

Chapter 311.  
***Inflammable Liquid Act 1953.***

Certified on: / /20 .



INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 311.

*Inflammable Liquid Act 1953.*

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

*Inflammable Liquid Act 1953,*

Being an Act to regulate the keeping, conveyance and sale of inflammable liquid and other dangerous goods, and for related purposes.

**PART I. – PRELIMINARY.**

**1. INTERPRETATION.**

In this Act, unless the contrary intention appears—

“**boat**” means a vessel, other than a ship, that is used in navigation in any inland water or a harbour, whether moved or propelled by oars or otherwise;

“**carriage**” includes a carriage, wagon, cart, truck, vehicle or other means of conveying goods or passengers by land;

“**the Chief Inspector**” means the Chief Inspector of Inflammable Liquid appointed under Section 4(1);

“**dangerous goods**” means—

- (a) highly combustible goods; and
- (b) liquefied petroleum gas; and
- (c) substances declared under Section 5 to be dangerous goods for the purposes of this Act;

“**depot**” means—

- (a) in relation to inflammable liquid—
  - (i) a pit, excavation or enclosed space, whether situated in a building or not, that is—
    - (A) constructed in such a manner; or

- (B) surrounded by walls of such a character, that inflammable liquid stored in it cannot escape in the form of liquid, under the action of fire or otherwise; or
- (ii) a building or place approved under Section 8 as a depot in relation to inflammable liquids; or
- (b) in relation to dangerous goods a building or place that is—
  - (i) prescribed; or
  - (ii) approved under Section 8 as a depot in relation to dangerous goods;

**“explosive”** means dynamite, nitro-glycerine and any other substance declared under Section 6 to be an explosive for the purposes of this Act;

**“inflammable liquid”** means—

- (a) liquid petroleum; or
- (b) kerosene; or
- (c) an oil, liquid or spirit derived wholly or in part from petroleum, shale, schist, coal, peat, bitumen, or any other similar substance, that has a true flash point of less than 65°C; or
- (d) any other liquid declared under Section 7 to be an inflammable liquid for the purposes of this Act,

but does not include ethyl alcohol that has been methylated by the addition of mineral spirit in a quantity not exceeding 5% of the resultant mixture;

**“Inspector”** means—

- (a) the Chief Inspector; or
- (b) an Inspector appointed under Section 4(2); or
- (c) a person authorized under Section 4(3) to act as an Inspector for the purposes of this Act;

**“licence”** means a licence under Section 12(1)(a);

**“licensed store”** means a store the subject of a licence;

**“liquefied petroleum gas”** means any material that is composed predominantly of—

- (a) propane (C<sub>3</sub>H<sub>8</sub>); or
- (b) propylene (C<sub>3</sub>H<sub>6</sub>); or
- (c) butanes (C<sub>4</sub>H<sub>10</sub>); or
- (d) butylenes (C<sub>4</sub>H<sub>8</sub>),

or of mixtures of all or any of them;

**“master”** means a person, other than a pilot, having command or charge of a ship, and, in relation to—

(a) a boat belonging to a ship, means the master of the ship; and

(b) a boat, means a person having command or charge of the boat;

**“mineral oil”** means an inflammable liquid that has a true flash point of not less than 22°C;

**“mineral spirit”** means an inflammable liquid that has a true flash point of less than 22°C;

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

**“protected work”** means—

(a) a building in which—

(i) a person dwells; or

(ii) persons are accustomed to assemble for purposes of public concourse, public religious worship, public entertainment or amusement, education or discussion; or

(b) a public office; or

(c) a store (bonded or free, or bonded and free combined), warehouse or building in which persons are employed for the purpose of a trade or business and that is not situated on the licensed store; or

(d) a dock, wharf or timber yard, or that part of a harbour, port or river where it is customary for ships to berth, moor or lie; or

(e) a depot in which inflammable liquid is kept; or

(f) any other place declared under Section 9 to be a protected work for the purposes of this Act;

**“registered premises”** means premises registered under Section 12(1)(b);

**“the regulations”** means any regulations made under this Act;

**“screen wall”** means—

(a) a wall of such a substance and so constructed and placed as to be efficient for the purpose of preventing the spread of fire from one place to another place; and

(b) where inflammable liquid is kept in an underground depot—the surrounding floor, walls, and covering of the underground depot, if efficient for that purpose;

**“ship”** includes every description of vessel used in navigation by sea, whether propelled by oars or otherwise;

**“this Act”** includes the regulations;

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

## **2. APPLICATION.**

(1)<sup>1</sup> <sup>2</sup>This Act does not apply to or in relation to any matter or thing that is, and so far as and when it is, subject to the jurisdiction of the Departmental Head of the Department responsible for transport matters under the Harbours Act (Chapter 240).

