

## INFLAMMABLE LIQUID ACT.

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### Act No. 15, 1915.

An Act to regulate the keeping, conveyance, and sale of inflammable liquid, to repeal the Storage and Sale of Kerosene Restriction Act of 1871; and for purposes consequent thereon or incidental thereto. [Assented to, 22nd February, 1915.]

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

#### PART I.

##### PRELIMINARY.

##### *Short title and repeal.*

**1.** This Act may be cited as the “Inflammable Liquid Act, 1915.”

Short title.

**2.** This Act shall commence on a day to be proclaimed by the Governor by notice in the Gazette.

Commence-  
ment.

Any proclamation, regulation, rule, by-law, or appointment to an office under this Act may be made, and any license or registration thereunder may be applied for and granted at any time after the passing, but shall not come into force until the commencement of this Act.

**3.**

**Inflammable Liquid Act.**

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Division into  
Parts.

**3.** This Act is divided into Parts as follows :—

PART I.—PRELIMINARY—*ss.* 1-8.

PART II.—KEEPING OF INFLAMMABLE LIQUID—*ss.* 9-16.

PART III.—MARKING OF PACKAGES—*s.* 17.

PART IV.—CONVEYANCE OF INFLAMMABLE LIQUID—*ss.* 18-20.

PART V.—GOVERNMENT CONTROL AND INSPECTION—*ss.* 21-24.

PART VI.—TESTING—*ss.* 25-28.

PART VII.—LEGAL PROCEEDINGS—*ss.* 29-38.

PART VIII.—GENERAL PROVISIONS—*ss.* 39-46.

**Repeal.**

**4.** The Storage and Sale of Kerosene Restriction Act of 1871 is hereby repealed.

*Interpretation.*

**Definitions.**

**5.** In this Act, unless the context or subject-matter otherwise indicates or requires,—

“ Boat ” means vessel, not being a ship as herein-after defined, which is used in navigation in any inland water or any harbour, whether moved or propelled by oars or otherwise, either at rest or in motion.

“ Carriage ” includes any carriage, waggon, cart, truck, vehicle, or other means of conveying goods or passengers by land, in whatever manner it may be propelled or transferred from place to place, either at rest or in motion.

“ Chief inspector ” means chief inspector of inflammable liquid, and in the case of his absence from duty includes any person appointed under the hand of the Minister to discharge the duties of Chief Inspector.

“ Depôt ” means any pit, excavation, or enclosed place, whether situate in a building or not, which is constructed in such manner or surrounded by walls of such character that inflammable

inflammable liquid stored therein cannot escape therefrom in the form of liquid, either under the action of fire or otherwise.

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“Explosive” means explosive as defined by the Explosives Act, 1905.

“Highly combustible goods” means oil, spirit, or other liquid of an inflammable character (not being inflammable liquid to which this Act applies), or any resin, tallow, paraffin-wax, celluloid, or other solid substance of like character.

“Inspector” means person appointed by the Governor as an Inspector under this Act, and includes any person authorised in writing by the chief inspector to act as an inspector.

“Master” includes every person, except a pilot, having command or charge of a ship; and, in reference to any boat, belonging to a ship, means the master of the ship; and, in reference to any other boat includes every person having command or charge of the boat.

“Minister” means the Colonial Treasurer, or Minister of the Crown for the time being administering this Act.

“Occupier” includes any number of persons and a body corporate; and, in case of a building in which any manufacture or trade is carried on, includes any person carrying on that manufacture or trade.

“Package” means any case, barrel, tin, or other receptacle, and includes every means by which goods may be cased, covered, enclosed, contained, or packed.

“Prescribed” means prescribed by this Act, or by any proclamation, rule, regulation, or by-law made thereunder.

