STATUTORY INSTRUMENTS

1971 No. 1062

PETROLEUM

The Inflammable Substances (Conveyance by Road) (Labelling) Regulations 1971

Made - - -	28*th June* 1971
Laid before Parliament	8*th July* 1971
Coming into Operation	9*th July* 1971

In exercise of the powers conferred by section 6 of the Petroleum (Consolidation) Act 1928(**a**), both as enacted and as applied by the Petroleum (Mixtures) Order 1929(**b**), the Petroleum (Carbon Disulphide) Order 1958(**c**), as amended (**d**) and the Petroleum (Inflammable Liquids) Order 1971(**e**), I hereby make the following Regulations :—

1.—(1) These Regulations may be cited as the Inflammable Substances (Conveyance by Road) (Labelling) Regulations 1971 and shall come into operation on 9th July 1971.

(2) The Inflammable Substances (Conveyance by Road) (Labelling) Regulations 1968(**f**) are hereby revoked.

2.—(1) In these Regulations—

"carrying tank" means the tank or, if there is more than one, tanks on a tank wagon or tank trailer designed for the conveyance of liquid, but does not include a fuel tank ;

"conveyance" means conveyance by road, and "conveyed" shall be construed accordingly ;

"container" (subject to paragraph (4) below) means any vessel, can, drum, barrel or other receptacle, but does not include the carrying tank of a tank wagon or tank trailer, a freight container or a fuel tank ;

"freight container" means a receptacle having an internal capacity of not less than 14·5 cubic metres (512·1 cubic feet), so constructed as to be suitable for repeated use in the conveyance of freight by one or more means of transport without intermediate reloading of the contents, but does not include a carrying tank ;

"fuel tank" means a tank which forms part of a vehicle and is designed for carrying fuel for use only in the propulsion of that vehicle ;

(**a**) 1928 c. 32. (**b**) S.R. & O. 1929/993 (Rev. XVIII, p. 7: 1929 p. 1143).
(**c**) S.I. 1958/257 (1958 II, p. 1888).
(**d**) The amending Order is not relevant to the subject matter of these Regulations.
(**e**) S.I. 1971/1040 (1971 II, p. 3125). (**f**) S.I. 1968/928 (1968 II, p. 2424).

"inflammable substance" has the meaning assigned to it by Regulation 3 below ;

"owner", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement ;

"petroleum-spirit" means—

(*a*) petroleum-spirit as defined in section 23 of the Petroleum (Consolidation) Act 1928, as enacted, or

(*b*) mixtures of petroleum as defined in the Petroleum (Mixtures) Order 1929 (being certain substances to which the said Act is, with modifications and exceptions, applied by the said Order),

and does not include any substance, other than the said mixtures, to which the said Act is applied by any Order made, or having effect as if made, under the said section 19 ;

"potable spirit" means any spirit intended for human consumption ;

"vehicle" includes a trailer which does not form part of an articulated vehicle.

(2) For the purposes of these Regulations an articulated vehicle shall be treated as one vehicle.

(3) For the purposes of these Regulations a freight container conveyed on a vehicle shall be treated as forming part of the vehicle.

(4) In these Regulations, the expression "container" does not include a container which is itself contained in another container or which is wholly enveloped in a covering of whatever nature, but that expression does include that other container or covering (unless it is itself so contained or enveloped).

(5) In these Regulations any reference to the prescribed notice is a reference to a notice which complies with the provisions of Schedule 1 to these Regulations.

(6) The Interpretation Act 1889(**a**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament, and as if these Regulations and the Regulations revoked by these Regulations were Acts of Parliament.

3. These Regulations apply to any inflammable substance (that is to say, petroleum-spirit, carbon disulphide or any substance, solution or mixture to which section 6 of the Petroleum (Consolidation) Act 1928 was applied by Article 2 of the Petroleum (Inflammable Liquids) Order 1971) :

Provided that they do not apply to petroleum-spirit or carbon disulphide which is conveyed in such circumstances that the Petroleum-Spirit (Conveyance by Road) Regulations 1957(**b**) as amended (**c**) or, as the case may be, the Carbon Disulphide (Conveyance by Road) Regulations 1958(**d**) as amended (**e**) do not apply in relation to its conveyance.

4.—(1) Subject to Regulation 7 below, the provisions of Part I of Schedule 2 to these Regulations shall be complied with in the case of any vehicle engaged in the conveyance of any inflammable substance to which these Regulations apply.

