



Jersey

SAFEGUARDING OF WORKERS (HIGHLY FLAMMABLE LIQUIDS) (JERSEY) REGULATIONS 1979

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THE STATES in pursuance of Article 9 of the [Health and Safety at Work \(Jersey\) Law 1989](#), have made the following Regulations –

Commencement [[see endnotes](#)]

PART 1

PRELIMINARY

1 Interpretation

In these Regulations, unless the context otherwise requires –

“dangerous concentration of vapours”, means a concentration greater than the lower flammable limit of the vapours;

“fire resisting structure” means any of the following, that is to say, any building, part of a building, structure, cabinet and enclosure which is constructed in conformity with a specification for fire resisting structures being a specification approved for the purposes of these Regulations by an inspector;

“highly flammable liquid” means any of the following, that is to say, any liquid, liquid solution, emulsion or suspension which, when subjected to the tests for the time being set forth in the Schedules to the United Kingdom Highly Flammable Liquids and Liquefied Petroleum Gases Regulations 1972 (S.I. 1972 No. 917), gives off a flammable vapour at a temperature of less than 32 degrees Celsius and supports combustion;

“premises” includes any place or part of any premises or place;

“prescribed” means prescribed by Order;

“responsible person” shall be construed in accordance with Regulation 4.²

2 Application

These Regulations apply to premises, processes, operations and works where any highly flammable liquid is present for the purposes of, or in connection with, any undertaking, trade or business, but not to –

- (a) premises in respect of which there is a licence in force under the [Explosives \(Jersey\) Law 1970](#);
- (b) any highly flammable liquid which is stored (as fuel, cargo or otherwise) in any fixed storage tank on a ship;
- (c) highly flammable liquid kept in sealed containers (other than aerosol dispensers) which are displayed with a view to the sale by retail of the liquid if the aggregate quantity of liquid so kept does not exceed 25 litres;
- (d) highly flammable liquid kept in aerosol dispensers which are displayed with a view to the sale by retail of the liquid.

3 Exemption certificates

- (1) The Minister may, subject to such conditions as may be specified therein, by certificate in writing exempt from all or any requirements of these Regulations –
 - (a) any premises;
 - (b) any class or description of premises;
 - (c) any machine, plant, apparatus, process, operation or work, or any class or description of machines, plant, apparatus, processes, operations or works; or
 - (d) any highly flammable liquid or any class or description of highly flammable liquid,if the Minister is satisfied that the requirements in respect of which the exemption is granted are not necessary for the protection of employees.³
- (2) The Minister may in his or her discretion revoke at any time a certificate granted under paragraph (1).

PART 2

DUTIES OF THE RESPONSIBLE PERSON

4 General⁴

- (1) It shall be the duty of every –
 - (a) employer;
 - (b) self-employed person; and
 - (c) person having to any extent control of premises, plant or substances,

to observe these Regulations in so far as they relate to matters within his or her control, and references to the “responsible person” shall be construed accordingly.

- (2) For the purposes of paragraph (1)(c), a person who has by virtue of any contract or tenancy an obligation to any extent in relation to the –
- (a) maintenance or repair of any premises; or
 - (b) safety of or absence of risk to health arising from plant or substances,

shall be treated as being a person who has control of the matters to which the person’s obligation extends.

5 Storage

- (1) Except as provided in paragraph (4) and except in the case of highly flammable liquids present in any place in accordance with Regulation 7(3) or being conveyed within the premises, all highly flammable liquids shall be stored –
- (a) in suitable fixed storage tanks in a safe position;
 - (b) in suitable closed vessels kept in a safe position in the open air and where necessary protected against direct sunlight;
 - (c) in suitable closed vessels kept in a storeroom which either is in a safe position or is a fire resisting structure; or
 - (d) in the case of a workroom where the aggregate quantity of highly flammable liquids stored does not exceed 50 litres, in suitable closed vessels kept either in a suitably placed cupboard or bin being a cupboard or bin which is a fire resisting structure or in any structure approved for the purpose by an inspector.
- (2) Except in the case of tanks and vessels which have been emptied and made free of vapour from highly flammable liquids, all openings (other than those necessary for venting) in cupboards, bins, tanks and vessels which have at any time been used for storing highly flammable liquids (whether or not for the time being containing any highly flammable liquid) shall be kept closed except as necessary for the use, operation or maintenance of these cupboards, bins, tanks and vessels.
- (3) Wherever highly flammable liquids are stored in accordance with paragraph (1)(a), (b) (c), all reasonably practicable steps shall be taken to ensure that any highly flammable liquid which leaks, is spilt or otherwise escapes shall be contained or immediately drained off into a suitable container or to a safe place, or otherwise treated to make it safe.
- (4) Nothing in this Regulation shall apply –
- (a) so far as it relates to the position and construction of tanks and storerooms, to any tank or storeroom in respect of which there is a licence in force under any enactment for the time being in force relating to the storage of petroleum-spirit;
 - (b) to highly flammable liquids in the fuel tanks of vehicles or engines for the purpose of operating the vehicles or engines;

