

**Jersey R&O 57/2001**

**Petroleum (Jersey) Law 1984**

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PETROLEUM-SPIRIT (CARRIAGE BY ROAD) (JERSEY)  
REGULATIONS 2001

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## **Petroleum (Jersey) Law 1984**

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### **PETROLEUM-SPIRIT (CARRIAGE BY ROAD) (JERSEY) REGULATIONS 2001**

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*(Promulgated on the 28th day of March 2001)*

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### **STATES OF JERSEY**

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The 27th day of March 2001

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**THE STATES**, in pursuance of Article 7 of the Petroleum (Jersey) Law 1984<sup>1</sup> have made the following Regulations -

#### *PART I*

#### **INTERPRETATION**

##### **Definitions**

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

“ADR” means the European Agreement concerning the International Carriage of Dangerous Goods by Road signed at Geneva on 30th September, 1957, as revised or re-issued from time to time;

“Approved Carriage List” means the list approved and published from time to time by the Health and Safety Commission of the United Kingdom under Regulation 5(1)(a) of the Carriage of Dangerous Goods by Road Regulations, 1996 of the United Kingdom;

<sup>1</sup> Recueil des Lois, Volume 1984-1985, page 91.

“Approved Tank Requirements” means the list approved and published from time to time by the Health and Safety Commission of the United Kingdom under Regulation 5(1)(c) of the Carriage of Dangerous Goods by Road Regulations, 1996 of the United Kingdom;

“approved person” means a person approved by a competent authority for the purpose of carrying out such functions in connection with the examination, testing and certification of tanks as shall be specified by the competent authority in the approval;

“carriage” has the meaning assigned to it by Regulation 3(1);

“carrying tank” means the tank or, if there is more than one, tanks on a road tanker designed for the carriage of goods and does not include a fuel tank;

“Committee” means the Home Affairs Committee or such other committee of the States as shall have responsibility transferred to it for the issue of licences under Article 3 of the Petroleum (Jersey) Law 1984;<sup>2</sup>

“competent authority” means a person or organisation in any country which is for the time being a competent authority for the purposes of -

- (a) approving persons to examine, test and certify tanks;
- (b) examining, testing and certifying tanks; and
- (c) recognising standards for fire extinguishers,

and for the Island the competent authority means the Chief Fire Officer;

“container” means a vessel with an internal volume of not less than one cubic metre which is -

<sup>2</sup> Recueil des Lois, Volume 1984-1985, page 87.

- (a) of a permanent character and strong enough for repeated use;
- (b) designed to facilitate the carriage of liquids, by one or more modes of carriage, without intermediate reloading;
- (c) designed to be readily handled; and
- (d) designed to be easy to fill and empty,

but does not include any packaging, a tank, or a vehicle.

“danger sign” means the sign that is referred to in paragraph 17, and depicted in figure 4, of Schedule 4;

“emergency action code” means the code required to be displayed on tanks and vehicles which are being used for the carriage of petroleum-spirit, ascertained in accordance with the Approved Carriage List;

“emergency information” means details of measures to be taken by the driver of a vehicle carrying petroleum-spirit in the event of an accident or emergency and other safety information concerning petroleum-spirit, and shall include -

- (a) the nature of the danger inherent in petroleum spirit and the safety measures to be taken to avert any such danger;
- (b) the measures to be taken in the event of fire and in particular the fire-fighting appliances or equipment which must not be used;
- (c) the measures to be taken in the event of breakage of, or damage to, a container containing petroleum spirit, particularly where such breakage or damage results in a spillage of petroleum-spirit on to the road; and
- (d) the measures to be taken to avoid or minimise damage to the aquatic environment in the event of spillage of petroleum-spirit;

“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;

“hazard warning panel” means the panel referred to in paragraph 18, and depicted in figure 3, of Schedule 4;

“the Law” means the Petroleum (Jersey) Law 1984;<sup>3</sup>

“maximum gross weight” means -

- (a) in the case of a vehicle equipped with a plate in accordance with Article 77 of the Motor Vehicles (Construction and Use) (Jersey) Order 1998,<sup>4</sup> the maximum gross weight shown on the plate; or
- (b) in any other case, the weight which the vehicle is designed or adapted not to exceed when the vehicle is travelling on a road;

“orange-coloured panel” means a reflectorised panel having the same colour and luminance properties as those specified in relation to orange-coloured plates in marginal 10 500(1) of ADR;

“petroleum filling station” means any premises or place used or intended to be used by way of trade or for purposes of gain for fuelling motor vehicles with petroleum-spirit, and includes any building, advertisement, pump or other apparatus in, or used in connection with, any such premises or place;

“petroleum-spirit licence” means a licence granted under Article 3 of the Law;<sup>5</sup>

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

<sup>3</sup> Recueil des Lois, Volume 1984-1985, page 85.

<sup>4</sup> No. 9313.

<sup>5</sup> Recueil des Lois, Volume 1984-1985, page 87.

“road tanker” means a motor vehicle or trailer constructed or adapted for the carriage of goods which has a carrying tank which is -

- (a) attached to the frame of the vehicle, whether structurally or otherwise, and, except when empty, is not intended to be removed from the vehicle;
- (b) an integral part of the vehicle; or
- (c) a demountable tank;

“storage tank” means a tank used or intended to be used solely for the storage of petroleum-spirit;

“tank” means a tank which is -

- (a) used for the carriage of petroleum-spirit; and
- (b) so constructed that it can be securely closed (except for the purpose of relieving excess pressure) during the course of carriage;

“UN number” means United Nations Serial Number, which shall be one of the four-digit numbers devised by the United Nations and specified in the Approved Carriage List as a means of identification for petroleum-spirit;

“vehicle” means any conveyance used for the carriage of goods by road;

“vehicle owned by the armed forces” means a vehicle owned by -

- (a) Her Majesty’s Forces; or
- (b) a visiting force present at the invitation of the States or of a Committee of the States,

and includes a vehicle which has been provided to the armed forces under any kind of agreement or arrangement under which payments are, or are to be, made for the provision of the vehicle,

including a conditional sale agreement, a credit sale agreement, a hire purchase agreement and a contract for sale; and

“vehicle under the control of the armed forces” means -

- (a) a vehicle, on or in which there is, as a member of its crew, a member of the armed forces acting in the course of his duties; or
- (b) a vehicle in a convoy escorted by a vehicle of the type referred to in sub-paragraph (a),

and in this definition “member of the armed forces” means -

- (i) a member of Her Majesty’s Forces;
- (ii) a member of a visiting force of a country other than the United Kingdom present at the invitation of the States or of a Committee of the States; or
- (iii) a civilian who is an employee of Her Majesty’s forces, or of a visiting force referred to in clause (ii).

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

(3) A carrying tank, a compartment of a tank, or a can, drum or other container shall, for the purposes of these Regulations, be deemed not to exceed any specified capacity if it exceeds that capacity by reason only that it is constructed to contain the amount of petroleum-spirit which would fill a container of the said capacity with a reasonable margin to allow for the expansion of the petroleum-spirit in the event of a rise in temperature.

(4) For the purposes of any requirement of these Regulations -

- (a) in relation to the quantity of petroleum-spirit carried by a vehicle, the quantity of petroleum-spirit carried in the fuel tank of that vehicle shall be disregarded; and
- (b) in relation to the capacity of a road tanker the capacity of the fuel tank of that wagon shall be disregarded.



(5) A reference in these Regulations to a Part, Regulation or Schedule by number only and without further identification is a reference to the Part, Regulation or Schedule of that number in these Regulations;

(6) 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.

(7) Unless the context otherwise requires, a reference in these Regulations to an enactment, or to an Act or subordinate legislation of the United Kingdom, is a reference to that enactment, Act or subordinate legislation as amended from time to time and includes a reference to that enactment, Act or subordinate legislation as extended or applied under another enactment, including another provision of these Regulations.

### **Definitions of “owner” and “operator”**

2.-(1) For the purposes of these Regulations -

- (a) subject to paragraph (2), the operator of a container or vehicle shall be -
  - (i) the person who, having a place of business in the Island, has the management of the container or vehicle for the time being, or
  - (ii) if no person satisfies the requirements of clause (i), the driver of the vehicle on which the container is carried; and
- (b) the operator of a tank, other than the carrying tank of a road tanker, shall be -
  - (i) the person who, having a place of business in the Island, owns the tank,
  - (ii) if no person satisfies the requirements of clause (i), the person who, having a place of business in the Island, acts as agent for the owner of the tank,

(iii) if no person satisfies the requirements of clauses (i) or (ii), the person who, having a place of business in the Island, has the management of the tank for the time being, or

(iv) if no person satisfies the requirements of clauses (i), (ii) or (iii), the driver of the vehicle on which the tank is carried.

(2) Notwithstanding paragraph (1)(a), a person shall not be regarded as the operator of a container or vehicle solely because -

(a) he has the management of it during loading or unloading; or

(b) the container or vehicle is on premises which are under his control.

(3) For the purposes of these Regulations, a person to whom a tank, other than the carrying tank of a road tanker, is leased or hired shall be deemed to be the owner of the tank, unless the lessor or the hirer has made an agreement in writing with the person to whom he has leased or hired the tank to the effect that the lessor or hirer shall assume the responsibilities of the owner imposed by or under these Regulations.

