1971. No. 143 **[C]**

PETROLEUM

Petroleum-Spirit (Conveyance by Road)

REGULATIONS, DATED 19TH MAY 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 6 OF THE PETROLEUM (CONSOLIDATION) ACT (NORTHERN IRELAND) 1929 BOTH AS ENACTED AND AS APPLIED BY THE PETROLEUM (MIXTURES) ORDER (NORTHERN IRELAND) 1930.

I, the Right Honourable Brian Faulkner, D.L., Minister of Home Affairs, in exercise of the powers conferred on me by Section 6 of the Petroleum (Consolidation) Act (Northern Ireland) 1929(**a**), both as enacted and as applied by the Petroleum (Mixtures) Order (Northern Ireland) 1930(**b**), do hereby make the following Regulations:—

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Petroleum-Spirit (Conveyance by Road) Regulations (Northern Ireland) 1971, and shall come into operation on 1st September 1971.

Interpretation

2.—(1) In these Regulations:—

(*a*) "carrying tank" means the tank or, if there is more than one, tanks on a tank wagon or tank trailer designed for conveyance and does not include a fuel tank;

(*b*) "composite vehicle" means a tank wagon designed for the conveyance of petroleum-spirit both in the carrying tank and otherwise than in a carrying tank, being a vehicle which is so constructed that the requirements of Part III as well as of Part II in relation to construction are complied with and as if the tank wagon were also a vehicle to which Part III applied;

(*c*) "conveyance" has the meaning assigned to it by paragraph (1) of regulation 3 and "convey", "conveyed" and "conveying" shall be construed accordingly;

(*d*) "filling pipe" means a pipe incorporated in a carrying tank designed for filling that tank;

(*e*) "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;

(*f*) "petroleum-spirit" means—

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

(**a**) 20 Geo. 5. c. 13 (N.I.). (**b**) S.R. & O. (N.I.) 1930, No. 21.

(ii) mixtures of petroleum as defined in the Petroleum (Mixtures) Order (Northern Ireland) 1930, made under section 19 thereof (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 mixtures to which the Act is applied by any Order made, or having effect as if made, under section 19;

(*g*) "storage tank" means a tank used or designed for the storage of petroleum-spirit, and does not include a carrying tank or fuel tank or any other form of tank used for conveyance, and for the purpose of these Regulations a self-contained compartment in a storage tank shall be deemed to be a storage tank;

(*h*) "trailer" does not include a trailer which forms part of an articulated vehicle;

(*i*) "vehicle" includes a trailer.

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

(3) A carrying tank, a compartment of a tank, or a can, drum or other container shall, for the purposes of these Regulations, be deemed not to exceed any specified capacity if it exceeds that capacity by reason only that it is constructed to contain the amount of petroleum-spirit which would fill a container of the said capacity with a reasonable margin to allow for the expansion of the petroleum-spirit in the event of a rise in temperature.

(4) For the purposes of any requirement of these Regulations—

(i) in relation to the quantity of petroleum-spirit conveyed by a vehicle, the quantity of petroleum-spirit conveyed in the fuel tank of that vehicle shall be disregarded, and

(ii) in relation to the capacity of a tank wagon or tank trailer, the capacity of the fuel tank of that wagon or trailer shall be disregarded.

(5) In the application of these Regulations to the conveyance of solid petroleum spirit, any reference to a quantity expressed in gallons (litres) shall be construed as if ten pounds (4·5359 kilogrammes) were for the purposes of these Regulations equivalent to one gallon (4·546 litres) and any reference to a quantity expressed in pints (litres) shall be construed as if one and a quarter pounds (0·5670 kilogrammes) were for the said purposes equivalent to one pint (0·568 litres).

Application

3.—(1) These Regulations shall apply in relation to the conveyance of petroleum-spirit by road, and hereafter in these Regulations the expression "conveyance" means such conveyance as aforesaid.