- (c) to highly flammable liquid kept in suitable small closed vessels if the aggregate quantity of liquid so kept does not exceed 5 litres.

6 Marking of storerooms, tanks, vessels, etc.

- (1) Except where it is impracticable to do so and except as provided in paragraph (3), every storeroom, cupboard, bin, tank and vessel used for storing highly flammable liquid shall be clearly and boldly marked “Highly Flammable” or otherwise with an appropriate indication of flammability.
- (2) Where it is impracticable to mark any storeroom, cupboard, bin, tank or vessel in accordance with paragraph (1), the words “Highly Flammable Liquid” shall be clearly and boldly displayed as near to it as possible.
- (3) Nothing in this Regulation shall apply to –
 - (a) any of the following, that is to say, any cupboard, bin, tank or vessel, which contains spirits intended for human consumption;
 - (b) the fuel tanks of vehicles or engines which contain any highly flammable liquid for the purpose of operating the vehicles or engines;
 - (c) any suitable small closed vessel containing not more than 125 ml of highly flammable liquid;
 - (d) any aerosol dispenser in which the amount of highly flammable liquid contained is not in excess of either 45% by weight of the total contents or 250 g in weight.

7 Precautions against spills and leaks

- (1) Where highly flammable liquids are to be conveyed within any premises, they shall, where it is reasonably practicable so to do, be conveyed through a totally enclosed system incorporating pipe-lines and pumps or similar appliances. Where conveyance of highly flammable liquids within any premises through such a totally enclosed system is not reasonably practicable, they shall be conveyed in vessels which are so designed and constructed as to avoid so far as is practicable the risk of spilling.
- (2) A totally enclosed system used for such conveyance shall so far as is practicable be so designed, constructed, installed, placed and maintained as to avoid leakage.
- (3) The quantity of any highly flammable liquid present at any one time in any workplace in course of manufacture or for use or manipulation and in the process tanks, process vessels, pipe-lines, pumps, plant, equipment and apparatus in the workplace shall be as small as is reasonably practicable having regard to the processes or operations being carried on.
- (4) All reasonably practicable steps shall be taken to ensure that tanks or vessels containing any highly flammable liquid do not leak. Every such tank and vessel shall be kept closed except as necessary during the manufacture, use or manipulation of the highly flammable liquid therein, or for the operation or maintenance of the tank or vessel, and every such

tank and vessel shall be so designed, constructed and placed as to avoid so far as is reasonably practicable the risk of spilling.

- (5) Where in any process or operation any highly flammable liquid is liable to be spilled or to leak, all reasonably practicable steps shall be taken to ensure that any highly flammable liquid which is spilt or leaks shall be contained or immediately drained off into a suitable container or to a safe place, or otherwise treated to make it safe.
- (6) Any tank or vessel used to contain any highly flammable liquid, other than a fixed process tank, a fixed process vessel, a fixed storage tank, or a fixed storage vessel shall, when its contents have been expended, unless it has been made free of vapour from the liquid or is to be immediately re-used, be removed without delay to a safe place in the open air or to a suitably placed storeroom being a storeroom which is a fire resisting structure or be placed in a suitably placed cupboard or bin being a cupboard or bin which is a fire resisting structure.
- (7) All such empty tanks and vessels as aforesaid which have not been made free of vapour from the liquid shall be kept in such a safe place or such a storeroom cupboard or bin as aforesaid until next required for use or disposal, and any such tank or vessel shall be kept closed.

