

**LIQUEFIED PETROLEUM GAS REGULATIONS,
1988***S.I. 57/1988*
S.I. 24/1996

(SECTION 17)

[Commencement 2nd December, 1988]

1. These Regulations may be cited as the Liquefied Petroleum Gas Regulations, 1988 and shall come into operation on the 2nd day of December, 1988.

Citation and commencement

2. (1) In these Regulations —

Interpretation.

“basic standards” means those standards set forth in Pamphlets No. 54, National Fuel Gas Code and No. 58, Storage and Handling Liquefied Petroleum Gases, as published by the National Fire Protection Association of the United States of America and as amended from time to time;

“Certificate of Competency” means a certificate of competency as granted by the Minister for the purposes of regulation 3;

“cylinder truck” means a vehicle used normally for the conveyance of portable containers of liquefied petroleum gas;

“domestic appliance” means any liquefied petroleum gas appliance used in connection with a single family residential unit;

“financial institution” has the same meaning as in the Central Bank of The Bahamas Act;

Ch. 351.

“tank truck” means a vehicle used normally for the conveyance of liquefied petroleum gas in bulk;

“tare weight” means the weight of the empty container with the valve on place but less the valve protection cap, if one is normally provided.

(2) In the basic standards a reference to the authority having jurisdiction is a reference to the Minister and a reference in these Regulations to the Act includes, where the context permits, a reference to the provisions of these Regulations.

Certificate of
Competency.

3. The Minister may grant Certificates of Competency to persons recognized by him as being skilled and knowledgeable in the storage and conveyance of liquefied petroleum gas, the making of installations in connection therewith and the rebuilding of containers by virtue of their success at tests and examinations appointed and held by him in that respect.

Methods of
application for
licence.

4. (1) Every application for a licence as a dealer, subdealer, installer, container rebuilder or as an appliance dealer, shall be made in writing on application forms obtainable at the offices of the Ministry responsible for Explosives and Volatile Substances, and the application shall contain all the information required to complete the form and shall be signed by the applicant or his agent.

(2) The application shall be accompanied by a written statement form —

- (a) an insurance firm carrying on business in The Bahamas to the effect that should the applicant be granted a licence insurance coverage by the firm in accordance with regulation 18 would thereupon become effective in relation to the applicant and his employees; or
- (b) a financial institution carrying on business in The Bahamas to the effect that upon the grant to the applicant of a licence a bond would become effective in accordance with Regulation 18 in respect of the due discharge of any of the obligations or liabilities of the applicant arising by virtue of his being a licensee.

S.I. 24/1996.

(3) An application for a licence as a dealer or subdealer shall also be supported by evidence showing that at least two persons of managerial or supervisory status in the undertaking are the holders of Certificates of Competency and that one of whom has been actively engaged in the liquefied petroleum gas industry for at least three years.

S.I. 24/1996.

(4) An application for a licence as an installer shall also be supported by evidence showing that the applicant is the holder of a Certificate of Competency and has been actively engaged in the liquefied petroleum gas industry for at least three years.

(5) In the case of an application for a licence to rebuild liquefied petroleum gas containers, the applicant shall also furnish to the satisfaction of the Minister evidence in writing showing —

- (a) that the proposed business of the applicant is equipped to produce rebuilt containers that meet the requirements set forth in the basic standards; and
- (b) that the persons engaged in the process of rebuilding possess the requisite skills and knowledge.

(6) In the case of an application for an appliance dealer's licence, the applicant shall also furnish full details of the type and make of appliances that he wishes to sell or hire out, together with evidence showing that such appliances will meet the prescribed requirements and the basic standards.

5. (1) The application for the renewal of a licence, or the replacement of a mutilated licence, shall be made in writing upon the application form obtainable from the Ministry responsible for Explosives and Volatile Substances, and the application shall contain all the information required to complete the form and shall be signed by the applicant or his agent.

Application for renewal and replacement of a lost or mutilated licence.

(2) The applicant for the renewal of a licence shall also comply with paragraphs (2) and (3) or (4) or (5) or (6) of Regulation 4, as the case may be.

S.I. 24/1996.

6. (1) The Minister in considering an application for a licence including the renewal thereof may —

Consideration of application and approval.

- (a) request such further information of the applicant as he deems necessary;
- (b) approve and grant the licence with conditions new or modified in the case of a renewal, as to the method of operation, the use of equipment or such other matters as the Minister sees fit having regard to the type of licence; or
- (c) refuse the application.

