

Maritime Rules

Part 24D: Carriage of Cargoes – Convention Containers

MNZ Consolidation

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Part objective

The objective of Part 24D is to implement the requirements of the International Convention for Safe Containers 1972, to which New Zealand acceded in 1974, and which entered into force internationally in September 1977.

Part 24D relates to ‘convention containers’ (or ISO-type containers). Separate requirements for offshore containers, handled in open seas and loaded and unloaded at offshore terminals are found in Part 24E of the maritime rules. In addition, Part 24D provides requirements to succeed regulations 16A, 16B and 16C of the General Harbour (Ship, Cargo and Dock Safety) Regulations 1968, which were revoked on 31 March 2003.

Section 2 of Part 24D is concerned with the New Zealand approval of convention containers. Section 2 prescribes requirements for the manufacture and testing of containers for which New Zealand approval is sought. In addition, Section 2 makes provision for the withdrawal of New Zealand approval and requires a safety approval plate be affixed to every New Zealand approved container.

Section 3 prescribes requirements for the maintenance, examination and marking of approved convention containers. Section 4 prescribes control provisions in respect of convention containers being loaded or unloaded at New Zealand ports.

Rules subject to Regulations (Disallowance) Act 1989

Maritime rules are subject to the Regulations (Disallowance) Act 1989. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Regulations (Disallowance) Act 1989.

Disclaimer:

This document is the current consolidated version of Maritime Rules Part 24D produced by Maritime New Zealand, and serves as a reference only. It has been compiled from the official rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be downloaded from the Maritime New Zealand website. www.maritimenz.govt.nz

History of Part 24D

Part 24D first came into force on 30 June 2005 and now incorporates the following amendments:

Amendment	Effective date
Amendment 1	1 April 2011
Amendment 2	1 July 2014
Amendment 3	1 January 2015
Amendment 4	1 April 2015

Summary of amendments

Amendment 1

Maritime Rules Various Amendments 2011

24D.13(7), 24D.23(2), Appendix 1:
Clause 2(1)(e)(i)

Amendment 2

Part 24A: Carriage of Cargoes – Dangerous Goods

Definition of offshore container
amended

Amendment 3

Maritime Rules Various Amendments 2014

24D.2

Amendment 4

Maritime Rules Various IMO-related Amendments 2015

Appendix 1, Appendix 2

All signed rules can be found on our website:

<http://www.maritimenz.govt.nz/Rules/List-of-all-rules/Part24D-maritime-rule.asp>

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Section 1 – Preliminary

24D.1 Entry into force

This Part comes into force on 30 June 2005.

24D.2 Definitions

In this Part—

Act means the Maritime Transport Act 1994;

approved container means—

- (a) a container approved by an authorised organisation in accordance with this Part; or
- (b) in Sections 3 and 4, a container approved by or on behalf of a government that is a party to the Convention;

authorised organisation means an organisation that has entered into a memorandum of agreement with the Director in compliance with the International Maritime Organization Assembly Resolution A.739(18) and its Annexes *entitled “Guidelines for the Authorisation of Organizations Acting on Behalf of the Administration”*, and whereby that organisation may verify that the design, construction and testing of a container is in accordance with the requirements of the Convention;

cargo means goods, wares, merchandise and articles of any kind whatsoever carried in a container;

container—

- (a) means an article of transport equipment—
 - (i) of a permanent character and accordingly strong enough to be suitable for repeated use;
 - (ii) specially designed to facilitate the transport of cargo, by one or more modes of transport, without intermediate reloading;
 - (iii) designed to be secured or readily handled, having corner fittings for these purposes; and
 - (iv) of a size such that the area enclosed by the four outer bottom corners is at least 14 square metres or, in the case of a container fitted with top corner fittings, at least 7 square metres;
- (b) includes a container carried on a chassis;
- (c) does not include a vehicle or packaging;