## *PART II*

### APPLICATION

#### **Regulations to apply to carriage of petroleum-spirit**

3.-(1) Subject to Schedule 1 and subject also as provided in this Regulation, these Regulations shall apply to the carriage of petroleum-spirit by road, and in these Regulations the expression "carriage" means such carriage.

(2) Except in the case of a road tanker, the carriage of petroleum-spirit in the fuel tank of a vehicle for use only in the propulsion of that vehicle shall be deemed not to be carriage in relation to which these Regulations apply.

(3) Except in the case of a road tanker, these Regulations shall not apply in relation to carriage if -

- (a) the quantity of petroleum-spirit carried does not exceed one hundred litres and the petroleum-spirit is contained only in securely closed receptacles each with a maximum capacity of twenty-five litres; or
- (b) the quantity of petroleum-spirit carried does not exceed fifty litres and is contained in separate plastic receptacles each with a maximum capacity of five litres and suitably protected to prevent damage.

### *PART III*

## CARRIAGE IN ROAD TANKERS

### **Suitability of road tankers**

**4.** The operator of a container, tank or vehicle which is being used for the carriage of petroleum-spirit shall ensure that the container, tank or vehicle concerned -

- (a) is suitable for such carriage, having regard to -
  - (i) the nature and circumstances of the journey being undertaken, and
  - (ii) the hazardous properties and quantities of the petroleum-spirit being carried and of any other goods being carried at the same time; and
- (b) has been adequately maintained.

### **Examination, testing and certification of road tankers**

**5.-(1)(a)** The provisions of Schedule 2 shall apply to and in relation to the carrying tanks of road tankers constructed before 1st January 1999; and

- (b) paragraphs (2) to (14) shall apply to and in relation to tanks constructed after 31st December 1998.

(2) No person shall construct, import or supply a tank intended for the use of the carriage of petroleum-spirit unless it is of a design in respect of which a certificate has been signed, dated and issued by the competent authority or an approved person, stating that the tank -

- (a) conforms with such -
  - (i) construction requirements,
  - (ii) equipment requirements, and
  - (iii) conditions peculiar to petroleum-spirit,

as have been approved and published in the Approved Tank Requirements; and

- (b) is suitable for the purpose for which it is intended.

(3) No operator shall cause or permit to be carried any petroleum-spirit in a tank unless a certificate has been signed, dated and issued by the competent authority or an approved person, stating that the tank -

- (a) has been examined and tested by the competent authority or approved person in accordance with such requirements as have been approved and published in the Approved Tank Requirements;
- (b) conforms to an approved design; and
- (c) is suitable for the purpose for which it is intended.

(4) Following the examination and test referred to in paragraph (3), the operator of the tank which is being used for the carriage of petroleum-spirit shall ensure that a certificate has been signed, dated and issued by the competent authority or an approved person, at the intervals specified in the Approved Tank Requirements, stating that the tank -

- (a) has been examined and tested by the competent authority or approved person in accordance with such requirements as have been approved and published in the Approved Tank Requirements; and
- (b) remains suitable for the purpose for which it is being used.

(5) Without prejudice to the generality of paragraphs (3) and (4), the operator of a tank which has been damaged, modified or repaired in such a way as might impair its safety since the most recent certificate was signed in accordance with paragraphs (3) or (4), shall ensure that petroleum-spirit is not carried in the tank until a further certificate has been signed, dated and issued by the competent authority or an approved person stating that the tank -

- (a) has been examined and tested by the competent authority or approved person in accordance with such requirements as have been approved and published in the Approved Tank Requirements; and
- (b) remains suitable for the purpose for which it was being used.

(6) It shall be sufficient compliance with paragraphs (3), (4) and (5) if the information required to be stated in the certificate is entered in a computer under the control of the operator by the competent authority or approved person who carried out the examination and test, or by another person acting on the instructions of the competent authority or approved person, provided that the information -

- (a) is secure from unauthorized interference;
- (b) can be authenticated only by the competent authority or approved person who carried out the examination and test; and
- (c) is capable of being produced in the form of a certificate at the appropriate place referred to in paragraph (7).

(7) The certificates referred to in paragraphs (3), (4) and (5) shall be kept by the operator -

- (a) at his principal place of business within the Island; or
- (b)
  - (i) in the case of a tank other than the tank of a road tanker, at the address within the Island from which the deployment of the tank is controlled, or
  - (ii) in the case of a road tanker, at the premises from which the road tanker is operated.

(8) It shall be sufficient compliance with paragraph (7) in circumstances where the operator is not the owner of the tank, if either -

- (a) an authenticated copy of the relevant certificate is kept -
  - (i) at the operator's principal place of business within the Island, or
  - (ii) in the case where the operator does not have a place of business in the Island, on the vehicle; or
- (b) the certificate is readily available from the owner of the tank.

(9) Where the operator of a tank changes, the previous operator, in so far as he was required to keep the certificate referred to in paragraphs (3), (4) and (5) at an address in the Island in accordance with paragraph (7), shall give the certificates to the new operator.

(10) Where the information required for any of the certificates referred to in paragraphs (3), (4) and (5) is entered in a computer in accordance with paragraph (6), it shall be sufficient compliance with paragraph (7) if the computer is kept at the appropriate place in accordance with paragraph (7); and without prejudice to the generality of paragraph (9), if the operator of the tank concerned changes in these circumstances, the previous operator shall provide the new operator with the information in writing.

(11) An approved person who examines, tests and certifies a tank under paragraphs (3), (4) or (5) shall do so properly and in accordance with such criteria as have been approved and published in the Approved Tank Requirements.

(12) Following the approval of a person as an approved person, the competent authority for the Island or a person acting on his behalf shall carry out, upon reasonable notice, a surveillance inspection of the approved person at such intervals as the competent authority for the Island considers appropriate and for that purpose the approved person shall afford, at his own cost, any facilities and assistance and make available any information which may reasonably be required by or on behalf of the competent authority for the Island.

(13) Schedule 3 shall have effect with respect to fees for approvals and surveillance inspections under this Regulation.

(14) Notwithstanding paragraphs (4) and (5), an operator may transport by road empty, uncleaned tanks in respect of which the relevant certificate has expired for the sole purpose of undergoing the tests with a view to renewing the certificate.

### **General requirements for carriage**

6.-(1) No driver of a vehicle which is being used for the carriage of petroleum-spirit shall cause or permit to be carried in the vehicle any person, other than a member of the vehicle crew, for the sole purpose of transporting the person.

(2) No person shall bring portable lighting apparatus on to a vehicle which is being used for the carriage of petroleum-spirit if such apparatus is capable of producing a flame or has a metallic surface liable to produce sparks.

### **Marking of containers, tanks and vehicles**

7.-(1) The operator of a container, tank or vehicle which is being used for the carriage of petroleum-spirit shall ensure that information is displayed on the container, tank or vehicle in accordance with Schedule 4.

(2) No person shall cause or permit any of the information referred to in Schedule 4 to be displayed on a container, tank or vehicle which is not being used for the carriage of petroleum-spirit.

(3) Subject to paragraph (6), no person shall cause or permit any information to be displayed on any container, tank or vehicle which

would be likely to confuse the emergency services when read in conjunction with any information displayed in accordance with Schedule 4.

(4) The operator of any container, tank or vehicle and the driver of a vehicle which is being used for the carriage of petroleum-spirit shall ensure that any danger sign, hazard warning panel or orange-coloured panel displayed in accordance with Schedule 4 is kept clean and free from obstruction.

(5) The operator of a container tank or vehicle, and the driver of a vehicle, which is being used for the carriage of petroleum-spirit shall ensure that any danger sign, hazard warning panel or orange-coloured panel which does not relate to petroleum-spirit -

- (a) is covered or removed; and
  - (b) in the case where an orange-coloured panel is covered, any material used to cover it will remain effective after 15 minutes' engulfment in fire.
- (6) No person shall -
- (a) remove a danger sign, hazard warning panel, orange-coloured panel or subsidiary hazard sign displayed in accordance with Schedule 4 from a container, tank or vehicle which is being used for the carriage of petroleum-spirit, except for the purpose of updating the information on it; or
  - (b) falsify any of the information on such a panel or sign.

#### *PART IV*

### LOADING AND UNLOADING

#### **Loading, stowage, unloading and cleaning of containers, tanks and vehicles**

8.-(1) The operator and any other person engaged in the carriage of petroleum-spirit shall take such steps as it is reasonable for



them respectively to take to ensure that nothing in the manner in which petroleum-spirit is loaded, stowed or unloaded from any container, tank or vehicle is liable to create a significant risk or significantly increase any existing risk to the health or safety of any person arising out of the presence of the petroleum-spirit.

(2) Without prejudice to the generality of paragraph (1), the operator of any container, tank or vehicle and the driver of any vehicle which is being used for the carriage of petroleum-spirit shall ensure that the provisions contained in paragraphs (3) to (8) are complied with.

(3) No person shall smoke either in the vicinity of or inside vehicles which are being used for the carriage of petroleum-spirit, during loading and unloading operations.

(4) Where petroleum-spirit is carried in a tank -

(a) a good electrical connection from the vehicle chassis to earth shall be established before the tank is filled or emptied; and

(b) the rate of filling of the tank shall be limited so as to prevent an electrostatic discharge of such energy as is likely to cause ignition of any flammable vapour present.

(5) Except where the engine has to be used to drive the pumps or other appliances for loading or unloading the vehicle, the vehicle's engine shall be shut off during loading and unloading operations.

(6) No tank or compartment thereof shall be overfilled with petroleum-spirit and for the purposes of this paragraph "overfilled" means filled beyond a safe level.

