the Regulations now provides an opportunity to bring all amendments made to CSC together in the review of the Regulations. Given GB's ratification of CSC in 1978, it must 'give effect' to it in accordance with principles of international law. To do this, the Regulations and supporting HSE guidance would need to be updated in line with any applicable changes to CSC. Now that time-bound amendments are required, it is necessary that we implement all the changes to the CSC, as not doing so would be against the principle of good faith and so in contravention of the Convention. As such, the changes proposed to the Regulation do not go beyond the legal minimum and do not constitute gold plating.

Policy objective

15. As the CSC is an international treaty, which was ratified by the UK government in 1978, the Regulations and the supporting HSE guidance should be revised in order to give effect to the changes to CSC in accordance with international law, whilst adopting an approach that minimises burdens on business. Key time-bound amendments relate to changes in terminology and to the identification and marking on the SAP of certain containers. These changes were adopted by the MSC under resolutions MSC 310 (88) and MSC 355 (92) which came into force on 1 July 2012 and 1 July 2014 respectively. Revising the Regulations now provides an opportunity to bring all the amendments made to the CSC together in one, which must be taken if GB is to give effect to the amendments to the Convention in good faith and thereby fulfil its legal obligations. This approach should also provide a level playing field and increased certainty for the logistics sector in GB.

Description of options considered

16. Two options are proposed:

- Option 1: Do nothing.
- Option 2: Update the Regulations to come into force in October 2016.

17. Option 1 would not comply with the UK's international treaty obligations, and is thus not a viable option. It will, however, function as a notional baseline against which to compare Option 2. Option 2 provides a sound basis for delivery of a fully considered amendment to the 1984 Regulations and as such is the only viable option .

18. No alternatives to regulation have been considered, as legal advice is that amendments to the CSC have to be implemented via changes to the Regulations.

Research undertaken to inform the IA

19. We obtained evidence on the expected impacts of the changes to the Regulations under Option 2 by interviewing industry stakeholders from the freight container sector. We interviewed seven stakeholders in all between June and July 2015.

20. Given the early stages of the project, we decided to collect information on impacts by first contacting 'experts'. We define 'experts' as health and safety consultants in the industry who work on freight container safety, often in close collaboration with the IMO. We recruited the experts by following up contacts that HSE had already established. We contacted six of which four agreed to the interviews.

21. We followed these interviews with interviews with other stakeholders in the industry, to better reflect the composition of the sector. We recruited these stakeholders by emailing companies on the ACEP list.² However, we also contacted manufacturers of containers. Often, the last contact that these companies had from HSE was an email or letter confirming their ACEP number. This approach therefore gave us the opportunity to speak to unengaged stakeholders. However, we received a low response; we emailed 17 and spoke to three. Further steps will be taken as part of the consultation process to gather information from less-engaged stakeholders if possible.

22. In all cases, we adopted a semi-structured interview approach, based on a set of drafted questions, but with flexibility to adapt our questions to responses.

23. The rationale behind the recruitment strategy was so we could collect evidence from both highly engaged stakeholders, considered safety experts in the industry, and less engaged stakeholders.

24. We have used the evidence collected to inform the discussions of costs and benefits described from paragraphs 33 to 69. We consider this approach proportionate given the variety of interviews conducted. However, we will seek to improve and to expand on our evidence for the final stage IA as part of the wider consultation process.

General assumptions

Number of companies affected

25. The main groups affected by the proposed changes would be container owners and operators. Currently, there are 103 companies on HSE's approved list. Each company has a unique ACEP number that identifies them and is listed on the SAP on their containers. We assume that the number of companies remains constant over the appraisal period. This is a simplifying assumption and we will seek to refine it in consultation if possible.

Degree of compliance with the convention

26. The interviews revealed that a number of companies are likely to have already applied the changes in the convention, as they are in force in other countries and the international nature of their work would have required them to become compliant. In addition, the nature of the industry does indicate that there are strong incentives for self-regulation. These incentives are the large costs that would

² HSE's database of companies operating an ACEP scheme

be incurred if the structural integrity of a container were compromised during use. For example, potential injury of workers, costs of damaged contents, costs of any delay, reputational damage, and potential damage to the container ship. Any degree of pre-existing compliance would reduce the costs to business of complying with changes to the FCSC Regulations.

27. As part of the interview process and based on HSE's sector knowledge, we have been able to make some estimates of existing compliance in some of the areas affected by change to the Regulations. We will seek to validate these further as part of the consultation process, as well as to obtain estimates for the areas where we have assumed no prior compliance as a conservative estimate.

Appraisal period

28. In accordance with Green Book guidance on cost-benefit analysis, the analysis will use a ten-year appraisal period beginning in 2016, the year of implementation. The discount rate applied is 3.5%.

Cost of time

29. In the analysis, we estimate the cost of business time based on a valuation of the workers' opportunity cost of time, which is assumed to be equal to their wage, plus the additional costs of employing them, such as pension, National Insurance contributions and other overheads.
30. We obtained the opportunity cost of time of staff at container repair facilities from two of the interviewees. They estimated that the cost of time, including overheads, ranges between \$10 and \$30 per hour depending on which country the repair facilities are based in. This is relevant as containers can be called in for repair anywhere in the world, regardless of whether they are owned or operated by GB based companies.
31. We applied the annual average of the daily spot exchange rate for the 2014 calendar year, 1.6477 \$/£.³ This gives a full economic cost of time of between £6 and £18 per hour with a best estimate of £12 per hour.