Convention means the International Convention for Safe Containers, 1972 and includes any subsequent amendment or revision of that convention accepted or ratified by New Zealand;

corner fittings means an arrangement of apertures and faces at the top or bottom of a container for the purposes of handling, stacking or securing;

dangerous goods—

- (a) means any—
 - (i) substance listed and classified according to its hazards in the IMDG Code;
 - (ii) harmful substance; and
 - (iii) empty receptacle or packaging that has been used previously for a substance specified in paragraph (i) or (ii), unless the receptacle or packaging has been cleaned, subsequently dried and, if appropriate, gas freed and adequate precautions have been taken to ensure the receptacle or packaging contains no residue;

does not include ship's stores and equipment;

design type series means manufactured in accordance with an approved design;

g means the standard acceleration of gravity and equals 9.8 m/s²;

IMDG Code means the *International Maritime Dangerous Goods Code* published by the International Maritime Organization;

inspector means any suitably qualified person who—

- (a) has been recognised by the Director under rule 24D.23 for the purpose of this Part; and
- (b) holds a valid maritime document as an inspector issued under section 41 of the Act;

international sea transport means transport by ship between a port in one country and a port in another country;

maintained means maintained in an efficient state and working order and in good repair;

maximum operating gross mass means the maximum allowable sum of the mass of a container and its cargo;

national sea transport means transport by ship from a port in any country to another port in that country or back to the same port;

offshore container¹ means a portable unit specially designed for repeated use in the transport of cargo to, from or between offshore terminals; and may include—

- (a) a container; or
- (b) a portable tank for dangerous goods as defined in the IMDG Code;

Owner means—

- (a) the owner; or
- (b) the lessee or bailee of a container, if, under an agreement with the owner, the exercise of the owner's responsibility for the maintenance and examination of the container has been assumed by the lessee or bailee;

Part means a group of rules made under the Act;

prototype means a container representative of those manufactured or to be manufactured in a design type series;

swap body means a container—

- (a) specially designed for carriage by road or by road and rail; and
- (b) without stacking capability and top-lift facilities;

type series means design type series; and

unsafe means having a defect that could place any person in danger.

24D.3 Application

- (1) This Part applies to containers used in international or national sea transport except swap bodies or demountable tanks used in national sea transport and carried on road or rail vehicles.
- (2) Section 2 applies to a container for which New Zealand approval is requested.

¹ See Part 24E for details regarding the construction and approval of offshore containers.

- (3) Section 3 applies to a container the owner of which—
 - (a) is a natural person living in New Zealand or a corporation that has its head office in New Zealand; or
 - (b)
 - (i) is a natural person living in, or a corporation that has its head office in, a country the government of which has not made arrangements for prescribing or approving examination schemes for the purpose of the Convention,² and
 - (ii) has requested that the requirements of Section 3 apply to the container.
- (4) Section 4 applies to any container that is to be loaded onto, is being loaded onto, is on board or is being unloaded from a ship at a port in New Zealand.
- (5) Nothing in this Part precludes the application of additional structural safety requirements or tests to a container that is—
 - (a) specially adapted or designed and constructed for the transport of dangerous goods;
 - (b) adapted or designed and constructed for the carriage of bulk liquid; or
 - (c) also an offshore container.

Section 2 – Approval of containers

24D.4 General

- (1) Application for approval of a container must be made by the manufacturer to an authorised organisation.
- (2) An authorised organisation may, in accordance with this Part, approve a container that complies with the requirements of Annex II of the Convention.

24D.5 Design type approval

- (1) An application for design type approval must include—
 - (a) a design specification, drawings and such other data related to the design or manufacture as may be required by the authorised organisation; and
 - (b) details of the identification symbols that will be assigned by the manufacturer to the type series to which the application relates.
- (2) For design type approval, the manufacturer must—
 - (a) institute and maintain a certificated ISO 9001, or equivalent national standard, quality system for the manufacture of the prototype and any subsequent type series containers;
 - (b) supply, to the authorised organisation, such prototype as the authorised organisation may wish to examine;
 - (c) upon request, ensure that the authorised organisation is granted all necessary facilities for inspecting the manufacturing process and witnessing tests of the prototype;
 - (d) under the supervision of the authorised organisation, subject a prototype to the tests specified in Annex II of the Convention;
 - (e) notify the authorised organisation of—
 - (i) any intention to commence the manufacture of any type series containers; and
 - (ii) the identification number to be assigned to each container manufactured;
 - (f) for every type series container, keep a record that must—
 - (i) contain the manufacturer's identification number of the container, the date of delivery and the name and address of the customer to whom the container is delivered;

² Including a country that is not a party to the Convention.

