
CHAPTER 218**LIQUEFIED PETROLEUM GAS****ARRANGEMENT OF SECTIONS**

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CHAPTER 218**LIQUEFIED PETROLEUM GAS**

An Act to regulate the sale, storage and transportation of liquefied petroleum gas; to provide for the installation and maintenance of liquefied petroleum gas containers piping, fittings and appliances; and to authorise the adoption of basic standards for the purposes of public safety in connection therewith. *14 of 1988*

[Assent 29th March, 1988]

[Commencement 1st December, 1988]

1. This Act may be cited as the Liquefied Petroleum Gas Act, 1988. Short title.
2. In this Act, unless the context otherwise requires — Interpretation.
- “appliance” includes any appliance accessory and equipment intended to be used or operated in connection with liquefied petroleum gas;
- “appliance dealer” means a person engaged in the sale of any appliance;
- “basic standards” means the prescribed basic standards or those standards authorised by the Minister pursuant to section 15;
- “bulk storage” means an installation for the storage of liquefied petroleum gas using a container, or a system of interconnected containers, and the water capacity of which exceeds two thousand gallons;
- “container” includes every description of tank cylinder or drum used for the storage of liquefied petroleum gas;
- “dealer and subdealer” means a person who holds a dealer’s or subdealer’s licence, respectively;
- “filling density” means the percent ratio of the weight of gas in a container to the weight of water the container will hold at 60°F (15.6°C);
- “gallon” means the United States Standard Gallon being the equivalent of 0.833 imperial gallons or 231 cubic inches or 3.785 litres;

“licence” means a dealer’s or subdealer’s licence, installer’s licence, a container-rebuilding licence, an appliance dealer’s licence, as the case may be, issued under section 9;

“liquefied petroleum gas” (LPG) means any material having a vapour pressure not exceeding that allowed for commercial propane and composed wholly or predominantly of any of the following hydrocarbons, or any mixture of them, that is to say, propane, propylene, butanes (being normal butane or isobutane) and butylenes;

“Minister” means the Minister responsible for Explosives and Volatile Substances;

“one hundred pound cylinder” means a portable container whose water capacity is two hundred and thirty-eight point one pounds (238.1 lbs) and which when filled at the maximum permitted filling density will contain a nominal one hundred pounds (100 lbs) of liquid liquefied petroleum gas;

“piping” includes all accessories used in connection with the conveying through pipes of liquefied petroleum gas;

“portable container” means a container used for the storage of liquefied petroleum gas, the maximum water capacity of which shall not exceed 1000 lbs (nominal 420 lbs of liquid liquefied petroleum gas);

“rebuild” in relation to a container means the replacement of a pressure part, including the wall, heads and bottoms of containers or the replacement of the porous filling material thereof;

“sell” includes expose or offer for sale;

“skilled artisan” includes an electrician, a plumber, a roofer or other person who may use liquefied petroleum gas in the normal pursuance of their trade;

“water capacity” means the amount of water in either pounds or gallons at 60°F (15.6°C) required to fill a container liquid full of water.

3. (1) For the purposes of this Act and of any regulations made thereunder the Minister may designate suitably qualified public officers to be inspectors, notice whereof shall be published in the *Gazette*.

Appointment of
Inspectors.

(2) The inspectors shall, subject to such directions of the Minister whether of a general or specific character as appear to him to be requisite in the public interest, be responsible for the general administration of this Act.

4. (1) Subject to subsection (2), no person shall sell, store or convey liquefied petroleum gas except under and in accordance with a dealer's or subdealer's licence.

Defence for
filling, storing,
conveying
liquefied
petroleum gas.

(2) A dealer's or subdealer's licence shall not be required in respect of —

- (a) the sale of non-refillable container, holding not more than one pound of liquid liquefied petroleum gas;
- (b) the storage by a person on his premises and for his own use of —
 - (i) no more than two portable containers the total liquid liquefied petroleum gas contents of which shall not exceed two hundred pounds;
 - (ii) containers capable of holding more than one hundred pounds of liquid petroleum gas, the installation of which has received the prior written approval of the Minister;
 - (iii) containers capable of holding more than one hundred pounds of liquid petroleum gas and in use at the date of coming into operation of this Act, the installation of which has not received the prior written approval of the Minister, for a period of twelve months commencing on that date.
- (c) the storage and conveyance on a vessel of liquefied petroleum gas in containers —
 - (i) as cargo; or
 - (ii) for use on the vessel concerned,
in accordance with such conditions as the Minister responsible for Maritime Affairs may have prescribed under the Merchant Shipping Act, 1976;

- (d) the storage and conveyance of a container no greater than one hundred pounds cylinder by a skilled artisan for use in connection with his trade;
- (e) the storage and conveyance on a vehicle of liquefied petroleum gas in containers intended for use —
 - (i) as the energy source for the propulsion of the vehicle;
 - (ii) in connection with a stove or other similar equipment on the vehicle,
 in accordance with such requirements as the Minister may have prescribed.