Monetised and non-monetised costs and benefits of each option

Option 1 – Baseline/Do nothing

32. A do nothing option has not been considered a viable option, as described in paragraph 18. However, it constitutes the notional baseline against which we compare the costs and benefits of Option 2.

Option 2 – Updating the regulations

Costs to Business – Updating the terminology on SAPs

33. Updating the regulations in line with the CSC would require all containers, the construction of which was completed on or after 1 July 2014, to have a different SAP to that currently specified in the Regulations. The main changes in the SAP would be changes to the terminology, for example, updating units so that they are SI units. The full list of proposed changes to the SAP is provided in Annex 1: Changes to the 1984 Regulations, Schedule 1 on page 29 of this IA.
34. The cost from this change can be subdivided as follows:
- a. Costs to manufacturers from having to discard obsolete SAPs
 - b. Costs to operators who need to change the SAPs on those containers manufactured between 1 July 2014 and 30 September 2016 that have not already been brought in line with the convention

Number of containers that would require the new version of the SAP

35. To calculate the costs of this change we need to estimate the number of containers that would be affected by the change.

³ The exchange rate used was obtained from the Bank of England daily spot rate tables. The average was taken for the 2014 calendar year.

36. Figures from 2013 indicate that the average global TEUs (twenty-foot equivalent units)⁴ manufactured per annum is between 2,000,000 and 2,500,000 TEUs, 90% of which are manufactured in China.⁵
37. We do not know what percentage are manufactured in GB, although we have identified a number of UK companies that manufacture this product. We will assume for this consultation stage IA that the percentage is between 1.5% and 3.2% based on the percentage of the world fleet that is owned or managed by UK-based companies.⁶ We therefore estimate that there are between around 30,000 and 80,000 TEUs manufactured annually in the UK with a best estimate of around 53,000 TEUs.
38. Given that all containers manufactured between 1 July 2014 and 30 September 2016 (a 27 month period) would require a changed SAP, we calculate that between 67,500 and 180,000 TEUs, with a best estimate of around 119,000 TEUs would require change.
39. To obtain the number of containers, as opposed to TEUs, we assume that the distribution of containers into 40-foot, 20-foot and specialised containers world-wide is the same as the distribution of containers manufactured in the UK. 57% of TEUs are 40-foot, 27% are 20-foot and the remaining 16% are specialised.⁷ We also assume that specialised containers have, on average, the same capacity as 20-foot containers.
40. This gives between around 48,000 and 129,000 actual containers produced in GB over this period, with a best estimate of around 85,000.
41. Additionally, we estimate, based on the interviews with industry and HSE expert knowledge, that around 75% of the industry will already be compliant. This is due to the Convention already being enacted in other countries and so the need for companies in GB to comply with those countries' regulations as part of their international work.
42. We therefore estimate that between around 12,000 and 32,000 containers with a best estimate of around 21,000 containers would need a different SAP.
43. These figures assume that all containers manufactured outside the UK are compliant, so if UK operators purchased those containers they would not need change their SAPs. This is considered a reasonable assumption as the changes are based on an international convention. Three of the experts interviewed told us that they understand Chinese manufacturers to be compliant. China accounts for around 90% of the manufacture of containers in the world.

Costs to manufacturers

44. Manufacturers may need to discard obsolete SAPs, thereby forgoing the revenue they could have got by selling them. It has not been possible to estimate how many SAPs would need to be discarded at this stage or the extent to which manufacturers' stocks of SAPs would simply run down anyway before implementation in October 2016. We will investigate this further with manufacturers as part of the consultation process and attempt to estimate what costs, if any, may be incurred if possible to do so. Based on our interviews, we will also assume that the costs of producing the new SAPs will be the same as they are currently.

Costs to operators

45. We assume that all operators would become compliant when the new Regulations would be implemented on 1 October 2016; therefore, all containers manufactured from this date would be in line with the proposed changes in the Regulations. Thus, operators would have to change the SAP on every container that had been manufactured between 1 July 2014 and 30 September 2016. This may be an unrealistic assumption – it is possible that some operators may begin to make the changes to their SAPs before 1 October 2016 in expectation of the new Regulations and in contravention of the current Regulations. However, we adopt this as a simplifying assumption for the consultation stage IA and will explore with industry how realistic it is during consultation to try to refine for the final stage IA.

⁴ TEU' is a standardised unit in industry, and represents the twenty-foot equivalent unit; i.e. a 40-foot container has two TEUs capacity, whilst a 20-foot container has one TEU.

