

SCHEDULE 12

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

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⁽¹⁾, 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—

(1) 1937 c. 4 (N.I.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.