

## SCHEDULE 7

Regulation 15

### AMENDMENTS

#### PART I

1. The Fifth Schedule to the Uniformity of Laws Act (Northern Ireland) 1922<sup>(1)</sup> (which sets out the Celluloid and Cinematograph Film Act 1922<sup>(2)</sup>) shall be amended by the insertion after paragraph (iii) of the proviso to subsection (2) of section 2 of the Celluloid and Cinematograph Film Act 1922 (purposes to which the Act applies) of the following proviso – “and

(iv) the provisions of this Act shall not apply to a workplace within the meaning of the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001<sup>(3)</sup>.”.

2.—(1) The Petroleum (Consolidation) Act (Northern Ireland) 1929<sup>(4)</sup> shall be amended in accordance with sub-paragraphs (2) to (7).

(2) In section 2 (provisions as to licences), the words from “Provided that” (special provision for harbours) to the end shall be omitted.

(3) Section 9 (byelaws as to loading, conveyance and landing of petroleum-spirit in and upon canals) and section 17 (powers of officers of local authorities as to testing petroleum-spirit) shall be omitted.

(4) In section 18 (warrants to search for and seize petroleum-spirit), for subsection (4) there shall be substituted –

“(4) This section does not apply to –

- (a) a workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2002 used, or intended for use, for the dispensing of petroleum-spirit, or
- (b) a carriage to which the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997<sup>(5)</sup> apply.”.

(5) In section 23 (interpretation) –

(a) after the definition of “Contravention” there shall be added the following definitions –

““the Directive” means Commission Directive 92/69 EEC<sup>(6)</sup> adapting to technical progress for the seventeenth time Council Directive 67/548/EEC<sup>(7)</sup> 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” there shall be substituted the following definition –

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(1) 1922 c. 20 (N.I.)

(2) 1922 c. 35. Section 2 was amended by the Cinemas (Northern Ireland) Order 1991 (S.I. 1991/1462 (N.I. 12)), Article 19(1) and Schedule 2, paragraph 1

(3) S.R. 2001 No. 348

(4) 1929 c. 13 (N.I.). Section 2 was amended by S.R. & O. (N.I.) 1973 No. 341 and S.R. 1996 No. 512; section 18 was amended by S.R. 1988 No. 415 and S.R. 1992 No. 260; sections 19 and 21 were amended by the Northern Ireland (Modification of Enactments - No. 1) Order 1999 (S.I. 1999/663), section 23 was amended by S.R. 1992 No. 260, S.R. 1992 No. 461, S.R. 1993 No. 412 and S.R. 1995 No. 60; section 25A was inserted by S.R. 2000 No. 93

(5) S.R. 1997 No. 248 as amended by S.R. 1998 No. 448, S.R. 2000 No. 119 and S.R. 2002 No. 34

(6) O.J. No. L383, 29.12.92, p. 113

(7) O.J. No. 196, 16.8.67, p. 1

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““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.”.

(6) The provisions of section 24A(8) (places to which Act does not apply) shall be re-numbered section 24A(1) and at the end of that subsection as so re-numbered there shall be inserted – “or

(c) any workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 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, &c.) Regulations (Northern Ireland), 1930(9) shall be amended in accordance with paragraphs (2) to (4).

(2) For regulation 2 (keeping of petroleum-spirit), there shall be substituted the following regulation –

“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, there shall be inserted at the beginning of paragraph (1) “Subject to paragraph (3),” and after paragraph (2) there shall be inserted the following paragraph –

“(3) The disapplication from the requirements of paragraph (1) 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), “and” at the end of paragraph (a) shall be omitted and there shall be inserted after paragraph (b) – “or

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

4. The Petroleum (Liquid Methane) Order (Northern Ireland) 1973(10) shall be amended by the insertion at the end of the Schedule (provisions of the Petroleum (Consolidation) Act (Northern Ireland) 1929 not applied to liquid methane), of “Section 24A(1)(c) and (2)”.

5.—(1) The Petroleum-Spirit (Plastic Containers) Regulations (Northern Ireland) 1983(11) shall be amended in accordance with paragraph (2).

(2) In regulation 7 (disapplication), the word “and” at the end of paragraph (a) shall be omitted and at the end of paragraph (b) there shall be inserted the following words – “or

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(8) Section 24A was inserted by [S.R. 2000 No. 93](#)

(9) [S.R. & O. \(N.I.\) 1930 No. 11](#) as amended by [S.R. 1983 No. 43](#), [S.R. 1992 No. 413](#) and [S.R. 2000 No. 93](#); the last mentioned statutory rule inserted regulation 15A

(10) [S.R. & O. \(N.I.\) 1973 No. 528](#)

(11) [S.R. 1983 No. 43](#) as amended by [S.R. 2000 No. 93](#)

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

6. In the Dangerous Substances in Harbour Areas Regulations (Northern Ireland) 1991<sup>(12)</sup>, in regulation 29 (application of Part VIII—storage of dangerous substances), the words “the Petroleum (Carbide of Calcium) Order (Northern Ireland), 1930,” shall be omitted.

7. In the Fire Precautions (Workplace) Regulations (Northern Ireland) 2001<sup>(13)</sup>, in paragraph (2) (b) of regulation 9 (disapplication), after the words “the 2000 Management Regulations (as amended by Part III),” there shall be inserted the words “and regulations 1 to 6, 8, 9 and 11 of the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2002,”.

## PART II

8.—(1) The Fire Certificates (Special Premises) Regulations (Northern Ireland) 1991<sup>(14)</sup> shall be amended in accordance with paragraph (2).

(2) In paragraph 24 of Schedule 1 (premises for which a fire certificate is required), for the definition of “highly flammable liquid” there shall be substituted the following definition –

““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>(15)</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>(16)</sup> adapting to technical progress for the seventeenth time Council Directive 67/548/EEC<sup>(17)</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.”.

9. For regulation 20 (unloading of petrol at petroleum filling stations and certain other premises licensed for the keeping of petrol) of the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997<sup>(18)</sup> there shall be substituted the following regulation –

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<sup>(12)</sup> S.R. 1991 No. 509, to which there are amendments not relevant to these Regulations

<sup>(13)</sup> S.R. 2001 No. 348

<sup>(14)</sup> S.R. 1991 No. 446

<sup>(15)</sup> ISBN 071761221 X

<sup>(16)</sup> O.J. No. L383, 29.12.92, p. 113

<sup>(17)</sup> O.J. No. 196, 16.8.67, p. 1

<sup>(18)</sup> S.R. 1997 No. 248 as amended by S.R. 2002 No. 34

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### **“Direct filling of fuel tanks with petrol from road tankers**

20.—(1) Neither the fuel tank of 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 Articles 4 to 6 and Articles 8 and 9 of the 1978 Order 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 1929 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 1929 Act” means the Petroleum (Consolidation) Act (Northern Ireland) 1929<sup>(19)</sup>;
- (b) “the Directive” means Commission Directive 92/69 EEC<sup>(20)</sup> adapting to technical progress for the seventeenth time Council Directive 67/548/EEC<sup>(21)</sup> on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances; and
- (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 district council empowered to grant petroleum-spirit licences under the 1929 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 district council empowered under the 1929 Act to grant such a licence or by the Secretary of State or by Executive.”.

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<sup>(19)</sup> 1929 c. 13 (N.I.)

<sup>(20)</sup> O.J. No. L383, 29.12.92, p. 113

<sup>(21)</sup> O.J. No. 196, 16.8.67, p. 1