
 STATUTORY INSTRUMENTS

200[5] No. []

HEALTH AND SAFETY
**Tank Vehicles (Loading and Unloading of Petroleum-Spirit)
Regulations 200[5]**

<i>Made</i> - - - -	<i>xx xxxx 200[]</i>
<i>Laid before Parliament</i>	<i>xx xxxx 200[]</i>
<i>Coming into force</i> - -	<i>xx xxxx 200[]</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 15(1), (2), (3)(a) and (c), (4) and (5), 80(1) and 82(3)(a) of, and paragraphs 1(1) and (2), 9, 11 and 13 of Schedule 3 to, the Health and Safety at Work etc Act 1974 (a) (“the 1974 Act”) and all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Tank Vehicles (Loading and Unloading of Petroleum-Spirit) Regulations 200[5] and shall come into force on [].

Interpretation

2.—(1) In these Regulations —

“aerodrome”(b) means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“approved document” means the Approved Tank Vehicle Requirements for the Loading and Unloading of Petroleum-Spirit, including any revision approved and notified under regulation 3(2), or the Approved Tank Requirements mentioned in regulation 9 as the case may be;

“carry” in relation to petroleum-spirit means moving the petroleum-spirit from one place to another including stops made necessary by transport conditions, and includes any period spent

(a) 1974 c.37: section 1(1)(c) was modified by the Health and Safety at Work etc. Act (Application to Environmentally Hazardous Substances) Regulations 2002 S.I. [2002/282]

(b) Air Navigation Order 2000/1562

by the petroleum-spirit in tank vehicles made necessary by traffic conditions before, during and after the change of place, and related expressions shall be construed accordingly;

“Her Majesty’s Forces” means any of the naval, military or air forces of the Crown, whether raised inside or outside the United Kingdom and whether any such force is a regular, auxiliary or reserve force, and includes any civilian employed by those forces;

“loading” means the filling with petroleum-spirit of an empty tank vehicle, and includes the replenishing of the tank vehicle with petroleum-spirit where the tank vehicle is only partially full, and related expressions shall be construed accordingly;

“petroleum licensing authority” means the local authority empowered to grant petroleum-spirit licences under the 1928 Act;

“petroleum-spirit” means any petroleum derivative, with or without additives, which is a liquid at a temperature of 20°C and at a pressure of 101.3 kiloPascals, which has a flashpoint of less than 21°C and which is intended for use as fuel for internal combustion engines;

“petroleum-spirit licence” means a licence authorising the keeping of petroleum-spirit granted by a local authority empowered under the 1928 Act to grant such a licence or by the Secretary of State or by the Executive;

“road” means a road as defined in the Road Traffic Act 1988;

“tank vehicle” means a road going vehicle which is used to carry petroleum-spirit from one terminal to another or from a terminal to a petroleum-spirit filling station and which comprises one or more fixed tanks but which does not include a bowser or hydrant dispenser when used on an aerodrome;

“terminal” means any facility which is used for the storage of petroleum-spirit and the loading and unloading of petroleum-spirit onto and from tank vehicles and includes all storage installations on the site of the facility;

“the Commission” means the Health and Safety Commission;

“the Executive” means the Health and Safety Executive; and

“the 1928 Act” means the Petroleum (Consolidation) Act 1928.

Meaning of Approved Tank Vehicle Requirements for the Loading and Unloading of Petroleum-Spirit

3.—(1) The Commission may approve and publish for the purposes of these Regulations a document entitled the “Approved Tank Vehicle Requirements for the Loading and Unloading of Petroleum-Spirit” which shall contain—

- (a) the requirements for the design and construction of tank vehicles for the carrying, loading and unloading of petroleum-spirit,
- (b) the requirements for the examination, testing and certification of such tank vehicles, and
- (c) explanatory notes and other material requisite for the use of the document.

