

AUSTRALIAN CAPITAL TERRITORY

No. 2 of 1976

FLAMMABLE LIQUIDS ORDINANCE 1976

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AUSTRALIAN CAPITAL TERRITORY

No. 2 of 1976

AN ORDINANCE

Relating to the Keeping, Conveyance and Sale of Flammable Liquids and Dangerous Goods.

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this thirtieth day of January, 1976.

A. R. CUTLER
Administrator.

By His Excellency's Command,
ERIC L. ROBINSON
Minister of State for the Capital Territory.

FLAMMABLE LIQUIDS ORDINANCE 1976

PART I—PRELIMINARY

1. This Ordinance may be cited as the *Flammable Liquids Ordinance 1976*.* Short title.
2. This Ordinance shall come into operation on such date as is fixed by the Minister by notice published in the *Gazette*. Commencement.
3. The *Inflammable Liquids Ordinance 1940*, the *Inflammable Liquids Ordinance 1941*, the *Inflammable Liquids Ordinance 1966* and the *Inflammable Liquids Ordinance 1971* are repealed. Repeal.
4. (1) Subject to sub-section (2), the regulations made under the *Inflammable Liquid Act, 1915*, as amended, of the State of New South Wales and in force in that State at the commencement of this Ordinance are, so far as they are applicable to the circumstances of the Territory and are not inconsistent with this Ordinance or with regulations made under this Ordinance, adopted as, and shall be deemed to be, regulations made under this Ordinance. Adoption of N.S.W. regulations.
- (2) The regulations adopted by sub-section (1) may, in their application in the Territory, be modified, amended or repealed by regulations made under this Ordinance.
- (3) In the application in the Territory of the regulations adopted by sub-section (1), a reference in those regulations to the Chief Inspector shall be read as a reference to the Secretary.

* Notified in the *Australian Government Gazette* on 3 February 1976.

Interpre-
tation.

5. (1) In this Ordinance, unless the contrary intention appears—
- “carriage” means a vehicle capable of conveying passengers or goods by land, however propelled;
- “Court” means the Court of Petty Sessions;
- “dangerous goods” means substances declared by the Minister, by notice published in the *Gazette*, to be dangerous goods for the purposes of this Ordinance;
- “depot” means—
- (a) in relation to flammable liquid—an excavation, natural pit or enclosed place, whether in a building or not, that is so constructed, or is surrounded by walls of such a character, as to prevent the escape of flammable liquid in the form of liquid, either through fire or otherwise; and
 - (b) in relation to dangerous goods—a building or place approved as a depot by the Secretary;
- “explosive” means—
- (a) a fog signal, firework, fuse, rocket, percussion cap, detonator or cartridge or other substance or article capable of producing an explosive, incendiary or pyrotechnic effect; or
 - (b) a substance or article, or a substance or article included in a class of substances or articles, declared by the Minister, by notice published in the *Gazette*, to be an explosive or explosives, as the case may be, for the purposes of this Ordinance;
- “flammable liquid” or “inflammable liquid” means—
- (a) liquid petroleum;
 - (b) kerosene;
 - (c) oil, liquid or spirit derived wholly, or in part, from petroleum, shale, coal, peat, bitumen or a similar substance and having a flash-point at less than 61 degrees Celsius; and
 - (d) liquid of a kind—
 - (i) prescribed; or
 - (ii) declared by the Minister, by notice published in the *Gazette*,
to be flammable liquid for the purposes of this Ordinance;
- “inspector” means—
- (a) a person appointed as an Inspector of Flammable Liquids under section 7; or
 - (b) a person authorized in writing by the Minister for the purpose of section 8;
- “licence” means a licence under this Ordinance, and “licensed” has a corresponding meaning;
- “master” means, in relation to a ship or boat, the person in command or charge of the ship or boat but does not include a pilot;

“ mineral oil ” means flammable liquid that has a flash-point at not less than 23 degrees Celsius;

“ mineral spirit ” means flammable liquid that has a flash-point at less than 23 degrees Celsius;

“ occupier ” includes, in the case of a building in which a manufacture or trade is carried on, the person by whom the manufacture or trade is carried on;

“ oil pipe-line ” means—

- (a) a pipe-line used for transmitting flammable liquid, dangerous goods or a liquid derived from petroleum, shale or coal; and
- (b) the hoses, valves, fittings and appliances used in connexion with a pipe-line referred to in paragraph (a);

“ package ” means a case, barrel, tin or other receptacle in which goods may be covered, enclosed, contained or packed;

“ protected work ” means—

- (a) a building used, in whole or in part, as a dwelling;
- (b) a building in which persons are accustomed to assemble for the purpose of public concourse, public religious worship, public entertainment, education or discussion;
- (c) a public office;
- (d) a store, warehouse or building in which persons are employed for the purposes of a trade or business, not being a store, warehouse or building that constitutes, or is part of, a licensed store;
- (e) a dock, wharf or timber yard;
- (f) a part of a harbour or port where it is customary for ships or boats to berth, moor or lie, not being a dock or wharf;
- (g) a depot in which flammable liquid is, or dangerous goods are, kept; and
- (h) any other building or place declared by the Minister, by notice published in the *Gazette*, to be a protected work for the purpose of this paragraph;

