

SCHEDULE 6

Regulation 15

AMENDMENTS

PART 1

1. In section 2 of the Celluloid and Cinematograph Film Act 1922(1) (purposes to which Act applies), after paragraph (iii) of the proviso insert “and

(iv) the provisions of this Act shall not apply to a workplace within the meaning of the Fire Precautions (Workplace) Regulations 1997(2).”.

2.—(1) The Petroleum (Consolidation) Act 1928(3) is amended as follows.

(2) In section 2 (provisions as to licences), omit the proviso to subsection (1) (special provision for harbours).

(3) Omit section 9 (byelaws as to loading, conveyance and landing of petroleum-spirit in and upon canals) and section 17 (powers of officers as to testing petroleum-spirit).

(4) In section 18 (warrants to search for and seize petroleum-spirit), for subsection (4) substitute—

“(4) This section does not apply to—

(a) a workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations 2002 used, or intended for use, for the dispensing of petroleum-spirit, or

(b) carriage to which the Carriage of Dangerous Goods by Road Regulations 1996(4) apply.”.

(5) In section 23 (interpretation)—

(a) after the definition of “Contravention” insert—

““the Directive” means Commission Directive 92/69 EEC(5) adapting to technical progress for the seventeenth time Council Directive 67/548/EEC(6) on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances:

“Dispensing” means manual or electrical pumping of petroleum-spirit from a storage tank into the fuel tank for an internal combustion engine, whether for the purposes of sale or not.”; and

(b) for the definition of “Petroleum-spirit” substitute—

““Petroleum-spirit” means petroleum which, when tested in accordance with Part A.9. of the Annex to the Directive, has a flash point (as defined in that Part) of less than 21°C.”.

(1) 1922 c. 35. Section 2 is amended by the Cinemas Act 1985 (c. 13), section 24(1) and Schedule 2, paragraph 1 and S.I. 1992/1811.

(2) S.I. 1997/1840, amended by S.I. 1999/1877 and 1999/3242.

(3) 1928 c. 32. Section 2(1) is amended by the Local Government Act 1972 (c. 70) section 251 and Schedule 29, Part II paragraph 32, by the Local Government Act 1985 (c. 51) section 37 and Schedule II paragraph 4 and by the Local Government (Wales) Act 1994 (c. 19) section 22(3) and Schedule 9 paragraph 2; section 18 is amended by S.I. 1974/1942, 1986/1951 and 1992/743; section 23 is amended by the Statute Law (Repeals) Act 1993 (c. 50) and by S.I. 1974/1942, 1992/1811, 1993/1746 and 1994/3247; section 25A is inserted by S.I. 1999/743.

(4) S.I. 1996/2095, amended by S.I. 1998/2885, 1999/257, 1999/303 and 2001/1426.

(5) OJ No. L383, 29.12.92, p. 113.

(6) OJ No. 196, 16.8.67, p. 1.

Status: This is the original version (as it was originally made).

(6) Re-number section 25A(7) (places to which Act does not apply) as subsection (1) and insert at the end “or

(c) any workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations 2002, apart from a workplace used, or intended for use, for dispensing petroleum-spirit.

(2) For the purposes of subsection (1)(c), any part of a workplace where petroleum-spirit is kept other than for dispensing is not to be regarded as used, or intended for use, for dispensing petroleum-spirit.”.

3.—(1) The Petroleum-Spirit (Motor Vehicles etc.) Regulations 1929(8) are amended as follows.

(2) For regulation 2 (keeping of petroleum-spirit), substitute—

“2.—(1) Subject to paragraph (2), the petroleum-spirit shall not be kept otherwise than in metal vessels so constructed and maintained in such a condition as—

(a) to be reasonably secure against breakage; and

(b) to prevent the leakage of any liquid or vapour therefrom.

(2) Where the vessel in which the petroleum-spirit is to be kept is a fuel tank for an internal combustion engine, the requirement in paragraph (1) that the vessel be made of metal shall not apply.”.

(3) In regulation 7, insert at the beginning of paragraph (1) “Subject to paragraph (3) below,” and after paragraph (2) insert—

“(3) The disapplication from the requirements of paragraph (1) above in respect of a fuel tank for an internal combustion engine shall only apply to a fuel tank which remains connected to the fuel system of the internal combustion engine it is serving in the way it would ordinarily be so connected when that engine is running.”.

(4) In regulation 15A (disapplication), omit “and” at the end of paragraph (a) and insert after paragraph (b)—

“or

(c) any workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations 2002.”.