- (ii) be retained for a period of not less than 15 years from the date of delivery of that container; and
- (iii) be made available to the Director and the authorised organisation that approved the design type;
- (g) notify the authorised organisation of any change in the design specification;
- (h) subject additional type series containers to tests as and when the authorised organisation may require; and
- (i) not affix a safety approval plate to any container, to which the design type relates, until the authorised organisation approves the design and manufacture in writing.

24D.6 Modified design type approval

- (1) The manufacturer of type series containers must apply to an authorised organisation for approval of any design modification.
- (2) Subject to subrule (3), the manufacturer must comply with the requirements of rule 24D.5 in respect of an application for approval of a modified design type.
- (3) If the authorised organisation is satisfied that the modifications do not affect the structural integrity or the validity of tests, conducted in the course of design type approval, the authorised organisation may waive tests of a prototype.
- (4) The manufacturer may not affix a safety approval plate to any container to which the design modification applies, until the authorised organisation has approved the modified design type in writing.

24D.7 Individual container approval

- (1) An application for approval of an individual container must include—
 - (a) a design specification, drawings and such other data related to the design or manufacture as may be required by the authorised organisation; and
 - (b) details of the identification symbols that the manufacturer will assign to the container.
- (2) The manufacturer must—
 - (a) notify the authorised organisation of an intention to commence manufacture of the container;
 - (b) upon request, ensure that the authorised organisation is granted all necessary facilities for inspecting the manufacturing process and witnessing tests of the container;
 - (c) manufacture the container under inspection and to the satisfaction of the authorised organisation; and
 - (d) not affix a safety approval plate to the container until the authorised organisation has approved the design and manufacture in writing.

24D.8 Withdrawal of container approval

- (1) If the Director considers that an approved container does not comply with the requirements of this Part or Annex II of the Convention, he or she may withdraw the approval issued in respect of that container or design type.
- (2) If the Director withdraws an approval under subrule (1), he or she must give written notification of the withdrawal to—
 - (a) the applicant to whom the approval was issued; and
 - (b) the authorised organisation which issued that approval.
- (3) If an authorised organisation considers that an approved container does not comply with the requirements of this Part, it may withdraw the approval issued by it in respect of that container or design type.

- (4) If an authorised organisation withdraws its approval under subrule (3), it must give written notification of the withdrawal to—
- (a) the applicant to whom the approval was issued; and
 - (b) the Director.

24D.9 Safety approval plate

- (1) Subject to rules 24D.5(2)(i), 24D.6(4) and 24D.7(2)(d), the manufacturer must affix a safety approval plate to—
- (a) every container approved in accordance with rule 24D.7;
 - (b) every types series container manufactured in accordance with an approved design type or approved modified design type.
- (2) The safety approval plate must comply with the requirements of Appendix 1 and be permanently affixed to the container—
- (a) in a readily visible place;
 - (b) adjacent to any other plate relating to an approval issued for official purposes; and
 - (c) where it will not be readily damaged.

Section 3 – Maintenance and examination of containers

24D.10 Responsibility for maintenance and examination

The owner of an approved container must ensure that—

- (a) the container is maintained in a safe condition; and
- (b) the container is—
 - (i) examined periodically in accordance with the requirements of rule 24D.11; or
 - (ii) subject to a continuous examination programme in accordance with the requirements of rule 24D.13,

for the purposes of determining whether the container has any defect that could place any person in danger; and

- (c) examinations undertaken in New Zealand for the purposes of rule 24D.11 or rule 24D.13 are carried out by an inspector.

24D.11 Periodic examination requirements

An approved container must be examined in accordance with Appendix 2—

- (a) for the first time, within 5 years of the date of manufacture;
- (b) after the repair of any defect in the container that could have placed any person in danger and before the container is loaded onto a ship following that repair;
- (c) after any modification of the container and before the container is loaded onto a ship following that modification; and
- (d) subject to paragraph (a), not less than once every 30 months.