(2) The Commission may approve a revision to the Approved Tank Vehicle Requirements for the Loading and Unloading of Petroleum-Spirit, and when it does so, the Commission shall within 3 months of the date of that approval publish, in such manner as it considers appropriate, a notice specifying the revision, the date on which it was approved and the date on which it takes effect, which last-mentioned date shall not be less than 6 months after the date of the approval of the revision.

(3) Where the Commission approves a revision referred to in paragraph (2), during the period between publication by the Commission of a notice specifying that revision and the date on which that revision takes effect a person may comply with the requirements of these Regulations as if any reference to the Approved Tank Vehicle Requirements for the Loading and Unloading of Petroleum-Spirit were a reference to—

- (a) the Approved Tank Vehicle Requirements for the Loading and Unloading of Petroleum-Spirit prior to that revision; or

- (b) the Approved Tank Vehicle Requirements for the Loading and Unloading of Petroleum-Spirit as revised.

Duties in relation to the approved document

4.—(1) The operator of any tank vehicle which is intended to be, or is being, used for the carrying of petroleum-spirit shall take all reasonable steps to ensure that such of the requirements specified in the approved document as are relevant to that tank vehicle are complied with in relation thereto.

(2) Any person who designs, manufactures, imports, supplies, modifies, repairs, examines, tests, certifies, loads or unloads any tank vehicle which is intended to be, or is being, used for the carrying of petroleum-spirit shall ensure, insofar as they are matters within his control, that such of the requirements in the approved document are complied with in relation thereto.

Direct filling of fuel tanks with petroleum-spirit from tank vehicles

5.—(1) Subject to paragraph (2), neither the fuel tank for an internal combustion engine nor a portable container shall be filled or replenished with petroleum-spirit direct from a tank vehicle carrying petroleum-spirit.

(2) Paragraph (1) shall not apply where petroleum-spirit is being carried for the purpose of servicing aircraft, in a tank vehicle—

- (a) on an aerodrome; or
- (b) between one part of such an aerodrome and another part thereof.

Enforcing authority

6. Except in relation to Her Majesty's Forces, the enforcing authority for these Regulations and for sections 2 to 4 and sections 7 and 8 of the Health and Safety at Work etc Act 1974 in respect of such loading and unloading of tank vehicles, or such filling and replenishing of fuel tanks or portable containers with petroleum-spirit, as is referred to in these Regulations, shall be the petroleum licensing authority, even if the relevant tank vehicle is on a road at the time of that loading, unloading, filling or replenishing.

Exemption certificates

7.—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt any tank vehicle or class of tank vehicle from all or any of the requirements or prohibitions imposed by or under 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 by a certificate in writing.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of 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.

Exemptions for Ministry of Defence etc

8.—(1) The Secretary of State for Defence may, by a certificate in writing, exempt any person or class of persons from all or any of the requirements or prohibitions in these Regulations in respect of activities carried out in the interests of national security, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Secretary of State shall not grant any such exemption unless he is satisfied that the health and safety of persons who are likely to be affected by the exemption is ensured so far as possible in the light of the objectives of these Regulations.

Transitional arrangements

9. Until such time as the Commission approve and publish the Approved Tank Vehicle Requirements for the Loading and Unloading of Petroleum-Spirit, the document entitled the Approved Tank Requirements (the provisions for bottom loading and vapour recovery systems of mobile containers carrying petrol) 1996(a) shall continue to have effect and shall be deemed to have been approved and published under regulation 3 of these Regulations.

Revocation of regulations

10. The following regulations are revoked—

- (a) The Carriage of Dangerous Goods by Road Regulations 1996(b); and
- (b) The Carriage of Dangerous Goods by Rail Regulations 1996(c).

Date xx xx 200[5]

David Jamieson
Parliamentary Under Secretary of State
Department for Transport

(a) ISBN 0-7176-1226-0.
(b) S.I. 1996/2095
(c) S.I 1996/2089

EXPLANATORY NOTE

(This note is not part of the Order)