

SCHEDULE 12

Regulation 20(1) and (2)

Unloading of Petrol at Petroleum Filling Stations and certain other Premises licenced for the keeping of Petrol

Part I

GENERAL REQUIREMENTS

1.—(1) It shall be the duty of the person licensed under the Petroleum (Consolidation) Act (Northern Ireland), 1929 (“the licensee”) to keep petrol at a particular petroleum filling station or at particular premises of the kind specified in regulation 20(1)(b) (“the licensed premises”), to ensure that the unloading of petrol from a road tanker at those premises is carried out—

- (a) under his control and in accordance with the procedure set out in Part II (“the Part II procedure”); or
- (b) under the control of the driver of the road tanker making the delivery, under the authority of a licence issued by the petroleum licensing authority pursuant to paragraph 19(1)(a) (“a Part III licence”) and in accordance with the procedure set out in Part III (“the Part III procedure”); and
- (c) (in either case)—
 - (i) subject to the provisions of this Part; and
 - (ii) by transferring the petrol from the tank of the road tanker into a storage tank.

(2) Where the licensee has been granted a Part III licence in respect of the licensed premises, he shall use the Part III procedure and no other thereat, unless—

- (a) he has given at least one week’s notice to the petroleum licensing authority that he intends to change to using the Part II procedure and that notice period has expired; or
- (b) due to failure of equipment, compliance with the Part III procedure has ceased to be possible and the licensee has agreed with the operator and (where the operator is not the supplier of the petrol) with the supplier to revert temporarily to the Part II procedure pending correction of the equipment.

(3) Where the temporary use of the Part II procedure occurs in accordance with sub-paragraph (2)(b), the licensee shall give notice to the petroleum licensing authority—

- (a) of his having commenced such temporary use; and
- (b) of his having resumed the use of the Part III procedure upon correction of the equipment failure.

(4) Any notice required to be given in accordance with sub-paragraph (3) shall be given by the quickest practical means.

(5) The licensee shall, within 3 working days of giving any notice in accordance with sub-paragraph (3), give written confirmation of that notice to the petroleum licensing authority.

(6) In sub-paragraph (5), the reference to “3 working days” is a reference to a period of 72 hours calculated from the time the relevant notice was given in accordance with sub-paragraph (3), but disregarding so much of any such period as falls on a Saturday or Sunday or on Christmas Day or Good Friday, or a day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971(1).

(1) 1971 c. 80

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2. The licensee shall, for the purpose of distinguishing one storage tank from any other storage tank situated at the licensed premises, ensure that every such tank is clearly marked with—

- (a) a number, a letter or a combination of both a number and a letter in such a manner that the number, letter, or number and letter cannot be readily altered or obliterated; and
- (b) (adjacent to that number, letter, or number and letter) the maximum working capacity of the tank and the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises.

3. For the purpose of distinguishing one compartment of the carrying tank of a road tanker from each other compartment of that tank, the operator shall ensure that every such compartment is clearly marked with a number in such a manner that that number cannot readily be altered or obliterated.

4. The licensee shall ensure that every dipstick, not being one permanently fixed to a storage tank, and any other device used for ascertaining the quantity of the petrol for the time being contained in a storage tank, is marked with the same number, letter or combination of both a number and a letter and in the like manner as that with which the storage tank in connection with which it is used is marked.

5. Where the method of filling a storage tank is by means of a pipe (whether in a single length or segmented) leading from the tank to a filling point not situated on, or immediately adjacent to, the tank itself, the licensee shall ensure that the said pipe is clearly marked on, or immediately adjacent to, the filling point with—

- (a) the same number, letter or combination of both a number and a letter and in the like manner as that with which the tank is marked; and
- (b) (adjacent to that number, letter or combination of a number and a letter) the maximum working capacity of the tank and the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises.