“ railway ” includes all land and buildings under the control of the authority by which the railway is conducted;

“ registered ” means registered under section 13;

“ screen wall ” means—

- (a) in relation to an underground depot—material that so covers and surrounds the depot as to prevent vapour penetrating through the material and a fire outside the depot from spreading into the depot and a fire inside the depot from spreading outside the depot; and

- (b) in any other case, a wall of such material and so constructed and placed as to prevent the penetration of vapour through the wall and the spread of fire from a place on one side of the wall to a place on the other side of the wall;

“Secretary” means the Secretary, Department of the Capital Territory;

“sub-division”, in relation to a building, means —

- (a) a part of the building that is separately occupied;

or

- (b) a part of the building that is capable of separate occupation,

and includes a yard, garage, car space or outhouse held with, or usually enjoyed with, that part of the building;

“substance” includes a gas or liquid;

“wharf” includes a quay, landing-place, landing-stage, jetty, pier, hulk or other place at which goods are landed, loaded or unloaded.

(2) Where a manufactured product contains—

- (a) not more than 90 per centum of dangerous goods; and

- (b) not less than 10 per centum of another substance other than flammable liquid or water,

the product shall be taken not to be dangerous goods for the purposes of this Ordinance unless the Minister, by notice published in the *Gazette*, declares that the product shall be taken to be dangerous goods for the purposes of this Ordinance.

(3) Where ethyl alcohol is methylated by the addition of mineral spirit not exceeding 5 per centum in quantity of the resultant mixture, the alcohol shall not be taken to be flammable liquid for the purposes of this Ordinance.

(4) Where a manufactured product contains a substance that the Minister has, by notice published in the *Gazette*, declared not to be flammable liquid, the substance shall not be taken to be flammable liquid for the purposes of this Ordinance.

Application
of
Ordinance.

6. (1) This Ordinance extends to the Jervis Bay Territory.

(2) The Minister may, by notice published in the *Gazette*, declare that this Ordinance shall not apply in a part of the Territory or the Jervis Bay Territory specified in the notice and, unless the notice is revoked, this Ordinance does not apply in that part.

PART II—ADMINISTRATION

Appoint-
ment of
inspectors.

7. (1) The Minister may appoint such Inspectors of Flammable Liquids as he thinks fit.

(2) The Minister shall cause to be issued to an Inspector of Flammable Liquids a certificate under the hand of the Minister that the inspector is an inspector under this Ordinance.

8. A person holding office as an Inspector under the Inflammable Liquid Act, 1915, as amended, of the State of New South Wales may, if authorized in writing for the purpose by the Minister, exercise the powers, and perform the duties, of an Inspector of Flammable Liquids.

Authoriz-
ation of
inspectors.

9. (1) The Minister may, either generally or in relation to a matter or class of matters, by instrument under his hand, delegate to an officer of the Department of the Capital Territory any of his powers under this Ordinance, except this power of delegation.

Delegation
by Minister.

(2) A power delegated under sub-section (1) may be exercised by the delegate in accordance with the instrument of delegation and, when so exercised, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Minister.

(3) A delegate of the Minister is, in the exercise of powers delegated under sub-section (1), subject to the directions of the Minister.

(4) A delegation under this section is revocable at will and does not prevent the exercise of the power by the Minister.

10. (1) An inspector may—

Powers of
inspector.

- (a) at a reasonable time, enter and inspect a place, ship, boat or carriage where or in or on which he has reasonable grounds for believing flammable liquid or dangerous goods may be found;
- (b) without payment and for the purpose of carrying out prescribed tests, take samples of a substance that he believes to be flammable liquid or substances that he believes to be dangerous goods;
- (c) seize and remove a flammable liquid or dangerous goods and any package or vehicle in which that flammable liquid is contained or in which those dangerous goods are contained if he has reasonable grounds for believing that there has been a contravention of this Ordinance in respect of that liquid or those goods;
- (d) where he considers it necessary in the public interest and with the consent of the Minister, destroy or render harmless a flammable liquid or dangerous goods; and
- (e) in the case of imminent danger, without the consent of the Minister, destroy or render harmless a flammable liquid or dangerous goods.

(2) Where an inspector is satisfied that, by reason of—

- (a) the manner in which a licensed store is, or registered premises are, constructed;
- (b) the state of repair of a licensed store or registered premises; or
- (c) the manner in which flammable liquid is, or dangerous goods are, kept in a licensed store or registered premises,

there is, in respect of the store or premises, imminent danger of fire or explosion, the inspector may take such measures as, in his opinion, are reasonable and necessary to avoid or reduce the danger.

(3) Without limiting the generality of sub-section (2), the powers of an inspector under that sub-section include—

- (a) the power to give directions to persons—
 - (i) who are in a licensed store or on registered premises; or
 - (ii) who are concerned in the conduct or management of a licensed store or registered premises;
- (b) the power to close a licensed store or registered premises;
- (c) the power to control the operation of machinery or equipment in a licensed store or on registered premises; and
- (d) the power to remove flammable liquid or dangerous goods from a licensed store or registered premises or from a part of such a store or premises.