(7) Subject to paragraph (8), the driver of any vehicle which is being used for the carriage of petroleum-spirit in a tank shall ensure, so far as is practicable, that -

(a) all openings in the tank; and

(b) where any discharge or filling opening in the tank is fitted with one or more valves or is fitted with a cap, all such valves and that cap,

are securely closed prior to the commencement of and throughout the journey.

(8) Nothing in paragraph (7) shall be taken as permitting the proper functioning of any safety device to be compromised.

(9) Where petroleum-spirit has escaped from a receptacle into a container or vehicle in which it is being carried the container or vehicle shall be cleared of all petroleum-spirit and petroleum vapour as soon as possible and in any case before re-loading.

(10) A container or vehicle which has been used for the carriage of petroleum-spirit in bulk shall be cleared of all petroleum-spirit and petroleum vapour before re-loading unless the new load consists of petroleum-spirit.

**Unloading of petroleum-spirit at petroleum filling stations and certain other premises licensed for the keeping of petroleum-spirit**

**9.** The provisions of Schedule 5 shall have effect for regulating the unloading of petroleum-spirit from the tank of a road tanker at -

- (a) any petroleum filling station; and
- (b) any other premises for which a petroleum-spirit licence authorizing the keeping of petrol is in force, except where those premises are licensed for keeping more than 100,000 litres of petroleum-spirit in storage tanks,

and the enforcing authority for these Regulations in respect of such unloading as is specified in sub-paragraphs (a) and (b) shall be the Committee, even if the relevant tanker is on a road at the time of unloading.

## *PART VI*

### EMERGENCIES AND PARKING

#### **Equipment**

**10.** The operator of a vehicle which is being used for the carriage of petroleum-spirit shall ensure that it is equipped so that the driver can take the measures detailed in the emergency information which he would be required to take in order to comply with Regulation 11(1).

#### **Accidents and emergencies**

**11.**-(1) In the event of an accident or emergency involving the carriage of petroleum-spirit, the driver of the vehicle shall take all reasonable steps to ensure that any instructions contained within the emergency information relating to petroleum-spirit concerning the measures to be taken by him are complied with.

(2) In the event of an emergency involving a vehicle which is being used for the carriage of petroleum-spirit which cannot be brought under immediate control, the driver of the vehicle shall take all reasonable steps to ensure that the appropriate emergency services are notified by the quickest practical means.

#### **Precautions against fire or explosion**

**12.**-(1) No person shall cause or permit anything to be done which is liable to create a significant risk or significantly increase any existing risk of a fire or an explosion whilst petroleum-spirit is being carried in a container, tank or vehicle.

(2) Subject to paragraphs (3) and (6), the operator of a vehicle which is being used for the carriage of petroleum-spirit shall ensure that it is equipped with -

- (a) at least one portable fire extinguisher with a minimum capacity of 2 kg of dry powder, or other suitable extinguishant with an equivalent test fire rating of at least 5A and 34B as defined in British Standard BSEN 3-1:1996, suitable for fighting a fire in the engine or cab of the vehicle, and such that, if it is used to fight a fire

involving the load, it does not aggravate the fire and, if possible, controls it; and

- (b) at least one portable fire extinguisher with a minimum capacity of 6 kg of dry powder, or other suitable extinguishant with an equivalent test fire rating of at least 21A and 183B as defined in British Standard BSEN 3-1:1996, suitable for fighting a tyre or brake fire or a fire involving the load, and such that, if it is used to fight a fire in the engine or cab of the vehicle, it does not aggravate the fire.
- (3)(a) The fire extinguisher referred to in paragraph (2)(a) need not be suitable for fighting a fire in the engine if the vehicle is equipped with a fixed fire extinguisher, suitable for fighting a fire in the engine, which either works automatically or is easily brought into action;
- (b) where the vehicle is a motor vehicle with a maximum gross weight of less than 3.5 tonnes, the fire extinguisher referred to in paragraph (2)(b) may be replaced by a fire extinguisher with a minimum capacity of 2 kg of dry powder, or other suitable extinguishant with an equivalent test fire rating of at least 5A and 34B as defined in British Standard BSEN 3-1:1996.
- (4) The operator of a vehicle which is being used for the carriage of petroleum-spirit shall ensure that any portable fire extinguisher provided in accordance with this Regulation -
- (a) bears a mark of compliance with a standard recognised by a competent authority for that type of extinguisher;
  - (b) is fitted with a seal verifying that it has not been used; and
  - (c) where it was manufactured on a date four months after the commencement of these Regulations, bears an inscription indicating the date when it should next be inspected.
- (5) The operator of the vehicle referred to in paragraph (4) shall ensure, prior to carriage, that the date inscribed on any portable fire

extinguisher in accordance with sub-paragraph (c) of that paragraph has not passed.

(6) Paragraph (2)(a) shall not apply in relation to any trailer which is being used for the carriage of petroleum-spirit where that trailer is not attached to a motor vehicle.

(7) The operator of any vehicle which is used for the carriage of petroleum-spirit shall ensure that the extinguishants contained in the fire extinguishers referred to in this Regulation are such that they are not liable to release toxic gases -

- (a) into the driver's cab; or
- (b) when under the influence of the heat of a fire.

### **Supervision and parking of vehicles**

**13.-**(1) Subject to paragraph (2), the operator of any vehicle which is being used for the carriage of petroleum-spirit and the driver of that vehicle shall ensure that when the vehicle is parked it is -

- (a) supervised at all times by a competent person -
  - (i) over the age of 18 years, or
  - (ii) who is a member of the armed forces; or
- (b) parked in an isolated position -
  - (i) unsupervised in the open in a secure depot or secure factory premises; or, if no such facilities are available,
  - (ii) in a vehicle park supervised by an appropriate person who has been notified of the nature of the load and the whereabouts of the driver; or if no such facilities are available,
  - (iii) in a public or private vehicle park where the vehicle is not likely to suffer damage from any other vehicle; or, if no such facilities are available,

- (iv) in a suitable open space separated from the public highway and from dwellings, where the public does not normally pass or assemble,

having first been properly secured.

(2) Paragraph (1) shall not apply in circumstances where the vehicle has been damaged or has broken down on a road and the driver has left the vehicle to seek assistance, provided he has taken all reasonable steps to secure the vehicle and its contents before leaving it unattended.

(3) When a driver parks a vehicle which is being used for the carriage of petroleum-spirit he shall apply the parking brake.

## *PART VII*

### MISCELLANEOUS AND GENERAL

#### **Exemption certificates**

**14.-**(1) Subject to paragraph (2) the Committee may, by Order, exempt -

- (a) any person or class of persons; or
- (b) any container, tank or vehicle or class thereof,

from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time.

(2) The Committee shall not grant any exemption under paragraph (1) unless having regard to the circumstances of the case and in particular to -

- (a) the conditions, if any, which it proposes to attach to the exemption; and

- (b) any other requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

(3) The Committee may, in the interests of national security, by Order, exempt any person from all or any of the requirements or prohibitions imposed by these Regulations in so far as they relate to the carriage of petroleum spirit in -

- (a) any vehicle owned by Her Majesty's forces; or
- (b) any vehicle under the control of Her Majesty's forces,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Committee by Order.

### **Defence**

**15.-**(1) In any proceedings for an offence consisting of a contravention of any of the provisions of these Regulations it shall be a defence, subject to paragraph (2), for the person charged to prove -

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees (hereinafter called "the other person"); and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(2) The person charged shall not be entitled to rely upon the defence referred to in paragraph (1) without leave of the court unless, within a period ending seven clear days before the trial, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

### **Citation and commencement**

**16.** These Regulations may be cited as the Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 2001, and shall come into force on the twelfth day of April 2001.

**M.N. DE LA HAYE**

*Deputy Greffier of the States.*



## *SCHEDULE 1*

### **(Regulation 3)**

#### **Disapplications to these Regulations**

1. These Regulations shall not apply to or in relation to the carriage of petroleum-spirit where -

- (a) the motor vehicle which is being used for the carriage of petroleum-spirit is registered outside the Island and the carriage is confined to the Island but nevertheless conforms with the provisions of ADR as if it were part of an international transport operation;
- (b) the carriage forms part of an international transport operation within the meaning of Article 1(c) of ADR and conforms with the provisions of that agreement;
- (c) the carriage forms part of an international transport operation which is subject to any bilateral or multilateral special agreement made under the terms of Article 4.3 of ADR to which the United Kingdom is a signatory and conforms with any conditions attached to the agreement;
- (d) the carriage forms part of an international transport operation within the meaning of Article 1(c) of ADR and the petroleum spirit is being carried in -
  - (i) a vehicle owned by Her Majesty's forces, or
  - (ii) a vehicle under the control of the armed forces of a country which is a contracting party to ADR.

2. Regulation 5 and Schedule 2 shall not apply to or in relation to the carriage of a storage tank which is nominally empty, provided -

- (a) as much of the pipe-work which was connected to the tank as it was reasonably practicable to remove from it has been so removed;

- (b) a suitable pressure relief valve, which shall remain operational during the carriage, is fitted to the tank; and
- (c) subject to sub-paragraph (b), all openings in the tank and in any pipe-work attached thereto have been sealed to prevent the escape of any petroleum spirit, insofar as it is reasonably practicable to do so.

