
STATUTORY INSTRUMENTS

1982 No. 630

HEALTH AND SAFETY

The Petroleum-Spirit (Plastic Containers) Regulations 1982

<i>Made</i>	- - - -	<i>5th May 1982</i>
<i>Laid before Parliament</i>		<i>13th May 1982</i>
<i>Coming into Operation</i>		<i>4th June 1982</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (3)(a) and (c), (5)(a) and (6)(b) and 47(3) of, and paragraph 1(1)(a) and (b), (2), (3) and (4) of Schedule 3 to, the Health and Safety at Work etc. Act 1974⁽¹⁾ (“the 1974 Act”) and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Petroleum-Spirit (Plastic Containers) Regulations 1982 and shall come into operation on 4th June 1982.

(2) In these Regulations, “petroleum-spirit” has the meaning assigned to it by section 23 of the Petroleum (Consolidation) Act 1928⁽²⁾.

Keeping of petroleum-spirit in plastic containers and exemption from Petroleum (Consolidation) Act 1928 in certain circumstances

2. Notwithstanding any prohibition or requirement contained in the Petroleum-spirit (Motor Vehicles, &c.) Regulations 1929, petroleum-spirit may be kept in a plastic container if it is kept—

- (a) in accordance with Regulations 4 and 5 of these Regulations 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 1928, 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 1928 (including any such licence granted pursuant to an appeal under the Health and

(1) section 15(1) was amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraph 6.
(2) the relevant amending instrument is S.I. 1974/1942.

Safety at Work etc. Act 1974), in which case the following provisions of these Regulations shall not apply.

Plastic containers manufactured, imported or supplied for use at work as containers for 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) 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 to these Regulations.

(2) In any proceedings for an offence consisting of a contravention of paragraph (1) of this Regulation, 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) of these Regulations.

(2) In any proceedings for an offence consisting of a contravention of paragraph (1) of this Regulation or of the Petroleum (Consolidation) Act 1928 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) of this Regulation, 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.

Amendment to the Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979

6. At the end of Regulation 2(1)(b) of the Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979 add—

- “(c) the Petroleum-Spirit (Plastic Containers) Regulations 1982.”

Modification of the Petroleum-spirit (Motor Vehicles, &c.) Regulations 1929

7. The Petroleum-spirit (Motor Vehicles, &c.) Regulations 1929 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)—
 - (i) in sub-paragraph (a) for “motor vehicle, motor boat, aircraft or engine” substitute “internal combustion engine”;
 - (ii) in sub-paragraph (b) for “thereon” substitute “on any motor vehicle, motor boat, hovercraft or aircraft”;
 - (f) in Regulation 14(2)—
 - (i) omit the definition of “Engine”;
 - (ii) in the definition of “Storage place”, for “motor vehicle, motor boat, aircraft or engine” substitute “internal combustion engine”;
 - (g) omit the Schedule.

Signed by order of the Secretary of State.

5th May 1982

David Waddington
Joint Parliamentary Under Secretary of State
Department of Employment

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format. The electronic version of this UK Statutory Instrument has been contributed by Westlaw and is taken from the printed publication. **Read more***

SCHEDULE

Regulations 3(1)(d) and 4(1)

MARKING AND LABELLING

1. The plastic container shall bear legible, indelible and durable marking or labelling showing the following—
 - (a) the manufacturer's name;
 - (b) the month and year of manufacture;
 - (c) the nominal capacity of the container in litres and half litres rounded down to the nearest half litre below;
 - (d) the words and figures “Complies with S.I. 1982/630”;
 - (e) the words “PETROL” and “HIGHLY FLAMMABLE”;
 - (f) an appropriate hazard warning sign; and
 - (g) an appropriate phrase or phrases in English indicating the precautions to be taken.
 2. The words and sign on the container in accordance with paragraph 1(e), (f) and (g) of this Schedule shall be capable of being easily seen and read when the container is placed in an attitude in which it may normally be expected to be placed and shall stand out from their background so as to be readily noticeable.
 3. Any label shall be securely fixed to the container with its entire surface adhering to it.
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EXPLANATORY NOTE

These Regulations permit the keeping of petroleum-spirit in plastic containers for use as a fuel for an internal combustion engine. Hitherto only metal containers could be used for that purpose.

The Regulations impose a duty on manufacturers, importers and suppliers of plastic containers for use at work as containers for petroleum-spirit to ensure that the containers meet certain requirements as to composition, structure and labelling and do not exceed 5 litres capacity.

Petroleum-spirit may only be kept in a plastic container which meets those requirements; it will be a defence for a person charged with keeping it in contravention of this requirement to prove that he took all reasonable precautions and exercised all due diligence to avoid the offence. The Regulations also limit the places where the plastic containers may be kept.

The Petroleum-spirit (Motor Vehicles, &c.) Regulations 1929 are modified to allow petroleum-spirit to be kept in metal containers for use as a fuel for any internal combustion engine.