8 Precautions against fire

- (1) No means likely to ignite vapour from any highly flammable liquid shall be present where a dangerous concentration of vapours from highly flammable liquids may reasonably be expected to be present.
- (2) Where in any place a dangerous concentration of vapours from highly flammable liquids may reasonably be expected to be present, any cotton waste or other material in that place which –
 - (a) has been used in such a manner as to render the cotton waste or other material liable to spontaneous combustion; or
 - (b) is contaminated with any highly flammable liquid,shall be deposited without delay in a metal container having a suitable cover or be removed without delay to a safe place.
- (3) All surfaces in any premises in which highly flammable liquid is present and which are liable to attain a temperature of 82.2° Celsius shall be so situated or so protected as to prevent the deposition thereon of any solid residue resulting from the manufacture, manipulation or use of the liquid.
- (4) Nothing in paragraph (3) shall apply to lagging in position on pipework.

9 Prevention of escape of vapours and dispersal of dangerous concentrations of vapours

- (1) Where any highly flammable liquid is present in any workplace, steps shall be taken to prevent so far as is reasonably practicable the escape of vapours from any such highly flammable liquid into the general atmosphere of that or any other workplace.

- (2) Subject to the provisions of this Regulation, where a dangerous concentration of vapours from highly flammable liquids may reasonably be expected to be evolved in any process or operation, the process or operation shall, where reasonably practicable, be carried on within a cabinet or other enclosure which, in either case, is effective to prevent the escape of such vapours into the general atmosphere of the workroom or any other workroom, is adequately ventilated by mechanical means and is a fire resisting structure.
- (3) Nothing in paragraph (2) shall apply to any room if the only work with highly flammable liquids which is being carried on therein is work to the room and if there is secured natural or other ventilation of the room adequate to prevent the occurrence there of a dangerous concentration of vapours from the liquids.
- (4) Where a dangerous concentration of vapours from highly flammable liquids may reasonably be expected to be evolved in any operation carried on in a workplace which is a tank or other similar enclosed workplace there shall be secured, so far as is reasonably practicable, adequate ventilation by mechanical means.
- (5) Ventilation provided or secured in pursuance of this Regulation shall be kept in operation or use at all necessary times.
- (6) All ducts, trunks and casings used in connection with ventilation provided or secured in pursuance of this Regulation shall be fire resisting structures.
- (7) In the case of electric motors used in connection with exhaust ventilation systems provided in pursuance of this Regulation which comprise ducts, being systems constructed or installed after 1st January 1980 or constructed or installed before that date and substantially reconstructed after that date, such electric motors shall not be situated in the path of vapours from any highly flammable liquids being exhausted by the systems.
- (8) All venting devices of fixed tanks and fixed vessels containing highly flammable liquids shall discharge to a safe place and, where necessary, shall be provided with a suitable wire gauze effective as a flame arrestor or other suitable flame arrestor.

10 Explosion pressure relief of fire resisting structures

- (1) Where in accordance with the provisions of Regulation 5, 7 or 9 a storeroom, workroom, cabinet or enclosure is a fire resisting structure, provision may, and in such cases as may be prescribed, shall, be made in its structure for pressure relief in the case of explosion and, in the case of a storeroom, for adequate natural ventilation, notwithstanding in either case anything contained in any specification approved for the purposes of the definition of the expression "fire resisting structure" contained in Regulation 1(1).
- (2) Where in pursuance of paragraph (1) of this Regulation provision is made in a fire resisting structure for pressure relief in the case of explosion such provision shall be so arranged that any pressure will vent to a safe place.

11 Means of escape in case of fire

- (1) There shall be such means of escape in case of fire from every room in which any highly flammable liquid is manufactured, used or manipulated, as may be safely and effectively used at all material times.
- (2) Any exit from such a room shall be so constructed as to open outwards.

12 Prevention and removal of solid residues

- (1) Without prejudice to Regulation 8(3), whenever as a result of any process or operation involving any highly flammable liquid a deposit of any solid waste residue liable to give rise to a risk of fire is liable to occur on any surface –
 - (a) steps shall be taken where reasonably practicable to prevent as far as possible the occurrence of all such deposits; and
 - (b) where any such deposit occurs, effective steps shall be taken, as often as necessary to prevent danger, to remove all such residues as aforesaid and put them in a safe place.
- (2) No removal of any such residue containing cellulose nitrate shall be effected by the use of an iron or steel implement.