(4) A person—

- (a) who is in a licensed store or on registered premises; or
- (b) who is concerned in the conduct or management of a licensed store or registered premises,

shall comply with a direction by an inspector in pursuance of sub-section (2).

Penalty: \$200.

(5) An inspector who enters a place, ship, boat or carriage in pursuance of this section is not authorized to remain in or on the place, ship, boat or carriage if, on request by the occupier of the place, master of the ship or boat or person in charge of the carriage, the inspector does not produce—

- (a) a certificate issued to him under section 7; or
- (b) an authorization given to him under section 8.

Obstruction
of
inspector.

11. A person shall not—

- (a) hinder or obstruct an inspector; or
- (b) upon being required to do so by an inspector, fail to assist the inspector,

in the exercise of his powers or the performance of his duties under this Ordinance.

Penalty: \$80.

Protection
of inspector.

12. An action or proceeding, civil or criminal, does not lie against an inspector in respect of anything done, or omitted to be done, in good faith by the inspector in his capacity as an inspector.

PART III—KEEPING OF FLAMMABLE LIQUID AND DANGEROUS GOODS

Licensed
store or
registered
premises for
keeping
flammable
liquid and
dangerous
goods.

13. (1) Subject to the *Building Ordinance 1972-1974* and the *Buildings (Design and Siting) Ordinance 1964-1973* and this section, the Secretary may, upon payment of the prescribed fee and subject to the prescribed conditions, grant a licence in respect of a store, or register premises, for the keeping of—

- (a) flammable liquid;
- (b) dangerous goods; or
- (c) flammable liquid and dangerous goods.

(2) A licence in respect of a store shall not be granted, and premises shall not be registered, under sub-section (1), if, in the opinion of the Minister, the grant of the licence or the registration of the premises would, because of the location of the store or premises or for another reason, be contrary to the safety or other interests of the public.

14. (1) Subject to this section, a person shall not keep flammable liquid on land or on a ship or boat except in a licensed store or in registered premises. Keeping flammable liquid.

Penalty: \$400.

(2) Where flammable liquid is kept in contravention of sub-section (1) by a person who is not the occupier of the land or the master of the ship or boat, as the case may be, that occupier or master is also guilty of an offence punishable, upon conviction, by a fine not exceeding \$400 unless the occupier or master proves that—

- (a) the offence was committed without his knowledge; or
- (b) he took reasonable steps to prevent the commission of the offence.

(3) Sub-section (1) does not apply where flammable liquid is kept in receptacles in accordance with sub-section (6) in a quantity not exceeding—

- (a) 1,000 litres of mineral oil, if the mineral oil is kept separated by a screen wall from any mineral spirit situated within 15 metres of the oil; or
- (b) with the approval of the Secretary, 2,500 litres of flammable liquid of any kind, if the liquid is kept at a place outside the City Area, for private use only and in underground tanks as prescribed or above ground and at a distance of at least 30 metres from every thoroughfare or building other than any building in which it is kept.

(4) Sub-section (1) does not apply where there is kept a quantity of flammable liquid—

- (a) that is being conveyed on a ship, boat or carriage in accordance with this Ordinance; or
- (b) that is in the fuel tank attached to, or forming part of, a ship, boat, carriage, aircraft or plant and is used only in connexion with the propulsion or driving of the ship, boat, carriage, aircraft or plant.

(5) Sub-section (1) does not apply—

- (a) where not more than 25 litres of mineral spirit are kept in a sub-division of a building and in receptacles in accordance with sub-section (6); or
- (b) subject to paragraph (a), where not more than 100 litres of mineral spirit are kept in receptacles in accordance with sub-section (6).

(6) For the purposes of sub-sections (3) and (5), the receptacles in which flammable liquid may be kept are—

- (a) steel drums or drums of other prescribed material, each drum being fitted with a pressure relief valve or similar device, being a valve or device approved by the Secretary, by writing under his hand, for the purpose of this paragraph; or
- (b) iron or steel receptacles or receptacles of other prescribed material, each receptacle being so securely closed and stopped that liquid or vapour cannot escape from the receptacle.

Keeping dangerous goods.

15. (1) A person shall not keep dangerous goods on land or on a ship or boat except—

- (a) in a licensed store or in registered premises; or
- (b) in the prescribed quantities and subject to the prescribed conditions.

Penalty: \$400.

(2) Where dangerous goods are kept on land or a ship or boat in contravention of sub-section (1), by a person not being the occupier of the land or the master of the ship or boat, as the case may be, that occupier or master is also guilty of an offence punishable, upon conviction, by a fine not exceeding \$400 unless the occupier or master proves that—

- (a) the offence was committed without his knowledge; or
- (b) he took reasonable steps to prevent the commission of the offence.

Registered premises.

