

Understanding the relationship between user and owner, and the difference between an installed system and a mobile system

Basic terminology:

In accordance with the Pressure Systems Safety Regulations 2000 (PSSR), an **installed** pressure system is one which is normally fixed in one location, being secured with permanent connections. A **mobile** system is one which is normally and frequently moved from place to place.

For an **installed** system, the company or organisation that is in control of the operation of the system is known as the **user**, and in accordance with PSSR has the primary duty for compliance.

In the case of a **mobile** system, a person (being a company or organisation) who has such responsibility is known as the **owner**.

There are some instances, however, in which the boundaries are altered, usually arising from a contractual agreement. For example, single item or packaged pressure equipment may be on a permanent hire agreement and be installed on site and connected to other fixed equipment. Although the system may be *installed*, under the terms of the agreement, the *owner* retains primary responsibility for compliance with PSSR.

Inversely, there may be NHS owned equipment which is permanently installed, such as steam-raising plant, which may be controlled by a third-party company under contract, the terms of which state that primary responsibility for compliance are passed to that third-party as the *user*.

(Please refer to Regulation 2 of PSSR – Interpretation, and associated ACOP and guidance within HSE publication L122 for a commentary on definitions.)

Organisational Examples Pertaining to NHS Lothian:

- Where pressure equipment belonging to NHS Lothian is installed within premises owned by NHS Lothian, then NHS Lothian will assume the role of **user**, as defined by PSSR.
- Where pressure equipment belonging to NHS Lothian is installed or used within premises leased to NHS Lothian and used by NHS staff, then NHS Lothian will assume the role of **user**, as defined by PSSR.
- In cases where mobile equipment which is owned by NHS Lothian is moved between sites, and is subsequently used by NHS staff, whether those sites are owned by NHS Lothian or not, then NHS Lothian will assume the role of **user**, as defined by PSSR. Examples could be small, self-contained autoclaves or air compressors fitted with a receiver. However, where NHS Lothian-owned mobile equipment is moved between sites, whether those sites are owned by NHS Lothian or not, but where such equipment is subsequently operated by non-NHS staff, then NHS Lothian will assume the role of **owner**, as defined by PSSR.

- Where pressure systems or equipment are leased to NHS Lothian under a hire-agreement, for instance, in the case of a portable self-contained air compressor fitted with a receiver, or in the case of a hired steam boiler, the **owner** of the equipment assumes all responsibilities for the inspection and maintenance of the equipment. However, NHS Lothian will assume responsibility for the safe operation of such equipment, including any day-to-day checks and maintenance, as agreed with the **owner**.
- In cases where pressure systems or equipment are installed on NHS Lothian property for use by NHS staff, but are leased to NHS Lothian, the **owner** of the equipment or system assumes all responsibility for the inspection and maintenance, as required by PSSR. For example, a cryogenic gas storage vessel used for piped medical gas systems. It is essential that clear demarcation arrangements are defined and agreed with the owner so that each organisation's roles and responsibilities are understood.
- In instances where pressure systems or equipment installed on NHS Lothian property is owned by the organisation, but special contract agreements are in place delegating all operational management to a third-party (including operation, maintenance and inspection requirements to comply with PSSR), it is essential that clear demarcation arrangements are defined and agreed so that each organisation's roles and responsibilities are understood, especially in terms of who assumes the role of **user**. An example would be where control over equipment within a boiler house is assigned to a specialist contractor or sub-contractor.