⁵ JP Rodrige (2013) *The Geography of Transport Systems*, Routledge

⁶ Oxera (2015) *International competitiveness of the UK maritime sector: a report for DfT*

⁷ JP Rodrige (2013) *The Geography of Transport Systems*, Routledge

46. As discussed in paragraph 42, we estimate that between around 12,000 and 32,000 containers would require the change, with a best estimate of around 21,000.
47. We assume that container operators would seek to minimise the costs of this change. They would therefore not locate and bring in all containers to repair facilities to enact the changes to the SAPs on the 1 October 2016. Instead, they would make the changes when the container was next due for examination under the ACEP scheme, i.e. 30 months after first use. The transitional costs from this change would therefore be staggered over 4 calendar years.
48. We estimate that,
- In 2016 changes would be made to between around 450 and 1,200 containers, with a best estimate of around 790 containers;
 - In 2017 changes would be made to between around 5,400 and 14,300 containers, with a best estimate of around 9,450 containers;
 - In 2018 changes would be made to between around 5,400 and 14,300 containers, with a best estimate of around 9,450 containers, and;
 - In 2019 changes would be made to between 890 and 2,400 containers, with a best estimate of 1,600 containers.
49. According to interviews it would take between 15 minutes and 1.5 hours to change one container's SAP. Additionally, each individual plate would cost between £7 and £10 with a best estimate of £8.50. The cost of time per hour was specified in paragraph 31, of between £6 and £18 with a best estimate of £12. Each container would therefore cost between around £8.50 and £37 to change, with a best estimate of around £19.
50. The **total estimated present value cost** over the appraisal period is therefore between around £97 thousand and £1.1 million, with a **best estimate of around £390 thousand**.

Costs to Business – Conspicuous Marking of Containers with Limited Stacking or Racking Capacity

51. Changing the regulations in line with changes to the CSC would require container owners and operators to conspicuously mark all relevant containers, i.e. those constructed or commenced since entry into force of CSC, in 1984, with limited racking and stacking capacity, according to ISO 6346. In practice, container owners or operators would have to attach additional decals (numbers) to the containers.
52. Such containers have limited stacking or racking capacity by virtue of their design, rather than, for example, damage or wear and tear. As such, owners and operators would already be aware of which of their containers would require such marking.

Number of containers that would require conspicuous marking

53. Information from the interviews indicated that the containers that would fall in this category are 'swap bodies'⁸ and some specialised containers (e.g. those used for offshore oil and gas operations).
54. From the interviews, we obtained an estimate of between 50,000 and 100,000 swap bodies in use in GB, with a best estimate of around 75,000.
55. We were not able to obtain an estimate for specialised containers. We expect this number to be limited given the specified use of these containers, but we will engage with representatives from some of the key industries, including offshore and chemical sectors, as part of the wider consultation process to confirm this.

Costs to operators

56. If all the swap bodies had to be brought into compliance in the first year of implementation there would be a one-off cost to the container owners and operators of swap bodies used in transoceanic services. It is not clear at this stage the proportion of swap bodies already in compliance or that will

⁸ Swap bodies are vehicle bodies that are not permanently fixed to the carrying vehicle. They are similar to containers and are locked to the carrying vehicles in the same way using twist locks. At the loading bays, the swap bodies can be stored standing on their own legs. They are suitable for use for multimodal transport by road and rail and have grapple pockets which allow them to be moved using gantry cranes.

be brought into compliance between now and October 2016; nor is it clear the number that would actually be used for transoceanic shipping and therefore require conspicuous marking. We will investigate both of these questions further in consultation.

57. Operators would have to attach decals to each container, at the material cost of around £5 per container. Facilities staff would require between 1 and 1.5 hours per container to attach the decals according to interviews. As well as the time to place and attach decals to both the sides and the front door of the container, which we understand to be quite labour-intensive, this estimated time per container includes some period to move from container to container to do the work as they may be distributed throughout a large area within a dock or other storage/ maintenance area.
58. This time would be at the cost of between around £6 and £18 per hour, with a best estimate of around £12 per hour, as explained in paragraph 31. There is therefore a total cost per container, including both the costs of time and of the decals themselves, of between around £11 and £32, with a best estimate of around £20.
59. This would be **an estimated one-off cost to business** of between £550 thousand and £3.2 million, with a **best estimate of around £1.5 million**.
60. This estimate excludes any costs of locating the containers and bringing them in for service. We will seek to estimate the costs of this, if any, during consultation.
61. During consultation, we will look to find out whether other types of containers also have limited stacking and racking capacity, as well as the proportion of the industry that is already complying with the CSC.

Costs to Business – Testing Containers operating with one door removed

62. Changing the regulations in line with changes to the CSC would mean that containers operating with one door removed would require additional safety tests following which the SAP should be marked with the allowable stacking load for one-door-off operation, and the transverse racking test force for one-door-off operation.
63. Container operators choose to operate containers with one-door removed when shipping goods that release moisture, for example, fruit and vegetables. The interviews revealed that this is not common practice in GB.
64. The tests per container are likely to cost in the region of £1,000.⁹ The marking of the SAP plate would require a cost similar to that described in paragraph 49. However, based on the responses to the interviews, we do not think any containers operated by GB companies would require the tests over the appraisal period. We **estimate that there will be no additional costs to business** from this change.
65. We will test this assumption during consultation.

Costs to Business – Authorised Officers (Annex III)

66. Annex III of the CSC provides more detail about control measures. It provides specifics for how control officers (examiners) may assess the integrity of containers and help decide whether a container should be removed from use. HSE takes a proportionate approach to the Regulations. Therefore, although Annex III provides HSE with the opportunity to assess the integrity of containers, it is unlikely to be applied over the appraisal period.
67. For these reasons, we estimate that there would be **no expected additional costs for business**.

