1975 No. 256

FACTORIES

Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975

Made . . . . . 11*th September* 1975

Coming into operation—

All regulations except regulation 10(4) 11*th September* 1976

Regulation 10(4) . . . 11*th September* 1977

The Department(a) of Manpower Services—

(*a*) in exercise of the powers conferred by sections 50, 75, 179(3) and 179(4) of the Factories Act (Northern Ireland) 1965(b) and now vested in it(c) and of all other powers enabling it in that behalf; and

(*b*) after publishing, pursuant to Schedule 4 of the said Act of 1965, notice of the proposal to make these regulations and not having received any objection to the draft in regard to which it is required by the said Schedule to direct an inquiry to be held,

hereby makes the following special regulations:

Citation, commencement and revocation

1.—(1) These regulations may be cited as the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975 and shall come into operation on 11th September 1976 with the exception of regulation 10(4) which shall come into operation on 11th September 1977.

(2) The regulations(d) dated 12th August 1902 with respect to the manufacture of felt hats are hereby revoked.

(3) The Cellulose Solutions Regulations (Northern Ireland) 1935(e) are hereby revoked—

(*a*) in the case of the second proviso to the preamble, the definitions and regulations 3, 4 and 17 as from 11th September 1977; and

(*b*) in the case of the remainder of those regulations, as from 11th September 1976.

Interpretation

2. In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) 1965 c. 20 (N.I.)
(c) By S. R. & O. (N.I.) 1973 No. 504 (II, p. 2992) Article 6(1) and Sch. 3; formerly vested in the Ministry of Health and Social Services
(d) S.R. & O. 1902 No. 623 (Rev. VII, p. 316: 1902, p. 106)
(e) S.R. & O. (N.I.) 1935 No. 53 (p. 133)

"aqueous ammonia" means ammonia gas dissolved in water;

"commercial butane" means a hydrocarbon mixture consisting predominantly of butane, butylene or any mixture thereof;

"commercial propane" means a hydrocarbon mixture consisting predominantly of propane, propylene or any mixture thereof;

"dangerous concentration of vapours" means a concentration greater than the lower flammable limit of the vapours;

"factory" includes any premises and place to which these regulations apply;

"fire resisting structure" means any of the following: any building, part of a building, structure, cabinet and enclosure which is constructed in conformity with a specification for fire resisting structures being a specification approved for the time being by certificate of the Chief Inspector;

"highly flammable liquid" means any of the following, (other than aqueous ammonia, liquefied flammable gas and liquefied petroleum gas): any liquid, liquid solution, emulsion or suspension which, when tested in the manner specified in Schedule 1, gives off a flammable vapour at a temperature of less than 32 degrees Celsius and, when tested in the manner specified in Schedule 2, supports combustion;

"liquefied flammable gas" means any substance which at a temperature of 20 degrees Celsius and a pressure of 760 millimetres of mercury would be a flammable gas, but which is in liquid form as a result of the application of pressure or refrigeration or both;

"liquefied petroleum gas" means commercial butane, commercial propane and any mixture thereof;

"undertaking" includes the Crown and any municipal or other public authority.

Application of regulations

3.—(1) Except as provided in paragraphs (4) to (6) and in regulations 12 and 17, these regulations shall apply to—

(*a*) all factories; and

(*b*) all premises, places, processes, operations and works to which the provisions of section 50 (so far as the Department may make regulations thereunder) and of Part IV (with respect to special regulations for safety and health) of the Factories Act (Northern Ireland) 1965 are applied by any of the following provisions of that Act, namely, section 121 (which relates to electrical stations), section 122 (which relates to institutions), section 123 (which relates to certain dock premises and certain warehouses), section 124 (which relates to ships) and section 125 (which relates to building operations and works of engineering construction),

where any highly flammable liquid is present for the purposes of, or in connection with, any undertaking, trade or business.

