

Competent Person Description

Pressure Systems Safety Regulations S.I. 2000-128

There is frequent confusion over what constitutes a 'Competent Person' in the context of the Pressure Systems Safety Regulations 2000. It is important to understand this term correctly in order to comply with the law.

The Approved Code of Practice 2014 (ACOP), Clause 98, identifies pressure systems in three categories, i.e. minor, intermediate and major. The vast majority of compressed air systems fall into the minor category. The information given here relates to this categorisation. The ACOP, Clause 32, describes in general terms the requirements for a 'Competent Person' acting across all pressure systems' categories.

The term 'Competent Person' is defined in Regulation 2 as a legal meaning. Guidance for Clause 10 clarifies that the employer of the 'Competent Person' has the responsibility for the activity unless the person is self-employed. The ACOP, Clause 28, states that the term 'Competent Person' is used in connection with two distinct functions:

- a) Drawing up and certifying a written scheme (Regulation 8).
- b) Carrying out examinations under the scheme (Regulation 9).

These two distinct functions can be fulfilled by one person, although the qualifications and responsibilities for both have different but complementary knowledge and skills.

The ACOP, Clause 30, indicates that, *"In some cases, the necessary expertise will lie within the user's/owner's own organisation (but see paragraph 33 for guidance on independence)."* However, most companies will not have the staff or expertise to be able to perform this function successfully. As stated, paragraph 33 should be read for full understanding.

Drawing up and certifying written schemes

There are two aspects to producing a written scheme:

- a) Drawing up / revising the written scheme – these can be done by anyone having sufficient understanding of compressed air systems.
- b) Certifying the written scheme – the Guidance, Clause 94 states *"Where the written scheme of examination is written by someone other than a competent person, it must be certified as suitable by a competent person."* Guidance, Clause 99 (a)(i) identifies that someone of Incorporated Engineer level is a suitable qualification for a minor system.

Examination under the written scheme

The 'Competent Person' performing examinations may be different to that person certifying the written scheme and does not need to be of the same level of qualification, i.e. Incorporated Engineer. The ACOP, Clause 124, indicates the knowledge and skills level required, *"The competent person should have sufficient practical and theoretical knowledge and actual experience of the type of system under examination to enable defects or weaknesses to be identified and an assessment made of their significance in terms of the integrity and safety of the equipment."*

Skills and training

No single training course will make someone competent. Each relevant course can contribute to competence. For example, the BCAS Competent Examiner course does provide instruction and training to support examination activities but does not provide for the role of Competent Person to certify written schemes.

Remember: only the courts can give an authoritative interpretation of law as to whether any person or organisation is actually a 'Competent Person.' In the event of an accident, the competence of the relevant individual(s) will ultimately be determined in a court of law.

The Approved Code of Practice and guidance for Pressure Systems Safety Regulations 2000 can be downloaded free from the HSE Website [here](#) and should be read to gain full understanding of this topic. For more detail on becoming an Incorporated or Chartered Engineer visit the Engineering Council [here](#).