(2) Notice of the approval or refusal of a licence shall be given in writing to the applicant.

(3) A licence shall subject to the requisite adaptations be issued in Form 1 set out in the Schedule upon payment of the fee specified in regulation 19 and upon proof that

Form 1.
Schedule.

any insurance or bond required to be effected or executed under Regulation 18 has been so effected or executed.

Observance of provisions of Act and basic standards to be a condition of licence.

7. It shall be deemed conditions of every licence that —

- (a) the licensee or his employees carrying on the business to which the licence applies shall not be in breach of any of the provisions of these Regulations and of the basic standards;
- (b) the licensee or his employees shall comply with any directions issued by the Minister or an inspector under the Act as the Minister or inspector, as the case may be, considers necessary for ensuring the safety of members of the public;
- (c) an insurance or bond as evidenced for the purposes of Paragraph (2) of Regulation 4 is at all material times in effect during the carrying on of the licensed business; and
- (d) the respective facts evidenced at the time of the grant or renewal of the licence for the purposes of Paragraph (3), (4), (5) or (6) of Regulation 4 are in existence at all material times during the carrying on of the licensed business.

S.I. 24/1996.

Approval of liquefied petroleum gas installations.

8. (1) No installation of a liquefied petroleum gas container, piping or appliance shall be made without the prior written approval of the Minister.

(2) Notwithstanding Paragraph (1), where an installation consists of no more than two hundred pounds cylinders of liquefied petroleum gas, together with piping and domestic appliances the installation may be made without such approval but within thirty days thereafter the Minister shall be informed in writing by the licensee responsible for the installation.

(3) Any person who is the owner of a container capable of holding more than one hundred pounds of liquefied petroleum gas, the installation of which has not received the prior written approval of the Minister but the storage of which is authorised under Subparagraph (iii) of Paragraph (b) of Subsection (2) of Section 4 of the Act, may, within twelve months of the date of coming into operation of the Act, request the approval of the Minister in respect of the installation of the container; and the request shall specify the capacity and location of the container together with details of the installation and use of the container.

(4) The requirements of this Regulation shall not apply to the installation of a liquefied petroleum gas container on a vessel which is intended for use on that vessel.

(5) Subject to the foregoing provisions of this Regulation, any person who makes an installation in breach of Paragraph (1) shall be guilty of an offence.

9. (1) A licensee shall give to the Minister not less than forty-eight hours' (exclusive of Saturdays, Sundays and Public Holidays) notice before commencing an installation to which Paragraph (1) of Regulation 8 applies in order that an inspection can be made by inspectors to determine whether or not the installation complies with the requirements of the Act or the basic standards.

Notice of
installation.

(2) An inspector may enter upon premises in respect of which a request was received under Paragraph (3) of Regulation 8, or a notice was received under Paragraph (1) of this Regulation or Paragraph (2) of Regulation 8, for the purpose of carrying out an inspection of any installation made or to be made of liquefied petroleum gas on those premises and in the course of such inspection the inspector may issue directions to the licensee or his employees or the owner who made the request under Paragraph (3) of Regulation 8 to carry out such work as the inspector considers necessary to secure compliance with the Act or the basic standards.

(3) If as a result of an inspection the Minister is satisfied that an installation does not meet the requirements of the Act or the basic standards, he shall in writing so inform the licensee who made the installation or the owner who made the request for approval under Paragraph (3) of Regulation 8 and direct him as to the action to be taken to correct the improper installation; but where, upon a request for approval under Paragraph (3) of Regulation 8, the Minister is satisfied that the installation meets the requirements of the Act and the basic standards, he shall, subject to such conditions as he sees fit, give written approval in respect of the installation.

- (4) Any person who —
- (a) fails to give the notice as required by Paragraph (1);
 - (b) wilfully obstructs an inspector in his entry upon premises pursuant to paragraph (2); or

- (c) without reasonable cause fails to carry out any directions issued by the Minister or an inspector under the foregoing provisions of this regulation,

shall be guilty of an offence.

Ownership,
designs and
maintenance of
containers.

10. (1) All containers shall —

- (a) for the purposes of the Act be considered to be the property of the supplier thereof unless the Minister is otherwise informed in writing by the supplier or the owner thereof;
- (b) be clearly marked to show such ownership, either by a colour scheme used for the purpose by the supplier and notified to and approved by the Minister, or by the name of the supplier being clearly indicated on each container;
- (c) for the specific purposes for which they are intended to be used be of a type and design as set forth in the basic standards and marked in accordance therewith;
- (d) be maintained in a safe and sound working condition by the supplier who shall for that purpose carry out on such containers in use, at intervals of no longer than six months, routine examinations of a type approved by the Minister.