(**a**) 1889 c. 63. (**b**) S.I. 1957/191 (1957 II, p. 1853).
(**c**) The amending Regulations are not relevant to the subject matter of these Regulations.
(**d**) S.I. 1958/313 (1958 II, p. 1889). (**e**) S.I. 1962/2527 (1962 III, p. 3401).

(2) The provisions of Part II of the said Schedule 2 shall be complied with (in addition to those of Part I of that Schedule) in the case of a tank wagon or tank trailer engaged in the conveyance of any inflammable substance to which these Regulations apply other than petroleum-spirit.

5.—(1) Subject to Regulation 8 below, the provisions of Schedule 3 to these Regulations shall be complied with in relation to the marking of a container containing any quantity of acetaldehyde or carbon disulphide to which these Regulations apply, or more than 1 kilogram (2·2 pounds) of any other inflammable substance other than petroleum-spirit.

(2) Subject to Regulation 8 below, the provisions of paragraph 3 of the said Schedule 3 shall be complied with in relation to the marking of a container containing more than 1 kilogram (2·2 pounds) of petroleum-spirit to which these Regulations apply.

6. The owner of a vehicle used for the conveyance of any inflammable substance to which these Regulations apply who employs any person in connection with the conveyance shall furnish a copy of these Regulations to, or affix a copy thereof in some place where it can conveniently be read by, that person and shall take all other measures necessary to ensure that that person is acquainted with and carries out the provisions of these Regulations:

Provided that the provisions of this Regulation need not be complied with in relation to a vehicle which satisfies the requirements of paragraph (1) or (2) of Regulation 7 below.

7.—(1) The provisions of Part I of Schedule 2 to these Regulations need not be complied with in the case of any vehicle (other than a tank wagon or tank trailer) which is not engaged in the conveyance of acetaldehyde or carbon disulphide to which these Regulations apply, if—

(*a*) the total quantity of all the inflammable substances to which these Regulations apply conveyed in the vehicle does not exceed 500 kilograms (1,102·5 pounds);

(*b*) in the case of every container such as is mentioned in Regulation 5(1) above which is conveyed in the vehicle, the provisions of Schedule 3 to these Regulations are complied with (except in so far as the container is exempted from those provisions or any of them under Regulation 8 below); and

(*c*) in the case of every container such as is mentioned in Regulation 5(2) above which is conveyed in the vehicle, the provisions of paragraph 3 of the said Schedule 3 are complied with.

(2) The provisions of Part I of the said Schedule 2 need not be complied with, in the case of a vehicle which is not engaged in the conveyance of acetaldehyde or carbon disulphide to which these Regulations apply, if all the inflammable substances to which these Regulations apply conveyed in the vehicle are in receptacles which comply with the provisions of Schedule 4 to these Regulations.

8.—(1) In the case of a container which does not contain any acetaldehyde or carbon disulphide—

(*a*) none of the provisions of the said Schedule 3 need be complied with, if that container is itself a receptacle which complies with the provisions of the said Schedule 4 or all the inflammable substances in that container are contained in one or more receptacles which comply with those provisions;

(*b*) the provisions of paragraph 1 of the said Schedule 3 need not be complied with if—

(i) that container is itself a receptacle which does not contain more than 2·5 litres (4·4 pints) of an inflammable substance and complies with the provisions of the said Schedule 4, other than paragraph 2 thereof; or

(ii) all the inflammable substances in that container are contained in not more than 6 receptacles, and each of them contains not more than 2·5 litres (4·4 pints) of the substance and complies with the provisions of the said Schedule 4, other than paragraph 2 thereof.

(2) None of the provisions of the said Schedule 3 need be complied with in the case of a metal container containing not more than 5 litres (1·1 gallons) of a substance, solution or mixture to which section 6 of the Petroleum (Consolidation) Act 1928 was applied by Article 2 of the Petroleum (Inflammable Liquids) Order 1971, other than acetaldehyde, and not containing any other inflammable substance.

(3) The provisions of paragraph 3 of the said Schedule 3 need not be complied with in the case of—

(*a*) a metal container containing not more than 5 litres (1·1 gallons) of petroleum-spirit and not containing any other inflammable substance; or

(*b*) a container (whether or not of metal) containing any quantity of a potable spirit and not containing any other inflammable substance.

9.—(1) Where any vehicle or container conveying or containing any of the substances to which this Regulation applies (being substances which are corrosive as well as inflammable) is required by these Regulations to display a prescribed notice, it shall also display a notice which complies with the provisions of Schedule 1 to the Corrosive Substances (Conveyance by Road) Regulations 1971(**a**).