24D.12 Marking of a container subject to periodic examinations

- (1) The owner of an approved container subject to periodic examinations must ensure that the date (being the month and year) by which the container—
- (a) must undergo its initial examination under rule 24D.11(a), is clearly marked on the container's safety approval plate;
 - (b) is to be next re-examined, is clearly marked on—
 - (i) the safety approval plate; or
 - (ii) on the container as near as practicable to the safety approval plate.

- (2) Examination dates must be permanently and legibly marked in Arabic numerals or in words, in English, by—
 - (a) stamping, embossing or engraving;
 - (b) applying a decal, which complies with the colour code indicated in the following Table; or
 - (c) another method approved by the Director.

Table

Colour	Year				
Brown	1992	1998	2004	2010	2016
Blue	1993	1999	2005	2011	2017
Yellow	1994	2000	2006	2012	2018
Red	1995	2001	2007	2013	etc.
Black	1996	2002	2008	2014	
Green	1997	2003	2009	2015	

- (3) The owner of a container must not allow a re-examination date to be marked on a container unless an examination report has been issued in respect of the container in accordance with rule 24D.14.

24D.13 Continuous examination programme requirements

- (1) An owner may not implement a continuous examination programme without the written approval of the Director.
- (2) An owner may apply, in writing, to the Director for approval of a continuous examination programme and provide such information, in respect of that programme and its personnel, as the Director may require.
- (3) The Director may approve the continuous examination programme if he or she is satisfied that the programme—
 - (a) provides a standard of safety not inferior to the periodic examination requirements of rule 24D.11; and
 - (b) otherwise complies with the requirements of this Part.
- (4) The owner of the approved container must maintain the approved continuous examination programme to the satisfaction of the Director.
- (5) If a container is operated under a continuous examination programme, the owner must ensure that—
 - (a) the container is examined in accordance with Appendix 2—
 - (i) after every major repair or refurbishment of the container and before the container is loaded onto a ship following that major repair or refurbishment;
 - (ii) during every on-hire/off-hire interchange of the container and before the container is loaded onto a ship following any such interchange; and
 - (iii) in any case, not less than once every 30 months; and
 - (b) routine operating inspections (consisting of frequent visual inspections of the exterior and underside of the container, performed with the objective of detecting any damage or deterioration that might require corrective action) are conducted on the container during the course of normal operations.
- (6) All examinations performed under a continuous examination programme must determine whether a container has any defect that could place a person in danger.
- (7) The owner of a container subject to an approved continuous examination programme must ensure the container is permanently and legibly marked with—

- (a) the letters “ACEP(NZ)”; and
 - (b) any registration number issued by the Director in respect of the programme,³
- by stamping, embossing, engraving or such other method acceptable to the Director.

24D.14 Examination report

- (1) If, following an examination in accordance with rule 24D.11 or 24D.13(5)(a), the inspector is satisfied that the container has no defect that could place any person in danger and is fit to remain in service, he or she must make and sign a written report—
 - (a) identifying the container;
 - (b) stating—
 - (i) the date of the examination; and
 - (ii) that in his or her opinion, the container has no defect that could place any person in danger and is fit to remain in service.
- (2) The inspector’s report must be forwarded to the owner who must retain the report, in legible form, until receipt of a report of a subsequent examination of that container.
- (3) The owner must make the inspector’s report available to the Director on request.

Section 4 – Control provisions

24D.15 Unauthorised affixture of safety approval plate

No person may affix a safety approval plate, or order a safety approval plate to be affixed, to a container except—

- (a) in accordance with this Part; or
- (b) by or under the authority of a government that is a party to the Convention.

24D.16 Validity of safety approval plate

A safety approval plate affixed to a container remains valid until the approval under which it was affixed is withdrawn.

24D.17 Removal of safety approval plate when no longer valid

The owner must remove the safety approval plate from a container if—

- (a) the container has been modified in a manner that would invalidate—
 - (i) the approval under which it was affixed; or
 - (ii) the information recorded on the safety approval plate;
- (b) the container is removed from service and is not being maintained in accordance with—
 - (i) this Part; or
 - (ii) the regulations of a government that is a party to the Convention; or
- (c) the approval under which it was affixed has been withdrawn.

24D.18 Maximum gross mass markings

The owner must ensure that all maximum operating gross mass markings on a container are consistent with the maximum operating gross mass indicated on the safety approval plate affixed to the container.