(2)<sup>3</sup> <sup>4</sup>In the case of any inconsistency between this Act and the Harbours Act (Chapter 240) or a subordinate enactment made under that Act, the latter prevails to the extent of the inconsistency.

## **3. TRUE FLASH POINT.**

For the purposes of this Act, the true flash point of an inflammable liquid or of dangerous goods is the true flash point as found by the prescribed test and with the prescribed apparatus.

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<sup>1</sup> Section 2 Subsection (1) substituted by No. 83 of 2006, Sched. 1.

<sup>2</sup> Section 2 Subsection (1) substituted by No. 83 of 2006, Sched. 1.

<sup>3</sup> Section 2 Subsection (2) amended by No. 83 of 2006, Sched. 1.

<sup>4</sup> Section 2 Subsection (2) amended by No. 83 of 2006, Sched. 1.



**PART II. – ADMINISTRATION.**

**4. CHIEF INSPECTOR AND INSPECTORS.**

(1) The Minister may appoint a person to be the Chief Inspector of Inflammable Liquids.

(2) The Minister may appoint persons to be Inspectors for the purposes of this Act.

(3) The Chief Inspector may authorize persons to act as Inspectors for the purposes of this Act.

**5. DANGEROUS GOODS.**

The Minister may, by notice in the National Gazette, declare substances to be dangerous goods for the purposes of this Act.

**6. EXPLOSIVES.**

The Minister may, by notice in the National Gazette, declare a substance to be an explosive for the purposes of this Act.

**7. INFLAMMABLE LIQUIDS.**

The Minister may, by notice in the National Gazette, declare a substance to be an inflammable liquid for the purposes of this Act.

**8. DEPOTS.**

The Chief Inspector may, as prescribed, approve a building or place as a depot in relation to inflammable liquid or dangerous goods.

**9. PROTECTED WORKS.**

The Minister may, by notice in the National Gazette, declare a place to be a protected work for the purposes of this Act.

**10. DELEGATION.**

The Chief Inspector may, by instrument under his hand, delegate to an Inspector all or any of his powers and functions under this Act (except this power of delegation).

**PART III. – KEEPING OF INFLAMMABLE LIQUID AND DANGEROUS GOODS.*****Division 1.******General.*****11. EXEMPTION FROM PART III.**

The Minister may, by notice in the National Gazette, exempt a place from the operation of this Part.

***Division 2.******Licensing, etc.*****12. LICENSING AND REGISTRATION OF PREMISES.**

(1) Subject to this Act, the Chief Inspector may, on payment of such fees and subject to such conditions as are prescribed—

- (a) issue a licence to a person to keep inflammable liquid or dangerous goods in a store; or
- (b) register premises as premises on which inflammable liquid or dangerous goods may be kept.

(2) Where premises in the occupation of one person are divided into two or more separate parts, each part may be separately registered.

(3) Where an application is made for the licensing of a store, or the amendment of a licence, to enable the keeping in any one depot of inflammable liquid or dangerous goods in bulk in quantities exceeding 45,500 l the application shall not be granted without the consent of the Minister.

(4) Where an application is made for—

- (a) the licensing of a store to enable the keeping in any one depot of inflammable liquid or dangerous goods in bulk in quantities not exceeding 45,500 l; or
- (b) the registration of premises; or
- (c) the amendment of any such licence or registration,

the application shall not be granted if, in the opinion of the Chief Inspector, the grant of the application would, because of the location of the store or premises in respect of which the application is made or for any other reason, be contrary to public interest or safety.

(5) An application referred to in Subsection (4) may be refused notwithstanding that the requirements of this Act applicable to the store or premises in respect of which the application is made have been or could be observed.

**13. LIMITATION OF LICENCES.**

(1) The Minister may, by notice in the National Gazette, declare an area within a town to be an area within which licences may, subject to this Act, be granted, for the keeping in bulk of mineral spirit, mineral oil or dangerous goods of prescribed types, of quantities in excess of those specified in the notice.