16. (1) A person shall not keep in registered premises a quantity of flammable liquid exceeding—

- (a) where the liquid is mineral oil—
 - (i) 4,000 litres, if the mineral oil is kept at a distance of not less than 15 metres from any mineral spirit or is kept less than 15 metres distance from mineral spirit but the mineral spirit is separated from the mineral oil by a screen wall or either the mineral spirit or the mineral oil is kept in a prescribed underground tank depot; or
 - (ii) 1,500 litres in any other case; or
- (b) where the liquid is mineral spirit—
 - (i) 2,500 litres, if the mineral spirit is kept in a prescribed underground tank depot; or
 - (ii) 500 litres in any other case.

Penalty: \$400.

(2) Where flammable liquid is kept in registered premises, in contravention of sub-section (1), by a person not being the occupier of the premises, the occupier is also guilty of an offence punishable, upon conviction, by a fine not exceeding \$400 unless the occupier proves that—

- (a) the offence was committed without his knowledge; or

- (b) he took reasonable steps to prevent the commission of the offence.

17. (1) A person keeping flammable liquid in registered premises, and a person on registered premises in which flammable liquid is kept, shall each comply with, or cause to be complied with, the following requirements:—

General requirements as to registered premises.

- (a) subject to sub-section (2), flammable liquid that is kept in the premises, except so much flammable liquid as is required for immediate use, shall be kept in a thoroughly ventilated depot;
- (b) a depot shall not be used for keeping goods or things except—
- (i) flammable liquid and the packages in which flammable liquid is kept;
 - (ii) goods and things permitted, by this Ordinance, to be kept in the depot with flammable liquid; and
 - (iii) other goods and things of the nature, and not exceeding the quantity, approved in writing by the Secretary for the purpose of this paragraph;
- (c) a depot shall have an effective covering or roof constructed of metal, sand, slate or other non-combustible material;
- (d) a depot shall not be situated in, or be attached to, a dwelling or a building in which persons assemble for the purpose of public concourse, public religious worship, public entertainment, education or discussion unless—
- (i) the walls and roof of the depot are constructed of brick, concrete, stone or other non-combustible material approved by the Secretary for the purpose of this paragraph; and
 - (ii) the only entrance to the depot is an entrance from the open air separate and distinct from every entrance to the dwelling or building;
- (e) a depot shall not be situated less than 15 metres from a fire, forge, furnace, explosive or other source of danger unless the depot is separated from the fire, forge, furnace, explosive or other source of danger by a screen wall;
- (f) a depot shall, in all respects, be situated and constructed as prescribed;
- (g) an explosive, a thing liable to spontaneous ignition or combustion, a fire or a light (not being an artificial light of the prescribed construction and kind) shall not be placed, brought or allowed to remain within 15 metres of a depot or place where a receptacle containing flammable liquid is being kept or is in the course of conveyance in the premises, unless the flammable liquid is separated from the explosive, thing, fire or light by a screen wall;
- (h) the flammable liquid shall be kept in—
- (i) steel drums or enclosed receptacles of metal or prescribed material, being drums or receptacles so constructed and maintained as to prevent the leakage of liquid or vapour from them; or

- (ii) steel drums fitted with a pressure relief valve or similar device, being a valve or device of a type approved by the Secretary, by writing under his hand, for the purpose of this paragraph;
- (i) flammable liquid, not being flammable liquid that is kept in registered premises elsewhere than in a prescribed underground tank depot in pursuance of sub-section (2), shall—
 - (i) be taken to a depot immediately it is received on the premises; and
 - (ii) unless it is required for immediate use on the premises, be removed from the premises immediately it is taken from a depot;
- (j) a light other than an artificial light of the prescribed construction and kind shall not be used in a depot;
- (k) a receptacle containing flammable liquid shall not be opened in the premises except at, or immediately adjoining, the depot in which it is kept and for the time necessary to draw off the flammable liquid, every reasonable precaution being taken during the drawing off to prevent the escape of flammable liquid or vapour from the receptacle;
- (l) flammable liquid shall not be conveyed in or about the premises except—
 - (i) in an enclosed receptacle; or
 - (ii) by means of closed pipes so constructed and connected as to be entirely free of leakage;
- (m) a person under the age of 15 years shall not be inside a depot;
- (n) a person shall not smoke in, or bring matches into, a depot;
- (o) a sufficient number of boxes of sand or prescribed material shall be kept so distributed on the premises as to be immediately available to throw on, and check the flow of, spilled or ignited flammable liquid;
- (p) if the Secretary so directs for the purpose of this paragraph—
 - (i) chemical extinguishers of a type specified by him; and
 - (ii) other fire-fighting equipment that the Secretary specifies in the direction to be necessary, shall be kept immediately available for use in the premises;
- (q) reasonable precautions, whether prescribed or not, shall be taken, and workmen and others employed shall be adequately supervised, in order to prevent accidents by fire, explosion or otherwise;
- (r) reasonable precautions, whether prescribed or not, shall be taken to prevent access by unauthorized persons to the flammable liquid kept on the premises;
- (s) a statement of the maximum quantity of flammable liquid permitted to be in a depot and a copy of such parts of this

Ordinance (including the regulations) as the Secretary specifies for the purpose of this paragraph shall be kept constantly affixed to, or adjacent to, the depot so as to be easily readable;

- (t) immediately on being emptied of flammable liquid, receptacles shall be closed so as to prevent the escape of vapour or removed to a safe place away from a depot; and
- (u) the area to a distance of 3 metres surrounding a depot that is detached from another building shall be kept clear of dry grass, undergrowth and other combustible material.