Costs to Business – Familiarisation

68. We assume that in order for manufacturers, owners and operators to understand the changes under Option 2, they would need to take some time to become familiar with them, by reading the relevant HSE guidance, and updates through the trade press. It is unclear how long this might take or how many people in each company would be required to become familiar, but given the number of companies (103) and the level of pre-existing compliance expected, this is expected to be a **small one-off cost**. We will attempt to estimate and monetise this as part of consultation if possible.

⁹ This figure was obtained from a GB container testing company.

Costs to Government

69. Implementing the changes to the CSC would incur no additional costs on government, as the updating of guidance and review of ACEP programmes are considered business as usual.

Benefits

70. Updating the Regulations would remove inconsistency with the implementation of the CSC in other countries and thereby remove a potential source of legal or business uncertainty for owners and operators. However, we expect HSE's current proportionate approach to the Regulations to limit the present burden of uncertainty. It is not possible to quantify or monetise this benefit.

Summary of costs to business

Table 1: Estimated present value monetised costs to business of Option 2

	Costs to Business (£ m)		
	Low	Best	High
SAPs	£0.10	£0.39	£1.14
Racking	£0.55	£1.51	£3.23
One-door removed	nil	nil	nil
Annex III	nil	nil	nil
Familiarisation	unquantified	unquantified	unquantified
Total Costs	£0.65	£1.90	£4.37

Note: Present values over ten years. Totals may not sum due to rounding

Rationale and evidence that justify the level of analysis used in the IA (proportionality approach)

71. As explained in paragraph 19, we obtained evidence by interviewing seven stakeholders.
72. The interviews gave us a good overview of the impacts on the stakeholders involved, and given the small scope of changes, and the variety of interviews conducted, covering different aspects of the industry, we consider the level of analysis proportionate for a consultation stage IA.
73. Where we have identified evidence gaps, we will seek to account for these during the public consultation process, as described in the relevant paragraphs, and as summarised in Table 2 below.

Risks and assumptions

74. There is still uncertainty around the all costs estimated in this IA. These uncertainties, and the methods we will adopt to refine the estimates, are described in Table 2, below.
75. The nature of stakeholder engagement implies that the companies most engaged with the regulator, HSE, are those most inclined to keep up to date with changes in regulations, and in this case, with changes in the convention. This means that our data may be skewed towards those companies that are more likely to already be compliant with the CSC. We tried to account for this bias by contacting non-engaged stakeholders present on the HSE's ACEP list, as described in paragraph 21. Unfortunately, the response rate was low. However, when estimating some costs, we did so assuming no current compliance where robust estimates of compliance could not be found.

Table 2: Source of uncertainty

Source of uncertainty	Expected effect	Scale	Plans to refine
General assumptions - Number of companies and type of companies affected (paragraph 25)	This will only have an effect on familiarisation costs, which have not been monetised at this stage	Small change in costs	Triangulate with other data sources
General assumptions - Change in the number of companies over time (paragraph 25)	Refining this assumption will have no impact as the number of companies is only used in estimating one-off costs of familiarisation	No change, unless new impacts emerge as part of consultation	No need to refine at this stage
General assumptions - The level of existing compliance (paragraph 26)	Refining this assumption could drive costs down	This could have a large impact on all costs estimated	Refine compliance levels across the wider industry as part of consultation
General assumptions - Cost of time (paragraph 31)	Refining this assumption could drive costs in either direction	However, the range is already wide and is not expected to vary by much	Assess during consultation with wider industry
SAP - Number of containers (paragraphs 36 to 40)	Refining this assumption could move costs in either direction	This could have a large impact on costs	Assess during consultation with wider industry
SAP – Costs of discarding out-of-date SAPs (paragraph 44)	Any costs for manufacturers to discard old stock have not yet been estimated	The stock itself would be a sunk cost, but this could lead to a small increase in associated costs	Explore with manufacturers during consultation
SAP - Time spent on attaching a new SAP (paragraph 49)	Refining this assumption could move costs in either direction	We are fairly confident of the time range used, so expect a small change in costs	Assess during consultation with wider industry
SAP - The material cost of a SAP (paragraph 49)	Refining this assumption could move costs in either direction	We are fairly confident of the estimate used, so expect a small change in costs	Assess during consultation with wider industry
Racking - Number of containers (paragraph to 54)	Refining this assumption could move costs in either direction	This could have a large impact on costs	Assess during consultation with wider industry
Racking - Time spent on attaching additional decals (paragraph 57)	Refining this assumption could move costs in either direction	We are fairly confident of the time range used, so expect a small change in costs	Assess during consultation with wider industry
Racking -The material cost of decals (paragraph 57)	Refining this assumption could move costs in either direction	We are fairly confident of the estimate used, so expect a small change in costs	Assess during consultation with wider industry
Racking – Locating relevant containers (paragraph 59)	There could be administrative costs to locate containers	If estimated, this could lead to a small increase in costs	Explore with operators during consultation
Assumption that one-door off operation is currently not	If one-door operation is performed by GB	Small effect on costs	Assess during consultation with

performed by GB companies (paragraph 63)	companies this could drive costs up		wider industry
Uncertainty round who will familiarise, how long it would take, and at what cost of time (paragraph 67)	Obtaining this information would allow us to estimate costs	Small effect on overall costs	Assess during consultation with wider industry

Direct costs and benefits to business calculations (following OITO methodology)

76. All business costs are direct costs that accrue to business.

77. The EANCB in 2014 prices is £0.21 million.

Wider impacts

78. Wider impacts have been considered and no impacts have been identified for;

- Statutory Equality Duties;
- Human Rights;
- Justice System;
- Rural Proofing;
- Social Impacts;
- Competition; and
- Sustainable development.