(2) Where an area is declared under Subsection (1), a licence for the keeping in bulk, of mineral spirit, mineral oil or dangerous goods of the prescribed types in quantities in excess of those specified in the notice shall not be granted in respect of premises situated within the town and outside the boundaries of an area so declared.

(3) Subsection (2) does not operate so as to prevent the renewal or amendment of licences in force immediately before the date on which a notice under Subsection (1) takes effect.

**14. KEEPING OF INFLAMMABLE LIQUID IN UNLICENSED STORES, ETC.**

(1) This section does not apply to the keeping of inflammable liquid—

(a) in quantities not exceeding—

(i) 1,100 *l* of mineral oil, if—

(A) no mineral spirit is kept by a person within a distance of 15 m of it; or

(B) the mineral spirit or the mineral oil is kept completely surrounded by a screen wall; or

(ii) 72 *l* of mineral spirit; or

(iii) 135 kg of liquefied petroleum gas kept in metal containers approved by the Chief Inspector and stored in accordance with this Act; or

(iv) 4,500 *l* of inflammable liquid when kept in a place not within a town, if the inflammable liquid is kept—

(A) for private use and not for sale; and

(B) separated by a distance of at least 30m from a thoroughfare or building other than the building in which it is kept,

if kept in substantial vessels of metal or other prescribed material, so securely closed and stopped that neither liquid nor vapour can escape; or

(b) on a ship, boat or carriage, while being conveyed in accordance with this Act; or

(c) in a fuel tank of—

(i) a motor-driven carriage; or

(ii) a motor-propelled ship or boat; or

(iii) a plant using inflammable liquid.

(2) Subject to Subsection (1), if a person keeps inflammable liquid on any land, ship or boat otherwise than in a licensed store or in registered premises, he, and the occupier of the premises or the person in charge of the ship or boat, are each guilty of an offence.

(3) If a person keeps dangerous goods on any land, ship or boat otherwise than—

(a) in a licensed store or in registered premises; or

(b) in such quantities and subject to such conditions as are prescribed,

he, and the occupier of the premises or the person in charge of the ship or boat, are each guilty of an offence.

Penalty: A fine not exceeding K200.00.

### ***Division 3.***

#### ***Licensed Stores.***

## **15. CONDITIONS AS TO LICENSING STORES.**

(1) A store shall not be licensed unless—

(a) the store includes one or more depots exclusively appropriated to the keeping of inflammable liquid and such goods as are specified in the licence; and

(b) all depots are situated not less than 15 m from a fire, forge, furnace, explosive or other source of danger, unless a screen wall intervenes between the fire, forge, furnace, explosive or source of danger, and every place where inflammable liquid is kept; and

(c) all depots are separated as prescribed from all protected works; and

(d) all depots are, in all other respects, situated and constructed as prescribed.

(2) For the purposes of the licensing of a store, all buildings and places adjoining each other and occupied together shall be deemed to be the same store, and shall be included in one licence.

(3) If any of the conditions prescribed by Subsection (1) are not complied with in respect of a licensed store, the Chief Inspector may cancel the licence.

## **16. GENERAL RULES AS TO LICENSED STORES.**

(1) A person keeping inflammable liquid in a licensed store, and every person in or about the store, must comply with the following general rules:—

(a) inflammable liquid kept in a store, except so much as is withdrawn for immediate use, shall be kept in the depot appropriated to the purpose, except that where inflammable liquid is kept in the store in a prescribed

underground tank depot, quantities of inflammable liquid not exceeding those prescribed in Section 14(1)(a) may, with the approval of an Inspector, also be kept elsewhere on the store;

- (b) except—
- (i) as otherwise provided in this Act; or
  - (ii) as to goods or things of the nature and quantity specified in a written approval given by the Chief Inspector,  
the depot shall not be used for the keeping of goods or things other than—
    - (iii) inflammable liquid; and
    - (iv) the packages in which the liquid is contained;
- (c) explosives, any thing liable to spontaneous ignition or combustion or a fire or light (except an artificial light of the prescribed construction and character) shall not be placed, brought or allowed to remain within 15 m of—
- (i) a depot; or
  - (ii) inflammable liquid in the store,

unless the depot or inflammable liquid is separated from the explosives, thing, fire or light by a screen wall;

