1973. No. 471 [C]

PETROLEUM

Inflammable Substances: Conveyance by Road (Labelling)

REGULATIONS, DATED 19TH DAY OF NOVEMBER 1973, MADE BY THE SECRETARY OF STATE UNDER SECTION 6 OF THE PETROLEUM (CONSOLIDATION) ACT (NORTHERN IRELAND) 1929.

WHEREAS in pursuance of the provisions contained in section 6 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(a) as applied by the Petroleum (Mixtures) Order (Northern Ireland) 1930(b), the Petroleum (Carbon Disulphide) Order (Northern Ireland) 1970(c), and the Petroleum (Inflammable Liquids) Order (Northern Ireland) 1973(d), the Minister of Home Affairs is empowered to make regulations as to the conveyance of petroleum spirit, and such other substances which may be so defined by Order-in-Council under section 19 of the Petroleum (Consolidation) Act (Northern Ireland) 1929, by road, and for protecting persons or property from danger in connection with such conveyance:

NOW, THEREFORE, I, in exercise of the powers conferred on me by the said section 6, and section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(e) and of all other powers enabling me in that behalf, hereby make the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Inflammable Substances (Conveyance by Road) (Labelling) Regulations (Northern Ireland) 1973, and shall come into operation on the 1st February 1974.

Interpretation

2.—(1) In these Regulations—

"carrying tank" means the tank or, if there is more than one, tanks on a tank wagon or tank trailer designed for the conveyance of liquid, but does not include a fuel tank;

"conveyance" means conveyance by road, and "conveyed" shall be construed accordingly;

"container" (subject to paragraph (4) below) means any vessel, can, drum, barrel or other receptacle, but does not include the carrying tank of a tank wagon or tank trailer, a freight container or a fuel tank;

"freight container" means a receptacle having an internal capacity of not less than 14.5 cubic metres (512.1 cubic feet), so constructed as to be suitable for repeated use in the conveyance of freight by one or more means of transport without intermediate reloading of the contents, but does not include a carrying tank;

"fuel tank" means a tank which forms part of a vehicle and is designed for carrying fuel for use only in the propulsion of that vehicle;

(a) 20 Geo. 5 c. 13 (N.I.).
(b) S.R. & O. (N.I.) 1930, No. 21.
(c) S.R. & O. (N.I.) 1970, No. 209.
(d) S.R. & O. (N.I.) 1973, No. 468.
(e) 1972. c. 22.

"inflammable substance" has the meaning assigned to it by Regulation 2 below;

"owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement;

"petroleum-spirit" means—

(*a*) petroleum-spirit as defined in section 23 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 as enacted, or

(*b*) mixtures of petroleum as defined in the Petroleum (Mixtures) Order (Northern Ireland) 1930 (being certain substances to which the said Act is, with modifications and exceptions, applied by the said Order),

and does not include any substance, other than the said mixtures, to which the said Act is applied by any Order made, or having effect as if made, under the said section 19;

"potable spirit" means any spirit intended for human consumption;

"vehicle" includes a trailer which does not form part of an articulated vehicle.

(2) For the purposes of these Regulations an articulated vehicle shall be treated as one vehicle.

(3) For the purposes of these Regulations a freight container conveyed on a vehicle shall be treated as forming part of the vehicle.

(4) In these Regulations, the expression "container" does not include a container which is itself contained in another container or which is wholly enveloped in a covering of whatever nature, but that expression does include that other container or covering (unless it is itself so contained or enveloped).

(5) In these Regulations any reference to the prescribed notice is a reference to a notice which complies with the provisions of Schedule 1 to these Regulations.

Application

3. These Regulations apply to any inflammable substance (that is to say, petroleum-spirit, carbon disulphide or any substance, solution or mixture to which section 6 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 was applied by Article 1 of the Petroleum (Inflammable Liquids) Order (Northern Ireland) 1973);

Provided that they do not apply to petroleum-spirit or carbon disulphide which is conveyed in such circumstances that the Petroleum Spirit (Conveyance by Road) Regulations (Northern Ireland) 1971(f) or, as the case may be, the Carbon Disulphide (Conveyance by Road) Regulations (Northern Ireland) 1970(g) do not apply in relation to its conveyance.

4.—(1) Subject to Regulation 7, the provisions of Part I of Schedule 2 to the Regulations shall be complied with in the case of any vehicle engaged in the conveyance of any inflammable substance to which these Regulations apply.

(2) The provisions of Part II of the said Schedule 2 shall be complied with (in addition to those of Part I of that Schedule) in the case of a tank wagon or tank trailer engaged in the conveyance of any inflammable substance to which these Regulations apply other than petroleum-spirit.

(f) S.R. & .O. (N.I.) 1971, No. 143. (g) S.R. & O. (N.I.) 1970, No. 249.

5.—(1) Subject to Regulation 8 the provisions of Schedule 3 to these Regulations shall be complied with in relation to the marking of a container containing any quantity of acetaldehyde or carbon disulphide to which these Regulations apply, or more than 1 kilogram (2.2 pounds) of any other inflammable substance other than petroleum-spirit.