6. In any case where the method of filling the tank is that referred to in paragraph 5, the licensee shall ensure, so far as practicable, that no filling takes place until—

- (a) the pipe is properly and securely connected to the tank and to the filling point; and
- (b) (where the pipe is segmented) each segment is properly and securely connected one with another.

7. Where, during the course of filling a storage tank, vapours given off by that storage tank are returned to the road tanker by means of a vapour balance pipe which is connected to a vapour balance hose emanating from that road tanker, the licensee shall ensure that that vapour balance pipe is marked with the words “vapour balance”.

8.—(1) The licensee shall appoint a competent person over the age of 18 years (in this Schedule referred to as “the competent person”) who shall be permitted neither to be the driver of, or to be employed to be in attendance on, any vehicle from which a delivery of petrol is to be made at the licensed premises and who shall have the functions given to him by Parts II and III.

(2) The licensee shall ensure that—

- (a) the competent person has received adequate training to enable him to understand—
 - (i) the nature of the dangers to which the carriage of petrol may give rise; and
 - (ii) the functions given to him by Parts II and III and his duties under Articles 8 and 9 of the 1978 Order; and
- (b) a record of the training received pursuant to sub-paragraph (2)(a) is available at the licensed premises.

Part II

THE PART II PROCEDURE

(PROCEDURE FOR LICENSEE-CONTROLLED DELIVERIES)

9. The competent person shall be in charge of the storage tank for the purpose of the delivery, and shall not permit delivery into that tank to commence—

- (a) unless the tank has immediately before the delivery been measured with a dipstick or other suitable measuring device and the measurement has shown that the quantity of petrol proposed to be delivered can safely be received by that tank; and
- (b) until—
 - (i) the hose (whether a single length or segmented) through which the petrol will be delivered (“the delivery hose”) is connected to the filling point of that tank; and
 - (ii) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose is secured to the vapour balance pipe before the delivery hose is connected as aforesaid;
- (c) (in any case where there is a separate dipping opening in the storage tank) until that dipping opening has been securely closed; and
- (d) (where siphon pipes link storage tanks at the licensed premises and none of the linked tanks is fitted with a mechanical overfill prevention device) until the tank has been isolated from the other storage tanks by the closure of suitable valves,

and shall not as respects that tank, sign his name on the certificate referred to in paragraph 10 until he has complied with the appropriate requirements of sub-paragraphs (a) to (d).

10. Before delivery into any storage tank is begun, the competent person shall, in the presence of the driver of the road tanker from which the delivery is to be made, in Part A of each of two copies of a certificate in the form specified in Part IV, in the first column, enter the address of the licensed premises concerned; in the second column, enter the name of the licensee of the premises; in the third column, enter the number, letter, or number and letter marked on the tank; in the fourth and fifth columns, enter the quantity and grade respectively of petrol which is to be delivered into the tank; in the sixth column, enter his signature and in the seventh column, enter the correct date and time.

11. The driver of a road tanker shall not commence any delivery of petrol into a storage tank until—

- (a) he has (after the competent person has completed Part A of each of two copies of a certificate in the form specified in Part IV in accordance with paragraph 10), in Part B of each of the said two copies, in the first column, entered the number, letter, or number and letter marked on the tank; in the second column, entered the number of each compartment of any tank of a road tanker from which the petrol is to be delivered and, in the third column, entered his signature;
- (b) he has—
 - (i) properly and securely connected the delivery hose (whether a single length or segmented) to—
 - (aa) the appropriate outlet on the road tanker; and
 - (bb) the filling point of the tank; and
 - (ii) (where the delivery hose is segmented) properly and securely connected each segment one with another;
- (c) (where the provisions of paragraph 7 apply to the delivery) he has (before properly and securely connecting the delivery hose and, where appropriate, any segments thereof as aforesaid) properly and securely connected the vapour balance hose—