- (d) inflammable liquid shall be kept in closed vessels of metal or other prescribed material, so substantially constructed and maintained that no leakage of liquid or vapour can take place;
- (e) all packages containing inflammable liquid shall be marked or labelled as required by Part IV;
- (f) subject to Paragraph (a)—
  - (i) inflammable liquid received at the store shall be at once taken to the depot; and
  - (ii) inflammable liquid taken from the depot for delivery or otherwise, except so much as is for immediate use at the store, shall be at once removed from the store;
- (g) inflammable liquid shall not be received or delivered from the store except between the hours of sunrise and sunset, unless an artificial light of the prescribed construction and character is used;
- (h) no vessel containing inflammable liquid shall be opened in the store, except at or immediately adjoining the depot in which it is kept, and then only for the time necessary for drawing off the inflammable liquid;
- (i) when inflammable liquid is drawn off as permitted by Paragraph (h), every reasonable precaution shall be adopted for preventing the escape of inflammable liquid or vapour;

- (j) inflammable liquid shall not be conveyed in or about the store except in closed vessels, or by means of closed pipes so constructed and connected as to be entirely free from leakage;
- (k) no person under the age of 15 years shall be allowed inside a depot;
- (l) a quantity of inflammable liquid in excess of that specified in the licence shall not be kept in a depot of the store;
- (m) there shall be kept in the store a sufficient quantity of sand or other prescribed material—
  - (i) so distributed about the store as to be immediately available for throwing on any inflammable liquid that is spilled or ignited; and
  - (ii) kept in such quantities and in such manner as is prescribed;
- (n) there shall be kept immediately available for use—
  - (i) the prescribed number of chemical extinguishers of the foam type or of such other type as is approved by the Chief Inspector; and
  - (ii) such other fire-fighting apparatus or equipment as the Chief Inspector requires, either generally or in a particular case;
- (o) no person shall smoke in, or bring matches into, a depot or the store;
- (p) all due precautions (whether prescribed or not), including adequate supervision of all workmen and employees, shall be taken—
  - (i) for the prevention of accidents by fire or explosion or otherwise; and
  - (ii) for the preventing of access by unauthorized person to the inflammable liquid kept in the store;
- (q) no person shall do an act that tends to cause fire or explosion or any other dangerous occurrence;
- (r) empty vessels shall be—
  - (i) immediately closed so as to prevent the escape of vapour; or
  - (ii) removed to a safe place away from the depot; and
- (s) the area surrounding a detached depot must be kept clear of dry grass, undergrowth and other combustible material.

(2) If in respect of any inflammable liquid in a licensed store any of the rules prescribed by Subsection (1) is not complied with, the occupier of the store and any person contravening or failing to comply with the rule are each guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) If a person is convicted of an offence against this section, the Chief Inspector may cancel the licence of the store in respect of which the offence was committed.

***Division 4.***

***Registered Premises.***

**17. KEEPING OF INFLAMMABLE LIQUID IN REGISTERED PREMISES.**

(1) Inflammable liquid shall not be kept in registered premises in quantities exceeding—

- (a) 3,600 *l* of mineral oil if mineral spirit is kept by a person within a distance of 15 m of the oil or, if mineral spirit is so kept, unless the mineral spirit or mineral oil is kept—
  - (i) completely surrounded by a screen wall; or
  - (ii) in a prescribed underground depot; or
- (b) 1,300 *l* of mineral oil in any other case; or
- (c) 2,250 *l* of mineral oil in a prescribed underground depot; or
- (d) 450 *l* of mineral spirit in any other case.

(2) If a person keeps inflammable liquid contrary to Subsection (1), he and the occupier of the premises are each guilty of an offence.

Penalty: A fine not exceeding K200.00.

