1983 No. 43

HEALTH AND SAFETY

Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983

Made	*11th March 1983*
Coming into operation . . .	*1st June 1983*

The Department of Economic Development and the Department of the Environment acting jointly as the Department concerned(a) in exercise of the powers conferred by Article 17(1), (2), (3), (5) and (6) and paragraph 1(1), (2), (3) and (4) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling them in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appear to them to be appropriate, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983 and shall come into operation on 1st June 1983.

(2) In these Regulations, ''petroleum-spirit'' has the meaning assigned to it by section 23 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(c).

Keeping of petroleum-spirit in plastic containers and exemption from Petroleum (Consolidation) Act (Northern Ireland) 1929 in certain circumstances

2. Notwithstanding any prohibition or requirement contained in the Petroleum-spirit (Motor Vehicles, &c.) Regulations (Northern Ireland), 1930(d), petroleum-spirit may be kept in a plastic container if it is kept—

(*a*) in accordance with Regulations 4 and 5 by a person intending to use it as a fuel for any internal combustion engine, and not wholly or partly for the purposes of sale; and petroleum-spirit so kept shall be exempt from any prohibition or requirement imposed by or under sections 1 to 9 of the Petroleum (Consolidation) Act (Northern Ireland) 1929, but not from any prohibition or requirement imposed by or under any other enactment; or

(*b*) in accordance with a petroleum-spirit licence granted under the Petroleum (Consolidation) Act (Northern Ireland) 1929 (including any such licence granted as a result of representations made under Article 41 of the Health and Safety at Work (Northern Ireland) Order 1978), in which case the following provisions of these Regulations shall not apply.

Plastic containers manufactured, imported or supplied for use at work as containers of petroleum-spirit

3.—(1) It shall be the duty of any person who manufactures, imports or supplies any plastic container for use at work as a container for petroleum-spirit to ensure that it—

(a) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(b) S.I. 1978/1039 (N.I. 9)
(c) 1929 c. 13 (N.I.)
(d) S.R. & O. (N.I.) 1930 No. 11 (p. 330)

(*a*) is made of suitable materials which are safe for the purpose and which ensure that the performance of the container is not significantly diminished by exposure to naturally occurring ultra violet radiation;

(*b*) has a nominal capacity of 5 litres or less and a total capacity of at least 10% and not more than 15% greater than the nominal capacity; in this sub-paragraph "nominal capacity" means the maximum volume of liquid the container is intended to hold, at 20°C;

(*c*) is designed and constructed so as to prevent any of the contents from escaping when subjected to the stresses and strains of normal keeping and use and to have the means whereby petroleum-spirit can be poured safely from it; and

(*d*) is marked or labelled in accordance with the provisions set out in the Schedule.

(2) In any proceedings for an offence consisting of a contravention of paragraph (1), it shall be a defence for any person who supplied the plastic container but did not manufacture it to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Container in which petroleum-spirit is kept to comply with Regulation 3(1)(a) to (d)

4.—(1) A person who keeps petroleum-spirit in a plastic container shall keep it in a plastic container which complies with Regulation 3(1)(*a*) to (*d*).

(2) In any proceedings for an offence consisting of a contravention of paragraph (1) or of the Petroleum (Consolidation) Act (Northern Ireland) 1929 arising out of the keeping of petroleum-spirit in any plastic container, it shall be a defence for a person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Places where petroleum-spirit may be kept in a plastic container

5.—(1) Not more than two plastic containers of petroleum-spirit may be kept in or on any motor vehicle, motor boat or hovercraft or in any aircraft.

(2) In addition to any petroleum-spirit kept by virtue of paragraph (1) not more than two plastic containers of petroleum-spirit may be kept—

(*a*) in any domestic premises (including the curtilage of such premises), provided that the place in which they are kept is safe; and

(*b*) in any other safe place and for this purpose any 2 places not more than 6 metres apart occupied by the same occupier shall be treated as one place.

Modification of the Petroleum-spirit (Motor Vehicles, &c.) Regulations (Northern Ireland), 1930

6. The Petroleum-spirit (Motor Vehicles, &c.) Regulations (Northern Ireland), 1930 shall be modified as follows—

(*a*) in Regulation 1(1) for "motor vehicle, motor boat or aircraft, or of any class of engine specified in the Schedule to these Regulations", substitute "internal combustion engine";

(*b*) in Regulations 4, 7(1) and 11 for "a motor vehicle, motor boat, aircraft or engine", substitute "an internal combustion engine";

(*c*) in Regulation 5(*d*)(ii) for "motor vehicle, motor boat, aircraft or engine", substitute "internal combustion engine";

(*d*) in Regulation 6, for sub-paragraph (*a*) substitute—

"(*a*) any petroleum-spirit contained in the fuel-tank of an internal combustion engine or otherwise for the time being within the storage place shall be deemed to be kept in the storage place; and";

(*e*) in Regulation 8(1)—