“Protected work” means—

- (a) building in which any person dwells, or in which persons are accustomed to assemble for

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for purposes of public concourse, public religious worship, public entertainment or amusement, education, or discussion, public offices, stores (bonded or free, or bonded and free combined), and other warehouses;

- (b) building in which persons are employed for the purpose of any trade or business, and which is not situate on the licensed store;
  - (c) dock, wharf (as defined in this section), or timber yard, and any part of a harbour, port, or river where it is customary for ships to berth, moor, or lie;
  - (d) depôt in which any inflammable liquid is kept; and
  - (e) any other place which the Governor by proclamation in the Gazette declares to be a protected work.
- “ Railway company ” means person being the owner or lessee of or working any railway or tramway constructed or carried on under the powers of any Act of Parliament and used for public traffic.
- “ Railway ” includes every building, station, wharf, dock, and place which belongs to or is under the control of a railway company, or of the Chief Commissioner for Railways and Tramways, or of the Commissioner for Water Conservation and Irrigation.
- “ Screen wall ” means wall of such substance and so constructed and placed as to be efficient for the purpose of preventing the spread of fire from any one place to any other place, and when inflammable liquid is kept in an underground depôt, means the surrounding floor, walls, and covering of such underground depôt, if efficient for the purpose aforesaid.
- “ Ship ” includes every description of vessel used in sea navigation, whether propelled by oars or otherwise, whether at rest or in motion.
- “ Wharf ” includes any quay, landing-place, landing-stage, jetty, pier, hulk, or other place at which goods are landed, loaded, or unloaded.

**6.** "Inflammable liquid" means liquid petroleum, kerosene, and any oil, liquid, or spirit derived wholly, or in part from any petroleum, shale, schist, coal, peat, bitumen, or any other similar substance; and which has a true flashing point of less than one hundred and fifty degrees Fahrenheit; and any other liquid which the Governor, by proclamation in the Gazette, declares to be an inflammable liquid.

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Definition of  
"inflammable  
liquid."

**7.** For the purposes of this Act, inflammable liquid is divided into "mineral spirit" and "mineral oil"; and—

Definition of  
"mineral  
spirit" and  
"mineral  
oil."

- (a) "mineral spirit" means any inflammable liquid which has a true flashing point of less than seventy-three degrees Fahrenheit; and
- (b) "mineral oil" means any inflammable liquid which has a true flashing point of not less than seventy-three degrees Fahrenheit.

**8.** For the purposes of this Act, the true flashing point of an inflammable liquid shall be that defined in the Schedule hereto when the liquid is tested in the manner set forth in the said Schedule, with such alterations and additions (if any) as are made in the same in pursuance of this Act.

True flashing  
point.

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## PART II.

### KEEPING OF INFLAMMABLE LIQUID.

#### *Application of Part II.*

**9.** The Governor may, by proclamation, take any place out of the operation of this Part of this Act, and may in like manner amend or revoke any such proclamation.

Power to take  
any place out  
of operation  
of Part.

#### *Licensing*

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Stores and  
premises may  
be licensed or  
registered.

*Licensing and registration of stores and premises.*

**10.** Stores or premises may, upon payment of such fees, and subject to such conditions as are prescribed, be licensed or registered for the keeping of inflammable liquid.

*Keeping of liquid in stores or premises not licensed or registered.*

Only limited  
quantities  
may be kept  
in unlicensed  
and un-  
registered  
stores and  
premises.

**11.** If any person keeps inflammable liquid except in a licensed store or in registered premises, he and the occupier of the premises shall be liable to a penalty not exceeding fifty pounds : Provided that this section shall not apply to the keeping of inflammable liquid—

(a) in quantities not exceeding the following :—

(i) Two hundred and fifty gallons of mineral oil, if no mineral spirit is kept by any person within a distance of fifty feet thereof ; or when any mineral spirit is so kept, then if either the mineral spirit or the mineral oil is kept completely surrounded by a screen wall.

(ii) Sixteen gallons of mineral spirit :

Provided that all the inflammable liquid shall be kept in substantial vessels of metal or other prescribed material, so securely closed and stopped that neither liquid nor vapour can escape therefrom : Provided also that the quantity of mineral spirit kept in any one such vessel shall not exceed four gallons ;

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

(c) in the fuel tank on a motor carriage or motor-propelled ship or boat or fuel tank of any plant using inflammable liquid.

Mineral spirit  
exceeding  
three gallons.