(2) Where flammable liquid is kept in registered premises in a prescribed underground tank depot, quantities of flammable liquid not exceeding the quantities specified in sub-section 14 (3) or 14 (5) may also be kept elsewhere in the registered premises if—

- (a) the approval of an inspector is given for the purpose of this paragraph; and
- (b) the flammable liquid is kept in a manner specified in sub-section 14 (3) or 14 (5).

(3) Where, in respect of flammable liquid in registered premises, a requirement of sub-section (1) is not complied with—

- (a) subject to sub-section (4), the occupier of the premises;
- (b) a person who contravened or failed to comply with the requirement; and
- (c) a person who, being liable to cause the requirement to be complied with, has failed to cause it to be complied with,

are each guilty of an offence punishable, upon conviction, by a fine not exceeding \$400.

(4) An occupier is not guilty of an offence under sub-section (3) if he proves that—

- (a) the contravention or failure to comply was done without his knowledge; or
- (b) he took reasonable steps to prevent the contravention or failure to comply.

(5) For the purposes of sub-section (1), flammable liquid that is—

- (a) in the process of manufacture, mixing or blending;
- (b) being transported within premises in the course of manufacture;
- (c) being placed in vats, washers, mixers or other receptacles in the course of manufacture, mixing or blending; or
- (d) being used in, or in connexion with, painting, dry or other cleaning, packaging, testing or handling,

shall be deemed to be required for immediate use.

18. Where a person is convicted of an offence against section 16 or 17, the court by which he is convicted may, in addition to imposing the penalty prescribed for that offence, cancel the registration of the premises in relation to which the offence was committed.

Cancellation
of regis-
tration on
conviction.

Conditions
for
licensing
stores.

19. (1) Subject to this section, a licence shall not be granted in respect of a store unless—

- (a) the store includes at least 1 depot;
- (b) each depot in the store has an effective covering or roof of metal, sand, slate or other non-combustible material;
- (c) each depot in the store is so situated as not to be within 15 metres of a fire, forge, furnace, explosive or other source of danger unless there is a screen wall between the fire, forge, furnace, explosive or other source of danger and every place where flammable liquid is kept;
- (d) each depot in the store is separated, as prescribed, from each protected work; and
- (e) each depot in the store is, in other respects, situated and constructed as prescribed.

(2) Paragraph (1) (b) does not apply in relation to a depot (not being an underground depot) exempted by the Secretary, by writing under his hand, from the requirements of that paragraph if the flammable liquid in the depot is kept in prescribed receptacles under such conditions as the Secretary directs.

(3) Buildings and places that adjoin one another and are occupied together shall be deemed to be one store and to be the subject of one licence.

General
require-
ments as to
licensed
stores.

20. (1) A person keeping flammable liquid in a licensed store and a person in a licensed store shall each comply with, and cause to be complied with, the requirements specified in paragraphs 17 (1) (h) to 17 (1) (o), inclusive, and 17 (1) (q) to 17 (1) (u), inclusive, as if—

- (a) a reference to a depot were a reference to a licensed store; and
- (b) a reference to premises were a reference to a licensed store.

(2) Each person referred to in sub-section (1) shall comply with, and cause to be complied with, the following additional requirements:—

- (a) subject to sub-section (3), flammable liquid that is kept in a licensed store shall, except so much flammable liquid as is required for immediate use, be kept in a depot there;
- (b) a depot shall not be used for keeping goods or things except—
 - (i) flammable liquid and the packages in which flammable liquid is kept;
 - (ii) goods and things permitted by this Ordinance to be kept in the depot with flammable liquid; and
 - (iii) other goods and things of the nature, and not exceeding the quantity, approved in writing by the Secretary for the purpose of this paragraph;
- (c) an explosive, a thing liable to spontaneous ignition or combustion, a fire or light (not being an artificial light of the prescribed construction and kind) shall not be

placed, brought or allowed to remain within 15 metres of a depot or of flammable liquid in the store unless the depot or flammable liquid is separated from the explosive, thing, fire or light by a screen wall;

- (d) the prescribed number of chemical extinguishers of a type approved by the Secretary for the purpose of this paragraph, and other fire-fighting equipment specified by the Secretary, shall be kept immediately available for use in the store; and
- (e) if required by the Secretary, a reliable adult person shall be employed as a watchman in the store during hours specified by the Secretary.

(3) Where flammable liquid is kept in a licensed store in a prescribed underground tank depot, quantities of flammable liquid not exceeding, in the aggregate, the quantities specified in sub-section 14 (3) or 14 (5) may also be kept elsewhere in the licensed store if—

- (a) the approval of an inspector is given for the purpose of this paragraph; and
- (b) the flammable liquid is kept in a manner specified in sub-section 14 (3) or 14 (5).

