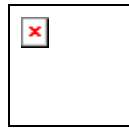


DRAFT PETROLEUM-SPIRIT (STORAGE) (JERSEY) REGULATIONS 200-

**Lodged au Greffe on 30th January 2001
by the Home Affairs Committee**



STATES OF JERSEY

STATES GREFFE

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Explanatory Note

The purpose of these Regulations is to control the storage of petrol which is not kept for sale.

Regulation 1 defines terms and expressions used in the Regulations.

Regulation 2 exempts the storage of petrol which is not for sale from the provisions of Articles 2 to 6 of the Law, but provides that it shall be subject to the Regulations.

Regulation 3 requires petrol to be kept in either metal or plastic containers and imposes different conditions on containers made from each type of material.

Regulation 4 prohibits the storage of petrol unless the storage place complies with requirements as to ventilation, fire-fighting equipment, physical location, quantity of petrol stored, and the numbers and size of containers specified in the Regulations.

Regulation 5 prescribes the method and content of labelling of containers for storing petrol.

Regulation 6 prohibits the use of petrol near naked flames, the repair of petrol containers until they have been cleared of petrol residue, and the flushing of petrol into drains or sewers.

Regulation 8 is a formal citation and commencement provision.

Petroleum (Jersey) Law 1984

PETROLEUM-SPIRIT (STORAGE) (JERSEY) REGULATIONS 2001

(Promulgated on the _____ day of _____ 2001)

STATES OF JERSEY

The _____ day of _____ 2001

THE STATES, in pursuance of Article 8 of the Petroleum (Jersey) Law 1984^[1] have made the following Regulations -

Interpretation

1.-(1) In these Regulations, unless the context otherwise requires

“fire-resisting” means capable of resisting the action of fire for a period of not less than thirty minutes under conditions of test specified in British Standard 476 Parts 20- 23 1987 - Methods for the determination of the fire resistance of materials of elements of construction;

“the Law” means the Petroleum (Jersey) Law 1984;^[2]

“nominal capacity” means, in relation to a container, the maximum volume of liquid at 20°C that the container is intended to hold;

“road” means a public road, any other road to which the public has access, a road administered by the Housing Committee, any of the roads on the Rue des Prés Trading Estate, a bridge over which a road passes, and a sea beach; and

“storage place” includes a room, building or place of any kind, whether or not in the open air, which is used or proposed to be used for keeping petroleum-spirit as fuel for an internal combustion engine.

(2) A reference in these Regulations to an enactment is a reference to that enactment as amended from time to time and includes a reference to that enactment as extended or applied under another enactment, including another provision of these regulations.

(3) A reference in these Regulations to a regulation by number only and without further identification is a reference to the regulation of that number in these Regulations.

(4) A reference in a regulation or other division of these Regulations to a paragraph, sub-paragraph, clause or sub-clause by number or letter only and without further identification is a reference to the paragraph, sub-paragraph, clause or sub-clause of that number or letter in the regulation or other division of these Regulations.

Exemption from Law and application of Regulations

2. Subject as provided in these Regulations, the keeping and use of petroleum-spirit by persons intending to use it as fuel for an internal combustion engine and neither wholly or partly for the purposes of sale, shall be exempt from Articles 2 to 6 of the Law,^[3] but shall be subject to the provisions of these Regulations.

Keeping of petroleum-spirit

3. Petroleum-spirit shall not be kept otherwise than -

- (a) in a metal container so constructed and maintained in such condition as -
 - (i) to be reasonably secure against breakage or damage,
 - (ii) to prevent the leakage of any liquid or vapour,
 - (iii) is designed and constructed so as to prevent any of the contents from escaping when subjected to the stresses and strains of normal keeping and use and to have the means whereby petroleum-spirit can be poured safely from it, and
 - (iv) is marked or labelled in accordance with Regulation 5; or
- (b) in a plastic container which complies with paragraph (a)(i)-(iv), and, in addition -
 - (i) is made of suitable materials which are safe for the purpose and which ensure that the performance of the container is not significantly diminished by exposure to naturally occurring ultra violet radiation, and
 - (ii) not being the fuel tank of an internal combustion engine, has a nominal capacity of 5 litres or less and a total capacity of at least 10% and not more than 15% greater than the nominal capacity.