**12.** Notwithstanding anything in the preceding clause no person shall keep or use mineral spirit in quantities exceeding three gallons for any industrial purpose except in a licensed store or in registered premises. If any person so keeps or uses mineral spirit in any quantity exceeding three gallons he shall be liable to a penalty not exceeding one hundred pounds.

*Registered*

*Registered premises.*George V,  
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**13.** (1) No person shall keep inflammable liquid in registered premises in quantities exceeding the following :—

- (a) Eight hundred gallons of mineral oil if no mineral spirit is kept by any person within a distance of fifty feet thereof; or if any mineral spirit is so kept, unless either the mineral spirit or the mineral oil is kept completely surrounded by a screen wall or in a prescribed underground depôt.
- (b) Three hundred gallons of mineral oil if mineral spirit is kept by any person within a distance of fifty feet thereof; and neither the mineral spirit nor the mineral oil is kept completely surrounded by a screen wall or in a prescribed underground depôt.
- (c) One hundred gallons of mineral spirit or five hundred gallons of mineral spirit if kept in a prescribed underground depôt.

(2) If any person so keeps inflammable liquid in any quantity exceeding that above prescribed, he and the occupier of the premises shall be liable to a penalty not exceeding one hundred pounds.

**14.** (1) Every person keeping inflammable liquid in registered premises, and every person in or about such premises shall comply with the following general rules :—

- (a) All inflammable liquid kept on the premises, except so much as is withdrawn for immediate use, shall be kept in a depôt exclusively appropriated to the purpose, and thoroughly ventilated.
- (b) The depôt shall not be situated within nor be attached to a dwelling or building in which persons assemble unless the depôt is completely surrounded by a screen wall and has a separate entrance from the open air distinct from that of any dwelling or building in which persons assemble.

(c)

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- (c) There shall be no fire, forge, furnace, explosive, highly combustible goods, or other source of danger within fifty feet of the depôt unless a screen wall intervenes between them.
- (d) No light of any description shall be brought within thirty feet of any depôt or place where any vessel containing inflammable liquid is being kept, or is in course of conveyance on the premises, except an artificial light of the construction and character prescribed, unless a screen wall intervenes between such inflammable liquid and such light.
- (e) All the inflammable liquid shall be kept in closed vessels of metal or other prescribed material. Every such vessel shall be so substantially constructed and maintained that no leakage whatever of liquid or vapour can take place therefrom.
- (f) Every package containing inflammable liquid shall be marked or labelled as required by Part III of this Act.
- (g) All the inflammable liquid received upon the premises shall be at once taken to the depôt, and all inflammable liquid taken from the depôt for delivery or otherwise, except so much as is for immediate use on the premises, shall be at once removed from the premises.
- (h) No inflammable liquid shall be received or delivered from the premises except between the hours of sunrise and sunset, unless an artificial light of the construction and character prescribed is used.
- (i) No vessel containing inflammable liquid shall be opened on the premises, except at or immediately adjoining the depôt in which it is kept, and then only for the time necessary for drawing off the inflammable liquid ; and during such drawing off every reasonable precaution shall be adopted for preventing the escape of inflammable liquid or vapour therefrom.

(j)



- (j) No inflammable liquid shall 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. George V,  
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- (k) No person under the age of fourteen years shall be allowed inside any depôt.
- (l) No person shall bring any matches into any depôt.
- (m) On all premises there shall be kept a sufficient quantity of sand or other prescribed material, so distributed about the premises as to be immediately available for throwing on any inflammable liquid that may be spilled or ignited. Such sand or material shall be kept in such quantities and in such manner as may be prescribed.
- (n) All due precautions (whether prescribed or not) shall be taken for the prevention of accidents by fire or explosion, and for the prevention of unauthorised persons having access to the inflammable liquid kept on the premises, and no person shall do any act whatever which tends to cause fire or explosion.

If in respect of any inflammable liquid in such premises, any of such rules are not complied with, the occupier of the premises and any person contravening or failing to comply with such rules, shall be liable to a penalty not exceeding one hundred pounds.

(2) If any person is convicted of an offence under this section, the Minister may cause the registration of the premises in respect of which the offence was committed to be cancelled, and such premises shall thereupon be deemed to be unregistered.