(4) Where, in respect of flammable liquid in a licensed store, a requirement of sub-section (1) is not complied with—

- (a) subject to sub-section (5), the occupier of the store;
- (b) a person who contravened or failed to comply with the requirement; and
- (c) a person who, being liable to cause the requirement to be complied with, has failed to cause it to be complied with,

are each guilty of an offence punishable, upon conviction, by a fine not exceeding \$400.

(5) An occupier is not guilty of an offence under sub-section (4) if he proves that—

- (a) the contravention or failure to comply was done without his knowledge; or
- (b) he took reasonable steps to prevent the contravention or failure to comply.

(6) Where a person is convicted of an offence against this section, the court by which he is convicted may, in addition to imposing the penalty prescribed for the offence, cancel the licence in respect of the store in relation to which the offence was committed.

PART IV—PROCEDURES FOR SECURING COMPLIANCE WITH ORDINANCE

21. (1) Where an inspector is of the opinion that—

- (a) a provision of this Ordinance (including the regulations) has not been complied with in relation to a licensed store or registered premises;

Inspector
may serve
notice.

- (b) a condition of paragraphs 19 (1)(a) to 19 (1)(e), inclusive, has ceased to be met in relation to a licensed store; or
- (c) there is a danger of explosion or fire by reason of—
 - (i) the manner in which a licensed store is, or registered premises are, constructed;
 - (ii) the state of repair of a licensed store or registered premises; or
 - (iii) the manner of keeping flammable liquid or dangerous goods in a licensed store or registered premises,

he may serve on the occupier of the store or premises a notice requiring the occupier, within such period as is specified in the notice, being a period of not less than 7 days—

- (d) to cause the provision or condition to be complied with; or
- (e) to make such alterations or repairs to the store or premises, or such alteration in the manner of keeping flammable liquid or dangerous goods in the store or premises, as are specified in the notice.

(2) A notice under this section may be served on the occupier of a store or premises—

- (a) personally; or
- (b) by leaving it at the store or premises with a person apparently not less than 16 years of age and apparently employed by the occupier.

Court may set aside or vary notice.

22. (1) On an application by a person on whom a notice under section 21 is served, the Court, if satisfied that, in all the circumstances of the case, the requirements of the notice are unreasonable, may, by order—

- (a) set aside the notice; or
- (b) vary the notice in a manner that, in the opinion of the Court, makes the requirements of the notice reasonable requirements.

(2) An application for an order under this section shall be made before the end of the period specified in the notice to which the application relates as the period within which the applicant is to comply with the requirements of the notice.

Keeping flammable liquid or dangerous goods on premises after service of notice.

23. (1) Where—

- (a) a notice under section 21 is served on a person; and
- (b) the person does not make an application under section 22,

the person shall not, after the expiration of the period specified in the notice, unless he complies with the requirements of the notice, keep flammable liquid or dangerous goods in the store or premises to which the notice relates.

Penalty: \$200.

(2) Where—

- (a) a notice under section 21 is served on a person; and
- (b) on an application made under section 22, the Court varies the notice,

the person shall not, after the expiration of the period specified in the notice, unless he complies with the requirements of the notice as so varied, keep flammable liquid or dangerous goods in the store or premises to which the notice relates.

Penalty: \$200.

(3) Where, on an application under section 22, the Court refuses to make an order under that section in respect of a notice served on a person under section 21, the person shall not, after the expiration of the period specified in the notice, unless he complies with the requirements of the notice, keep flammable liquid or dangerous goods in the store or premises to which the notice relates.

Penalty: \$200.

(4) For the purposes of sub-section (2) or (3), the period specified in the notice shall, unless the Court varies that period, be deemed to be extended by a number of days equal to the number of days in the period commencing on the date on which the application to the Court was made and ending on the date on which the Court—

- (a) made an order varying the notice; or
- (b) refused to make an order varying the notice,

as the case requires.

24. (1) Where a person is convicted of an offence against section 23, the Secretary may, subject to this section, by order—

- (a) suspend the licence in respect of the store, or the registration of the premises, until the person complies with the requirements of the notice; or
- (b) cancel the licence or registration.

(2) Where a licence or registration is suspended under this section, the store ceases to be a licensed store or the premises cease to be registered premises, as the case may be, during the period of the suspension.

(3) Where a licence or registration is cancelled under this section, the store ceases to be a licensed store or the premises cease to be registered premises, as the case may be.

(4) A person aggrieved by an order of the Secretary under sub-section (1) may appeal to the Court against the order within the period of 21 days after the making of the order.

(5) Upon the hearing of an appeal under sub-section (4) which shall be by way of review of the order, the Court may—

- (a) dismiss the appeal; or

Suspension
or cancel-
lation of
licence or
registration.

(b) allow the appeal and quash or vary the order of the Secretary.

(6) Where there is no appeal against the order of the Secretary under sub-section (1), the order takes effect at the expiration of the period of 21 days after the making of the order.

(7) Where there is an appeal against the order of the Secretary under sub-section (1) and the appeal is dismissed, the order takes effect on the determination of the appeal.

PART V—MARKING OF PACKAGES

General provisions as to marking of packages.