(2) Records of the examinations mentioned in subparagraph (d) of paragraph (1) and of the disposition of the respective containers shall be kept by the supplier and made available to the Minister upon demand.

(3) All containers shall every five years be subjected to a full hydrostatic test of the type set down in the basic standards and such test shall be carried out by an agency approved by the Minister for that purpose.

(4) Every container tested pursuant to paragraph (3) shall be marked in accordance with the basic standards and the results of the test shall be forwarded in writing by the supplier to the Minister.

Filling of
containers.

11. (1) No person, other than the supplier who owns the container, shall fill or refill it with liquefied petroleum gas, unless prior permission has been obtained in writing, from that supplier:

Provided that where the supplier is not the owner of the container, any dealer or sub-dealer may, upon satisfying himself that the container and its installation are in a satisfactory condition, fill or refill the container with liquefied petroleum gas.

(2) Any person who does anything in contravention of paragraph (1) shall be guilty of an offence.

12. (1) Any device used in the measurement or metering of liquefied petroleum gas shall be tested and its accuracy certified at bi-annual intervals by an agency recognised by the Minister, and copies of such test results shall be forwarded by the owner of the devices to the Minister within seven days of the test carried out.

Metering devices.

(2) A licensee who uses or permits to be used a device for the measurement or metering of liquefied petroleum gas and in respect of which device at the time of such use a certificate as mentioned in paragraph (1) is not in effect, 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 such fine and imprisonment.

13. (1) No person shall use or cause or permit to be used any vehicle for the conveyance of liquefied petroleum gas unless at the time of such use there is in respect of that vehicle an existing approval in writing of the Minister therefor or it is a vehicle being used by a skilled artisan to whom paragraph (d) of subsection (2) of section 4 of the Act applies.

Conveyance of liquefied petroleum gas.

(2) Any person conveying or causing to be conveyed in a vehicle portable containers shall ensure that —

- (a) the containers, unless otherwise authorised in writing by the Minister, are conveyed with their relief valves in direct contact with the vapour space;
- (b) the containers are secured on the vehicle against all unnecessary movement; and
- (c) each valve on a portable container has a permanent collar or a collar and lid or a removable screw on type cap to protect the valve against damage during conveyance.

(3) Any person who does anything in contravention of paragraph (1) or (2) shall be guilty of an offence.

(4) This regulation shall not apply to the conveyance of no more than two portable containers capable of holding no more than twenty pounds of liquid petroleum gas each.

Approval of
vehicles used for
the conveyance
of liquefied
Petroleum gas.

14. (1) An application for approval to use a vehicle in the conveyance of liquefied petroleum gas shall be made in writing to the Minister upon the form obtainable at the Ministry responsible for Explosives and Volatile Substances or at such other places as notified by the Minister.

(2) Subject to paragraph (3) an approval of an application for use of a vehicle in the conveyance of liquefied petroleum gas shall expire on the date on which the certificate of inspection, issued under the Road Traffic Act in respect of that vehicle, next expires, or the date when such a certificate is next issued, following the approval, whichever occurs first.

Ch 220.

(3) The effectiveness of an approval referred to in paragraph (2) shall be subject —

- (a) to the condition that a certificate of inspection referred to in paragraph (2) in respect of that vehicle is in force;
- (b) to the observance of such other conditions as may have been imposed by the Minister at the time of issuing the approval; and
- (c) to the compliance with such basic standards as are applicable to the use of the vehicle for the purpose of conveying liquefied petroleum gas.

(4) Notwithstanding anything to the contrary in the foregoing provisions of this regulation it shall be deemed a condition of every approval issued by the Minister that the vehicle to which the approval relates shall be submitted for inspection at such place and at such times as the Minister may direct for the purpose of ensuring that there is no breach of the provisions of the Act or of the basic standards.

(5) Upon any such inspection the Minister may —

- (a) in the case of a major or dangerous breach direct that the vehicle shall not be used for the transportation of liquefied petroleum gas until such breach is corrected; or
- (b) if the breach is relatively minor, direct that the breach be corrected within a specified time,

and upon failure to comply with any directions the Minister may suspend or revoke the approval.