3. Regulations 5(5), 7, 10, 11, 12(2) to (6) and paragraphs 1(b) and 2(2) of Schedule 2 shall not apply to or in relation to the carriage of petroleum-spirit from a container, tank or vehicle which has been damaged as the result of an accident on a road, or has broken down on a road, to the nearest suitable, safe place with a view to the container, tank or vehicle or any other receptacle which is carrying the petroleum-spirit, being repaired, cleaned or purged provided such carriage is escorted by a police constable or by a fire brigade officer and all reasonable steps have been taken to prevent any leakage of petroleum-spirit.

4. Regulation 7(1) shall not apply where the petroleum-spirit is being carried in a vehicle owned by Her Majesty's forces, in so far as the vehicle concerned is being used in connection with training or manoeuvres in respect of which not less than 48 hours' notice has been given to the Chief Officer of Police and the Chief Fire Officer.

## *SCHEDULE 2*

### **(Regulation 5(1)(a))**

#### **SPECIAL REQUIREMENTS RELATING TO THE TANKS OF ROAD TANKERS CONSTRUCTED BEFORE 1ST JANUARY 1999**

##### **Construction of road tankers**

1. The operator of a road tanker shall not use it for the carriage of petroleum-spirit unless -
  - (a) it is properly designed, of adequate strength and of good construction from sound and suitable material;
  - (b) it is suitable for the purposes for which it is being used having regard to -
    - (i) the nature and circumstances of the journey being undertaken, and
    - (ii) the characteristic properties and quantity of petroleum spirit and of all other goods being carried, including any which are not in themselves dangerous;
  - (c) the carrying tank of the road tanker concerned, and any fittings attached to it -
    - (i) are designed, constructed and maintained so as to prevent any of the contents escaping, except that this requirement shall not prevent the fitting of a suitable safety device, and
    - (ii) in so far as they are likely to come into contact with petroleum-spirit, are made of materials which are neither liable to be adversely affected by petroleum-spirit nor liable in conjunction with it significantly to increase the risk to the health or safety of any person; and
  - (d) in the case of a road tanker brought into use for the first time on or after 1st June 1992 for the carriage of

petroleum-spirit, he is in possession of sufficient information in writing concerning -

- (i) its design, construction, examination and maintenance, and
- (ii) any repairs or modifications made to the carrying tank of the road tanker or to any of its fittings,

as may reasonably foreseeably be needed to enable him to comply with this Schedule in so far as it imposes requirements or prohibitions on him.

### **Testing and examination of the carrying tanks of road tankers**

2.-(1) Petroleum-spirit shall not be carried in the carrying tank of a road tanker unless -

- (a) for the purpose of ensuring that it is properly maintained, there has been prepared and there is carried into effect a suitable written scheme for -
  - (i) the initial and periodic examination, and
  - (ii) the initial and, where appropriate, periodic testing, of the relevant carrying tank and its fittings by a competent person;
- (b) before being brought into use for the first time for the carriage of petroleum-spirit, the relevant carrying tank was certified by a competent person as suitable for the purposes for which he understood it was to be used and those purposes were specified in the certificate; and
- (c) subject to sub-paragraph (12), there is in existence a current report signed by the competent person who carried out the most recent examination and test in accordance with the scheme required by clause (a), stating -
  - (i) the date or dates on which the examination and test were carried out and the results thereof,

- (ii) the date before which any further examination and, where appropriate, test must be carried out, the interval to that date being that specified in the written scheme referred to in clause (a) or such shorter interval as the competent person may specify, and
- (iii) that the relevant carrying tank remains suitable either for the purposes specified in the certificate for that tank referred to in clause (b) or for the purposes specified in a further certificate issued under sub-paragraph (9), or, if it is no longer suitable for any of those purposes, the purposes for which it is suitable.

(2) Subject to sub-paragraph (12), petroleum-spirit shall not be carried in the tank of a road tanker if the carrying tank concerned or any fittings attached to it have been damaged, modified or repaired in such a way as might affect their safety since either the report referred to in sub-paragraph (1)(c) was issued or, where the carrying tank is such as is specified in paragraph 3, the tank and its fittings were last examined and tested under ADR.

(3) It shall be sufficient compliance with sub-paragraph (1)(c) if -

- (a) the competent person referred to therein first enters his report in a computer under the operator's control and then duly authenticates it; or
- (b) where the competent person does not enter it in a computer under the operator's control, the report is transferred to such a computer by, or on the instructions of, the competent person as soon as is practicable after he first enters it in a computer and duly authenticates it.

(4) The procedure referred to in sub-paragraph (3) may only be used if the report -

- (a) is capable of being reproduced in written form when required at the appropriate place referred to in paragraph 4(1);

- (b) is secure from unauthorized interference; and
- (c) can be authenticated only by the competent person.

(5) Every carrying tank of a road tanker, subject to sub-paragraph (6), shall have securely fastened to it, or to any support which is welded to it, in a readily accessible position, a corrosion-resistant plate on which the following information is indelibly marked -

- (a) the name or identifying mark of the manufacturer of the carrying tank;
- (b) the serial number of the carrying tank by which it can be identified; and
- (c) the date of the most recent examination and test carried out in accordance with sub-paragraph (1).

(6) Where compliance with sub-paragraph (5)(c) is not possible because there is no more room on a corrosion-resistant plate, the date concerned shall be indelibly marked on an additional corrosion-resistant plate which shall be securely fastened to the relevant carrying tank, or to any support welded to it, in a readily accessible position; and, in such a case, that additional plate shall also be marked in accordance with sub-paragraph (5)(a) and (b).

(7) Where any corrosion-resistant plate such as is described in sub-paragraph (5) or (6) and which is securely fastened to the carrying tank of a road tanker is covered by an insulating layer which surrounds the carrying tank, a duplicate corrosion-resistant plate, indelibly marked with the same information as is marked on the plate which is covered as aforesaid, shall be securely fastened to the exterior of the insulating layer.

(8) Where the carrying tank of a road tanker or its fittings have been damaged, modified or repaired in such a way as might affect their safety since either the report referred to in sub-paragraph (1)(c) was issued or, in the case of any carrying tank such as is specified in paragraph 3 that tank and its fittings were last examined and tested under ADR, the provisions of sub-paragraph (1) or ADR shall apply in respect of any such tank and its fittings as if the tank had not previously been used for the carriage of petroleum-spirit.

(9) Where the competent person is satisfied that the carrying tank of a road tanker is suitable for purposes other than those specified in the certificate referred to in sub-paragraph (1)(b) he may endorse the certificate to that effect or issue a further certificate specifying those purposes.

(10) In this paragraph “competent person” means a competent individual person, other than an employee, or a competent body of persons corporate or unincorporate, and accordingly any reference in the provisions referred to in this paragraph to a competent person performing a function includes a reference to his performing it through his employees.

(11) It shall be the duty of the operator of any road tanker to comply with the provisions of this paragraph.

(12) Notwithstanding sub-paragraphs (1)(c) and (2), the operator may transport by road uncleaned tanks in respect of which the relevant certificate has expired for the sole purpose of undergoing the tests with a view to renewing the certificate.

### **Exceptions to paragraph 2**

3. Paragraph 2(1), (5) and (10) shall not apply to the carrying tank of a road tanker used for the carriage of petroleum-spirit where such a tank and its fittings have been examined, tested, certified and plated in accordance with the requirements of ADR.

### **Keeping of documents**

4.-(1) All the documents referred to in paragraphs 1 and 2 shall be kept by the operator of a road tanker either at the premises from which the tanker operates or at his principal place of business within the Island.

(2) Where the operator of a road tanker changes, the previous operator shall, insofar as he is required to keep any document at an address in the Island in accordance with sub-paragraph (1), give any such document to the new operator.

(3) Where either of the procedures referred to in paragraph 2(3) has been used, it shall be sufficient compliance with sub-paragraph (1) in respect of the report referred to in paragraph 2(1)(c) if

that report is kept by the operator concerned in a computer at the appropriate place specified in sub-paragraph (1); and without prejudice to the generality of sub-paragraph (2), if the operator changes in circumstances where the report referred to in paragraph 2(1)(c) is kept in a computer in accordance with this sub-paragraph, the previous operator shall provide the new operator with the information contained in that report in written form.



## *SCHEDULE 3*

### **(Regulation 5(13))**

#### **Fee for approvals and surveillance inspections**

1. On the making of an application under Regulation 5 to the competent authority for the approval of a person as an approved person there shall be payable by the applicant in connection with the performance by or on behalf of the competent authority of its functions in relation to that application, a fee or fees to be determined in accordance with paragraphs 2 to 5.

2. On receipt of the application referred to in paragraph 1 the competent authority shall prepare and send to the applicant an estimate of the cost to it of the work necessary for the determination of the application, and subject to paragraph 4, the amount so estimated shall be the amount of the initial fee payable and shall be paid forthwith to the competent authority.

3. On determination of the application referred to in paragraph 1 the competent authority shall prepare and send to the applicant a detailed statement of the work carried out for the determination of the application and of the cost reasonably incurred by it in carrying out that work or in having it carried out on its behalf.

4. If the cost so stated in accordance with paragraph 3 differs from the amount estimated in accordance with paragraph 2 -

- (a) where it is greater, the amount of the difference shall be the amount of the final fee payable and shall be paid forthwith; and
- (b) where it is less, the initial fee shall be redetermined accordingly and the amount of the difference shall be paid forthwith to the applicant by the competent authority.