25. A person keeping for the purpose of sale, conveying, selling, offering or exposing for sale flammable liquid shall comply with, or cause to be complied with, the following provisions as to the marking of packages containing the flammable liquid:—

- (a) the outside of every package containing mineral spirit shall be clearly marked, in conspicuous letters against a contrasting background, with the words “Highly Flammable” or “Highly Inflammable” together with the trade name under which the liquid is sold and such other word, marking or sign as is prescribed except—
 - (i) where the mineral spirit is kept or conveyed in registered premises or licensed stores; or
 - (ii) while in the process of manufacture, filling of packages, mixing, blending, painting, degreasing, dry cleaning or testing; and
- (b) the outside of every package containing mineral oil shall be clearly marked, in conspicuous letters against a contrasting background, with the word “Flammable” or “Inflammable” together with the trade name under which the liquid is sold and such other word, marking or sign as is prescribed except—
 - (i) where the mineral oil is kept or conveyed in registered premises or licensed stores; or
 - (ii) while in the process of manufacture, filling of packages, mixing, blending, painting, degreasing, dry cleaning or testing.

PART VI—CONVEYANCE OF FLAMMABLE LIQUID AND DANGEROUS GOODS

General provisions as to conveying, loading and unloading flammable liquid or dangerous goods.

26. (1) A person conveying, handling, loading or unloading flammable liquid or dangerous goods or assisting in such an operation and every employer of a person engaged in such an operation shall each comply with, or cause to be complied with, the following provisions:—

- (a) the flammable liquid or dangerous goods shall be in tanks or other packages of metal or other prescribed material—
 - (i) constructed and closed as prescribed and so that they are not liable to be broken or to become defec-

- tive or insecure in the course of conveyance; and
- (ii) from which flammable liquid or dangerous goods cannot escape in the form of liquid or vapour or otherwise;
- (b) the prescribed precautions or, if precautions have not been prescribed, reasonable precautions shall be taken to prevent any of the flammable liquid or dangerous goods from escaping, or being discharged, into a part of a house or other building or its premises, into a sewer, drain, lake, lagoon or stream of water or into the sea; and
 - (c) the prescribed precautions or, if precautions have not been prescribed, reasonable precautions shall be taken to prevent—
 - (i) unauthorized persons from having access to the flammable liquid or dangerous goods;
 - (ii) accidents by fire or explosion, including an act which tends to cause fire or explosion and is not reasonably necessary for the purpose of conveying, handling, loading or unloading the flammable liquid or dangerous goods or other article carried with the liquid or goods; or
 - (iii) a person from committing an act specified in subparagraph (ii).

(2) Where, in relation to the conveying, handling, loading or unloading of flammable liquid or dangerous goods by a person, a requirement of sub-section (1) is not complied with—

- (a) the person engaged in conveying, handling, loading or unloading the flammable liquid or dangerous goods;
- (b) subject to sub-section (3), another person assisting in the conveying, handling, loading or unloading of the flammable liquid or dangerous goods; and
- (c) subject to sub-section (3), an employer of a person engaged in conveying, handling, loading or unloading the flammable liquid or dangerous goods,

are each guilty of an offence punishable, upon conviction, by a fine not exceeding \$400.

(3) A person who is—

- (a) a person referred to in paragraph (2)(b); or
- (b) an employer referred to in paragraph (2)(c),

is not guilty of an offence under sub-section (2) if he proves that—

- (c) the contravention or failure to comply was done without his knowledge; or
- (d) he took reasonable steps to prevent the contravention or failure to comply.

(4) A person shall not do an act that tends to set fire to, or to cause the explosion of, flammable liquid or dangerous goods in the

course of being conveyed on, loaded on, or unloaded from, a vehicle, ship or boat.

Penalty: \$400.

Handling flammable liquid or dangerous goods between sunset and sunrise.

27. (1) Where—

(a) the Secretary; or

(b) a person authorized by the Secretary by instrument under his hand,

is of the opinion that it is in the interests of public safety to do so, he may, by notice in writing under his hand, prohibit a person, between the hours of sunset and sunrise during a period specified in the notice, from handling, loading or unloading flammable liquid, dangerous goods or liquid derived from petroleum, shale or coal on, to or from a ship or boat.

(2) A person shall not contravene or fail to comply with, or permit or suffer a person to contravene or fail to comply with, a notice under sub-section (1) unless he proves that the notice was unreasonable.

Penalty: \$400.

PART VII—OIL PIPE-LINES

Construction, &c., of oil pipe-lines.

28. (1) An oil pipe-line shall not be constructed, installed, tested, operated or repaired except as prescribed.

(2) An inspector may, at any time, inspect an oil pipe-line.

(3) A person who—

(a) owns an oil pipe-line;

(b) operates an oil pipe-line; or

(c) occupies, or is the agent of the person who occupies, land on which an oil pipe-line is situated,

shall, at the request of an inspector, do everything within his power to facilitate inspection of the pipe-line by the inspector.

(4) A person referred to in sub-section (3) shall not fail to answer a question put to him by the inspector concerning the pipe-line.

Penalty: \$400.

PART VIII—LEGAL PROCEEDINGS

Forfeiture on conviction.