Health and safety impacts

79. By ensuring consistency between the Regulations and the CSC, the proposed changes would ensure greater consistency in the management of safety at work in the industry, as they would implement changes to a convention that were originally triggered by safety concerns on a global level.

Small business impacts

80. There is no small business exemption given the safety implications of not complying with the Regulations, which are not proportionate to the number of employees. In addition, the requirements of the Convention, and so of the Regulations, apply to all containers irrespective of the size of the company producing or operating them and so there would not be a legal basis on which to enact an exemption of this kind.

Environmental impacts

81. Any increased safety of containers could lead to fewer collapsed stacks on board freight containers, which in turn, could therefore reduce the likelihood of negative impacts on marine environments. This cannot be quantified.

Summary and preferred option with description of implementation plan

82. As UK has ratified the CSC the preferred option is Option 2, i.e. to implement the changes by changing the Regulations, in accordance with the law of treaties articulated by the Vienna Convention.

83. The present value costs to business from Option 2 are estimated to lie between around £0.65 million and £4.37 million, with a best estimate of around £1.90 million. Where there is uncertainty in underlying assumptions, we will seek to refine if possible during consultation.

84. As the proposed changes enact an international convention and do not go beyond the legal minimum, these costs are out of scope of One In Two Out.

85. In addition, HSE will work to identify any other costs or benefits that could arise from the changes and to quantify and monetise them if possible.

Annex 1: Changes to the 1984 Regulations, Schedule 1

Both resolutions MSC 310 (88) and MSC 355 (92) amend Annex 1 CSC. A number of amendments are made to the information that the safety approval plate is required to contain (in the Appendix to Annex 1). This means that the wording in paragraph 1(d) of the Schedule will need to be amended. GLD have prepared the following, which shows (in purple) the changes to the wording in paragraph 1(d) that would be required:

(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 Administration,

(iv) line 4—the maximum **operating** gross ~~weight~~ mass in kilograms and pounds,

(v) line 5—the allowable stacking ~~weight~~ **load** 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~~ **force** value in ~~kilograms and pounds~~ **newtons**,

(vii) line 7—~~the end 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 0.4 times the maximum permissible payload.~~ **End-wall strength to be indicated on plate only if end-walls are designed to withstand a force of less or greater than 0.4 times the gravitational force by 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 less or more than 0.6 times the maximum permissible payload.~~ **Side-wall strength to be indicated on plate only 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,**

(ix) line 9—on and after 1st 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,

(x) One door off stacking strength to be indicated on plate only if the container is approved for one door off operation. The marking shall show: ALLOWABLE STACKING LOAD ONE DOOR OFF FOR 1.8 g (... kg ... lbs). This marking shall be displayed immediately near the stacking test value (see line 5),

(xi) One door off racking strength to be indicated on plate only if the container is approved for one door off operation. The marking shall show: TRANSVERSE RACKING TEST FORCE (... newtons). This marking shall be displayed immediately near the racking test value (see line 6).

DETI EQUALITY SCREENING FORM

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy - Proposals for the Freight Containers (Safety Convention) (Amendment) Regulations (Northern Ireland) 2016.

Is this an existing, revised or a new policy?

Revised. Amendment of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992.

What is it trying to achieve? (intended aims/outcomes)

To implement the amendments to the International Convention for Safe Containers 1972 (CSC) in Northern Ireland. The purpose of the CSC is to maintain a high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements. The key changes to CSC;

- introduce significant, physical changes to the Safety Approval Plate (SAP); and
- additional safety tests.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No. The provisions of the proposed Regulations will apply universally and are expected to benefit all Section 75 groups equally.

Who initiated or wrote the policy?

The CSC is a treaty that the UK ratified in 1978 and the UK is therefore bound by the treaty and its terms in accordance with international law. HSENI is responsible for devising and delivering the proposals for the NI implementing legislation to DETI. If DETI accepts the proposals, it is responsible for enacting the legislation.

Who owns and who implements the policy?

HSENI owns and is responsible for the enforcement of the proposed Regulations in Northern Ireland.

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they

- financial
- legislative
- other, please specify _____

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users

- other public sector organisations
- voluntary/community/trade unions
- other, please specify – manufacturers, operators and owners of containers

Other policies with a bearing on this policy

- what are they?

None

- who owns them?