*Licensed stores.*

**15.** (1) A store shall not be licensed unless the following conditions are complied with :— Conditions as  
to licensing  
stores.

- (a) The store shall include one or more depôts, as defined by this Act, exclusively appropriated to the keeping of inflammable liquid and such goods

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goods as are specified in the license; and all buildings and places adjoining each other and occupied together shall be deemed to be the same store, and shall be included in one license.

- (b) Every depôt shall have an effective covering or roof of metal, sand, slate, or other uninflam- mable material, unless any such depôt is within another building, and that building has a roof, externally uninflamable.
- (c) Every depôt shall be so situated as not to be within fifty feet of any fire, forge, furnace, explosive, highly combustible goods, or other source of danger, unless a screen wall inter- venes between such fire, forge, furnace, ex- plosive, highly combustible goods, or source of danger, and every place where inflammable liquid is kept.
- (d) Every depôt shall be separated as prescribed from all protected works.
- (e) Every depôt shall be in all other respects situated and constructed as prescribed.

License may  
be forfeited.

(2) If any of the above conditions are not com- plied with, the license may be forfeited, and the store shall thereupon be deemed to be unlicensed.

General rules  
as to licensed  
stores.

**16.** (1) Every person keeping inflammable liquid in a licensed store, and every person in or about the same, shall comply with the following general rules:—

- (a) All inflammable liquid kept in the store, ex- cept so much as is withdrawn for immediate use, shall be kept in the depôt appropriated for the purpose.
- (b) Except as otherwise provided in this Act, the depôt shall be used exclusively for the keeping of inflammable liquid and the packages in which the liquid is contained.
- (c) No explosives, nor anything liable to sponta- neous ignition or combustion, and no fire or light, except an artificial light of the con- struction and character prescribed, shall be placed, brought, or allowed to remain within fifty feet of any depôt, or of any inflammable liquid

liquid in the store, unless such depôt or inflammable liquid is separated from such explosive, thing, fire, or light by a screen wall.

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- (d) All the inflammable liquid shall be kept in closed vessels of metal or other prescribed material. Every such vessel shall be so substantially constructed and maintained that no leakage whatever of liquid or vapour can take place therefrom.
- (e) Every package containing inflammable liquid shall be marked or labelled as required by Part III of this Act.
- (f) All the inflammable liquid received at the store shall be at once taken to the depôt and all inflammable liquid taken from the depôt for delivery or otherwise, except so much as is for immediate use at the store, shall be at once removed from the store.
- (g) No inflammable liquid shall be received or delivered from the store except between the hours of sunrise and sunset, unless an artificial light of the construction and character prescribed is used.
- (h) No vessel containing inflammable liquid shall be opened in the store, except at or immediately adjoining the depôt in which it is kept, and then only for the time necessary for drawing off the inflammable liquid; and during such drawing off every reasonable precaution shall be adopted for preventing the escape of inflammable liquid or vapour therefrom.
- (i) No inflammable liquid shall 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.
- (j) No person under the age of fourteen years shall be allowed inside any depôt.
- (k) No quantity of inflammable liquid in excess of that specified in the license shall be kept in the store.

(l)

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- (l) In every store there shall be kept a sufficient quantity of sand or other prescribed material, so distributed about the store as to be immediately available for throwing on any inflammable liquid that may be spilled or ignited. Such sand or material shall be kept in such quantities and in such manner as may be prescribed.
- (m) No person shall smoke in the store, and no person shall bring any matches into any depôt or store.
- (n) All due precautions (whether prescribed or not) shall be taken for the prevention of accidents by fire or explosion, and for the prevention of unauthorised persons having access to the inflammable liquid kept in the store, and no person shall do any act whatever which tends to cause fire or explosion.

(2) If in respect of any inflammable liquid in such store any of such rules are not complied with, the occupier of the store and any person contravening or failing to comply with such rules shall be liable to a penalty not exceeding one hundred pounds.

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PART III.

MARKING OF PACKAGES.

General rules  
as to marking  
of packages.

