

Government of Bermuda

Department of Health

**Procedure for approval as a “competent person” under the HEALTH AND SAFETY AT WORK
(PRESSURE SYSTEMS) REGULATIONS 1989**

Background

The Health and Safety at Work (Pressure Systems) Regulations 1989 places a duty on all users / owners of a pressure system to ensure that any duty to be performed under these Regulations by a competent person shall be so performed. A “competent person” is defined as a person who is approved to carry out such duties by the Minister of Health acting after consultation with the Minister charged with responsibility for Works and Engineering and the Council. The Council means the Professional Engineers Registration Council established under the Professional Engineers Registration Act 1972.

The purpose of this procedure is to establish a means by which such an approval mechanism may be managed within the Department of Health.

The procedure to be followed is as detailed in the points below:

1. Upon receipt by the Minister of Health (hereafter referred to as “the Minister”) of an application, a copy of the form will be forwarded to the Minister charged with responsibility for Works and Engineering and to the chairperson of The Professional Engineers Registration Council (PERC) as part of the required consultation process.
2. Upon receipt of the copy of the application form the chairperson of PERC will convene a meeting of PERC to consider the application.
3. The Chairperson of PERC may need to contact the applicant for further details concerning the application if necessary.
4. PERC will consider the application and decide whether or not to recommend to the Minister that the applicant be approved as a “competent person” under the HEALTH AND SAFETY AT WORK (PRESSURE SYSTEMS) REGULATIONS 1989.
5. In considering whether or not to recommend approval PERC will verify or otherwise
 - That the applicant is accredited by a recognized Accreditation Body in relation to competency to carry out one or other of the following functions :
 - the provision of a scheme of examination including testing where necessary, at appropriate intervals specified by regulation 10 of those parts of the pressure system in which a defect may be liable to give rise to danger

- In service Inspections – Periodic inspections for equipment already in use to declare it either fit for service, fit for service with additional repair or not fit for service.
 - Commissioning – Quality assurance inspections for new equipment fabrication and installation to declare the equipment fit for initial service.
 - Repair – Quality assurance inspections for repair works to pressure vessels, which would include approval of weld procedures and repair plans, oversight of work being performed and declaring the equipment fit for service following prescribed Non-destructive Examination (NDE) which could include ultrasonic testing, x-ray or dye penetrant testing.
 - That the applicant has adequate insurance cover
6. The Chairperson of PERC will inform the Minister and the Minister charged with responsibility for Works and Engineering of PERC's decision.
 7. The Minister charged with responsibility for Works and Engineering will bring to the attention of the Minister any issues which he / she feels is relevant as part of the consultation process.
 8. The Minister, having taken into account the decision of PERC and any issues raised by the Minister charged with responsibility for Works and Engineering will decide whether or not to approve the applicant as a "competent person" under the HEALTH AND SAFETY AT WORK (PRESSURE SYSTEMS) REGULATIONS 1989.
 9. The decision on the application will be communicated to the applicant.
 10. The Department of Health will maintain a register / list of all "competent persons" approved by the Minister.
 11. Any applicant refused approval may appeal to the Minister within 21 days of receipt of the decision.
 12. Upon receipt of an appeal against a decision the Minister will convene an Appeal Panel to consider the appeal.
 13. Any appeal panel so convened will comprise:
 - The Director of Health
 - The Director of Public Works
 - The Chairperson of PERC
 14. The appeal panel will consider the appeal and communicate its decision to the applicant within 21 days of receipt of the appeal.

NOTES

- (a) All previous approvals as a “competent person” granted under the Regulations are null and void as of the date of this procedure
- (b) Fresh applications for competency will be accepted until further notice.
- (c) Application procedure, Eligibility, etc. are subject to change at the discretion of the Minister of Health in consultation with the Minister with responsibility for Works and Engineering and PERC
- (d) Incomplete applications, or applications not meeting the eligibility criteria, shall be rejected.
- (e) It is the duty of any “competent person” to inform the Minister of any change in circumstances which might affect their competency
- (f) Any approval issued under this procedure will be valid for a period not exceeding 5 years from the date of approval.

Signed

Minister of Health

Date