N/A

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Details of evidence/information
Religious belief	Data is limited to Impact Assessment for corresponding GB proposals and local knowledge of freight containers industry
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

Section 75 category	Details of needs/experiences/priorities
Religious belief	Not applicable. The proposals are specifically designed to implement amendments to CSC in NI and will apply equally to all Section 75 categories.
Political opinion	As above.
Racial group	As above.
Age	As above.
Marital status	As above.
Sexual orientation	As above.
Men and women generally	As above.
Disability	As above.
Dependants	As above.

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 detailed below.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;

- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions detailed below and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none		
Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	No impact on equality of opportunity. The proposals are specifically designed to implement amendments to CSC in Northern Ireland and will apply equally to all Section 75 categories.	None
Political opinion	As above.	None
Racial group	As above.	None
Age	As above.	None
Marital status	As above.	None
Sexual orientation	As above.	None
Men and women generally	As above.	None
Disability	As above.	None
Dependants	As above.	None

2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?		
Section 75 category	If Yes , provide details	If No , provide reasons
Religious belief		Implementation of amendments to CSC will apply equally to all categories and consequently there is no opportunity to promote equality of opportunity.
Political opinion		As above.
Racial group		As above.
Age		As above.
Marital status		As above.
Sexual orientation		As above.
Men and women generally		As above.
Disability		As above.
Dependants		As above.

3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?		
Section 75 category	Details of policy impact	Level of impact minor/major/none
Religious belief	The proposals are specifically designed to implement amendments to CSC in Northern Ireland and will not impact on good relations.	None
Political opinion	As above.	None
Racial group	As above.	None

4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If Yes , provide details	If No , provide reasons
		The implementation of amendments to CSC will apply equally to all categories and consequently the changes will not contribute to or detract from the promotion of good relations.
Religious belief		As above.
Political opinion		As above.
Racial group		As above.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? *(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

The policy has been designed to implement amendments to CSC into Northern Ireland law to take account of international law. It will apply equally to all of the Section 75 Groups and there is no evidence to suggest that people with multiple identities will be affected.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The policy change is necessary to implement amendments to CSC, a Treaty ratified by the UK, into Northern Ireland law. It will apply equally to all businesses in the manufacture and use of freight containers. There is no evidence to suggest that any Section 75 group will be adversely affected by the proposals.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

An alternative policy is not available as Northern Ireland is obliged to meet international law obligations.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

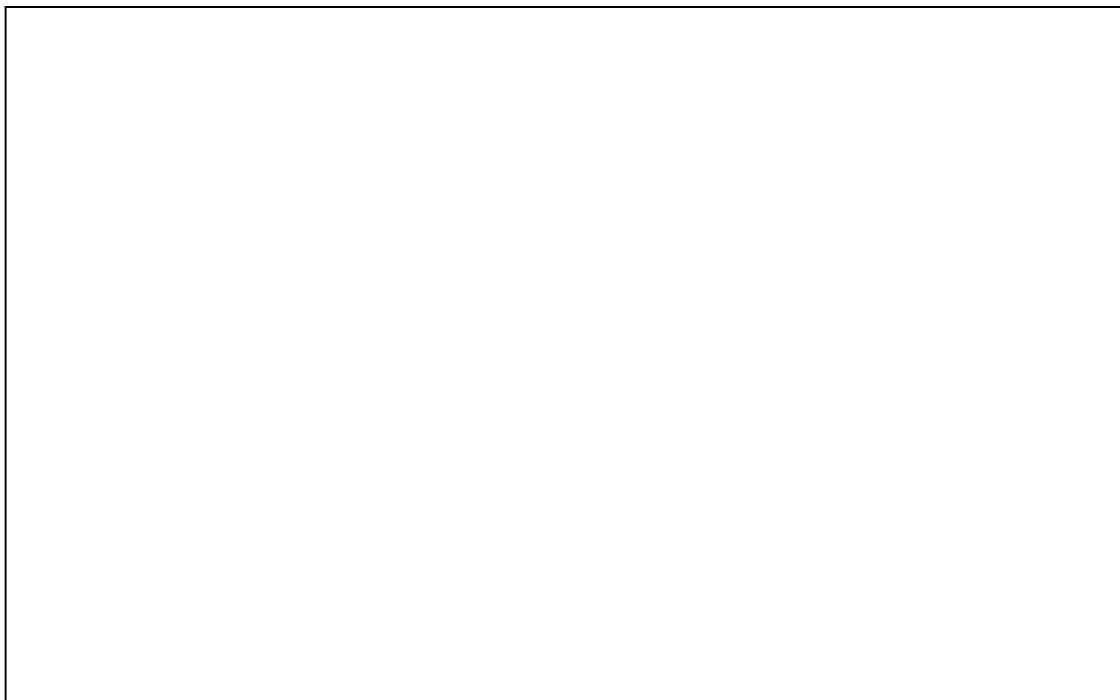
All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

A large empty rectangular box with a thin black border, intended for the user to provide reasons and proposed changes as requested in the text above.

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to a public authority's functions	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5. Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when exercising their functions, are required to have due regard to the need:

- **to promote positive attitudes towards disabled people; and**
- **to encourage participation by disabled people in public life.**

5. Does this policy/legislation have any potential to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life? If yes, please give brief details.