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- (i) to the vapour balance pipe; and
 - (ii) to the appropriate faucet on the road tanker; and
 - (d) the competent person is keeping watch as required by paragraph 12.
12. The competent person shall, during the whole time of a delivery of petrol into a storage tank, be in close proximity to the road tanker and the storage tank and shall, so far as is practicable, keep a constant watch on the licensed premises for the purpose of preventing any hazardous situation arising.
13. The driver of a road tanker shall ensure that, during the whole time of a delivery of petrol therefrom—
- (a) neither its engine, nor any other engine or motor which is attached to that road tanker, is run; and
 - (b) the road tanker remains stationary.
14. During the whole time of a delivery of petrol from a road tanker, the driver of that tanker shall remain near it, and shall—
- (a) so far as is practicable, keep a constant watch on—
 - (i) the delivery hose (whether a single length or segmented), the connections at both ends of the delivery hose and (in the case of a segmented hose) each connection between the segments;
 - (ii) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose and the connections at both ends of that hose; and
 - (iii) the tank of the road tanker; and
 - (b) ensure, so far as is practicable, that no petrol escapes from any hose connection such as is specified in sub-paragraph (a)(i).
15. Both the driver and the competent person shall, during the whole time of a delivery of petrol from a road tanker into a storage tank, ensure, so far as is practicable, that no petrol overflows from the storage tank concerned.
16. The driver of a road tanker shall ensure that petrol from a single compartment of the tank of that road tanker is not delivered into more than one storage tank, unless—
- (a) each of the storage tanks into which the petrol is to be delivered can safely receive all of the petrol remaining in the compartment;
 - (b) either the foot valve or the faucet valve for the compartment can be operated from on top of the tank of the road tanker and dipping of the compartment is carried out on a continual basis; or
 - (c) other effective and reliable mechanical or other measures are taken to prevent overfilling of each of the storage tanks concerned.
17. When the driver of a road tanker has completed a delivery of petrol to which the provisions of paragraph 7 applied, he shall, having first disconnected the delivery hose (whether a single length or segmented), disconnect the vapour balance hose.
18. The competent person shall, following the completion of a delivery of petrol from a road tanker—
- (a) give one of the two copies of the certificate completed in accordance with paragraphs 10 and 11 to the driver of the road tanker from which the delivery has been made, and the driver shall give it to the supplier of the petrol, who shall keep it for a period of not less than 12 months after the delivery; and

- (b) give the second of the two copies of the certificate completed in accordance with paragraphs 10 and 11 to the licensee of the licensed premises where the delivery was made, who shall keep it at those premises for a period of not less than 12 months after the delivery.

Part III

THE PART III PROCEDURE

(PROCEDURE FOR DRIVER-CONTROLLED DELIVERIES)

19.—(1) The licensee shall not use the Part III procedure at the licensed premises unless—

- (a) he has made application in writing to the petroleum licensing authority and has received from that authority a Part III licence—
 - (i) in the form specified in Part VI; and
 - (ii) which has been completed in accordance with the Note to that Part; and
- (b) he has agreed in writing with—
 - (i) the operator of each road tanker which is likely to deliver petrol to the licensed premises; and
 - (ii) each person (not being any such operator as is specified above) who is likely to supply petrol to the licensed premises,

that, (subject to the occurrence of either of the events specified in paragraph 1(2)) the Part III procedure is to be followed for all future deliveries.

(2) A petroleum licensing authority to whom application is made in accordance with sub-paragraph (1)(a) shall not refuse to grant a Part III licence except on grounds relating to the safety of the specific site in respect of which the licence application has been made and, having granted such a licence, may subsequently revoke it in writing at any time.

(3) In the event of the transfer of a petroleum-spirit licence in accordance with section 1(1) of the Petroleum (Transfer of Licences) Act (Northern Ireland) 1937(2), the petroleum licensing authority may, by simultaneously endorsing it, transfer any Part III licence previously granted by it to the transferor to the transferee (“the subsequent licensee”); and when such a transfer takes place the subsequent licensee shall be deemed to have received a Part III licence pursuant to sub-paragraph (1)(a) on the date the transfer was effected as aforesaid.