(2) For the purposes of this Regulation—

(*a*) Part I of Schedule 2 and paragraph 3 of Schedule 3 to these Regulations shall have effect as if, after the words "prescribed notice" wherever they occur, there were inserted the words "and the notice required by Regulation 9 above"; and

(*b*) paragraph 3 of the said Schedule 2 shall have effect as if, after the word "INFLAMMABLE", there were inserted the words "or "CORROSIVE" as the case may be".

(3) The substances to which this Regulation applies are as follows, that is to say:—

Dimethyldichlorosilane
Ethyldichlorosilane
Ethyltrichlorosilane
Methyldichlorosilane
Methyltrichlorosilane
Trimethylchlorosilane
Vinyltrichlorosilane

(**a**) S.I. 1971/618 (1971 I, p. 1611).

10.—(1) It shall be the duty of a local authority empowered under the Petroleum (Consolidation) Act 1928 to grant petroleum-spirit licences to enforce within their district the provisions of these Regulations, and the owner of a vehicle used for the conveyance of an inflammable substance to which these Regulations apply and any person employed in connection with the conveyance shall provide all reasonable facilities to a duly authorised officer of the local authority for the purpose of his ascertaining whether the provisions of these Regulations are being duly observed.

(2) Any such local authority as aforesaid in England or Wales may institute proceedings for any offence against these Regulations committed in the area of that authority.

R. Maudling,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

28th June 1971.

SCHEDULE 1 Regulation 2(5)

PRESCRIBED NOTICE

1. The notice shall be in the form set out below, except that the word "LIQUID" may, if appropriate, be inserted in the notice after the word "INFLAMMABLE" and such other information as may be appropriate may be inserted therein.



2. The dimensions of the notice shall be not less than—

(*a*) 20 centimetres (7·9 inches) square, in the case of a notice displayed on a vehicle in accordance with Schedule 2 to these Regulations;

(*b*) 10 centimetres (3·9 inches) square, in the case of a notice displayed on a container in accordance with Schedule 3 to these Regulations.

3. The letters in the notice shall be not less than—

(*a*) 2·5 centimetres (1 inch) high, in the case of a notice displayed on a vehicle as aforesaid;

(*b*) 1·25 centimetres (0·5 inch) high, in the case of a notice displayed on a container as aforesaid.

4. The flame symbol and letters in the notice shall be black and the background shall be bright red.

Regulations 4, 7 and 9

SCHEDULE 2

PART I

MARKING OF VEHICLES

1. The prescribed notice shall be clearly displayed at the front and at the rear of the vehicle.

2. The prescribed notice shall be painted or otherwise indelibly marked on the vehicle or on a notice board or adhesive label securely fixed to the vehicle, and shall be kept clean and in good repair.

3. The prescribed notice shall—

(*a*) be so placed on the vehicle that it is clearly visible from the front or, as the case may be, the rear of the vehicle with the letters of the word "INFLAMMABLE" in a vertical plane and arranged horizontally; and

(*b*) subject to sub-paragraph (*a*) of this paragraph, be placed at the highest practicable point on the vehicle and as near as possible to the centre thereof.

4. A notice board or label used for the purposes of paragraph 2 of this Schedule shall be made of durable material.

PART II

ADDITIONAL MARKING OF TANK WAGONS AND TANK TRAILERS

5.—(1) On each side of the carrying tank or, if the carrying tank is divided into compartments containing inflammable substances of different sorts, on each side of each such compartment there shall be displayed a notice clearly indicating the substance contained therein in accordance with the following provisions of this paragraph.

(2) In the case of a substance falling within Article 2(1)(*a*) of the Petroleum (Inflammable Liquids) Order 1971, the notices required by sub-paragraph (1) of this paragraph to be displayed shall indicate the name of the substance (being a name by which the substance is described in either column in the Table in Part I of the Schedule to the said Order).

(3) In the case of a solution or mixture falling within Article 2(1)(*b*) of the said Order, the notices so required to be displayed shall indicate the name of the inflammable substance contained therein in the largest proportion (being a name by which the substance is described in either column in the said Table) followed by the word "Solution" or "Mixture" as the case may be:

Provided that—

(*a*) in the case of a potable spirit, the said notices may indicate the name by which the spirit is commonly known; and

(*b*) in the case of a solution or mixture intended for disposal as waste, the said notices may bear the words "Disposable Waste".