5. In estimating or stating the cost of carrying out any work the competent authority may determine the cost of employing an officer for any period on work appropriate to his grade by reference to the average cost to it of employing officers of his grade for that period.

6. Following a surveillance inspection of an approved person in accordance with Regulation 5(12), the competent authority shall prepare and send to that person a statement of the cost of the performance by or on behalf of the competent authority of its functions in relation to that inspection, and the amount so stated shall be the fee payable for that inspection and shall be paid forthwith.

## *SCHEDULE 4*

### **(Regulation 7(1))**

## INFORMATION TO BE DISPLAYED ON CONTAINERS, TANKS AND VEHICLES CARRYING PETROLEUM-SPIRIT

### *PART I*

## INFORMATION TO BE DISPLAYED

### **General**

1. Where petroleum-spirit is being carried in any container, tank or vehicle information shall be displayed thereon in accordance with the provisions of this Schedule.

### **Interpretation**

2. Any reference in this Schedule to -
- (a) a numbered figure is a reference to the figure so numbered in Part II of this Schedule; and
  - (b) “the telephone number” is a reference to the telephone number where specialist advice concerning petroleum-spirit may be obtained in English at any time during carriage.

### **Display of orange-coloured panels, UN numbers and emergency action codes**

3. Subject to paragraph 4, an orange-coloured panel conforming to figure 1 shall be displayed at the front of any vehicle carrying petroleum-spirit.

### **Trailers**

4. Paragraph 3 shall not apply to any trailer carrying petroleum-spirit where the trailer is not attached to a motor vehicle.

### **Carriage of petroleum-spirit in receptacles**

5. An orange-coloured panel conforming to figure 1 shall be displayed at the rear of any vehicle carrying petroleum-spirit in a receptacle which is not a container or a tank.

### **Carriage of petroleum-spirit in a tank**

6. Where a vehicle is carrying petroleum-spirit in a tank -
- (a) an orange-coloured panel conforming to figure 2 shall be displayed at the rear of the vehicle bearing the appropriate UN number and the appropriate emergency action code;
  - (b) an orange-coloured panel conforming to figure 2 shall be displayed on both sides of -
    - (i) the tank,
    - (ii) the frame of the tank, or
    - (iii) the vehicle, provided the panel is positioned immediately below the tank,bearing the appropriate UN number and the appropriate emergency action code.

### **Display of orange-coloured panels**

7. An orange-coloured panel required to be displayed in accordance with paragraphs 1 to 6 shall be attached in a substantially vertical plane, and shall be -
- (a) rigid or fixed to be rigid; and
  - (b) in the form of a plate.

## **Specification of display of UN numbers and emergency action codes**

8. A UN number or emergency action code required to be displayed in accordance with paragraphs 1 to 6 shall conform to the following specification -

- (a) the UN number and, subject to sub-paragraph (b), the emergency action code shall consist of black digits, measuring not less than 100 mm. in height and not less than 15 mm. stroke width;
- (b) notwithstanding subparagraph (a), where the emergency action code in column 5 of the Approved Carriage List indicates a white letter on a black background, that letter shall be displayed as an orange letter on a black rectangle which rectangle shall have a height and width not less than 10 mm. greater than the height and width of the letter;
- (c) subject to paragraph 9, the UN number and the emergency action code shall be indelible and shall remain legible after 15 minutes engulfment in fire.

### **Tanks constructed before 1st January 1999**

9. Paragraph 8(c) shall not apply in relation to any tank constructed before 1st January 1999.

### **Permitted variations of sizes of panels**

10. Where the size and construction of the vehicle are such that the available surface area is insufficient to display orange-coloured panels conforming to the dimensions specified in figures 1 or 2, the dimensions of the orange-coloured panels displayed may be reduced to 300 mm. at the base, 120 mm. in height and with a black border measuring 10 mm.

### **Display of the telephone number**

11. Where a vehicle is carrying petroleum-spirit in a tank, the telephone number shall be displayed -

- (a) at the rear of the vehicle;

- (b) on both sides of -
  - (i) the tank,
  - (ii) the frame of the tank, or
  - (iii) the vehicle; and
- (c) in the immediate vicinity of the orange-coloured panels.

### **Specification of the display of the telephone number**

12. The telephone number shall consist of black digits of not less than 30 mm. for the height and shall be displayed on an orange-coloured background.

### **Permitted variations of the display of the telephone number**

13. Notwithstanding paragraph 11, the telephone number may be substituted by the text “consult local depot” or “contact local depot” provided -

- (a) the name of the operator of the vehicle is clearly identifiable from the marking on the tank or the vehicle;
- (b) the chief fire officer has been notified in writing of the address and telephone number of the local depot; and
- (c) the chief fire officer has indicated in writing that he is satisfied with the arrangements.

### **Display of danger signs and subsidiary hazard signs on containers**

14. Where a vehicle is carrying petroleum-spirit in a container, the danger sign specified in figure 4 shall be displayed on the container.

### **Display of danger signs on vehicles**

15. Where a vehicle is carrying petroleum-spirit in a tank the danger sign which is required by paragraph 13 to be displayed on a

container containing petroleum-spirit shall be displayed on each side of, and at the rear of, the vehicle.

### **Specification of display of danger signs**

16. Subject to paragraph 17, the danger sign required to be displayed by this Schedule shall -

- (a) have sides which measure not less than 250 mm; and
- (b) have a line of the same colour as the symbol 12.5 mm. inside the edge and running parallel to it.

### **Display of hazard warning panels**

17.-(1) Notwithstanding paragraphs 6, 11 and 15 -

- (a) the information required to be displayed on an orange-coloured panel; and
- (b) the danger sign,

may be displayed on a hazard warning panel, which panel shall conform to figure 3 and be orange-coloured, except that part of it which incorporates the danger sign, which part shall be coloured white.

(2) Notwithstanding paragraph 16, where a hazard warning panel is displayed the danger sign incorporated within the panel shall have -

- (a) sides which measure not less than 200 mm.; and
- (b) a line of the same colour as the symbol not more than 12.5 mm. inside the edge and running parallel to it.

(3) Wherever an orange-coloured panel conforming to figure 2 is required to be displayed either at the rear or at the sides of a container, tank or vehicle, the hazard warning panel may be displayed instead at the rear or at the sides, as appropriate -

- (a) on the vehicle;

- (b) on a tank or container; or
- (c) on the frame of a tank or container.

### **General**

18. Where any orange-coloured panel, danger sign or hazard warning panel is displayed -

- (a) at the front or at the rear of the vehicle, it shall be positioned at right angles across the width of the vehicle; or
- (b) on the sides of a container, tank or vehicle it shall be positioned at right angles along the length of the container, tank or vehicle concerned.

### **Visibility of signs**

19. An orange-coloured panel, danger sign or hazard warning panel displayed in accordance with this Schedule shall be clearly visible.

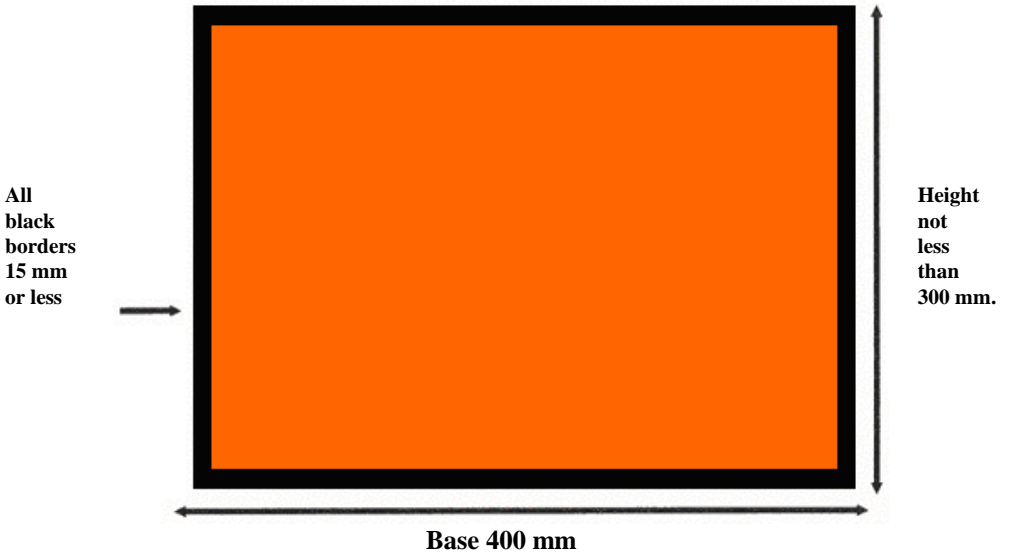


*PART II*

**Figures referred to in this Schedule**

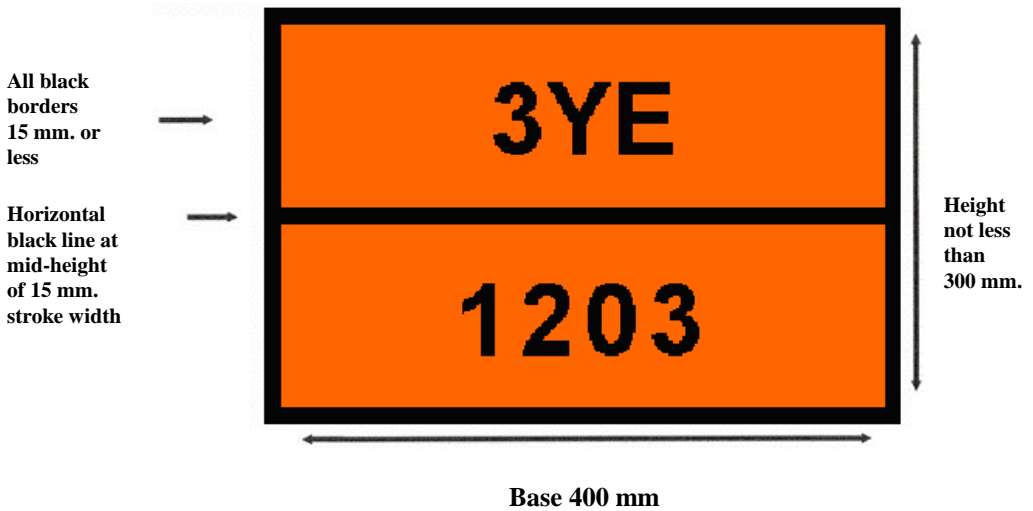
**Figure 1**

**Orange-coloured panel**



**Figure 2**

**Orange-coloured panel displaying the emergency action code and the UN number**



The emergency action code shall be inscribed in the upper half and the UN number shall be inscribed in the lower half

Figure 3

Hazard Warning Panel



The emergency action code shall be inscribed in the upper half and the UN number in the lower half of the orange-coloured panel and the telephone number (or text) beneath the UN number.