(2) Except in the case of a tank wagon or a tank trailer, the conveyance of petroleum-spirit in the fuel tank of a vehicle for use only in the propulsion of that vehicle shall be deemed not to be conveyance in relation to which these Regulations apply.

(3) Except in the case of a tank wagon or a tank trailer, these Regulations shall not apply in relation to conveyance—

(*a*) if the quantity of petroleum-spirit conveyed does not exceed thirty-two gallons (145·474 litres) and the petroleum-spirit is contained only in securely closed metal cans or drums of a capacity not exceeding ten gallons (45·461 litres) or any other securely closed containers of a capacity not exceeding two gallons (9·092 litres) if they are suitably protected to prevent breakage, or

(*b*) if the quantity conveyed does not exceed fifty gallons (227·304 litres) and the petroleum spirit is contained only in a single securely closed steel barrel.

General safety precautions

4. Every person engaged in the conveyance, and the loading and unloading in connection with conveyance, of petroleum-spirit shall observe all precautions necessary for preventing fire or explosion.

5. Every person engaged in the conveyance, and the loading and unloading in connection with conveyance, of petroleum-spirit shall secure as far as is reasonably possible that no petroleum-spirit is allowed to escape into any sewer or drain.

6. A person while on or attending any vehicle conveying petroleum-spirit shall not smoke nor carry any matches or lighters.

7. No fire or artificial light capable of igniting inflammable vapour shall be allowed on any vehicle conveying petroleum-spirit, and no explosive substances or any substance or article capable of causing fire or explosion shall be carried on any such vehicle.

8. A suitable and efficient fire extinguisher shall be carried in an easily accessible position on any vehicle conveying petroleum-spirit.

9.—(1) Every vehicle while engaged in conveyance shall, except while halted at a place for the time being approved for the purpose by the local authority empowered under the Petroleum (Consolidation) Act (Northern Ireland) 1929, to grant petroleum-spirit licences in the area in which that place is situated, be constantly attended by the driver or some other competent person of not less than eighteen years of age.

(2) For the purposes of this Regulation—

(*a*) a person shall be regarded as in attendance on a vehicle if he is in close proximity thereto, and

(*b*) a trailer while attached to another vehicle shall be regarded as forming part of the vehicle to which it is attached and not as being a separate vehicle.

10.—(1) A trailer conveying petroleum-spirit shall not be attached to any vehicle other than a motor tractor or a vehicle used exclusively for conveying petroleum, and not more than one trailer shall be attached to any tractor or vehicle at any one time.

(2) A motor tractor shall not be used to draw a trailer conveying petroleum-spirit unless—

(*a*) the exhaust system of the tractor is wholly in front of the fire resisting shield required to be provided by paragraph 4 of the First Schedule, and

(*b*) if electric lighting is employed on the tractor, the provisions of paragraph 2 of the said Schedule are complied with as if the tractor were a vehicle on which petroleum-spirit was being conveyed.

(3) (*a*) A vehicle carrying petroleum other than petroleum-spirit shall not be used to draw a trailer conveying petroleum-spirit unless the vehicle complies with, if that vehicle is a tank wagon, the provisions of these Regulations applicable to tank wagons conveying petroleum-spirit or, if it is not a tank wagon, the provisions of these Regulations applicable to vehicles other than a tank wagon conveying petroleum-spirit.

(*b*) When a vehicle conveying petroleum other than petroleum-spirit is used to draw a trailer conveying petroleum-spirit, the aggregate quantity of petroleum and petroleum-spirit conveyed by the said vehicle and trailer together shall not exceed two thousand five hundred gallons (11,365·225 litres).

11. The fuel tank of a mechanically propelled vehicle shall not be filled or replenished with petroleum-spirit direct from a vehicle conveying petroleum-spirit in such circumstances that these Regulations apply to that conveyance.