(4) In the case of a solution falling within Article 2(1)(*c*) of the said Order, the notices so required to be displayed shall indicate the name of the substance dissolved therein (being the name by which the substance is described in Part II of the said Schedule) followed by the word "Solution".

6. Each such notice shall be painted or otherwise indelibly marked on the carrying tank or on a notice board or adhesive label complying with the requirements of paragraph 4 of this Schedule and securely fixed to the carrying tank.

7. The letters in each such notice shall be red and—

(a) in the case of a carrying tank divided into compartments for the conveyance of inflammable substances of different sorts shall be not less than 5 centimetres (2 inches) high ; and

(*b*) otherwise shall be not less than 10 centimetres (3·9 inches) high.

8. The background of each such notice shall be white.

Regulations 5, 7, 8 and 9 SCHEDULE 3

MARKING OF CONTAINERS

1.—(1) On the outside of the container there shall be displayed a notice clearly indicating the substance contained therein in accordance with the following provisions of this paragraph.

(2) In the case of a substance falling within Article 2(1)(*a*) of the Petroleum (Inflammable Liquids) Order 1971, the notice required by sub-paragraph (1) of this paragraph to be displayed shall indicate the name of the substance (being a name by which the substance is described in either column in the Table in Part I of the Schedule to the said Order).

(3) In the case of a solution or mixture falling within Article 2(1)(*b*) of the said Order, the notice so required to be displayed shall indicate the name of the inflammable substance contained therein in the largest proportion (being a name by which the substance is described in either column in the said Table) followed by the word "Solution" or "Mixture" as the case may be:

Provided that—

(*a*) in the case of a potable spirit, the said notices may indicate the name by which the spirit is commonly known ; and

(*b*) in the case of a solution or mixture intended for disposal as waste, the said notices may bear the words "Disposable Waste".

(4) In the case of a solution falling within Article 2(1)(*c*) of the said Order, the notice so required to be displayed shall indicate the name of the substance dissolved therein (being the name by which the substance is described in Part II of the said Schedule) followed by the word "Solution".

2. Each such notice shall be painted or otherwise indelibly marked on the container or on a label securely fixed thereto.

3. The prescribed notice shall be painted or otherwise indelibly marked on the outside of the container or on a label securely fixed thereto.

Regulations 7 and 8 SCHEDULE 4

CONDITIONS AS TO RECEPTACLES

1. The receptacle must be made of metal, glass, porcelain, stoneware or suitable plastic material.

2. The receptacle must not contain more than 1 kilogram (2·2 pounds) of an inflammable substance.

3. The receptacle must be so constructed and closed that none of the contents can, under normal conditions of conveyance, escape from it.

4. The receptacle must be so constructed that no part of its interior surface can, under normal conditions of conveyance, be so affected by contact with the contents as to make the use of that receptacle dangerous.

5.—(1) Subject to sub-paragraph (2) below, the receptacle must be enclosed in a protective package made of metal, wood or fibre-board and, where that package encloses several receptacles, it must not contain, in all, more than 30 kilograms (66·2 pounds) of inflammable substances.

(2) This paragraph shall not apply in the case of a metal aerosol receptacle enclosed in polyethylene film by a process of shrinking and sealing by heat.

6. The receptacle, if made of glass, porcelain or stoneware, must be secured inside the protective package referred to in paragraph 5 above by suitable cushioning material.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and replace the Inflammable Substances (Conveyance by Road) (Labelling) Regulations 1968, consequent on the Petroleum (Inflammable Liquids) Order 1971. The provisions of the 1968 Regulations are repeated with amendments, the principal changes being as follows :—

(*a*) the quantity of inflammable substances which may in certain circumstances be conveyed in a vehicle (other than a tank wagon or tank trailer) which is not carrying acetaldehyde or carbon disulphide without displaying the prescribed notice on the vehicle is raised from 250 to 500 kilograms (Regulation 7(1)(*a*));

(*b*) a metal container containing not more than 5 litres of any inflammable liquid mentioned in the Petroleum (Inflammable Liquids) Order 1971 other than acetaldehyde will no longer be required to display the name of the liquid or the prescribed notice (Regulation 8(2));

(*c*) a metal container containing not more than 5 litres of petroleum-spirit, and any type of container containing potable spirits, will no longer be required to display the prescribed notice (Regulation 8(3));

(*d*) in the case of substances which are corrosive as well as inflammable, notices to that effect are required to be displayed on vehicles and containers (Regulation 9);

(*e*) the marking requirements are relaxed in the case of certain aerosol containers (Schedule 4, paragraph 5).