

1992 No. 413

HEALTH AND SAFETY

**The Health and Safety (Miscellaneous Provisions)
Regulations (Northern Ireland) 1992**

Made 28th September 1992

Coming into operation 16th November 1992

The Department of the Environment, the Department of Agriculture and the Department of Economic Development, acting jointly as the Department concerned(a), in exercise of the powers conferred by Articles 17(1) to (3), 45(1) and (2) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling them in that behalf, after consultation as required by Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to those Departments to be appropriate, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as The Health and Safety (Miscellaneous Provisions) Regulations (Northern Ireland) 1992 and shall come into operation on 16th November 1992.

Substitution of metric measurements for imperial measurements

2. The statutory provisions specified in column 1 of Schedule 1 shall be amended by substituting for the amounts or quantities set out opposite thereto in column 2 the amounts or quantities set out in the corresponding entry in column 3.

Repeals and modifications of statutory provisions relating to flash points of highly flammable liquids, etc.

3. The statutory provisions specified in column 1 of Schedule 2 shall be repealed or modified to the extent set out in column 2.

Application to existing plant, buildings and other permanent structures

4.—(1) Where the measurements relating to any plant, building or other permanent structure in existence or under construction immediately before the coming into operation of these Regulations complied with the requirements of the relevant statutory provisions as then in operation in so far as they related to the measurements of that plant, building or other permanent structure, then

(a) See definitions of "the Department concerned" and "regulations" in Article 2(2) of S.I. 1978/1039 (N.I. 9)

(b) S.I. 1978/1039 (N.I. 9)

such compliance shall be deemed to be compliance with the relevant statutory provisions as amended by these Regulations.

(2) In paragraph (1) “the relevant statutory provisions” means the statutory provisions listed in column 1 of Schedules 1 and 2.

Sealed with the Official Seal of the Department of the Environment on 28th September 1992.

(L.S.)

Trevor Pearson

Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture on 24th September 1992.

(L.S.)

I. C. Henderson

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 24th Septemeber 1992.

(L.S.)

D. Thomson

Assistant Secretary

SCHEDULE 1

Regulation 2

Adaptation of Statutory Provisions to Metric Units

Column 1	Column 2	Column 3
<i>Provisions amended</i>	<i>Present Amounts or Quantities</i>	<i>Substituted Amounts or Quantities</i>
1. Celluloid and Cinematograph Film Act 1922(a)		
(a) Section 2(1)(a)	one hundredweight	50 kilograms
(b) Section 2(2)(a)	eighty pounds	37 kilograms
(c) First Schedule, Part II, regulation 3	40 pounds	18 kilograms
Part III, regulation 10	one ton (where those words twice occur)	1 tonne
Part III, regulation 11	one ton	1 tonne
2. Petroleum (Consolidation) Act (Northern Ireland) 1929(b)		
(a) Section 1(1)(a)	one pint	570 millilitres
(b) Section 1(1)(b)	three gallons	15 litres
3. Petroleum-Spirit (Motor Vehicles etc.) Regulations (Northern Ireland) 1930(c)		
(a) Regulation 5(d)(ii)	two gallons	10 litres
(b) Regulation 6	sixty gallons	275 litres
(c) Regulation 6(b)	twenty feet	6 metres
(d) Regulation 7(1)	two gallons	10 litres
(e) Regulation 7(1)(a)	twenty feet	6 metres
(f) Regulation 7(2)	two gallons	10 litres
(g) Regulation 8(1)	twenty feet	6 metres
(h) Regulation 8(1)(b)	two gallons	10 litres
(i) Regulation 11, proviso (b)	one gill	150 millilitres
(j) Regulation 13(b)	sixty gallons thirty gallons	275 litres 140 litres
(k) Regulation 13(d)	two gallons	10 litres

(a) 1922 c. 35. Extended to Northern Ireland by the Uniformity of Laws Act (Northern Ireland) 1922 c. 20 s. 1 and Sch. 5

(b) 1929 c. 13 (N.I.)

(c) S.R. & O. (N.I.) 1930 No. 11 (p. 330)

Column 1	Column 2	Column 3
<i>Provisions amended</i>	<i>Present Amounts or Quantities</i>	<i>Substituted Amounts or Quantities</i>
(l) Regulation 13(g)	fifty feet	15 metres
	fifteen feet	5 metres
(m) Regulation 13(h)	twenty feet	6 metres
4. Petroleum (Carbide of Calcium) Order (Northern Ireland) 1930(a)		
(a) Article 2(i)	5 lbs 1 lb	2.5 kilograms 500 grams
(b) Article 2(ii)	28 lbs	13 kilograms
5. Petroleum (Mixtures) Order (Northern Ireland) 1930(b)		
(a) Article 2	30 lbs 1 lb	15 kilograms 500 grams
(b) Article 4	gallons ten pounds one gallon one and a quarter pounds one pint	litres 5 kilograms 5 litres 570 grams 570 millilitres

(a) S.R. & O. (N.I.) 1930 No. 20 (p. 328)

(b) S.R. & O. (N.I.) 1930 No. 21 (p. 325)

SCHEDULE 2

Regulation 3

Repeals and Modifications of Statutory Provisions relating to the Flash Points of Highly Flammable Liquids, etc.