(2) Except as provided in paragraphs (4) and (5), regulations 1 to 4, 7 and 18 shall apply to all factories and all such premises, places, processes, operations and works as are mentioned in paragraph (1) where any liquefied petroleum gas is present for the purposes of, or in connection with, any undertaking, trade or business.

(3) Where in any factory there is any highly flammable liquid or liquefied petroleum gas of which the occupier is not the owner and the highly flammable liquid or liquefied petroleum gas is used by or under the direction of some person other than the occupier or a person in the employment of the occupier, that other person or (if he is in the employment of the owner) the employer of that other person shall, in relation to that highly flammable liquid or liquefied petroleum gas, be deemed for the purposes of these regulations to be the occupier of the factory.

(4) These regulations shall not apply to any premises or parts of premises in respect of which a licence or a continuing certificate under the Explosives Act 1875(f)—

(*a*) is in force; or

(*b*) would, but for the fact that the premises or parts of premises are under the control, or held for the service, of the Crown, be required to be in force.

(5) Nothing in these regulations shall apply to any highly flammable liquid or liquefied petroleum gas stored (as fuel, cargo or otherwise) in any fixed storage tanks on a ship.

(6) The provisions of these regulations shall be in addition to and not in substitution for or in diminution of other requirements imposed by or under the Factories Act (Northern Ireland) 1965.

Exemption certificates

4. The Chief Inspector may (subject to such conditions as may be specified therein) by certificate in writing (which he may in his discretion revoke at any time) exempt from all or any of the requirements of these regulations—

(*a*) any factory or part of any factory; or

(*b*) any class or description of factories or parts thereof; or

(*c*) any machine, plant, apparatus, process, operation or work, or any class or description of machines, plant, apparatus, processes, operations or works; or

(*d*) any highly flammable liquid or liquefied petroleum gas or any class or description of highly flammable liquids or liquefied petroleum gases,

if he is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of persons employed.

Storage

5.—(1) Except as provided in paragraph (4) and except in the case of highly flammable liquids present in any place in accordance with regulation 8(3) or being conveyed within the factory, all highly flammable liquids shall be stored—

(*a*) in suitable fixed storage tanks in safe positions; or

(*b*) in suitable closed vessels kept in a safe position in the open air and, where necessary, protected against direct sunlight; or

(*c*) in suitable closed vessels kept in a storeroom which either is in a safe position or is a fire resisting structure; or

(f) 1875 c. 17

(*d*) in the case of a workroom where the aggregate quantity of highly flammable liquids stored does not exceed fifty litres, in suitable closed vessels kept in a suitably placed cupboard or bin being a cupboard or bin which is a fire resisting structure.

(2) Except in the case of tanks and vessels which have been emptied and made free of vapour from highly flammable liquids, all openings (other than those necessary for venting) in cupboards, bins, tanks and vessels which have at any time been used for storing highly flammable liquids (whether or not for the time being containing any highly flammable liquid) shall be kept closed except as necessary for the use, operation or maintenance of these cupboards, bins, tanks and vessels.

(3) Wherever highly flammable liquids are stored in accordance with paragraph (1)(*a*), (*b*) or (*c*), all reasonably practicable steps shall be taken to ensure that any highly flammable liquid which leaks, is spilt or otherwise escapes shall be contained or immediately drained off to a suitable container or to a safe place, or otherwise treated to make it safe.

(4) Nothing in this regulation shall apply to—

(*a*) highly flammable liquids (being petroleum-spirit or any substance to which provisions of section 1 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(**g**), were applied by the Petroleum (Mixtures) Order (Northern Ireland) 1930(**h**) and the Petroleum (Liquid Methane) Order (Northern Ireland) 1973(**i**)) authorised to be kept by a licence in force under the said Act of 1929 or which, but for the fact that the highly flammable liquids are kept in premises occupied by the Crown, would be required to be so authorised;

(*b*) highly flammable liquids in the fuel tanks of vehicles or engines for the purpose of operating the vehicles or engines;

(*c*) any suitable small closed vessel containing not more than 500cc of highly flammable liquid.

Marking of storerooms, tanks, vessels, etc.