**18. GENERAL RULES AS TO REGISTERED PREMISES.**

(1) A person keeping inflammable liquid in registered premises, and every person in or about the premises, must comply with the following general rules:—

- (a) inflammable liquid kept on the premises, except so much as is withdrawn for immediate use, shall be kept in a depot exclusively appropriated to the purpose and thoroughly ventilated, except that when inflammable liquid is kept in a prescribed underground tank depot, quantities of inflammable liquid not exceeding those prescribed in Section 14(1)(a) may, with the approval of an Inspector, also be kept elsewhere on the premises;
- (b) except—
  - (i) as otherwise provided in this Act; or
  - (ii) as to goods or things of the nature and quantity specified in a written approval given by the Chief Inspector,
    - a depot shall not be used for the keeping of goods or things other than—
  - (iii) inflammable liquid; and
  - (iv) the packages in which the liquid is contained;
- (c) the depot shall not be situated within, or be attached to, a dwelling or a building in which persons assemble for the purpose of—

- (i) public concourse; or
- (ii) public religious worship; or
- (iii) public entertainment or amusement; or
- (iv) education; or
- (v) discussion,

unless the depot—

- (vi) is completely surrounded by a screen wall; and
  - (vii) has a separate entrance from the open air distinct from that of any such dwelling or building;
- (d) the depot must not be situated within 15 m of a fire, forge, furnace, explosive or other source of danger, unless a screen wall intervenes between the fire, forge, furnace, explosive or source of danger and the depot;
- (e) explosives, any thing liable to spontaneous ignition or combustion or a fire or light (except an artificial light of the prescribed construction and character) shall not be placed, brought or allowed to remain within 15 m of a depot or place where a vessel containing inflammable liquid—
- (i) is being kept; or
  - (ii) is in course of conveyance on the premises,

unless a screen wall intervenes between the inflammable liquid and the explosives, thing, fire or light;

- (f) the inflammable liquid shall be kept in closed vessels of metal or other prescribed material, so substantially constructed and maintained that no leakage of liquid or vapour can take place;
- (g) all packages containing inflammable liquid shall be marked or labelled as required by Part IV;
- (h) subject to Paragraph (a)—
- (i) inflammable liquid received on the premises shall be at once taken to the depot; and
  - (ii) inflammable liquid taken from the depot for delivery or otherwise, except so much as is for immediate use on the premises, shall be at once removed from the premises;
- (i) inflammable liquid shall not be received or delivered from the premises except between the hours of sunrise and sunset, unless an artificial light of the prescribed construction and character is used;
- (j) no vessel containing inflammable liquid shall be opened on the premises, except at or immediately adjoining the depot in which it is



kept, and then only for the time necessary for drawing off the inflammable liquid;

- (k) when inflammable liquid is drawn off as permitted by Paragraph (j) every reasonable precaution shall be adopted for preventing the escape of inflammable liquid or vapour;
- (l) inflammable liquid shall not be conveyed on or about the premises except in closed vessels, or by means of closed pipes so constructed and connected as to be entirely free from leakage;
- (m) no person under the age of 15 years shall be allowed inside a depot;
- (n) there shall be kept on the premises a sufficient quantity of sand or other prescribed material—
  - (i) so distributed about the premises as to be immediately available for throwing on any inflammable liquid that is spilled or ignited; and
  - (ii) kept in such quantities and in such manner as is prescribed;
- (o) where so ordered by the Chief Inspector—
  - (i) chemical extinguishers of the foam type or of such other type approved by the Chief Inspector; and
  - (ii) such other fire-fighting apparatus or equipment as appears necessary to the Chief Inspector,

shall be kept immediately available for use on the premises;

- (p) no person shall smoke in, or bring matches into, a depot;
- (q) all due precautions (whether prescribed or not), including adequate supervision of all workmen and employees, shall be taken—
  - (i) for the prevention of accidents by fire or explosion or otherwise; and
  - (ii) for the prevention of access by unauthorized persons to the inflammable liquid kept on the premises; and
- (r) no person shall do an act that tends to cause fire or explosion or any other dangerous occurrence;
- (s) empty vessels shall be—
  - (i) immediately closed so as to prevent the escape of vapour; or
  - (ii) removed to a safe place away from the depot;
- (t) the area surrounding a detached depot must be kept clear of dry grass, undergrowth and other combustible material.

(2) If in respect of inflammable liquid in registered premises any of the rules prescribed by Subsection (1) is not complied with, the occupier of the premises and

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any person contravening or failing to comply with the rule are each guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) If a person is convicted of an offence against this section, the Chief Inspector may cause the registration of the premises in respect of which the offence was committed to be cancelled.