(2) Subject to Regulation 8, the provisions of paragraph 3 of the said Schedule 3 shall be complied with in relation to the marking of a container containing more than 1 kilogram (2.2 pounds) of petroleum-spirit to which these Regulations apply.

6. The owner of a vehicle used for the conveyance of any inflammable substance to which these Regulations apply who employs any person in connection with the conveyance shall furnish a copy of these Regulations to, or affix a copy thereof in some place where it can conveniently be read by, that person and shall take all other measures necessary to ensure that that person is acquainted with and carries out the provisions of the Regulations:

Provided that the provisions of this Regulation need not be complied with in relation to a vehicle which satisfied the requirements of paragraph (1) or (2) of Regulation 7.

Exemptions

7.—(1) The provisions of Part I of Schedule 2 to these Regulations need not be complied with in the case of any vehicle (other than a tank wagon or tank trailer) which is not engaged in the conveyance of acetaldehyde or carbon disulphide to which these Regulations apply, of—

(*a*) the total quantity of all the inflammable substances to which these Regulations apply conveyed in the vehicle does not exceed 500 kilograms (1,102.5 pounds);

(*b*) in the case of every container such as is mentioned in Regulation 5(1) which is conveyed in the vehicle, the provisions of Schedule 3 to these Regulations are complied with (except in so far as the container is exempted from those provisions or any of them under Regulation 8 below); and

(*c*) in the case of every container such as is mentioned in Regulation 5(2) which is conveyed in the vehicle, the provisions of paragraph 3 of the said Schedule 3 are complied with.

(2) The provisions of Part I of the said Schedule 2 need not be complied with, in the case of a vehicle which is not engaged in the conveyance of acetaldehyde or carbon disulphide to which these Regulations apply, if all the inflammable substances to which these Regulations apply conveyed in the vehicle are in receptacles which comply with the provisions of Schedule 4 to these Regulations.

8.—(1) In the case of a container which does not contain any acetaldehyde or carbon disulphide—

(*a*) none of the provisions of the said Schedule 3 need be complied with, if that container is itself a receptacle which complies with the provisions of the said Schedule 4 or all the inflammable substances in that container are contained in one or more receptacles which comply with those provisions;

(*b*) the provisions of paragraph 1 of the said Schedule 3 need not be complied with if—

(i) that container is itself a receptacle which does not contain more than 2.5 litres (4.4 pints) of an inflammable substance and complies with the provisions of the said Schedule 4, other than paragraph 2 thereof; or

(ii) all the inflammable substances in that container are contained in not more than 6 receptacles, and each of them contains not more than 2.5 litres (4.4 pints) of the substance and complies with the provisions of the said Schedule 4, other than paragraph 2 thereof.

(2) None of the provisions of the said Schedule 3 need be complied with in the case of a metal container containing not more than 5 litres (1.1 gallons) of a substance, solution or mixture to which section 6 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 was applied by Article 1 of the Petroleum (Inflammable Liquids) Order (Northern Ireland) 1973 other than acetaldehyde, and not containing any other inflammable substance.

(3) The provisions of paragraph 3 of the said Schedule 3 need not be complied with in the case of—

(*a*) a metal container containing not more than 5 litres (1.1 gallons) of petroleum-spirit and not containing any other inflammable substance; or

(*b*) a container (whether or not of metal) containing any quantity of a potable spirit and not containing any other inflammable substance.

Application to certain corrosive substances

9.—(1) Where any vehicle or container conveying or containing any of the substances to which this Regulation applies (being substances which are corrosive as well as inflammable) is required by these Regulations to display a prescribed notice, it shall also display a notice which complies with the provisions of Schedule 1 to the Corrosive Substances (Conveyance by Road) Regulations (Northern Ireland) 1973(**h**).

(2) For the purposes of this Regulation—

(*a*) Part I of Schedule 2 and paragraph 3 of Schedule 3 to these Regulations shall have effect as if, after the words "prescribed notice" wherever they occur, there were inserted the words "and the notice required by Regulation 9 above"; and

(*b*) paragraph 3 of the said Schedule 2 shall effect as if, after the word "INFLAMMABLE", there were inserted the words "or "CORROSIVE" as the case may be".

(3) The substances to which this Regulation applies are as follows, that is to say:—

Dimethyldichlorosilane
Ethyldichlorosilane
Ethyltrichlorosilane
Methyldichlorosilane
Methyltrichlorosilane
Trimethylchlorosilane
Vinyltrichlorosilane

(**h**) S.R. & O. (N.I.) 1973, No.

Enforcement

10.—(1) It shall be the duty of a local authority empowered under the Petroleum (Consolidation) Act (Northern Ireland) 1929 to grant petroleum-spirit licences to enforce within their district the provisions of these Regulations, and the owner of a vehicle used for the conveyance of an inflammable substance to which these Regulations apply and any person employed in connection with the conveyance shall provide all reasonable facilities to a duly authorised officer of the local authority for the purpose of his ascertaining whether the provision of these Regulations are being duly observed.

(2) Any such local authority as aforesaid may institute proceedings for any offence against these Regulations committed in the area of that authority.

Dated this 19th day of November 1973.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.