Storage places

4.-(1) Petroleum-spirit, other than in the fuel tank of an internal combustion engine, shall not be kept in a storage place which does not comply with the following requirements -

- (a) unless the storage place is in the open air -
 - (i) it shall be effectively ventilated to the open air, and
 - (ii) it shall have an entrance direct from the open air;
- (b) in the storage place, or as near to it as is reasonably practicable, there shall be kept sufficient fire extinguishing apparatus or material, of a type capable of extinguishing fires occasioned by burning petroleum-spirit, as is appropriate to the quantity of petroleum-spirit stored; and
- (c) the storage place shall not form part of, or be attached to, any building used as a dwelling place, or as a place where persons assemble for any purpose, unless -
 - (i) it is separated therefrom by a fire-resisting floor or partition,
 - (ii) any openings in the partition referred to in clause (i) are fitted with self-closing fire-resisting doors, and
 - (iii) the petroleum-spirit, in addition to that, if any, contained in the fuel tank of a internal combustion engine, is kept in not more than one metal container of capacity not exceeding twenty-five litres or two plastic containers.

(2) Not more than two hundred and seventy-five litres of petroleum-spirit shall be kept at the same time, in any one storage place, including any petroleum-spirit contained in the fuel tank of any internal combustion engine which is for the time being within the storage place.

(3) Petroleum-spirit shall not be kept in any container of capacity exceeding twenty-five litres, not being the fuel tank of an internal combustion engine, unless -

- (a) it is kept in a storage place situated more than five metres from any building or road; and
- (b) provision has been made by excavation or by the erection of retaining walls or otherwise to prevent the petroleum-spirit from flowing out of the storage place.

(4) Petroleum-spirit shall not be kept in any storage place situated within five metres of any building, combustible material or other flammable liquid, otherwise than -

- (a) in the fuel tank of an internal combustion engine; or
 - (b) in not more than one other container of capacity not exceeding twenty-five litres.
- (5) Not more than two plastic containers of petroleum-spirit, in addition to the fuel tank, if made of plastic, of an internal combustion engine, shall be kept in or on any motor vehicle, motor boat or hovercraft or in any aircraft.
- (6) In addition to any petroleum-spirit kept by virtue of paragraph (5), in addition to the fuel tank, if made of plastic, of an internal combustion engine, not more than two plastic containers of petroleum-spirit may be kept -
- (a) in any domestic premises, including the curtilage of such premises, provided that the place that they are kept in is safe; or
 - (b) in any other safe place, and for this purpose any two places not more than six metres apart occupied by the same occupier shall be treated as one place.

Labelling of containers

5.-(1) A metal container used for the purposes of keeping petroleum-spirit, not being the fuel tank of an internal combustion engine, shall bear in conspicuous characters the words "petroleum spirit - highly flammable" indelibly marked on the container or, if that is impracticable, on a metal label attached to it.

(2) A plastic container used for the purposes of keeping petroleum-spirit, not being the fuel tank of an internal combustion engine, shall bear legible, indelible and durable marking showing -

- (a) the manufacturer's name;
- (b) the month and year of manufacture;
- (c) the nominal capacity of the container in litres and half litres rounded down to the nearest half-litre below;
- (d) the words and figures "Complies with SI 1982/630";
- (e) the words "petroleum spirit - highly flammable"; and
- (f) an appropriate phrase or phrases in English indicating the precautions to be taken.

(3) The words on the container in accordance with paragraphs (1) and (2)(e) and (f) shall be capable of being easily seen and read when the container is placed in an attitude in which it might normally be expected to be placed and shall stand out from their background so as to be readily noticeable.

(4) Any label shall be securely fixed to the container with the entire surface of one side adhering to it.

Use of petroleum-spirit

6.-(1) No operation involving the exposure of petroleum-spirit shall be carried on in the neighbourhood of any fire or artificial light liable to ignite flammable vapour.

(2) A person shall not repair or cause to be repaired any container in which, to his knowledge, any petroleum-spirit is or has been kept until he has taken all reasonable precautions to ensure that the container has been rendered free from petroleum-spirit and from any flammable vapour.

(3) No person shall wilfully or negligently allow petroleum-spirit to enter into a sewer or a drain communicating with a sewer.

Transitional provisions

7. A licence under Regulation 1 of the Petroleum-Spirit (Control) (Jersey) Regulations 1998,^[4] which is in force immediately before these Regulations come into force -

- (a) shall have effect as from the coming into force of these Regulations as if granted under Article 3 of the Law;

[5] and

- (b) shall remain in force, subject to such conditions as applied to its issue, for the remainder of the period for which it was issued.

Citation and commencement

8. These Regulations may be cited as the Petroleum-Spirit (Storage) (Jersey) Regulations 2001 and shall come into force on the twelfth day of April 2001.

[1] Recueil des Lois, Volume 1984-1985, page 91.

[2] Recueil des Lois, Volume 1984-1985, page 85.

[3] Recueil des Lois, Volume 1984-1985, pages 86 to 90.

[4] No. 9221.

[5] Recueil des Lois, Volume 1984-1985, page 87.