

## SCHEDULE 6

### AMENDMENTS

#### PART 2

9.—(1) The Fire Certificates (Special Premises) Regulations 1976<sup>(1)</sup> 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”<sup>(2)</sup> 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<sup>(3)</sup> adapting to technical progress for the seventeenth time Council Directive 67/548/EEC<sup>(4)</sup> on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances; and
- (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<sup>(5)</sup> 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

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

(2) ISBN 071761221X.

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

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

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

*Status: This is the original version (as it was originally made).*

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<sup>(6)</sup>;
- (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.”.

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<sup>(6)</sup> 1928 c. 32.