4. The Petroleum (Liquid Methane) Order 1957(9) is amended by the insertion at the end of the Schedule (provisions of the Petroleum (Consolidation) Act 1928 not applied to liquid methane), of “Section 25A(1)(c) and (2)”.

5.—(1) The Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979(10) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after the definition of “the 1974 Act” insert—

““the Directive” means Commission Directive 92/69 EEC(11) adapting to technical progress for the seventeenth time Council Directive 67/548/EEC(12) on the approximation of laws,

(7) Section 25A was inserted by S.I. 1999/743.

(8) S.I. 1929/952, amended by S.I. 1979/427, 1982/630, 1992/1811 and 1999/743; the last mentioned instrument inserted regulation 15A(a) and (b).

(9) S.I. 1957/859.

(10) S.I. 1979/427, amended by S.I. 1981/1059, 1982/630 and 1986/1951.

(11) OJ No. L383, 29.12.92, p. 113.

(12) OJ No. 196, 16.8.67, p. 1.

regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances;

“dispensing” means manual or electrical pumping of petroleum-spirit from a storage tank into the fuel tank for an internal combustion engine, whether for the purposes of sale or not, and “dispenser” shall be construed accordingly;

“Her Majesty’s Forces” means any of the naval, military or air forces of the Crown, whether raised inside or outside the United Kingdom and whether any such force is a regular, auxiliary or reserve force, and includes any civilian employed by those forces;

“non-retail petroleum filling station” means premises used, or intended for use, for dispensing petroleum-spirit for use in motor vehicles, ships or aircraft, but it does not include any retail petroleum filling station;

“petroleum-spirit” means petroleum which, when tested in accordance with Part A.9. of the Annex to the Directive has a flash point (as defined in that Part) of less than 21°C;

“retail petroleum filling station” means premises used, or intended for use, for dispensing petroleum-spirit to the public for use in motor vehicles, ships or aircraft by ways of sale;

“ship” includes every description of vessel used in navigation propelled by means of an internal combustion engine and any reference to “ship” in these Regulations includes a reference to hovercraft; and

“vehicle fuel” means petroleum-spirit or any other substance which provides the power in an internal-combustion engine in a motor vehicle, ship or aircraft.”.

(3) In regulation 2(1) (enforcing authorities)—

(a) for “Subject to paragraphs (2) and (3)” substitute “Subject to paragraphs (2) to (4)”;

(b) omit subparagraph (a)(i), (iii) and (iv);

(c) insert after subparagraph (c)—

“(d) the Dangerous Substances and Explosive Atmospheres Regulations 2002—

(i) in so far as they apply to any activity relating to fuelling motor vehicles and ships with vehicle fuel, and fuelling aircraft with petroleum-spirit, at a retail petroleum filling station, including any vehicle fuel dispenser, other apparatus or storage tank for storing vehicle fuel used thereat in connection with the fuelling concerned of those respective kinds of fuelling; and

(ii) in so far as they apply to any activity relating to fuelling motor vehicles, ships and aircraft with petroleum-spirit at a non-retail petroleum filling station, including any petroleum-spirit dispenser, other apparatus or storage tank for storing petroleum-spirit used thereat in connection with that fuelling.”; and

(d) after paragraph (3), insert—

“(4) Nothing in paragraph (1)(d) shall apply to—

(a) Her Majesty’s Forces;

(b) any establishment to which the Control of Major Accident Hazards Regulations 1999(13) apply by virtue of regulation 3 of those Regulations;

(c) any site in respect of which notification of an activity is required pursuant to regulation 3 of the Notification of Installations Handling Hazardous Substances Regulations 1982(14); and

(13) S.I. 1999/743, amended by the Greater London Authority Act 1999 (c. 29), section 328(7), and S.I. 1999/2597.

(14) S.I. 1982/1357, amended by S.I. 1996/825.

Status: This is the original version (as it was originally made).

- (d) any activity at a retail or a non-retail petroleum filling station connected with repairing motor vehicles, ships or aircraft or retailing goods other than, in relation to a retail petroleum filling station, vehicle fuel and, in relation to a non-retail petroleum filling station, petroleum-spirit.”.

6.—(1) The Petroleum-Spirit (Plastic Containers) Regulations 1982(15) are amended as follows.

(2) In regulation 8 (disapplication), omit “and” at the end of paragraph (a) and insert at the end of paragraph (b) “or

- (c) any workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations 2002.”.

7. The Dangerous Substances in Harbour Areas Regulations 1987(16) are amended by the omission of “the Petroleum (Carbide of Calcium) Order 1929” in regulation 29 (application of Part VIII—storage of dangerous substances).