Name of Consultees

Ace Freight Forwarding Ltd.
Action on Hearing Loss
Advice NI
AES
Age NI
Age Sector Platform
Agency for the Legal Deposit Libraries
Alliance Party
Allpipe Engineering Ltd.
All-Route Shipping (NI) Ltd.
An Munia Tober
Archbishop of Armagh and Primate of all Ireland
Ards Business Centre Ltd.
Argyle Business Centre Ltd.
Arma-Tainer
Armagh Business Centre Ltd.
Aspergers Network
Attorney General (NI)
Autism Northern Ireland
Balako Enterprises Ltd.
Ballymena Business Centre Ltd.
Banbridge Enterprise Centre
Bar Council
Belfast Centre for the Unemployed
Belfast City Centre Management
Belfast Freight Ferries Ltd.
Belfast Harbour Commissioners
Belfast Harbour Police
Belfast Health and Social Care Trust
Belfast Hebrew Congregation
Belfast Islamic Centre
Belfast Solicitors Association
Bishop of Down and Connor
Board of Deputies of British Jews
BOC
Bombardier
British Deaf Association
British Library – Legal Deposit Office
Brow Packaging
Bryson House
BSC and Electric Ireland
Buildhealth NI
Business in the Community
Cairn Delivery Service
Calor Gas (NI) Ltd.
Campbell McCleave & Co. Ltd.
Cancer Focus Northern Ireland
Cara-Friend
Carers NI

Cargo Forwarding Ltd.
Carlingford Lough Commission
Carrickfergus Enterprise Agency Ltd.
Catholic Bishops of Northern Ireland
Causeway Enterprise Agency Ltd.
Cedar Foundation
Central Services Agency
Chartered Institute of Environmental Health NI
Chemical Business Association
Chief Constable Police Service of Northern Ireland
Children in Northern Ireland
Children's Law Centre
Chinese Chamber of Commerce
Chinese Welfare Association
Civil Law Reform Division
Civil Service Occupational Health Service
Coastal Containers Line Ltd.
Coleraine Harbour Commissioners
Commission for Victims and Survivors
Commissioner for Older People Northern Ireland
Committee on the Administration of Justice
Communication Access
Community Foundation for Northern Ireland
Community Relations Council
Construction Employers' Federation
Construction Industry Training Board NI
Cookstown Enterprise Centre Ltd.
Co-Operation Ireland
Council for Catholic Maintained Schools
Countryside Services Ltd.
Courts and Tribunal Service
Creggan Enterprises Ltd.
Democratic Unionist Party
Derek Horner Agencies (NI) Ltd.
Direct European Ltd.
Disability Action
District Councils
Donnelly Cabins Ltd.
Driver and Vehicle Testing Agency
Du Pont (UK) Industrial Ltd.
Dungannon Enterprise Centre Ltd.
Eamon Leonard Haulage & Sons
East Belfast Community Development Agency
East Belfast Enterprise Park Ltd.
East Belfast Partnership Board
Eastern Group Environmental Health Committee
Education Authority
Employers For Disability NI
Engineering Employers' Federation NI (EEF)
Equality Coalition

Equality Commission
Eurofeeders
Executive Council of the Inn of Court of NI
Expeditors International (UK) Ltd.
Falls Community Council
Federation of Small Businesses
Fegan Transport Ltd.
Fermanagh Enterprise Ltd.
Fire Brigades Union
Food Standards Agency Northern Ireland
Forensic Science Agency of Northern Ireland
Foyle Women's Information Network
Freightbridge International
Freight Transport Association
Frizelle Shipping Svices Ltd.
General Consumer Council for Northern Ireland
G Heyn & Sons Ltd.
Gingerbread Northern Ireland
GMB
Gray & Adams (Ireland) Ltd
Greater Shankill Partnership
Green Party
Hamilton Shipping Port Services Ltd.
Harland and Wolff Heavy Industries Ltd.
Health and Safety Executive
Health and Social Care Board HQ
Heaney Transport and Crane Hire
Heron Brothers Ltd.
Heron Transport
HM Council of County Court Judges
HM Coastguard
HM Revenue and Customers
Home Retail Group
Inclusive Mobility and Transport Advisory Committee (IMTAC)
INCORE Conflict Resolutions Ltd.
Indian Community Centre
Independent Political Parties
Information Commissioner's Office
Institute of Directors
Institute of Directors (NI Division)
Invest NI
Irish National Teachers' Organisation (INTO)
Jenkinson Freight (NI) Ltd.
John Irwin Transport
Johnson Stevens (NI) Ltd.
Judge G Conner
Justice for Asbestos Victims
KDM Hire Ltd.
Kersten Cargo Services (NI) Ltd.
Kesh Development Association Charitable Trust