(6) An inspector or peace officer may stop any vehicle being used on the road in the conveyance of liquefied petroleum gas for the purpose of ensuring that such conveyance is in accordance with the provisions of the Act and of the basic standards.

(7) Failure by any person to comply with a request made by any inspector or peace officer for the purposes of paragraph (6) shall render that person guilty of an offence.

15. (1) Tank truck deliveries of liquefied petroleum gas shall be made by a crew of at least two persons where the line of sight between the tank truck and the container receiving delivery may be obscured and the driver of the vehicle shall ensure that at least one person is stationed at the control valves on the vehicle and another at the container, respectively.

Delivery of liquefied petroleum gas.

(2) Any person failing to comply with paragraph (1) 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 such fine and imprisonment.

16. The Minister shall provide the Commissioner of Police with a copy of every licence that authorises the licensee to store liquefied petroleum gas together with details as to the amount of storage permitted.

Commissioner of Police to be informed of storage.

17. (1) After the 31st December, 1989, no person shall sell or offer for sale in The Bahamas any liquefied petroleum gas appliance which does not comply with the requirements set forth in the basic standards.

Appliances.

(2) Any person who contravenes paragraph (1) shall be guilty of an offence.

18. (1) Every licensee shall, unless he complies with paragraph (4), be issued during the term of the licence with an insurance company registered in The Bahamas in the respective amount mentioned in paragraph (3) for public liability, including life, limb or property damage, resulting from any accident or accidents arising from —

Licensee to give security.

- (a) the handling of liquefied petroleum gas whether in the sale, storage or conveyance thereof;
- (b) the installation and maintenance of appliances, piping, containers and any other appurtenances used in the connection therewith; or
- (c) the use of a rebuilt container.

Form 2.
Schedule.

(2) All such insurance shall be in Form 2 of the Schedule and shall be subject to any modifications thereof as are approved by the Minister in writing effect insurance coverage in respect of any liabilities arising by virtue of work done by the licensee and his employees to the extent respectively mentioned in subsection (3) and under the conditions set out in that Form.

(3) The amount or amounts of public liability insurance per incident shall not be less than those listed below —

Type of Licence	Amount of Insurance/ incident (no limit on number of incidents)
(a) Dealer	\$250,000
(b) Sub-dealer	\$100,000
(c) Installer	\$ 50,000
(d) Rebuilding containers	\$100,000

(4) A licensee in lieu of effecting a policy of insurance as required by paragraph (1) may, with sureties, execute a bond in a sum no less than that applicable to him under paragraph (3) as security conditioned upon the discharge of any liabilities that may arise in the respective circumstances specified in paragraph (1) and such bond shall be in Form 3 set out in the Schedule.

Form 3.
Schedule.

(5) Any person in whose favour a judgment for the payment of monies by a licensee remains unsatisfied in respect of any loss occasioned to that person in a circumstance covered by a policy of insurance effected or bond given by the licensee pursuant to this Act shall for the purpose of liquidating that judgment —

- (a) have recourse in subrogation of the licensee to any monies payable to him under the policy;
- (b) be paid by the Treasurer out of the Consolidated Fund from any amount remaining of any sum deposited therein by the Treasurer pursuant to the bond.

Fees for licences.

19. (1) The fee payable upon the issue or renewal of a licence shall be as respectively set out hereunder for a period of twelve months or in proportion thereto —

Type of Licence	Fee for issue	Fee for renewal
Dealer	\$300	\$200
Sub-dealer	\$150	\$100
Installer	\$ 30	\$ 25
Rebuilding of containers	\$150	\$100
Appliance Dealer	\$ 30	\$ 25

(2) The fee for the replacement of a lost or mutilated licence shall be \$10.00.

20. Any person guilty of an offence under these Regulations and for which no other penalty has been specified shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months or to both such fine and imprisonment. Penalties.

SCHEDULE

FORM 1 (Regulation 6(3))

LICENCE

LIQUEFIED PETROLEUM GAS ACT, 1988 (Ch. 218)

LICENCE:

FEE:

..... of The Bahamas is this
 day of 19 ...
 licensed
 in respect of the business carried on at
 as a liquefied petroleum
 gas dealer/sub-dealer/installer/container
 rebuilder/appliance
 dealer¹ subject to the following conditions—

- ²(a) in the carrying on of the business there are at all material times 2 persons engaged in the licensed business holding Certificates of Competency;
- ³(b) a policy of insurance or bond as required by regulation 18 of the Liquefied Petroleum Gas Regulations, 1988 is in effect throughout the carrying on of the licensed business.