13 Smoking

- (1) No person shall smoke in any place in which any highly flammable liquid is present or within 20 feet of any such place unless the person is effectively separated from such place by fire resisting material.
- (2) The responsible person shall take all reasonably practicable steps to ensure compliance with paragraph (1) and such steps shall include the display at or as near as possible to every place to which the said paragraph applies of a clear and bold notice indicating that smoking is prohibited in that place.

14 Control of ignition and burning of highly flammable liquids

- (1) Except as provided in paragraph (2), no highly flammable liquid shall be ignited or burnt except in plant or apparatus suitable for the purpose of burning that highly flammable liquid safely and by the proper use of that plant or apparatus, or otherwise by a competent person in a safe manner and in a safe place.
- (2) The prohibition contained in paragraph (1) shall not apply where highly flammable liquid is burnt in order to provide persons with training in fighting fire if the training is carried out under the direct and continuous supervision of a competent person.

15 Use of petroleum-spirit

No petroleum-spirit shall be used in any workplace otherwise than as fuel for a motor vehicle, motor boat, aircraft or engine.

16 Fire fighting

There shall in any premises where any highly flammable liquid is manufactured, used or manipulated be provided and maintained appropriate means for fighting fire which shall be so placed as to be readily available for use.

PART 3**DUTIES OF EMPLOYEES ⁵****17 General**

It shall be the duty of an employee in any premises to comply with such of the requirements of these Regulations as relate to the doing of or refraining from an act by the employee, to co-operate in carrying out these Regulations, and if he or she discovers any defect in the plant, equipment or appliances, to report such defect without delay to the responsible person.⁶

18 Notice of requirements of these Regulations

For the purpose of acquainting employees with their duties thereunder, a copy of these Regulations shall be displayed in a conspicuous position in every room where any highly flammable liquid is manufactured, used or manipulated.⁷

PART 4**INSPECTORS****19 Power to take samples**

- (1) An inspector may in any premises at any time subject to the production by the inspector of evidence of the inspector's authority, take for testing sufficient samples of any material which in the inspector's opinion may prove on testing to be a highly flammable liquid.
- (2) When a sample is taken in accordance with paragraph (1), the inspector shall divide the sample into 2 parts, mark and seal up each part and –
 - (a) deliver one part to the responsible person;
 - (b) submit the other part to testing.
- (3) The results of any test carried out for the purpose of this Regulation shall not be published or disclosed to any person except insofar as is necessary for the purpose of a prosecution for an offence under these Regulations.

PART 5

GENERAL

20 Penalties

Any person who contravenes or fails to comply with the requirements of Regulation 17, 18 or 19(3) shall be liable to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence, to a further fine not exceeding level 1 on the standard scale for each day during which the offence continues.⁸

21 Orders

- (1) The Minister may make Orders prescribing anything which, under these Regulations, may be prescribed.
- (2) ⁹

22 Citation

These Regulations may be cited as the Safeguarding of Workers (Highly Flammable Liquids) (Jersey) Regulations 1979.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Safeguarding of Workers (Highly Flammable Liquids) (Jersey) Regulations 1979	R&O.6690	1 January 1980
Safeguarding of Workers (Highly Flammable Liquids) (Amendment) (Jersey) Regulations 1997	R&O.9048	1 May 1997
States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005	R&O.48/2005	9 December 2005
Legislation (Jersey) Law 2021	L.8/2021 (R&O.112/2021)	28 September 2021

Table of Renumbered Provisions

Original	Current
PART I	PART 1
1(1)	1
1(2), (3)	spent, omitted from this revised edition
PART II	PART 2
PART III	PART 3
PART IV	PART 4
PART V	PART 5
22	spent, omitted from this revised edition
23	22

Table of Endnote References

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- ¹ *These Regulations have been amended by the States of Jersey (Amendments and Construction Provisions No. 8) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Regulation 1(1)*
- ³ *Regulation 3(1)*
- ⁴ *Regulation 4*
- ⁵ *Part 3 heading*
- ⁶ *Regulation 17*
- ⁷ *Regulation 18*
- ⁸ *Regulation 20*
- definition “responsible person” inserted by R&O.9048*
- amended by R&O.9048*
- substituted by R&O.9048*
- amended by R&O.9048*
- amended by R&O.9048*
- amended by R&O.9048*

⁹ *Regulation 21(2)* *deleted by L.8/2021*