(3) The holder of a dealer's licence may do any or all of the following —

- (a) store;
- (b) fill;
- (c) sell;
- (d) transport,

liquefied petroleum gas in containers subject to such conditions as may be prescribed in respect thereof.

(4) The holder of a subdealer's licence may do any or all of the following —

- (a) store;
- (b) fill;
- (c) sell;
- (d) transport,

liquefied petroleum gas in portable containers subject to such conditions as may be prescribed in respect thereof.

5. (1) Subject to subsection (2), no person shall connect or disconnect any container to or from any installation or engage in the installation or maintenance of any container, piping or appliance except if he is the holder of an installer's licence or is authorised to do so as an employee of such a holder.

(2) Subsection (1) shall not apply in relation to the connection or disconnection of a container —

Licence for installing or maintaining containers, appliances, etc.

- (a) not greater than one hundred pounds cylinder and used by a skilled artisan in connection with his trade; or
- (b) located and intended for use on a vessel in accordance with any conditions prescribed by or under the Merchant Shipping Act, 1976.

6. No person shall rebuild a container except under and in accordance with a container-rebuilding licence.

Licence for rebuilding containers.

7. No person shall sell any appliance except under and in accordance with an appliance dealer's licence.

Licence for sale of appliances.

8. (1) Any person who contravenes section 4(1), 5(1), 6 or 7 shall be guilty of an offence and liable on summary conviction to a fine of three thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment.

Offences.

(2) Notwithstanding anything to the contrary in this Act, it shall be lawful for an employee of a licensed undertaking to engage in work to such an extent as may be permitted by the terms and conditions of the licence issued to that undertaking when acting under the instructions or supervision of the owner, manager, or supervisor of the undertaking who is himself in possession of a valid licence authorising the carrying out of such work.

9. (1) All applications for licences or any renewal thereof shall be made in writing to the Minister and shall contain such information and particulars as may be prescribed.

Application for grant and duration of licences.

(2) The Minister may, upon receipt of an application, if he is satisfied that the applicant, his employees or agents are competent to undertake in an efficient manner the functions that would be conferred upon the applicant should the application be granted, issue upon payment of the prescribed fee and subject to such conditions as may be prescribed in respect of the grant thereof a licence of one of the following types —

- (a) a dealer's or subdealer's licence;
- (b) an installer's licence;
- (c) a container rebuilding licence;
- (d) an appliances dealer's licence.

(3) A licence granted under subsection (2) shall be subject to —

- (a) the competence of the applicant, his employees or agents, as the case may be, to discharge the responsibilities conferred upon the licensee by virtue of holding the respective licence; and
- (b) such conditions as may be prescribed; and
- (c) such conditions as the Minister sees fit to have endorsed on the licence for the purpose of ensuring the achievement of the objectives of this Act.

(4) Where the Minister refuses to issue a licence or grant a renewal thereof he shall so inform the applicant in writing.

(5) Unless suspended or revoked under section 10, a licence shall expire on the 30th June of each year following that in which the licence or any renewal thereof has been issued.

Suspension and
revocation of
licences.

10. (1) Where it appears to the Minister that a licensee has breached any conditions subject to which the licence has been granted, he may —

- (a) subject to paragraph (b) serve upon the licensee a notice specifying the condition breached and requiring the licensee to remedy the breach within a time specified in the notice if the breach is capable of being remedied and if, at the expiration of such time, the breach has not been remedied, revoke the licence; or
- (b) where the breach is such as to endanger or be likely to endanger the health or safety of members of the public, suspend or revoke the licence forthwith.

(2) The Minister may direct that any such suspension be limited to a particular type or aspect of the operations as are authorised by the licence affected by the suspension.

(3) Where the Minister suspends or revokes a licence pursuant to subsection (1)(b), he shall serve notice of the suspension or revocation upon the licensee, and in the case of suspension specify the action required to be taken by the licensee before the suspension may be removed and pending such removal the licence shall subject to subsection (2) be of no effect.

(4) Where the Minister is satisfied that the licensee has taken the action required under subsection (3), he shall remove the suspension.

11. (1) An inspector may enter upon, search or inspect any premises or vehicle where he has reason to suspect that — Power to enter premises.

- (a) liquefied petroleum gas is, or was stored in contravention of this Act or the basic standards, for the purpose of ascertaining whether there is or has been such contravention;
- (b) by reason of the presence of liquefied petroleum gas on the premises or in the vehicle it is necessary in the interest of public safety that inspections be carried out as to the circumstances attending that presence.