This licence expires June 30th, 19

Minister responsible for Explosives and Volatile Substances

¹ Delete where not applicable.

² Delete where not applicable.

³ Delete where not applicable.

FORM 2 (Regulation 18(2))

CERTIFICATE OF INSURANCE

LIQUEFIED PETROLEUM GAS DEALER, INSTALLER OR
REBUILDER

THIS IS TO CERTIFY TO: THE MINISTER RESPONSIBLE
FOR EXPLOSIVES AND
VOLATILE SUBSTANCES

That the insurance coverages indicated below are in full force and effect for the term indicated with limits of liability not less than \$ as provided for in Regulation 18 of the Liquefied Petroleum Gas Regulations, 1988.

.....
NAME OF INSURANCE COMPANY

.....
INSURANCE COMPANY'S COMPLETE HOME OFFICE
ADDRESS

.....
NAME OF INSURED AS IT APPEARS ON LP GAS
LICENCE AND POLICY

.....
SPECIFIC ADDRESS OF INSURED'S LOCATION
COVERED BY THIS CERTIFICATE ⁴

COVERAGES AFFORDED: (Strike out coverage not applic-
able, if any)

Comprehensive General Liability, including premises operations and products.

Automobile Liability (coverage applicable to property damage or bodily injury arising from LP Gas exposures) on all vehicles used in the transporting of LP Gas, including owned, non-owned and hired vehicles.

Explosion exclusions, if any in policy, have been deleted.

Policy No. Effective Expiration
If this policy is terminated prior to its expiration, the Company agrees to give written notice to the Minister responsible for Explosives and Volatile Substances, *at least thirty (30) days prior to the effective date of cancellation.*

.....
⁴ Delete where not applicable.

ORIGINAL certificates must be completed in detail and forwarded to the Minister responsible for Explosives and Volatile Substances.

⁵ A separate certificate must be submitted covering each individual, licensed location of the **INSURED’S LP GAS OPERATIONS IN THE BAHAMAS.**

INSURANCE REQUIREMENT UNDER THE LIQUEFIED PETROLEUM GAS ACT, 1988

Coverage: Bodily and Property Damage Insurance for an amount not less than \$ in respect of any one incident.

Scope: All premises, operations and transportation incident to the sale or distribution of Liquefied Petroleum Gases and installation or service of gas systems and appliances.

All products, handled, sold or distributed and all installations, service or repair operations performed or rebuilt.

Type name and address of Insurance Agency:

.....
.....
.....
.....
.....

Type name, address and ID. number of Countersigning Agent:

.....
.....
.....
.....
.....
.....
.....

.....
Signature of Counter-signing Agent of the Policy

.....

Date

FORM 3 (Regulation 18(4))

BOND OF INDEMNITY

COMMONWEALTH OF THE BAHAMAS
NEW PROVIDENCE

KNOW ALL MEN BY THESE PRESENTS:

That we
as principal, and
as surety, are severally held and bound to pay unto the Treasurer the sum of

⁵ Delete where applicable.

for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents; provided, however, that the aggregated liability of the surety to all persons shall in no event exceed the said sum of

Signed, sealed and delivered on this theday of 19.....

The condition of this bond is such that, whereas, the above bounded principal has applied to the Ministry responsible for Explosives and Volatile Substances to be issued a licence to engage in the business of

..... in pursuance of the provisions of the Liquefied Petroleum Act, 1988 such Act being a law regulating such aforesaid business

Now therefore, if the above bounden principal shall well and truly comply with the provisions of the aforesaid Act and all such Regulations and basic standards as may be prescribed with respect to the conduct of the aforesaid business

..... for which such principal seeks a licence, and shall indemnify and save harmless any and all persons from loss or damage by reason of the above principal's negligence, including that of his servant's or agent's, in the course of the said business or by reason of their respective failure to comply with any of such provisions of the said Act, or any of such Regulations or basic standards then this obligation to be null and void, otherwise to be and remain in full force, virtue and effect:

Provided further that in the event of any claim, and/or claim payment by the surety, under this bond the surety shall forthwith notify the Minister responsible for Explosives and Volatile Substances of said claim and/or claim payment; and provided further, that the surety may cancel this bond by giving thirty days' notice but the liability of the surety shall apply as above set out as to any acts or omissions which may have occurred prior to the effective date of such cancellation.

Witness as to execution
By principal Principal

.....
Surety

.....
.....