12. The cover of the fuel tank of a mechanically propelled vehicle shall at all times except during the operation of filling that tank be kept securely closed and, where such a cover is required by sub-paragraph (*d*) of paragraph 1 of the First Schedule to be provided with a lock (that is to say, in the case of a vehicle which is propelled by fuel which gives off an inflammable vapour at a temperature of less than 150°F. (65·5°C.) and which has its fuel tank behind the fire resisting shield required to be provided by sub-paragraph (*c*) of the said paragraph) it shall at all times, except as aforesaid, be kept locked.

13. The owner of a vehicle used for conveyance who employs any person in connection with 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 these Regulations.

PART II

CONVEYANCE IN TANK WAGONS OR TANK TRAILERS

14. Any tank wagon or tank trailer used for conveyance shall comply with the provisions contained in Parts I and II of the First Schedule and, together with its connections and fittings, shall be maintained in good condition.

15.—(1) In the case of a tank wagon or tank trailer the carrying tank of which is designed to be filled through a filling pipe, the said pipe shall at all times, except during the operation of filling the tank, be kept securely closed so as to prevent leakage and, unless the filling pipe is either provided with a liquid seal or fitted with a device to form an efficient flame trap of a design approved by a government inspector, the filling pipe cover shall be kept closed and locked, and the key shall not be carried on the wagon or trailer as the case may be or on any vehicle attached thereto.

(2) In the case of a tank wagon or tank trailer the carrying tank of which is designed to be filled through a filling opening in a manhole and without a filling pipe, the cap of the filling opening shall at all times, except during the operation of filling the tank, be kept securely closed so as to prevent leakage, and be locked, and the keys shall not be carried on the wagon or trailer as the case may be or on any vehicle attached thereto.

16. Where the draw-off taps in the carrying tank of any tank wagon or tank trailer are enclosed in a box, that box shall at all times, except during the operation of emptying that tank, be kept closed and locked, and where such draw-off taps as aforesaid are not so enclosed, they shall at all times, except as aforesaid, be kept closed and locked.

17. The dipping pipe of a tank wagon or tank trailer shall at all times be kept securely closed except during the operation of filling or emptying the carrying tank.

18. During the operation of filling or emptying the carrying tank of a tank wagon or tank trailer the vehicle shall be constantly attended by the driver of the tank wagon, or as the case may be, of the vehicle drawing the trailer or some other competent person of not less than eighteen years of age, and the person attending under this Regulation shall secure that the following precautions are observed—

(*a*) in the case of a tank wagon, the engine of the wagon, or in the case of a tank trailer, the engine of the vehicle by which it is drawn, shall be stopped the whole time that the operation of filling or emptying is proceeding and shall not be run until the carrying tank of the tank wagon, or tank trailer, and any storage tank into which petroleum-spirit is being delivered, or from which any petroleum-spirit is being taken, have been securely closed,

(*b*) adequate provision shall be made to prevent the accumulation of a dangerous static charge of electricity and, except in a case where petroleum-spirit is delivered to the vehicle by means of a loading arm which, together with any flexible hose connected thereto, is electrically continuous, connected to the vehicle by screwing and effectively connected electrically to earth, the loading arm and the vehicle shall be earthed independently, and

(*c*) the petroleum-spirit shall be delivered to or from the vehicle only through sound metal piping or sound and suitable hose, and in the case of a vehicle being filled through a filling opening in a man hole and without a filling pipe, the drop pipe of the loading arm shall be so placed as to reach as nearly as is practicable to the bottom of the carrying tank without touching it.

19.—(1) The provisions of this Regulation shall apply to the transfer of petroleum-spirit from a carrying tank into a storage tank.

(2) For the purpose of distinguishing any storage tank from any other such tank on the same premises every such tank shall be clearly marked by or on behalf of the person licensed under the Petroleum (Consolidation) Act (Northern Ireland) 1929, to keep petroleum-spirit in that tank (hereafter referred to as "the licensee") with a number in such a manner that the number cannot be readily altered or obliterated.