**17.** (1) Every person keeping, conveying, selling, or exposing for sale inflammable liquid shall comply with the following general rules as to the marking of the packages containing such inflammable liquid :—

Marking of  
outside  
packages.

- (a) The outside of every package containing mineral spirit shall be clearly marked in conspicuous letters "Highly inflammable," together with the words "Mineral spirit," or with the trade name under which the liquid is sold, or with any words prescribed.

Where  
flashing point  
is less than  
100°.

- (b) In the case of mineral oil having a true flashing point of less than one hundred degrees Fahrenheit and exceeding in amount three gallons,  
the

the outside of every package containing such mineral oil shall be clearly marked in conspicuous letters "For use in oil engines," or with any words prescribed.

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- (c) In the case of mineral oil having a true flashing point of not less than one hundred degrees Fahrenheit, and exceeding in amount three gallons, the outside of every package containing such mineral oil shall be clearly marked in conspicuous letters "Mineral oil," or with the trade name under which the liquid is sold, or with any words prescribed.

Where  
flashing point  
is not less  
than 100°.

(2) If any such person fails to comply with any such rule, he shall be liable to a penalty not exceeding one hundred pounds.

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PART IV.

CONVEYANCE OF INFLAMMABLE LIQUID.

**13.** (1) Every person conveying, loading, or unloading inflammable liquid, or assisting in any of such operations, and every employer of any person engaged in any of such operations, shall comply with the following general rules:—

General rules  
as to convey-  
ing, loading,  
and unloading  
inflammable  
liquid.

- (a) The liquid shall be contained in tanks or other vessels of metal or other prescribed material from which the liquid cannot escape in the form of liquid or vapour, and 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 any of the liquid from escaping or being discharged into any part of a house or building, or of the curtilage thereof, or into any sewer or drain, or into any lake or lagoon, or any stream of water, or estuary of the sea.

II

(c)

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- (c) All due precautions, whether prescribed or not, shall be taken for the prevention of accidents by fire or explosion, and for preventing unauthorised persons having access to the liquid, and for the prevention of any act whatever which tends to cause fire or explosion and is not reasonably necessary for the purposes of the conveyance, loading, or unloading of the liquid or of any other article carried therewith, and for preventing any other persons from committing any such act; and any such other person who, after being warned, commits any such act shall be deemed to commit a breach of these general rules.
- (d) The work of loading or unloading inflammable liquid on or from any ship or boat shall not be carried on between sunset and sunrise without first obtaining the permission of the chief inspector in writing.

(2) If any such person fails to comply with any such rule, he shall be liable to a penalty not exceeding one hundred pounds.

**By-laws.**

**19.** (1) The Sydney Harbour Trust Commissioners, the Chief Commissioner for Railways and Tramways, the Commissioner for Water Conservation and Irrigation, and every other harbour authority, railway, tramway, canal company, or other person within whose jurisdiction or on whose railway, tramway, canal, or wharf inflammable liquid is conveyed, loaded, or unloaded, if so required by the Minister, shall make special by-laws, not being inconsistent with this Act, or regulations under this Act, for regulating the conveyance, loading, and unloading of inflammable liquid within the said jurisdiction, or on the said railway, tramway, canal, or wharf, and in particular for enforcing the observance of this Act, both by their servants and agents, and also by other persons when within the jurisdiction of the harbour authority or on the railway, tramway, canal, or wharf of such company or person. Such by-laws, when approved by the Governor, shall apply to the harbour, railway, tramway, canal, wharf, agents and servants of the authority, company, or person making the same, and to the persons using, or on, in, or about such

such harbour, railway, tramway, canal, or wharf, or the premises connected therewith, and occupied by or under the control of such authority, company, or person. George V,  
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(2) Any by-laws made in pursuance of the last preceding subsection, if required by the Minister, shall be in like manner rescinded, altered, or added to.

(3) If a harbour authority, commissioner, or trust, or any railway, tramway, canal company, or other person fail within three months after being required as aforesaid to comply with such requisition to the satisfaction of the Minister, the Minister may make such by-laws which shall, when approved by the Governor, have the same effect as if made by the authority, commissioner, trust, company, or other person.