**PART IV. – MARKING OF PACKAGES.**

**19. GENERAL RULES FOR MARKING PACKAGES.**

A person who keeps, conveys, sells or exposes for sale inflammable liquid and fails to mark clearly in conspicuous letters—

- (a) the outside of every package containing mineral spirit with the words “Highly Inflammable”, together with—
  - (i) the words “Mineral Spirit”; or
  - (ii) the trade name under which the liquid is sold; or
  - (iii) the prescribed words; and
- (b) the outside of every package containing mineral oil with—
  - (i) the words “Mineral Oil”; or
  - (ii) the trade name under which the liquid is sold; or
  - (iii) the prescribed words,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**PART V. – CONVEYANCE OF INFLAMMABLE LIQUID AND DANGEROUS GOODS.****20. GENERAL RULES FOR CONVEYING, LOADING, ETC., INFLAMMABLE LIQUID AND DANGEROUS GOODS.**

(1) A person conveying, handling, loading or unloading inflammable liquid or dangerous goods, or assisting in any such operation, and the employer of a person engaged in any such operation must comply with the following rules:–

- (a) the liquid or goods shall be contained in tanks or other vessels or receptacles–
  - (i) of metal or other prescribed material from which the liquid or goods cannot escape in the form of liquid or vapour, or otherwise; and
  - (ii) so substantially constructed as not to be liable, except under circumstances of negligence or accident, to be broken or to become defective or insecure in course of conveyance;
- (b) all due precautions (whether prescribed or not) shall be taken to prevent the liquid or goods from escaping or being discharged into–
  - (i) a part of a house or building, or of the curtilage of a house or building; or
  - (ii) a sewer or drain; or
  - (iii) a lake or lagoon; or
  - (iv) a stream of water; or
  - (v) an estuary of the sea;
- (c) all due precautions (whether prescribed or not) shall be taken for prevention of–
  - (i) accidents by fire or explosion; or
  - (ii) access by unauthorized persons to the liquid or goods; or
  - (iii) any act that tends to cause fire or explosion and is not reasonably necessary for the purposes of the conveyance, handling, loading or unloading of the liquid or goods, or of any other article carried; and
  - (iv) other persons committing any act referred to in Subparagraph (iii);
- (d) the work of loading, handling or unloading inflammable liquid or dangerous goods on or from a ship or boat shall not be carried out between sunset and sunrise without the prior written permission of the Chief Inspector.

(2) A person other than a person to whom Subsection (1) applies who, after being warned, commits an act referred to in Subsection (1)(c)(iii) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

**PART VI. – CONTROL AND INSPECTION.****21. POWERS OF INSPECTOR.**

(1) An Inspector may–

- (a) at any time enter, inspect and examine any place, building, carriage, ship or boat on or in which he has reason to believe that inflammable liquid or dangerous goods may be found; and
- (b) make any general or particular inquiries as to the observance of this Act; and
- (c) take without payment such samples of a substance that he believes to be inflammable liquid or dangerous goods as he thinks necessary for examination and testing; and
- (d) seize, detain, or remove–
  - (i) inflammable liquid or dangerous goods; and
  - (ii) a package, carriage, ship or boat in which the inflammable liquid or dangerous goods are contained,
    - if he has reasonable cause to believe that there has been a contravention of this Act in respect of the liquid or dangerous goods; and
- (e) where he believes it necessary in the public interest, with the consent of the Minister, or in cases of imminent danger without that consent, destroy or render harmless any inflammable liquid or dangerous goods.

(2) A person on or about a place, carriage, ship or boat inspected under this Act who fails–

- (a) to facilitate the entry, inspection and examination by the Inspector; or
- (b) to answer all inquiries put as to the observance of this Act; or
- (c) to facilitate–
  - (i) the taking of samples of, or the seizure, detention or removal of, any inflammable liquid or dangerous goods, packages, carriage, ship or boat; and
  - (ii) the destruction or rendering harmless of inflammable liquid or dangerous goods,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**22. INSPECTIONS.**

(1) Licensed stores and registered premises shall be inspected by an Inspector as frequently as the Chief Inspector can arrange.

(2) The holder of a licence or certificate of registration shall comply with any written direction, not inconsistent with this Act, given by an Inspector, in relation to—

- (a) a licensed store or registered premises; or
- (b) the keeping of inflammable liquid or dangerous goods in a licensed store or registered premises.

(3) If a person fails to comply with a direction under Subsection (2) within the period stipulated by the Inspector, the Chief Inspector may cause the licence or certificate of registration relating to the store or premises in respect of which the direction has been given to be cancelled.