(4) A fee shall be payable—

- (a) by the applicant to the petroleum licensing authority on each application for a Part III licence made in accordance with sub-paragraph (1)(a); and
- (b) by the subsequent licensee to the petroleum licensing authority on each transfer of a Part III licence effected in accordance with sub-paragraph (3).

(5) The fee payable under sub-paragraph (4)(a) shall be £200 and that payable under sub-paragraph (4)(b) shall be £30.

20.—(1) Where the licensee intends to use the Part III procedure at the licensed premises, he shall ensure that—

- (a) the cap on the filling point of each storage tank is locked with a captive padlock, the key of which shall—

(2) 1937 c. 4 (N.I.)

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- (i) be identified with the number, letter, or number and letter corresponding with the number, letter, or number and letter marked on the relevant storage tank; and
 - (ii) have a different profile from the key used for any other such padlock;
 - (b) a suitable measuring device is provided for each storage tank, which device shall—
 - (i) be capable of continuously and visually indicating the ullage in that tank;
 - (ii) be clearly marked (adjacent to the said visual indication of ullage) with the number, letter, or number and letter marked on that tank; and
 - (iii) in the event of failure, indicate that the tank is full or that there is a fault condition;
 - (c) a ticket printer is provided which is capable of issuing a ticket on which the following information is indicated—
 - (i) the date and time of each delivery; and
 - (ii) (in respect of each storage tank) the number, letter, or number and letter marked on the storage tank, the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises and the ullage of the tank;
 - (d) a suitable high-level alarm which is audible to the driver is provided for each storage tank; and, where the measuring device referred to in sub-paragraph (1)(b) operates on the principle of differential air pressure, he shall also ensure that the system by which that operation is effected will fail-safe in the event of a failure of the air supply, and thereby sound the above-mentioned audible high-level alarm;
 - (e) safe and adequate illumination having an illuminance of 100 lux or more measured at ground level is provided for any area in which the vehicle stands during unloading and any area in which a storage tank filling point or a measuring device referred to in sub-paragraph (1)(b) is situated, together with means which are accessible to the driver for switching that illumination on or off;
 - (f) one or more telephones are provided which are accessible to the driver and which will enable the driver to make direct contact with the emergency services and with the depot from which he operates;
 - (g) a fire extinguisher suitable for fighting petrol fires is provided which is accessible to the driver and has a minimum test fire rating of 144B, as defined in British Standard BSEN 3-1: 1996;
 - (h) at least 25 kg of dry sand or such quantity of other suitable absorbent material as gives an equivalent degree of absorbency is, in conjunction with suitable tools for applying it, provided in a suitable container, for the purpose of containing spillages;
 - (i) a plan of the licensed premises (which shall have been approved by the petroleum licensing authority) is provided which is accessible to the driver and which indicates the position of each filling point, together with its number or identifying letter, the capacity of the tank to which it is connected and the grade of petrol which the tank is permitted to contain under the petroleum-spirit licence; and that plan shall also indicate the unloading position for the vehicle and the position of the surface drainage points; and
 - (j) a switch, which is capable of cutting off the power supply to all the petrol, diesel and, where appropriate, liquefied petroleum gas pumps at the licensed premises, is provided adjacent to each telephone provided pursuant to sub-paragraph (1)(f).
- (2) The licensee shall ensure that the operator of any road tanker which is likely to make deliveries of petrol to the licensed premises is given written notice of any conditions which apply to such deliveries and which are attached to the petroleum-spirit licence granted in respect of those premises.