6.—(1) Except where it is impracticable to do so and except as provided in paragraph (3), every storeroom, cupboard, bin, tank and vessel used for storing highly flammable liquid shall be clearly and boldly marked "Highly Flammable" or "Flashpoint below 32°C" or "Flashpoint in the range of 22°C to 32°C" or otherwise with an appropriate indication of flammability.

(2) Where it is impracticable to mark any storeroom, cupboard, bin, tank or vessel in accordance with paragraph (1), the words "Highly Flammable Liquid" shall be clearly and boldly displayed as near to it as possible.

(3) Nothing in this regulation shall apply to—

(*a*) any of the following, that is to say, any cupboard, bin, tank or vessel, which contains spirits intended for human consumption;

(*b*) the fuel tanks of vehicles or engines which contain any highly flammable liquid for the purpose of operating the vehicles or engines;

(*c*) any suitable small closed vessel containing not more than 500cc of highly flammable liquid;

(*d*) any aerosol dispenser in which the amount of highly flammable liquid contained is not in excess of either 45 per cent by weight of the total contents or 250 grammes in weight.

(**g**) 1929 c. 13 (N.I.)
(**h**) S.R. & O. (N.I.) 1930 No. 21 (p. 325)
(**i**) S.R. & O. (N.I.) 1973 No. 528 (II, p. 3058)

Liquefied petroleum gas—storage and marking of tanks, vessels, cylinders, etc.

7.—(1) Except as provided in paragraphs (2), (3) and (6)(*a*), all liquefied petroleum gas not in use shall be stored—

(*a*) in suitable underground reservoirs below ground the surface of which is wholly or mainly in the open air, or in suitable fixed storage tanks or suitable fixed storage vessels being tanks or vessels in safe positions either in the open air or below ground the surface of which is wholly or mainly in the open air; or

(*b*) in suitable movable storage tanks or suitable movable storage vessels kept in safe positions in the open air; or

(*c*) in the pipe-lines and pumps or other appliances forming part of a totally enclosed pipe-line system; or

(*d*) in suitable cylinders kept in safe positions in the open air, or where this is not reasonably practicable, in a storeroom constructed of non-combustible material being a storeroom which is adequately ventilated, which either is in a safe position or is a fire resisting structure and which is not used for any purpose other than the storage of liquefied petroleum gas or acetylene cylinders.

(2) No liquefied petroleum gas other than in suitable cylinders or suitable pipe-lines shall be present in any workplace and the number of liquefied petroleum gas cylinders or pipe-lines present at any one time in any workplace shall be as small as is reasonably practicable having regard to the processes or operations being carried on.

(3) Every liquefied petroleum gas cylinder shall be stored until such time before being first required for use or manipulation as is reasonable, and when its contents have been expended shall, as soon as reasonably practicable, be removed from the workplace and stored or refilled without delay.

(4) Except where it is impracticable to do so, and except as provided in paragraph (6), every tank, vessel, reservoir, cylinder and storeroom used for storing liquefied petroleum gas shall be clearly and boldly marked "Highly Flammable—L.P.G." or otherwise to the like effect.

(5) Where it is impracticable to mark any tank, vessel, reservoir, cylinder or storeroom in accordance with paragraph (4), the words "Highly Flammable—L.P.G." shall be clearly and boldly displayed as near to it as possible.

(6) (*a*) Nothing in this regulation shall apply to—

(i) liquefied petroleum gas in the fuel tanks of vehicles or engines for the purpose of operating the vehicles or engines;

(ii) any suitable small closed vessel containing not more than 500cc of liquefied petroleum gas.

(*b*) Nothing in paragraphs (4) and (5) shall apply to any aerosol dispenser in which the amount of liquefied petroleum gas contained is not in excess of either 45 per cent by weight of the total contents or 250 grammes in weight.

(7) In this regulation "cylinder" means any container designed, fabricated and tested in accordance with a pressure vessel code for the time being approved for the purpose of these regulations by the Chief Inspector.