Column 1	Column 2
<i>Provisions</i>	<i>Extent of Repeal or Modification</i>
<p>1. Petroleum (Consolidation) Act (Northern Ireland) 1929</p> <p>(i) Section 17</p> <p>(ii) Section 20</p> <p>(iii) Section 23(1)</p> <p>(iv) Schedule 2</p>	<p>After subsection (3) insert the following new subsection—</p> <p>“(3A) Where—</p> <p>(a) by virtue of doubt as to whether the samples tested under subsection (1) are petroleum-spirit, another test is desirable; or</p> <p>(b) a person is appointed by the court under subsection (3) to carry out a test of the sample to which the certificate relates;</p> <p>such tests shall be carried out using the Abel test apparatus.”.</p> <p>Repeal.</p> <p>(a) For the definition of petroleum-spirit, substitute the following definition—</p> <p>“ “Petroleum-spirit” means such petroleum as when tested in accordance with Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81) has a flash point of less than 21° Celsius.”.</p> <p>(b) Repeal the definition of “I.W.G.”.</p> <p>Repeal.</p>
<p>2. Petroleum (Mixtures) Order (Northern Ireland) 1930</p> <p>(i) Article 1</p>	<p>For the words following “Petroleum Spirit” substitute the following words—</p> <p>“except in so far as the methods referred to in Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81) are inconsistent with or contradictory to Part II of the Schedule (manner of testing mixtures of petroleum).”.</p>

Column 1	Column 2
<i>Provisions</i>	<i>Extent of Repeal or Modification</i>
(ii) The Schedule, Part I	For "seventy-three degrees Fahrenheit" substitute "23 degrees Celsius".
(iii) The Schedule, Part II Paragraph 1 (liquid mixtures)	For the words following "shall be tested by" substitute the words—
	"a suitable method referred to in Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985."
Paragraph 2 (sedimentary and viscous mixtures)	(a) In sub-paragraph (1) for the words following "tested by" substitute the words—
	"a suitable method referred to in Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985."
	(b) In sub-paragraph (2) for the words following "a stirrer" substitute the words—
	"appropriate to the method of test and the test shall be carried out by a suitable method referred to in Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985."
	(c) In sub-paragraph (4) for the words following "shall be" substitute the words—
	"a test specified in Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985."
Paragraph 3 (solid mixtures)	(a) For the words from "of which a specification" to "the Act of 1929" substitute "which is carried out with Abel apparatus according to a method for that apparatus set out in Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985."
	(b) For "cylinders 1 1/2 inches long" substitute "cylinders 38 millimetres long".
	(c) For "1/4 inch in diameter" substitute "6 millimetres in diameter".
	(d) For "shortened to 1/2 inch" substitute "shortened to 13 millimeters".
	(e) For "a depth of 1 1/2 inches" substitute "a depth of 38 millimetres".

Column 1	Column 2
<i>Provisions</i>	<i>Extent of Repeal or Modification</i>
<p>3. The Dry Cleaning Special Regulations (Northern Ireland) 1950(a) Regulation 2(2)</p>	<p>(f) For “about 75° Farenheit” substitute “about 22° Celsius”.</p> <p>(g) For “72° Farenheit” substitute “20° Celsius”.</p> <p>(h) For “73° Farenheit” substitute “21° Celsius”.</p> <p>(a) For the definition of “Flash point” substitute the following definition— “ “Flash point”, subject to paragraph (2A), means the flash point determined in accordance with Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 (S.R. 1985 No. 81).”.</p> <p>(b) After regulation 2(2) insert the following paragraph— “(2A) In determining the flash point for the purposes of these Regulations Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985 shall apply as if for paragraph 4(b) of that Part there were substituted the following sub-paragraph— “(b) by one of the non-equilibrium methods referred to in paragraph 6, except that when the flash point falls within the range 30°C to 34°C that flash point shall be confirmed by the use of the like apparatus using the appropriate equilibrium method referred to in paragraph 5.”.”.</p>
<p>4. The Shipbuilding and Ship-repairing Regulations (Northern Ireland) 1971(b) Regulation 3</p>	<p>For the definition of “Abel closed test” substitute the following definition—</p>

(a) S.R. & O. (N.I.) 1950 No. 117 (p. 268)

(b) S.R. & O. (N.I.) 1971 No. 372 to which there are amendments not relevant to these Regulations

Column 1	Column 2
<i>Provisions</i>	<i>Extent of Repeal or Modification</i>
6. The Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991(a) Schedule 1 Part III Paragraph 24	For the definition of "highly flammable liquid" substitute the following definition— " "highly flammable liquid" has the same meaning as in regulation 2 of the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations (Northern Ireland) 1975 (S.R. 1975 No. 256)."

(a) S.R. 1991 No. 446

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations—

- (a) metricate certain imperial units of measurement in the statutory provisions listed in column 1 of Schedule 1; and
- (b) provide for the statutory provisions relating to the determination of the flash points of highly flammable liquids, etc, specified in column 1 of Schedule 2 to be repealed or modified to the extent set out in column 2.

The metrication referred to in paragraph (a) fulfils obligations arising from Council Directive 80/181/EEC of 20th December 1979 (O.J. L39, page 40 as amended by Council Directive 85/1/EEC (O.J. L2, page 11) and Council Directive 89/617/EEC (O.J. L357, page 28)) on the approximation of laws of Member States relating to units of measurement. Copies of those EEC Directives can be obtained from Her Majesty's Stationery Office.

1992 Nos. 414, 415

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.