8. The Fire Precautions (Workplace) Regulations 1997(17) are amended by the insertion of “and regulations 1 to 6, 8, 9 and 11 of the Dangerous Substances and Explosive Atmospheres Regulations 2002,” after “the 1999 Management Regulations” in paragraph (2)(b) of regulation 9 (disapplication).

PART 2

9.—(1) The Fire Certificates (Special Premises) Regulations 1976(18) are amended as follows.

(2) In paragraph 25 of Part III of Schedule 1 (premises for which a fire certificate is required), for the definition of “highly flammable liquid” substitute—

““highly flammable liquid” means any liquid, liquid solution, emulsion or suspension, other than aqueous ammonia, liquefied flammable gas, and liquefied petroleum gas, which—

- (a) when tested in accordance with Part A.9. of the Annex to the Directive has a flash point (as defined in that Part) of less than 32°C except that, if the flash point determined by using one of the non-equilibrium methods referred to in that Part falls within the range 30°C to 34°C, that flash point shall be confirmed by the use of like apparatus using the appropriate equilibrium method referred to in that Part; and
- (b) when tested at 50°C (within an accuracy of -0 +5°C) using the procedure referred to in Appendix B to the “Approved Requirements and test methods for the classification and packaging of dangerous goods for carriage”(19) with a heating time of 60 seconds supports combustion,

and for these purposes—

- (i) “aqueous ammonia” means ammonia gas dissolved in water;
- (ii) “the Directive” means Commission Directive 92/69 EEC(20) adapting to technical progress for the seventeenth time Council Directive 67/548/EEC(21) on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances; and

(15) S.I. 1982/630, amended by S.I. 1999/743.

(16) S.I. 1987/37, amended by S.I. 1993/1746, 1994/669, 1994/3247, 1996/2092, 1996/2095, 1997/2367, 1998/2885 and 1999/2029.

(17) S.I. 1997/1840, amended by S.I. 1999/1877 and 1999/3242.

(18) S.I. 1976/2003, amended by S.I. 1985/1333, 1987/37 and 1992/1811.

(19) ISBN 071761221X.

(20) OJ No. L383, 29.12.92, p. 113.

(21) OJ No. 196, 16.8.67, p. 1.

- (iii) “liquefied flammable gas” means any substance which at a temperature of 20°C 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 refrigeration or both.”.

10. The Carriage of Dangerous Goods by Road Regulations 1996⁽²²⁾ are amended by the substitution for regulation 20 (unloading of petrol at petroleum filling stations and certain other premises licensed for the keeping of petrol) of—

“Direct filling of fuel tanks with petrol from road tankers

20.—(1) Neither the fuel tank for an internal combustion engine nor a portable container shall be filled or replenished with petrol direct from a road tanker conveying petrol in such circumstances that these Regulations apply to that conveyance.

(2) Except in relation to Her Majesty’s Forces, the enforcing authority for these Regulations and for sections 2 to 4 and section 7 and 8 of the Health and Safety at Work etc. Act 1974 in respect of such filling or replenishing with petrol as is referred to in paragraph (1) at any premises for which a petroleum-spirit licence authorising the keeping of petrol is required under the 1928 Act, shall be the petroleum licensing authority, even if the relevant tanker is on a road at the time of that filling or replenishing.

(3) In this regulation—

- (a) “the 1928 Act” means the Petroleum (Consolidation) Act 1928⁽²³⁾;
- (b) “the Directive” means Commission Directive 92/69 EEC adapting to technical progress for the seventeenth time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances;
- (c) “Her Majesty’s Forces” means any of the naval, military or air forces of the Crown, whether raised inside or outside the United Kingdom and whether any such force is a regular, auxiliary or reserve force, and includes any civilian employed by those forces;
- (d) “petrol” means petroleum-spirit intended for use as a fuel for an internal combustion engine;
- (e) “the petroleum licensing authority” means the local authority empowered to grant petroleum-spirit licences under the 1928 Act for the premises concerned;
- (f) “petroleum-spirit” means petroleum which, when tested in accordance with Part A.9. of the Annex to the Directive has a flash point (as defined in that Part) of less than 21°C; and
- (g) “petroleum-spirit licence” means a licence authorising the keeping of petroleum-spirit granted by a local authority empowered under the 1928 Act to grant such a licence or by the Secretary of State or by the Health and Safety Executive.”.

⁽²²⁾ S.I. 1996/2095, amended by S.I. 1998/2885, 1999/257, 1999/303 and 2001/1426.

⁽²³⁾ 1928 c. 32.