21. The licensee or the competent person shall, before the commencement of a delivery of petrol into any storage tank at the licensed premises—

- (a) in Part A of each of two copies of a certificate in the form specified in Part V, in the first column, enter the address of the licensed premises; in the second column, enter the name of the licensee; in the third column, enter the number, letter, or number and letter marked on the tank; in the fourth and fifth columns, enter the quantity and grade respectively of petrol which is to be delivered into the tank; in the sixth column, enter his signature (having first visually checked that the ullage in the tank as indicated by the tank measuring device provided in accordance with paragraph 20(1)(b) exceeds the quantity of petrol to be received by that tank) and, in the seventh column, enter the correct date and time; and
- (b) having completed Part A of each of two copies of a certificate in the form specified in Part V in the manner specified in sub-paragraph (a), ensure that both those copies are given to the driver who is to make the delivery.

22. Before making any delivery of petrol by the Part III procedure, the operator shall ensure that—

- (a) each compartment of the tank of the road tanker which is to make the delivery is fitted with a bottom-operated foot-valve;
- (b) means are provided to shut off all such valves in an emergency;
- (c) the road tanker is loaded in such a way that the contents of a single compartment of its tank will not need to be split between two storage tanks when the petrol is unloaded; and
- (d) the driver of the road tanker is given a written copy of any conditions of which he the operator of the road tanker has been given notice under paragraph 20(2).

23. A driver of a road tanker who makes a delivery of petrol in accordance with the Part III procedure shall—

- (a) comply with any conditions given to him in accordance with paragraph 22(d);
- (b) immediately before commencing the delivery—
 - (i) in Part B of each of the two copies of the certificate required to be given to him in accordance with paragraph 21(b), in the first column, enter the number, letter, or number and letter marked on the storage tank into which delivery is to be made; in the second column, enter the number of each compartment of any tank of the road tanker from which the petrol is to be delivered and, in the third column, enter his signature;
 - (ii) verify the availability of the key of the captive padlock with which, in accordance with paragraph 20(1)(a), the cap on the filling point of each storage tank which is specified in the copies of the certificate required to be given to him in accordance with paragraph 21(b) must be locked;
 - (iii) verify that the quantity to be delivered may be safely received by the storage tank by visually checking that the ullage indicated on a ticket obtained from the ticket printer provided in accordance with paragraph 20(1)(c) exceeds the quantity to be delivered into that tank;
 - (iv) verify that there is a dialling tone on each telephone provided in accordance with paragraph 20(1)(f);
 - (v) place the fire extinguisher provided in accordance with paragraph 20(1)(g) and the sand or other absorbent material and tools provided in accordance with paragraph 20(1)(h) in a convenient position close to the road tanker unloading point;
 - (vi) test the high-level alarm provided in accordance with paragraph 20(1)(d) to verify that the audible signal functions correctly; and

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- (vii) take all reasonable steps to ensure that—
 - (aa) the delivery hose (whether a single length or segmented) is properly and securely connected to the appropriate outlet on the road tanker and to the filling point of the storage tank;
 - (bb) (where the delivery hose is segmented) each segment is properly and securely connected one with another; and
 - (cc) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose is properly and securely connected to the vapour balance pipe and to the appropriate outlet on the road tanker before the delivery hose and (where appropriate) any segments thereof are properly and securely connected as aforesaid;
- (c) during the whole time of delivery—
 - (i) ensure that the engine of the road tanker and any other engine or motor which is attached to it is not run;
 - (ii) ensure that the road tanker remains stationary;
 - (iii) ensure, so far as is practicable, that no petrol—
 - (aa) overflows from the storage tank concerned; or
 - (bb) escapes from any hose connection such as is specified in sub-paragraph (b)(vii)(aa) and (bb); and
 - (iv) so far as practicable, keep a constant watch on the filling point of the storage tank, the tank of the road tanker, the delivery hose (whether a single length or segmented) and (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose and the connections at both ends of that hose;
- (d) after the delivery is complete but before departing from the relevant premises—
 - (i) ensure that all caps on the filling points into which deliveries have been made are securely closed and locked;
 - (ii) (where the provisions of paragraph 7 applied to the delivery, but having first disconnected the delivery hose, whether a single length or segmented) disconnect the vapour balance hose; and
 - (iii) ensure that all manhole covers which were disturbed during that delivery have been securely replaced.