### **23. PROTECTION TO INSPECTOR.**

An Inspector is not liable for anything done in exercise of the powers conferred by this Part or under this Act unless—

- (a) he is guilty of wilful neglect or default; or
- (b) it is proved that he has seized, detained, removed, destroyed or rendered harmless inflammable liquid or dangerous goods without having reasonable cause to believe that there has been a contravention of this Act.

**PART VII. – TESTING.****24. STANDARD MODEL APPARATUS FOR TESTING.**

(1) A standard model of the apparatus for testing inflammable liquid or dangerous goods prescribed by this Act shall be deposited with and kept in the office of the Chief Inspector.

(2) The Minister may, by notice in the National Gazette, declare that a new model is the standard model and in place of an existing standard model.

**25. VERIFICATION WITH STANDARD MODEL.**

Apparatus constructed in accordance with this Act—

- (a) may from time to time; and
- (b) shall, when the Chief Inspector so orders,

be submitted to the Chief Inspector for the purpose of being compared with the standard model and verified.

**26. STAMPING OF APPARATUS.**

On receipt of the prescribed fees, and subject to the prescribed conditions, the Chief Inspector may—

- (a) if any apparatus constructed in accordance with this Act is found to be accurate, stamp it with a mark, date and number; or
- (b) if any such apparatus is found to be inaccurate, stamp it with a statement showing the error in the apparatus and with a mark, date and number.

**27. TESTS BY UNVERIFIED APPARATUS.**

A test made for the purposes of this Act by any apparatus shall be deemed to be inaccurate unless the apparatus—

- (a) has been compared with the standard model, and found by the Chief Inspector to be accurate; and
- (b) has been stamped within five years of the date of the test, in accordance with Section 26.



**PART VIII. – LEGAL PROCEEDINGS.**

**28. COSTS AND FORFEITURE.**

A court before which a person is convicted of an offence against this Act may–

- (a) make such order as to costs as it thinks proper; and
- (b) in addition to any penalty that it may impose order the forfeiture of any inflammable liquid or dangerous goods in relation to which the offence was committed and the packages containing it or them.

**29. FORFEITURE WHERE OWNER UNKNOWN.**

(1) Where–

- (a) an offence against this Act is alleged to have been committed in respect of any inflammable liquid or dangerous goods; and
- (b) the owner or other person liable is unknown or cannot be found,

a District Court may cause a notice to be advertised stating that unless cause is shown to the contrary at the time and place named in the notice the liquid or goods will be forfeited.

(2) At the time and place named in the notice under Subsection (1) the District Court may order all or any part of the liquid or goods to be forfeited.

**30. EXEMPTION OF OCCUPIER FROM LIABILITY.**

(1) When an occupier is charged with an offence against this Act, he is entitled, on information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge.

(2) If, after the commission of the offence has been proved, the occupier proves to the satisfaction of the court that–

- (a) he had used due diligence to enforce the provision of this Act, the breach of which constituted the offence; and
- (b) the other person had committed the offence in question without his knowledge, consent or connivance,

the other person shall be summarily convicted of the offence, and the occupier is exempt from a penalty.

**31. LEVY OF PENALTY ON SHIP OR BOAT.**

Where the owner or master of a ship or boat is adjudged to pay a penalty for an offence against this Act committed with or in relation to the ship or boat, the court hearing the case may, in addition to any other power that it has for the purpose of compelling payment of the penalty, direct that the penalty be levied by arrest and sale of the ship or boat and her tackle.

**32. CERTIFICATE OF INSPECTOR.**

In proceedings under this Act with respect to an article examined or tested under this Act, the production of the certificate of an Inspector is *prima facie* evidence of the facts stated in it without proof of the signature of the person appearing to have signed it.

**PART IX. – MISCELLANEOUS.**

**33. USE OF MINERAL SPIRIT IN HAIRDRESSERS' SHOPS.**

A person engaged or employed in the business or trade of hairdressing who uses or applies mineral spirit to the hair or person of a customer is guilty of an offence.

Penalty: A fine not exceeding K200.00.

**34. NOTICES, ETC.**

(1) A notice, certificate or document under this Act shall be in writing or print, or partly in writing and partly in print.

(2) A notice, certificate or document (including an application for a licence), directed by or required for the purposes of this Act, may be sent by post or otherwise.