Kilwee Transport
Kingsbury Packaging (Limavady) Ltd.
Labour Party
Labour Relations Agency
Larne Development Forum
Larne Harbour Ltd.
Law Centre (NI)
Lawrence Cunningham Haulage
Law Society of Northern Ireland
Let International Ltd.
Londonderry Port and Harbour Commissioners
Lonmin (NI) Ltd
Lord Chief Justice Office
Magill Freight Services Ltd.
Major Freight Services
Mallusk Enterprise Park
Maritime and Coastguard Agency
Mar-Train Heavy Haulage Ltd.
McAlorum Construction Ltd.
McAuley Freight
McClay Library, QUB
McNamee Freight Ltd.
MENCAP
Methodist Church in Ireland
Mindwise
Ministry of Defence
MPs & MEPs (NI)
Mr Sam McKane
Musicians Union
Mutual Energy Ltd.
National Collection of NI Publications
National Library of Ireland
New Ferry Fast Freight Ltd.
Newry and Mourne Enterprise Agency
NI21
Norse Irish Ferries Ltd.
North Belfast Partnership
North City Business Centre Ltd.
North Down Development Organisation Ltd.
North / South Ministerial Council
North West Community Network
Northern Group
Northern Health and Social Care Trust
Northern Ireland Assembly Library
Northern Ireland Assembly Members
Northern Ireland Assembly – The Speaker
Northern Ireland Association for Mental Health
Northern Ireland Association for the Care and Resettlement of Offenders
Northern Ireland Audit Office
Northern Ireland Authority for Utility Regulation

Northern Ireland Association of Citizens Advice Bureaux
Northern Ireland Centre for Competitiveness
Northern Ireland Chamber of Commerce
Northern Ireland Chamber of Trade
Northern Ireland Commissioner for Children and Young People
Northern Ireland Committee/Irish Congress of Trade Unions
Northern Ireland Conservative Association
Northern Ireland Council for Ethnic Minorities
Northern Ireland Council for Voluntary Action
Northern Ireland Court Service
Northern Ireland Electricity
Northern Ireland Environment Link
Northern Ireland Fire and Rescue Service
Northern Ireland Gay Rights Association
Northern Ireland Housing Executive
Northern Ireland Human Rights Commission
Northern Ireland Judicial Appointments Commission
Northern Ireland Law Commission
Northern Ireland Local Government Association (NILGA)
Northern Ireland Prison Service
Northern Ireland Public Service Alliance (NIPSA)
Northern Ireland Public Services Ombudsperson's Office (NIPSO)
Northern Ireland Railways Co. Ltd.
Northern Ireland Safety Group (NISG)
Northern Ireland Statistics and Research Agency (NISRA)
Northern Ireland Tourist Board
Northern Ireland Women's European Platform
NSPCC, Northern Ireland Regional Office
NUS/USI
NW Community Network
Occupational Health Service
Office of Industrial Tribunals
Omagh Enterprise Co. Ltd.
Ormeau Enterprises Ltd.
Participation the Practice of Rights Project
Pharmaceutical Society of Northern Ireland
POBAL
Polar International Ltd
Police Federation for Northern Ireland
Police Service of Northern Ireland
Presbyterian Church in Ireland
Prince's Trust
Progressive Unionist Party
Prospect
PW Freight
Quarry Products Association NI
Quay Cargo Services
Queen's University
RHT & Son
Roadliner (International) Ltd.

Roads Service
Roman Catholic Church
Roy Coulter Consulting Ltd.
Royal College of Midwives
Royal Institution of Chartered Surveyors (RICS)
Royal National Institute for the Blind (NI)
Rural Community Network
Rural Development Council
St. John Ambulance NI
Scotia Gas Networks (SGN)
Scruttons (NI) Ltd.
SDLP
Seagate Technology (Ireland)
Seamus McClafferty Transport
Sense NI
Services Industrial Professional Technical Union (SIPTU)
Sinn Fein
Social Security Agency
Society of Local Authority Chief Executives
South Belfast Partnership Board
South Eastern Health and Social Care Trust
South West Fermanagh Development Organisation Ltd.
Southern Group Environmental Health Committee
Southern Health and Social Care Trust
SSE Airtricity Energy Supply (NI) Ltd
Stanley McMaster Hire Centre
Strabane Industrial Properties Ltd.
Tennants Textile Colours Ltd.
TFK Container Sales and Hire
Titan ArcticStore
Total Cargo Services (NI)
Townsend Enterprise Park Ltd.
Traditional Unionist Voice
Training for Women Network Ltd.
Trans-Globe Express Ltd.
Translink
Transocean (NI) Ltd.
Transport Salaried Staff Association
UK Independence Party
UK National Committee of UN Women
Ulster Farmers' Union
Ulster Scots Community Network
Ulster Teachers' Union
Ulster Unionist Party
Union of Construction, Allied Trades and Technicians (UCATT)
Union of Shop, Distributive and Allied Workers (USDAW)
UNISON (Northern Ireland)
Unite the Union
University of Ulster
Volunteer Centre

Volunteer Now
Visual Access NI (Braille, Audio and DAISY)
Walcon
Warley Carriers Ltd.
Warrenpoint Harbour Authority
Water Service
West Belfast Development Trust Ltd.
West Belfast Partnership Board
Western Group Environmental Service
Western Health and Social Care Trust
Westlink Enterprise Ltd.
William Keown Trust
Wilson McCurdy Road Haulage
Women's Forum NI
Women's Information NI
Women's Resource and Development Agency
Women's Support Network
Women's Training, Enterprise and Childcare
Workers' Party
Workspace
WS Dennison Ltd.
Young Transport Services
Zeus Packaging Ltd.