24. The driver of a road tanker which has completed a delivery of petrol in accordance with the Part III procedure shall—

- (a) ensure that one of the two duly completed copies of the certificate given to him in accordance with paragraph 21(b) and completed by him in accordance with paragraph 23(b)(i) before the delivery commenced is given back to the licensee (who shall keep it at the licensed premises for a period of at least 12 months); and
- (b) give the other duly completed copy of the certificate to the supplier of the petrol.

25. The supplier of the petrol shall keep the copy certificate that he has been given in accordance with paragraph 24(b) for at least 12 months from the date of the relevant delivery.

26. It shall be sufficient compliance with paragraphs 10, 11(a), 19(1), 21 and 23(b)(i) if the information specified therein is entered into a form which is identical to the form in Part IV, V or VI, as the case may be, except that form may contain references to the Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations (Northern Ireland) 1992, and to particular provisions thereof, instead of to these Regulations.

27. In this Schedule—

- (a) “ullage” means the difference (expressed in litres) between the maximum working capacity of a storage tank and the quantity of petrol in it at any given time; and
- (b) any reference to the maximum working capacity of a storage tank shall be a reference to 97 per cent of its actual capacity, expressed in litres.

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Part IV

FORM OF CERTIFICATE FOR LICENSEE-CONTROLLED DELIVERIES

The Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 ("the Regulations")

Licensee-controlled deliveries in accordance with Part II of Schedule 12 to the Regulations

PART A

<i>First Column</i>		<i>Second Column</i>		
Address of licensed premises		Name of licensee		
<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>	<i>Sixth Column</i>	<i>Seventh Column</i>
Storage tank number, letter or number and letter	Quantity of petrol to be delivered	Grade of petrol to be delivered	Signature of competent person (to certify that he has complied with the appropriate requirements of sub-paragraphs (a) to (d) of paragraph 9 of Schedule 12 to the Regulations before delivery commences)	Date and time of completion of this Part of the Certificate

Note: In Part A, the competent person appointed by the licensee must enter, in the first column, the address of the licensed premises concerned; in the second column, the name of the licensee; in the third column, the relevant storage tank number, letter or number and letter; in the fourth and fifth columns, the quantity and grade respectively of petrol to be delivered; in the sixth column, his signature; and, in the seventh column, the correct date and time. This Part must be completed before delivery into the tank commences. The sixth column may only be completed after compliance with the appropriate sub-paragraphs of paragraph 9 of Schedule 12 to the Regulations.

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Part V

FORM OF CERTIFICATE FOR DRIVER-CONTROLLED DELIVERIES

The Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 ("the Regulations")

Driver-controlled deliveries in accordance with Part III of Schedule 12 to the Regulations

PART A

<i>First Column</i>			<i>Second Column</i>	
Address of licensed premises			Name of licensee	
<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>	<i>Sixth Column</i>	<i>Seventh Column</i>
Storage tank number, letter or number and letter	Quantity of petrol to be delivered	Grade of petrol to be delivered	Signature of licensee or competent person (to certify that in accordance with paragraph 21(a) of Schedule 12 to the Regulations he has visually checked the ullage space in the storage tank)	Date and time of completion of this Part of the Certificate

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Part VI

FORM OF PART III LICENCE

PART III LICENCE

The Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 ("the Regulations")

Driver-controlled deliveries in accordance with Part III of Schedule 12 to the Regulations

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>
Address of licensed premises	Name of licensee	Name of petroleum licensing authority	Signature of person issuing licence on behalf of petroleum licensing authority	Date of issue of Part III licence

Note: A person duly authorised by the petroleum licensing authority in act in the following behalf shall enter

- (a) in the first column, the address of the premises to which the Part III licence applies;
- (b) in the second column, the name of the licensee of those premises;
- (c) in the third column, the name of the petroleum licensing authority;
- (d) in the fourth column, his signature; and
- (e) in the fifth column, the date on which the Part III licence is issued.