**35. REGULATIONS.**

(1) The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for—

- (a) prescribing the form and manner of applying for and granting licences and registrations, and renewals, transfers, revocations, alterations and amendments of licences and registrations; and
- (b) prescribing the fees to be paid; and
- (c) fixing the periods during which licences, registrations and renewals have effect; and
- (d) prescribing the situation of licensed stores, depots and of screen walls, and regulating their construction and fitting-up; and
- (e) prescribing the conditions and restrictions to be observed in connection with inflammable liquid or dangerous goods in licensed stores and registered premises according to the nature of the business conducted in them; and
- (f) prescribing the maximum quantity of inflammable liquid or dangerous goods to be kept in depots according to—
  - (i) their construction and situation; and
  - (ii) the description of inflammable liquid or dangerous goods kept in them; and
- (g) prescribing and regulating the means by which inflammable liquid and dangerous goods may be transmitted or pumped from place to place; and

- (h) prescribing the construction and character of artificial lights that may be taken into a depot; and
- (i) prescribing the quantity of sand or other material that must be kept in registered premises or licensed stores, and the manner in which it must be kept; and
- (j) regulating the keeping, storing, removing, conveying and marking, and the opening and closing, of—
  - (i) packages of inflammable liquid or dangerous goods; and
  - (ii) packages that have contained inflammable liquid or dangerous goods,
    - in registered premises, licensed stores and depots or elsewhere; and
- (k) determining the notice to be given by the master of a ship or boat of the intention to convey, load or unload inflammable liquid or dangerous goods; and
- (l) determining the quantities of inflammable liquid or dangerous goods that may be conveyed, loaded or unloaded without giving the notice referred to in Paragraph (k); and
- (m) regulating the navigation of, and places for mooring, ships and boats conveying, loading or unloading inflammable liquid or dangerous goods; and
- (n) regulating the description, constructing, marking, ventilating, lighting, cleaning and general fitting-up of ships, boats and carriages used for the conveyance of inflammable liquid or dangerous goods; and
- (o) regulating the mode of stowing and keeping inflammable liquid or dangerous goods during transit; and
- (p) for the giving of notice by brands, labels or otherwise of the nature and destination of a package of inflammable liquid or dangerous goods; and
- (q) regulating the hawking of inflammable liquid or dangerous goods; and
- (r) regulating the use of fires and lights on or near ships, boats or carriages—
  - (i) loading or unloading inflammable liquid or dangerous goods; or
  - (ii) in which inflammable liquid or dangerous goods is or are being, or has or have been, recently conveyed,
    - and prohibiting the use of fires or lights that may be dangerous; and
- (s) regulating the placing, removal and storage of inflammable liquid or dangerous goods on or from a wharf, or a place within 185 m of a wharf; and

- (t) regulating the conveyance, loading and unloading of inflammable liquid and dangerous goods; and
- (u) prescribing the precautions to be taken with regard to inflammable liquid and dangerous goods—
  - (i) during actual transit; or
  - (ii) while at rest; and
- (v) prescribing—
  - (i) the apparatus to be used for determining; and
  - (ii) the method of determining,
    - the true flash point of an inflammable liquid or of any dangerous goods; and
- (w) prescribing fees to be paid—
  - (i) for testing inflammable liquid or dangerous goods; and
  - (ii) for testing, stamping and marking apparatus; and
  - (iii) for any other work done for the purpose of carrying out any of the provisions of this Act; and
- (x) prescribing the quantities of dangerous goods that may be kept or used—
  - (i) in a place that is neither a licensed store nor registered premises; or
  - (ii) in registered premises; or
  - (iii) in a licensed store, and the conditions under which the dangerous goods may be so kept or used; and
- (y) prescribing penalties, of fines not exceeding K500.00 or imprisonment for terms not exceeding 12 months, or both, and default penalties of fines not exceeding K50.00 for offences against the regulations.

(2) The regulations may adopt, subject to such modifications, conditions and restrictions as are prescribed, any standard code or procedure laid down by the Standards Association of Australia, or any other authority approved by the Chief Inspector, in relation to the installation, storage, maintenance, operation and conveyance of inflammable liquid or dangerous goods and the receptacles containing inflammable liquid or dangerous goods in bulk or in smaller quantities.

(3) Where a code or procedure is adopted in accordance with Subsection (2), compliance with it, as in force from time to time, shall be deemed to be compliance with the relevant provisions of this Act or of any order or direction under this Act.