29. Where a person is convicted of an offence against this Ordinance, the Court may, if it thinks fit, order the forfeiture of the flammable liquid or dangerous goods in respect of which the offence was committed.

Forfeiture where owner unknown.

30. Where an offence is alleged to have been committed in respect of a flammable liquid or dangerous goods and the owner or other person liable is unknown or cannot be found, the Court—

(a) may cause to be published in the *Gazette* a notice stating that, unless cause to the contrary is shown at the time and place specified in the notice, the liquid or goods may be forfeited; and

(b) may, at that time and place, order all or part of the liquid or goods to be forfeited.

31. Forfeited property shall be disposed of—

- (a) in the prescribed manner; or
- (b) if no manner is prescribed, as the Minister directs.

Forfeited property.

32. In proceedings under this Ordinance with respect to an article examined or tested in pursuance of this Ordinance, the production of the certificate of an inspector is evidence of the facts stated in the certificate without proof of the signature of the person appearing to have signed it.

Certificate of inspector to be evidence.

PART IX—MISCELLANEOUS

33. A person who is engaged or employed in the business of hair-dressing shall not apply mineral spirit to the hair or other part of the person of a customer of the business.

Penalty: \$400.

Use of mineral spirit in hairdresser's shop.

34. Where an explosion or fire occurs in a licensed store or in registered premises—

- (a) the occupier of the store or premises shall forthwith give to the Secretary written notice of the explosion or fire; and
- (b) a person shall not, except with the permission of an inspector or except in so far as it is necessary for the purposes of—
 - (i) extinguishing, or preventing the spread of, a fire;
 - (ii) rendering aid to a person who is in the licensed store or registered premises; or
 - (iii) preventing injury to persons or damage to property, move, or interfere with, anything in the licensed store or in the registered premises.

Fire or explosion in licensed store or registered premises.

35. (1) The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters that are by this Ordinance required to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

Regulations.

(2) Without limiting the generality of sub-section (1), the regulations may make provision for or in relation to—

- (a) the conditions under which flammable liquid shall be kept or used;
- (b) the quantities of dangerous goods that may be kept, and the conditions under which dangerous goods may be kept or used, in a licensed store, in registered premises or in another place;
- (c) fees payable for licences and the registration of premises under this Ordinance, for testing flammable liquid or dangerous goods, for testing, stamping and marking apparatus for testing flammable liquid or dangerous goods and for other work done for the purposes of this Ordinance;
- (d) the construction of depots, including above-ground and underground tank depots;

- (e) the keeping, storing, removing, conveying and marking, and the opening and closing, of containers of flammable liquid or dangerous goods, and of packages that have contained flammable liquid or dangerous goods, in registered premises, licensed stores or depots;
- (f) the keeping or storing of flammable liquid or dangerous goods in registered premises, licensed stores or depots and the delivery or removal of flammable liquid or dangerous goods from registered premises, licensed stores or depots;
- (g) the conveying, loading and unloading of flammable liquid or dangerous goods;
- (h) the methods of determining the flash-point of flammable liquid or of dangerous goods;
- (i) verification of apparatus for testing flammable liquid or dangerous goods with a standard model of such an apparatus;
- (j) the use of fires and lights in, on or near vehicles loading or unloading flammable liquid or dangerous goods or in which flammable liquid is being, or has been recently, conveyed or dangerous goods are being, or have been recently, conveyed and prohibiting the use of such of those fires or lights as may be dangerous;
- (k) the description, construction, marking, ventilation, lighting, cleaning and general fitting up of ships, boats and carriages used for the conveyance of flammable liquid or dangerous goods;
- (l) the design, materials, situation, construction, installation, testing, maintenance and operation of oil pipe-lines;
- (m) the mode of storing and keeping flammable liquid or dangerous goods during transit and of giving notice by brands, labels or otherwise of the nature and destination of a container of flammable liquid or dangerous goods;
- (n) the notice that the master of a ship or boat shall give of his intention to convey, load or unload flammable liquid or dangerous goods;
- (o) the navigation and mooring of ships or boats conveying, loading and unloading flammable liquid or dangerous goods;
- (p) subject to the *Hawkers Ordinance* 1936-1968, the hawking of flammable liquid;
- (q) the disposal of substances and liquids in stores or premises, or parts of stores and premises, that cease to be licensed or registered, as the case may be, and specifying the persons who shall dispose of those substances and liquids; and
- (r) penalties not exceeding \$200 for offences against the regulations.

(3) Regulations may amend the provisions of sections 17 and 20 and the sections have effect as so amended.

(4) Regulations making provision for or in relation to the matters specified in paragraph (2)(f) may make different provision in respect of different classes of registered premises, licensed stores or depots.

(5) Where, in regulations applying, adopting or incorporating a standard or part of a standard of an institution or association, there is a reference to a temperature reading expressed in terms or in a manner used in connexion with the Fahrenheit scale, that reading shall, unless the contrary intention appears, be construed as a reference to a reading in terms or in a manner used in connexion with the Celsius scale that is—

- (a) the equivalent; or
- (b) where the equivalent is not a whole number, the next highest whole number to its equivalent.