24D.19 Maximum mass to be placed on a container

A container must not have placed upon it a mass exceeding the allowable stacking mass for 1.8g indicated on the affixed safety approval plate.

³ For example “ACEP(NZ08)”.

24D.20 Containers that are not to be loaded or unloaded

- (1) No person may load a container onto, or unload a container from, a ship if—
 - (a) that person has reason to believe that the container is unsafe;
 - (b) the container is used for the transport of bulk liquids and—
 - (i) that person has reason to believe the container has; or
 - (ii) the container shows evidence of,

damaged or corroded areas, leakage or other conditions that indicate a deficiency that could affect the integrity of the container;
 - (c) the container does not have a valid safety approval plate affixed to it;
 - (d) the date indicated on the safety approval plate, for the container to be re-examined, has passed;
 - (e) in the case of a container subject to periodic examinations, no date is indicated on the safety approval plate for the container to be re-examined;
 - (f) in the case of a container subject to a continuous examination programme, the letters 'ACEP' and identification of the approving government are not marked on or near the affixed safety approval plate; or
 - (g) the mass of the container (including its contents and any affixed ancillary equipment) exceeds the maximum operating gross mass marked on the container's safety approval plate.
- (2) If the Director has reason to believe that a container will be, has been or is being loaded onto or unloaded from a ship in contravention of subrule (1)(g), the Director may require that the mass of the container, including its contents and any affixed ancillary equipment, be determined, without undue delay, using a weighing instrument nominated by the Director.
- (3) In a prosecution for an offence involving a breach of subrule (1)(g), a certificate, issued by the person responsible for or operating the weighing instrument referred to in subrule (2), stating that a container, its contents and affixed ancillary equipment have been weighed by that person and found to be of the mass stated in the certificate, is evidence of those facts.

24D.21 Director may authorise loading or unloading

The Director may authorise the loading or unloading of a container contrary to rule 24D.20(1) subject to such conditions as he or she considers reasonable and proper in the circumstances.

24D.22 Unauthorised examination date

No person may mark an examination date, or order an examination date to be marked, on a container or a safety approval plate except—

- (a) in accordance with the requirements of this Part; or
- (b) by or under the authority of a government that is a party to the Convention.

Section 5 – Final and miscellaneous provisions

24D.23 Recognition of inspectors

- (1) Any suitably qualified person may, under section 35 of the Act, apply to the Director for recognition as an inspector for the purpose of this Part.
- (2) If the Director is satisfied that a person has the appropriate technical qualifications and experience to undertake the prescribed examinations, the Director may recognise that person as an inspector for the purpose of this Part by issuing a maritime document—
 - (a) in accordance with section 41 of the Act;

- (b) prescribing the extent and type of examinations that may be undertaken by the inspector, including any limitation on the type of container, material of construction or other consideration that the Director may determine is appropriate;
- (c) stating the period of recognition, which must be for not more than 5 years.

24D.24 Transitional and savings provisions

- (1) In this rule, **existing** means in service immediately before the entry into force of this Part.
- (2) In rules 24D.7 and 24D.9, manufacturer may include the owner of an existing container.
- (3) An existing container or type series container, approved under regulation 16A of the General Harbour (Ship, Cargo and Dock Safety) Regulations 1968, is deemed to have been approved in accordance with Section 2.
- (4) Containers may be examined in accordance with Section 3 by a person other than an inspector until 30 June 2006.

Appendix 1 Safety approval plate

1. Definitions

In this Appendix—

fireproof means capable of withstanding and remaining legible after not less than 5 minutes exposure to a temperature of 500°C, when mounted on the material of construction of the container;

non-corroding means capable of resisting the effects of the marine environment, so as to remain legible for the working life of the container;

p means the maximum payload;

permanent, in relation to a safety approval plate, means having a legible life expectancy equal to or greater than the life expectancy of the container to which the plate is affixed;