**Figure 4**

**Danger Sign**



**The words under the symbol on the sign may be omitted.**

**The symbol, and the words, if included, shall be coloured either black or white.**

**The sign shall have a line of the same colour as the symbol, 5 mm. inside the edge of the sign and running parallel to the edge.**

*SCHEDULE 5*

**(Regulation 9)**

**UNLOADING OF PETROLEUM-SPIRIT AT PETROLEUM FILLING STATIONS AND CERTAIN OTHER PREMISES LICENSED FOR THE KEEPING OF PETROLEUM-SPIRIT**

*PART I*

**General requirements**

1.-(1) It shall be the duty of the person licensed under the Law to keep petroleum-spirit at a particular petroleum filling station or at particular premises of the kind specified in Regulation 9(b) (in this Schedule referred to as “the licensee”) to ensure that the unloading of petroleum-spirit from a road tanker at those premises (in this Schedule referred to as “the licensed premises”) is carried out -

- (a) under his control and in accordance with the procedure set out in Part II of this Schedule (in this Schedule referred to as “the Part II procedure”); or
- (b) under the control of the driver of the road tanker making the delivery, under the authority of a licence issued by the Committee pursuant to paragraph 19(1)(a) (“a Part III licence”) and in accordance with the procedure set out in Part III of this Schedule (in this Schedule referred to as “The Part III procedure”); and
- (c) in either case -
  - (i) subject to the provisions of this Part of this Schedule, and
  - (ii) by transferring the petroleum-spirit from the tank of the road tanker into a storage tank.

(2) Where the licensee has been granted a Part III licence in respect of the licensed premises, he shall only use the Part III procedure at those premises unless -

- (a) he has given at least one week's notice to the Chief Fire Officer that he intends to change to using the Part II procedure and that notice period has expired; or
- (b) due to failure of equipment, compliance with the Part III procedure has ceased to be possible and the licensee has agreed with the operator and (where the operator is not the supplier of the petrol) with the supplier to revert temporarily to the Part II procedure pending correction of the equipment.

(3) Where the temporary use of the Part II Procedure occurs in accordance with sub-paragraph (2)(b), the licensee shall give notice to the Chief Fire Officer -

- (a) of his having commenced such temporary use; and
- (b) of his having resumed the use of the Part III procedure upon correction of the equipment failure.

(4) Any notice required to be given in accordance with sub-paragraph (3) shall be given by the quickest practicable means.

(5) The licensee shall, within 3 working days of giving any notice in accordance with sub-paragraph (3), give written confirmation of that notice to the Chief Fire Officer.

(6) In sub-paragraph (5), the reference to "3 working days" is a reference to a period of 72 hours calculated from the time the relevant notice was given in accordance with sub-paragraph (3), but disregarding so much of any such period as falls on a Saturday or Sunday, or on Christmas day or Good Friday, or a day which has been appointed a public holiday or a bank holiday under the Public Holidays and Bank Holidays (Jersey) Law 1951.<sup>6</sup>

2.-(1) The licensee shall, for the purpose of distinguishing one storage tank from any other storage tank situated at the licensed premises, ensure that every such tank is clearly marked with -

<sup>6</sup> Recueil des Lois, Tome VIII, page 9.

- (a) a number, a letter or a combination of both a number and a letter in such a manner that the number, letter or number and letter cannot be readily altered or obliterated; and
- (b) adjacent to that number, letter or number and letter, the maximum working capacity of the tank and the grade of petroleum-spirit permitted to be stored therein under the licence granted in respect of the licensed premises.

(2) In this Schedule, a reference to the maximum working capacity of a storage tank shall be a reference to 97% of its actual capacity, expressed in litres.

3. For the purpose of distinguishing one compartment of the tank of a road tanker from each other compartment of that tank, the operator shall ensure that every such compartment is clearly marked with a number in such a manner that that number cannot readily be altered or obliterated.

4. The licensee shall ensure that every dipstick, not being one permanently fixed to a storage tank, and any other device used for ascertaining the quantity of the petroleum-spirit for the time being contained in a storage tank, is marked with the same number, letter or combination of both a number and letter and in the same manner as that with which the storage tank in connection with which it is used is marked.

5. Where the method of filling a storage tank is by means of a pipe (whether in a single length or segmented) leading from the tank to a filling point not situated on, or immediately adjacent to, the tank itself, the licensee shall ensure that the pipe is clearly marked on, or immediately adjacent to, the filling point with -

- (a) the same number, letter or combination of both a number and letter and in the same manner as that with which the tank is marked; and
- (b) adjacent to that number, letter or number and letter, the maximum working capacity of the tank and the grade of petroleum-spirit permitted to be stored in it under the licence granted in respect of the licensed premises.

6. In any case where the method of filling the tank is that referred to in paragraph 5, the licensee shall ensure, so far as practicable, that no filling takes place until -

- (a) the pipe is properly and securely connected to the tank and to the filling point; and
- (b) (where the pipe is segmented) each segment is properly and securely connected one with another.

7. Where, during the course of filling a storage tank, vapours given off by that storage tank are returned to the road tanker by means of a vapour balance pipe which is connected to a vapour balance hose emanating from that road tanker, the licensee shall ensure that that vapour balance pipe is marked with the words "vapour balance".

8.-(1) The licensee shall appoint a competent person over the age of 18 years (in this Schedule referred to as "the competent person") who shall be permitted neither to be the driver of, nor to be employed to be in attendance on, any vehicle from which a delivery of petroleum-spirit is to be made at the licensed premises and who shall have the functions given to him by Parts II and III of this Schedule.

- (2) The licensee shall ensure that -
  - (a) the competent person has received adequate training to enable him to understand -
    - (i) the nature of the dangers to which the carriage of petroleum-spirit may give rise, and
    - (ii) the functions given to him by Parts II and III of this Schedule and his duties under Articles 4 and 8 of the Health and Safety at Work (Jersey) Law 1989; and
  - (b) a record of the training received pursuant to sub-paragraph (2)(a) is available at the licensed premises.



*PART II*

THE PART II PROCEDURE

**(Procedure for licensee-controlled deliveries)**

9. The competent person shall be in charge of the storage tank for the purpose of the delivery and shall not permit delivery into that tank to commence -

- (a) unless the tank has immediately before the delivery been measured with a dipstick or other suitable measuring device and the measurement has shown that the quantity of petroleum-spirit proposed to be delivered can safely be received by that tank; and
- (b) until -
  - (i) the hose (whether a single length or segmented) through which the petroleum-spirit will be delivered (“the delivery hose”) is connected to the filling point of that tank and
  - (ii) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose is secured to the vapour balance pipe before the delivery hose is connected;
- (c) (in any case where there is a separate dipping opening in the storage tank) until that dipping opening has been securely closed; and
- (d) where siphon pipes link storage tanks at the licensed premises and none of the linked tanks is fitted with a mechanical overflow prevention device, until the tank has been isolated from the other storage tanks by the closure of suitable valves,

and shall not as respects that tank sign his name on the certificate referred to in paragraph 10 until he has complied with the appropriate requirements of clauses (a) to (d).

10. Before delivery into any storage tank is begun, the competent person shall, in the presence of the driver of the road tanker from which the delivery is to be made, in Part A of each of two copies of a certificate in the form specified in Part IV of this Schedule -

- (a) in the first column, enter the address of the licensed premises concerned;
- (b) in the second column, enter the name of the licensee of the premises;
- (c) in the third column, enter the number, letter or number and letter marked on the tank;
- (d) in the fourth and fifth columns, enter the quantity and grade respectively of petroleum-spirit which is to be delivered into the tank;
- (e) in the sixth column, enter his signature; and
- (f) in the seventh column enter the correct date and time.