(2) An inspector may seize and remove from any premises or vehicle any appliance or thing which he considers as being in contravention of this Act or the basic standards or in a dangerous state prejudicial to public safety.

12. If at any time the Minister is satisfied that a container, appliance, installation or vehicle used in connection with liquefied petroleum gas is in such condition as to be the source of immediate danger to life or to property in the vicinity, he may order — Special emergency powers.

- (a) the evacuation of such persons as he considers so endangered;
- (b) the dealer, subdealer or installer responsible for the container, appliance, installation or vehicle, to take whatever action the Minister considers reasonable to remove the source of danger;
- (c) any qualified personnel, in the event of a failure by a person mentioned in paragraph (b) to comply as ordered, to effect such removal.

13. Any decision by the Minister —

- (a) to refuse to issue, renew or transfer a licence; or
- (b) when renewing a licence, to vary the terms, conditions or restrictions attached thereto or to impose additional terms, conditions or restrictions; or
- (c) to suspend or revoke a licence,

Minister's decision to be final.

under this Act shall be final and shall not be enquired into in any court.

Penalty for obstructing execution of Act.

14. Any person who wilfully obstructs or delays any person in the exercise of the powers conferred by section 11 or in the carrying out of any act directed pursuant to section 12 or without reasonable excuse, the proof whereof shall lie upon him, fails to carry out any such act shall be guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both.

Publication of basic standards.

15. (1) The Minister may from time to time authorise the issue of booklets setting out the standards to be known as basic standards which shall, subject to any prescribed modifications, regulate and specify —

- (a) the standards required in storing, conveying and handling liquefied petroleum gas;
- (b) the standards required for containers, piping and appliances;
- (c) the methods of installation of containers, piping and appliances including provisions as to all such other matters for which, in the opinion of the Minister, it is desirable that provision be made,

and the provisions of any issue of basic standards authorised by the Minister shall for the purpose of the enforcement thereof have effect as if they were Regulations made under section 17 but to which section 30 of the Interpretation and General Clauses Act, 1976 shall not apply.

(2) A set of basic standards as authorised from time to time shall be made available at the Ministry of Works at a price to be determined by the Minister having regard to the cost incurred by the Ministry obtaining the set.

(3) The latest issue of basic standards as specified in a notice by the Minister in the *Gazette* shall supersede all previous basic standards and shall be deemed to be the valid set of basic standards as from the date of the last notice.

16. Subject to any written law, no action shall lie against the Government, the Minister, or any other person acting under the authority of the Minister, in respect of any loss or damage whatsoever suffered by any person through the exercise in good faith by the Minister or by such person of the powers conferred upon them by this Act, save only in respect of any loss or damage which arises directly from the negligence of the Minister, or any such person as aforesaid in the carrying out of any operation in exercise of those powers.

Indemnity
against certain
actions.

17. The Minister may make regulations —

- (a) providing for the safety precautions to be taken in relation to the sale, storage, conveyance and use of liquefied petroleum gas and to the installation, maintenance and rebuilding of containers, piping and appliances connected therewith;
- (b) prescribing the information and particulars to be contained in applications for licences or any renewal thereof;
- (c) prescribing the form and conditions of licences;
- (d) prescribing the fees to be paid for a licence;
- (e) as to the giving of security by a licensee in such form and manner to such extent as the Minister sees fit or as may be prescribed for the due observance by the licensee of the provisions of this Act or the basic standards as are applicable to him;
- (f) requiring licensees, their employees or agents, as the case may be, to hold certificates of competency and regulating the grant of those certificates;
- (g) prescribing the manner in which service of documents or notices may be made under this Act;
- (h) providing for the exercise by inspectors and peace officers of the powers of entry and search of premises, the stopping and search of vehicles and the issuing of directions for the purpose of ensuring that there is compliance with the provisions of this Act and any basic standards;

Power to make
Regulations.

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- (i) providing for the imposition and recovery of penalties for breaches of the Regulations made under this section or any directions issued under such Regulations;
 - (j) as to the keeping of records by a licensee in relation to any aspect of the licensed undertaking and the submission to or inspection of those records by the Minister;
 - (k) generally, for the better carrying out of the purposes of this Act and for prescribing anything required by this Act to be prescribed.

This Act in addition to, not in derogation of, other laws.

18. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other written law relating to or affecting any place, trade, business or occupation with respect to which this Act applies.

Application of Act and extension.

19. This Act shall apply to the Island of New Providence but the Minister may by Order direct that all or any of the provisions of this Act shall extend with such exceptions, adaptations and modifications to any part of the Family Islands as may be specified in the Order.