2 Safety approval plate

(1) A safety approval plate must—

- (a) be a permanent, non-corroding, fireproof rectangular plate;
- (b) measure not less than 200 mm by 100 mm;
- (c) have the letters and words 'CSC SAFETY APPROVAL' stamped into, embossed on or indicated in any other permanent and legible way on the surface of the safety approval plate at a minimum letter height of 8 mm;
- (d) have all other words and numbers stamped into, embossed on or indicated in any other permanent and legible way on the surface of the safety approval plate at a minimum height of 5 mm;
- (e) conform to the model shown in the figure below and contain the following information in English or French on the line numbers indicated—
 - (i) line 1: the country of approval (designated by the letters "NZ" in the case of New Zealand) and the name of the organisation issuing the approval, followed by the approval reference and the year in which the approval was issued;
 - (ii) line 2: the date of manufacture, being the month and year in which the container was manufactured;
 - (iii) line 3: the manufacturer's identification number or, in the case of a container for which the owner wishes to use an ISO alpha numeric identification code, a number appropriate to that code;
 - (iv) line 4: the maximum operating gross mass of the container expressed in both kilograms and pounds;
 - (v) line 5: the allowable stacking load for 1.8g expressed in both kilograms and pounds;
 - (vi) line 6: the transverse racking test force expressed in Newtons;
 - (vii) line 7: the end wall strength value, if the end walls are designed to withstand a load of less or greater than 0.4 times the gravitational force by maximum permissible payload, namely 0.4Pg;
 - (viii) line 8: the side wall strength value, if the side walls are designed to withstand a load of less or greater than 0.6 times the gravitational force by maximum permissible payload, namely 0.6Pg.
- (f) Where the container is approved for one door off operation—
 - (i) the one door off stacking strength must be indicated on the plate. The marking must show: ALLOWABLE STACKING LOAD ONE DOOR OFF FOR 1.8 g (... kg ... lbs). This marking must be displayed immediately near the stacking test value (see line 5); and

- (ii) the one door off racking strength must be indicated on the plate. The marking must show: TRANSVERSE RACKING TEST FORCE (...newtons). This marking must be displayed immediately near the racking test value (see line 6).
 - (g) Where the stacking or racking values are less than 192,000 kg or 150 kN, respectively, the container shall be considered to have limited stacking or racking capacity and shall be conspicuously marked at or before the next scheduled examination, provided that this is not later than 1 July 2015.
 - (h) A container may retain the Safety Approval Plate as permitted by the Convention prior to 1 July 2014 as long the construction of the container was completed prior to 1 July 2014 and there have been no structural modifications to the container.
- (2) An ISO alpha numeric identification code may only be used on line 3 of the safety approval plate if—
- (a) the owner of a container maintains a record correlating the code identification number with the manufacturer’s serial number; and
 - (b) that record is available to the Director upon request.
- (3) If the information required by subclause (1)(e)(vii) or (viii) is not required to be marked on a safety approval plate, that line may be used for marking examination dates under rule 24D.12.

Figure

CSC SAFETY APPROVAL	
[NZ /.....]	
DATE MANUFACTURED	
IDENTIFICATION No.	
MAXIMUM OPERATING GROSS MASS	kg lb
ALLOWABLE STACKING LOAD FOR 1.8g	kg lb
TRANSVERSE RACKING TEST FORCE	Newtons
.....	
.....	

Appendix 2 Examination of containers

- (1) An examination of a container must—
 - (a) consist of a detailed examination of the exterior and underside of the container and, if reasonably practicable, a similar examination of the interior;
 - (b) take into account—
 - (i) the particular characteristics of the type of container; and
 - (ii) the materials of construction;
 - (c) include a detailed visual inspection—
 - (i) for all defects that could place any person in danger; and
 - (ii) of all load-bearing components.
 - (d) take place only when—
 - (i) sufficient time is available;
 - (ii) the container is cleaned and prepared to the extent required by the inspector;
 - (iii) means of lifting and supporting the container are provided, to the extent required by the inspector, to ensure that the whole of the underside is accessible; and
 - (iv) safe means of access and egress, sufficient lighting and all other facilities necessary to allow the examination to be carried out safely and effectively, are provided.
- (2) An inspector undertaking an examination of a container may require the use of any—
 - (a) test, in accordance with Annex II of the Convention;
 - (b) method of non-destructive testing,which the inspector considers appropriate.
- (3) The examination of a container that is not an examination for the purposes of a continuous examination programme or a periodic examination, must take into account the criteria set out in Annex III to the Convention.