11. The driver of a road tanker shall not commence any delivery of petroleum-spirit into a storage tank until -

- (a) he has, after the competent person has completed Part A of each of two copies of a certificate in the form specified in Part IV of this Schedule in accordance with paragraph 10, in Part B of each of the two copies -
  - (i) in the first column, entered the number, letter or number and letter marked on the tank,
  - (ii) in the second column, entered the number of each compartment of any tank of a road tanker from which the petroleum-spirit is to be delivered, and
  - (iii) in the third column, entered his signature;
- (b) he has -

- (i) properly and securely connected the delivery hose (whether a single length or segmented) to -
  - (A) the appropriate outlet on the road tanker, and
  - (B) the filling point of the tank, and
- (ii) where the delivery hose is segmented, properly and securely connected each segment one with another;
- (c) where the provisions of paragraph 7 apply to the delivery, he has, before properly and securely connecting the delivery hose and, where appropriate, any of its segments, properly and securely connected the vapour balance hose -
  - (i) to the vapour balance pipe, and
  - (ii) to the appropriate faucet on the road tanker; and
- (d) the competent person is keeping watch as required by paragraph 12.

12. The competent person shall, during the whole time of a delivery of petroleum-spirit into a storage tank, be in close proximity to the road tanker and the storage tank and shall, so far as is practicable, keep a constant watch on the licensed premises for the purpose of preventing any hazardous situation arising.

13. The driver of a road tanker shall ensure that, during the whole time of a delivery of petroleum-spirit from the tanker -

- (a) except where the engine has to be used to drive the pumps or other appliances for loading or unloading the vehicle, neither its engine, nor any other engine or motor which is attached to the road tanker, is run; and
- (b) the road tanker remains stationary.

14. During the whole time of a delivery of petroleum-spirit from a road tanker, the driver of the tanker shall remain near it, and shall -

- (a) so far as is practicable, keep a constant watch on -
  - (i) the delivery hose (whether a single length or segmented), the connections at both ends of the delivery hose and, in the case of a segmented hose, each connection between the segments,
  - (ii) where the provisions of paragraph 7 apply to the delivery, the vapour balance hose and the connections at both ends of that hose; and
  - (iii) the tank of the road tanker; and
- (b) ensure, so far as is practicable, that no petroleum-spirit escapes from any hose connection such as is specified in clause (a)(i).

15. Both the driver and the competent person shall, during the whole time of a delivery of petroleum-spirit from a road tanker into a storage tank, ensure, so far as is practicable, that no petroleum-spirit overflows from the storage tank concerned.

16. The driver of a road tanker shall ensure that petroleum-spirit from a single compartment of the tank of the road tanker is not delivered into more than one storage tank unless -

- (a) each of the storage tanks into which the petroleum-spirit is to be delivered can safely receive all of the petroleum-spirit remaining in the compartment;
- (b) either the foot valve or the faucet valve for the compartment can be operated from on top of the tank of the road tanker and dipping of the compartment is carried out on a continual basis; or
- (c) other effective and reliable mechanical or other measures are taken to prevent overfilling of each of the storage tanks concerned.

17. When the driver of a road tanker has completed a delivery of petroleum-spirit to which the provisions of paragraph 7 applied, he

shall disconnect the vapour balance hose having first disconnected the delivery hose.

18. The competent person shall, following the completion of a delivery of petroleum-spirit from a road tanker -

- (a) give one of the two copies of the certificate completed in accordance with paragraphs 10 and 11 to the driver of the road tanker from which the delivery has been made, and the driver shall give it to the supplier of the petroleum spirit, who shall keep it for a period of not less than 12 months after the delivery; and
- (b) give the second of the 2 copies of the certificate completed in accordance with paragraphs 10 and 11 to the licensee of the premises where the delivery was made, who shall keep it at those premises for a period of not less than 12 months after the delivery.

### *PART III*

#### THE PART III PROCEDURE

##### **(Procedure for driver-controlled deliveries)**

19.-(1) A licensee shall not use the Part III procedure at his licensed premises unless -

- (a) he has made application in writing to the Committee and has received from them a Part III licence -
  - (i) in the form specified in Part VI of this Schedule, and
  - (ii) which has been completed in accordance with the Note to that Part; and
- (b) he has agreed in writing with -
  - (i) the operator of each road tanker which is likely to deliver petroleum-spirit to the licensed premises, and

- (ii) each person (not being any such operator as is specified above) who is likely to supply petroleum-spirit to the licensed premises,

that (subject to the occurrence of either of the events specified in paragraph 1(2)) that procedure is to be followed for all future deliveries.

(2) When the Committee receives an application made in accordance with sub-paragraph (1)(a), they shall not refuse to grant a Part III licence except on grounds relating to the safety of the specific site in respect of which the licence application has been made and, having granted such a licence, they may subsequently revoke it in writing at any time.

(3) A fee of £50.00 shall be payable by the applicant to the Committee on each application for a Part III licence made in accordance with sub-paragraph (1)(a).

20.-(1) Where the licensee intends to use the Part III procedure at the licensed premises, he shall ensure that -

- (a) the cap on the filling point of each storage tank is locked with a captive padlock, the key of which shall -
  - (i) be identified with the number, letter or number and letter corresponding with the number, letter or number and letter marked on the relevant storage tank; and
  - (ii) have a different profile from the key used for any other such padlock;
- (b) a suitable measuring device is provided for each storage tank which device shall -
  - (i) be capable of continuously and visually indicating the ullage in that tank,
  - (ii) be clearly marked (adjacent to the said visual indication of ullage) with the number, letter or number and letter marked on that tank, and

- (iii) in the event of failure, indicate that the tank is full or that there is a fault condition;
- (c) a ticket printer is provided which is capable of issuing a ticket on which the following information is indicated -
  - (i) the date and time of each delivery; and
  - (ii) (in respect of each storage tank) the number, letter or number and letter marked on the tank, the grade of petroleum-spirit permitted to be stored therein under the licence granted in respect of the licensed premises and the ullage of the tank;
- (d) a suitable high-level alarm which is audible to the driver is provided for each storage tank; and, where the measuring device referred to in sub-paragraph (1)(b) operates on the principle of differential air pressure, he shall also ensure that the system by which that operation is effected will fail safe in the event of a failure of the air supply, and thereby sound the audible high level alarm;
- (e) safe and adequate illumination having an illuminance of 100 lux or more measured at ground level is provided for any area in which the vehicle stands during unloading and any area in which a storage tank filling point or a measuring device referred to in sub-paragraph (1)(b) is situated, together with means which are accessible to the driver for switching the illumination on or off;
- (f) one or more telephones are provided which are accessible to the driver and which will enable the driver to make direct contact with the emergency services and with the depot from which he operates;
- (g) a fire extinguisher suitable for fighting petroleum-spirit fires is provided which is accessible to the driver and has a minimum test fire rating of 144B, as defined in British Standard BS EN3-1: 1996;

- (h) at least 25 kg of dry sand or such quantity of other suitable absorbent material as gives an equivalent degree of absorbency is, in conjunction with suitable tools for applying it, provided in a suitable container, for the purpose of containing spillages;
- (i) a plan of the licensed premises is provided, which -
  - (i) shall have been approved by the Chief Fire Officer,
  - (ii) is accessible to the driver,
  - (iii) indicates the position of each filling point, together with its number or identifying letter, the capacity of the tank to which it is connected and the grade of petroleum-spirit which the tank is permitted to contain under the licence, and
  - (iv) indicates the unloading position for the vehicle and the position of the surface drainage points; and
- (j) a switch, which is capable of cutting off the power supply to all the petroleum-spirit, diesel and, where appropriate, liquefied petroleum gas pumps at the licensed premises is provided adjacent to each telephone provided pursuant to clause (f).

(2) The licensee shall ensure that the operator of any road tanker which is likely to make deliveries of petroleum-spirit to the licensed premises is given written notice of any conditions which apply to such deliveries and which are attached to the licence granted in respect of those premises.

(3) In this Schedule, “ullage” means the difference (expressed in litres) between the maximum working capacity of a storage tank and the quantity of petroleum-spirit in it at any given time.

21. The licensee or the competent person shall, before the commencement of a delivery of petroleum-spirit into a storage tank at the licensed premises -



- (a) In Part A of each of two copies of a certificate in the form specified in Part V of this Schedule -
  - (i) in the first column, enter the address of the licensed premises,
  - (ii) in the second column, enter the name of the licensee,
  - (iii) in the third column, enter the number, letter or number and letter marked on the tank,
  - (iv) in the fourth and fifth columns, enter the quantity and grade respectively of petroleum-spirit which is to be delivered into the tank,
  - (v) in the sixth column, enter his signature, having first visually checked that the ullage in the tank as indicated by the tank measuring device provided in accordance with paragraph 20(1)(b) exceeds the quantity of petroleum-spirit to be received by that tank, and
  - (vi) in the seventh column, enter the correct date and time; and
- (b) having completed Part A of each of two copies of a certificate in the form specified in Part V of this Schedule in the manner specified in clause (a), ensure that both those copies are given to the driver who is to make the delivery.

22. Before making any delivery of petroleum-spirit by the Part III procedure, the operator shall ensure that -

- (a) each compartment of the tank of the road tanker which is to make the delivery is fitted with a bottom-operated foot-valve;
- (b) means are provided to shut off all valves referred to in clause (a) in an emergency;
- (c) the road tanker is loaded in such a way that the contents of a single compartment of its tank will not need to be split

between two storage tanks when the petroleum-spirit is unloaded; and

- (d) the driver of the road tanker is given a written copy of any conditions of which the operator has been given notice under paragraph 20(2).

23. A driver of a road tanker who makes a delivery of petroleum-spirit in accordance with the Part III procedure shall -

- (a) comply with any conditions given to him in accordance with paragraph 22(d);

- (b) immediately before commencing the delivery -

- (i) in Part B of each of the two copies of the certificate required to be given to him in accordance with paragraph 21(b) -

- (A) in the first column, enter the number, letter or number and letter marked on the storage tank into which delivery is to be made,

- (B) in the second column, enter the number of each compartment of any tank of the road tanker from which the petroleum-spirit is to be delivered, and

- (C) in the third column, enter his signature,

- (ii) verify the availability of the key of the captive padlock with which, in accordance with paragraph 20(1)(a), the cap on the filling point of each storage tank which is specified in the copies of the certificate required to be given to him in accordance with paragraph 21(b) must be locked,

- (iii) verify that the quantity to be delivered may be safely received by the storage tank by visually checking that the ullage indicated on a ticket obtained from the ticket printer provided in accordance with

paragraph 20(1)(c) exceeds the quantity to be delivered into that tank,

- (iv) verify that there is a dialling tone on each telephone provided in accordance with paragraph 20(1)(f),
- (v) place the fire extinguisher provided in accordance with paragraph 20(1)(g) and the sand or other absorbent material and tools provided in accordance with paragraph 20(1)(h) in a convenient position close to the road tanker unloading point,
- (vi) test the high level alarm provided in accordance with paragraph 20(1)(d) to verify that the audible signal functions correctly, and
- (vii) take all reasonable steps to ensure that -
  - (A) the delivery hose, whether a single length or segmented, is properly and securely connected to the appropriate outlet on the road tanker and to the filling point of the storage tank,
  - (B) where the delivery hose is segmented, each segment is properly and securely connected one with another, and
  - (C) where the provisions of paragraph 7 apply to the delivery, the vapour balance hose is properly and securely connected to the vapour balance pipe and to the appropriate outlet on the road tanker before the delivery hose and, where appropriate, any segments of the hose are properly and securely connected;
- (c) during the whole time of delivery -
  - (i) except where the engine has to be used to drive the pumps or other appliances for loading or unloading the vehicle, ensure that the engine of the road tanker and any other engine or motor which is attached to it is not run,

- (ii) ensure that the road tanker remains stationary,
  - (iii) ensure, so far as is practicable, that no petroleum-spirit -
    - (A) overflows from the storage tank concerned, or
    - (B) escapes from any hose connection such as is specified in clause (b)(vii)(A) and (B), and
  - (iv) so far as practicable, keep a constant watch on the filling point of the storage tank the tank of the road tanker, the delivery hose, whether a single length or segmented, and, where the provisions of paragraph 7 apply to the delivery, the vapour balance hose and the connections at both ends of that hose; and
- (d) after the delivery is complete but before departing from the relevant premises -
- (i) ensure that all caps on the filling points into which deliveries have been made are securely closed and locked,
  - (ii) (where the provisions of paragraph 7 applied to the delivery, but having first disconnected the delivery hose, whether a single length or segmented) disconnect the vapour balance hose, and
  - (iii) ensure that all manhole covers which were disturbed during this delivery have been securely replaced.

24. The driver of a road tanker which has completed a delivery of petroleum-spirit in accordance with the Part III procedure shall -

- (a) ensure that one of the two duly completed copies of the certificate given to him in accordance with paragraph 21(b) and completed by him in accordance with paragraph 23(b)(i)) before the delivery commenced is given back to the licensee, who shall keep it at the licensed premises for a period of at least 12 months; and

(b) give the other copy of the certificate referred to in clause (a) to the supplier of the petroleum-spirit.

25. The supplier of the petroleum-spirit shall keep the copy certificate that he has been given in accordance with paragraph 24(b) for at least 12 months from the date of the relevant delivery.

*PART IV*

FORM OF CERTIFICATE FOR LICENSEE-CONTROLLED  
DELIVERIES

**The Petroleum-spirit (Carriage by Road) (Jersey) Regulations 2001  
("the Regulations")**

Licensee-controlled deliveries in accordance with Part II of Schedule 5 to  
the Regulations

PART A

<i>First Column</i>			<i>Second Column</i>	
<i>Address of licensed premises</i>			<i>Name of licensee</i>	
<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>	<i>Sixth Column</i>	<i>Seventh Column</i>
Storage tank number, letter or number and letter	Quantity of petrol to be delivered	Grade of petrol to be delivered	Signature of competent person (to certify that he has complied with the appropriate requirements of paragraph 9(a) to (d) of Schedule 5 to the Regulations before delivery commences)	Date and time of completion of this Part of the Certificate

*Note:* In Part A, the competent person appointed by the licensee must enter -

- (a) in the first column, the address of the licensed premises concerned;
- (b) in the second column, the name of the licensee;

- (c) in the third column the relevant storage tank number, letter or number and letter;
- (d) in the fourth and fifth columns, the quantity and grade respectively of petroleum-spirit to be delivered;
- (e) in the sixth column, his signature; and
- (f) in the seventh column, the correct date and time.

This Part must be completed before delivery into the tank commences. The sixth column may only be completed after compliance with the appropriate clauses of paragraph 9 of Schedule 5 to the Regulations.

Paragraph 9 reads as follows -

“9. The competent person shall be in charge of the storage tank for the purpose of the delivery and shall not permit delivery into that tank to commence -

- (a) unless the tank has immediately before the delivery been measured with a dipstick or other suitable measuring device and the measurement has shown that the quantity of petroleum-spirit proposed to be delivered can safely be received by that tank; and
- (b) until -
  - (i) the hose (whether a single length or segmented) through which the petroleum-spirit will be delivered (“the delivery hose”) is connected to the filling point of that tank, and
  - (ii) (where the provisions of paragraph 7 apply to the delivery) the vapour balance hose is secured to the vapour balance pipe before the delivery hose is connected;
- (c) (in any case where there is a separate dipping opening in the storage tank) until that dipping opening has been securely closed; and

- (d) where siphon pipes link storage tanks at the licensed premises and none of the linked tanks is fitted with a mechanical overfill prevention device, until the tank has been isolated from the other storage tanks by the closure of suitable valves,

and shall not as respects that tank sign his name on the certificate referred to in paragraph 10 until he has complied with the appropriate requirements of clauses (a) to (d).”

### PART B

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Storage tank number, letter or number and letter</i>	<i>Road tanker carrying tank compartment numbers</i>	<i>Signature of driver</i>

*Note:* In Part B, the driver must enter -

- (a) in the first column, the relevant storage tank number, letter or number and letter;
- (b) in, the second column, the number of each compartment of any carrying tank from which the petroleum-spirit is to be delivered; and
- (c) in the third column, his signature.

This Part must be completed after Part A has been completed by a competent person appointed by the licensee, but before delivery into the tank commences.



*PART V*

FORM OF CERTIFICATE FOR DRIVER-CONTROLLED  
DELIVERIES

**The Petroleum-spirit (Carriage by Road) (Jersey) Regulations 2001  
("the Regulations")**

Driver-controlled deliveries in accordance with Part III of Schedule 5 to  
the Regulations

PART A

<i>First Column</i>			<i>Second Column</i>	
<i>Address of licensed premises</i>			<i>Name of licensee</i>	
<i>Third Column</i>	<i>Fourth Column</i>	<i>Fifth Column</i>	<i>Sixth Column</i>	<i>Seventh Column</i>
Storage tank number, letter or number and letter	Quantity of petrol to be delivered	Grade of petrol to be delivered	Signature of licensee or competent person (to certify that in accordance with paragraph 21(a) of Schedule 5 to the Regulations he has visually checked the ullage space in the storage tank)	Date and time of completion of this Part of the Certificate

*Note:* In this Part, the licensee or some other competent person acting on his behalf must enter -

- (a) in the first column. the address of the licensed premises concerned;
- (b) in the second column, the licensee's name;

- (c) in the third column, the relevant storage tank number, letter or number and letter;
- (d) in the fourth and fifth columns, the quantity and grade respectively of petroleum-spirit to be delivered;
- (e) in the sixth column, his signature; and
- (f) in the seventh column, the correct date and time.

This Part must be completed before delivery into the tank commences. The sixth column may only be completed after the person concerned has measured the ullage space in the tank.

### PART B

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
<i>Storage tank number, letter or number and letter</i>	<i>Road tanker carrying tank compartment numbers</i>	<i>Signature of driver</i>

*Note:* In this Part, the driver must enter -

- (a) in the first column, the relevant storage tank number, letter or number and letter;
- (b) in the second column, the number of each compartment of any carrying tank from which the petroleum-spirit is to be delivered; and
- (c) in the third column, his signature.

This Part must be completed after Part A has been completed by the licensee or by a competent person acting on his behalf, but before delivery into the tank commences.

*PART VI*

FORM OF PART III LICENCE

**Part III licence**

**The Petroleum-spirit (Carriage by Road) (Jersey) Regulations 2001  
("the Regulations")**

Driver-controlled deliveries in accordance with Part III of Schedule 5 to  
the Regulations

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>	<i>Fourth Column</i>
<i>Address of licensed premises</i>	<i>Name of licensee</i>	<i>Signature of person issuing licence on behalf of the Home Affairs Committee</i>	<i>Date of issue of Part III licence</i>

*Note:* A person duly authorized by the Home Affairs Committee to act in the following behalf shall enter -

- (a) in the first column, the address of the premises to which the Part III licence applies;
- (b) in the second column, the name of the licensee of those premises;
- (c) in the third column, his signature; and
- (d) in the fourth column, the date on which the Part III licence is issued.