(4) If any person to whom any by-law made in pursuance of this section applies, contravenes or fails to comply with such by-law, he shall be liable to a penalty not exceeding fifty pounds.

**20.** In the event of any breach of a regulation or by-law under this Act in any harbour in respect of a ship or cargo, or a boat or carriage conveying any part of the cargo whether there has or has not been any conviction for such breach, the harbour-master, or any other officer named in the regulations or by-laws, or any person acting under the orders of the harbour-master, or of such other officer, may cause the ship, cargo, boat, or carriage to be removed at the expense of the owner thereof to such place, or otherwise dealt with in such manner as may be in conformity with the regulations or by-laws, and all expenses incurred in any such removal may be recovered before a court of petty sessions. Any person resisting such harbour-master, officer, or other person in such removal or other dealing shall be liable to the same penalties as a person is liable to for obstructing the harbour-master or other person in the execution of his duty.

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## PART V.

## GOVERNMENT CONTROL AND INSPECTION.

**Inspectors.** **21.** The Governor may appoint a chief inspector and inspectors for the purpose of carrying out the provisions of this Act. The chief inspector shall have all the powers of an inspector.

**Powers of inspector.**

**22.** An inspector may—

- (a) at any time enter, inspect, and examine any place (whether a building or not, or a carriage, boat or ship) where he has reason to believe inflammable liquid may be found;
- (b) make any general or particular inquiries as to the observance of this Act;
- (c) take without payment such samples of any substance which he believes to be inflammable liquid as are necessary for the examination and testing thereof;
- (d) seize, detain, or remove any inflammable liquid and any package, carriage, ship, or boat in which the same is contained, if he has reasonable cause to believe that there has been a contravention of this Act in respect of such liquid;
- (e) where he believes it necessary in the public interest, with the consent of the Minister, destroy or render harmless any inflammable liquid: Provided that in cases of imminent danger he may so act without such consent.

**Inspector to be assisted.**

**23.** (1) Every person on or about the place inspected shall—

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

(2) If any such person fails to carry out any of the requirements of this section, he shall be liable to a penalty not exceeding one hundred pounds.

**24.**



**24.** No inspector shall be liable for anything done in exercise of the powers of this Part or in pursuance of this Act unless—

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

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Protection to  
inspector.

## PART VI.

### TESTING.

**25.** (1) A standard model of the apparatus for testing inflammable liquid prescribed by this Act shall be deposited with and kept in the office of the chief inspector.

(2) The Governor may, by notice in the Gazette, declare that any new model shall be the standard model, and that any then existing standard model shall cease to be the standard model.

**26.** Apparatus constructed in accordance with this Act may from time to time be submitted to the chief inspector for the purpose of being compared with the standard model and verified.

**27.** The chief inspector may, on receipt of the prescribed fees, and subject to the prescribed conditions,—

- (a) stamp such apparatus, if found to be accurate, with a mark, date, and number ;
- (b) stamp such apparatus, if found to be inaccurate, with a statement showing the error in such apparatus and with a mark, date, and number.

**28.** Any test made by an apparatus shall be deemed inaccurate unless such apparatus has been compared with the standard model, found by the chief inspector to be accurate, and stamped as aforesaid, within five years from the date of such test being made.

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## PART VII.

## LEGAL PROCEEDINGS.

Recovery of  
penalties.

**29.** Every offence under this Act may be prosecuted, and every penalty under this Act may be recovered either summarily before a court of petty sessions, or on indictment.

Costs and  
forfeiture.

**30.** The court, before whom a person is convicted of an offence against this Act, may make any order as to costs which it thinks fit, and may in addition to the penalty order the forfeiture of the inflammable liquid and the packages containing the same or either of them.

Forfeiture  
where owner  
unknown.

**31.** Where an offence is alleged to have been committed in respect of any inflammable liquid, and the owner or other person liable is unknown, or cannot be found, a court of petty sessions 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 will be forfeited, and at that time and place the court may order all or any part of the liquid to be forfeited.

Exemption of  
occupier from  
penalty on  
proof of  
another being  
the actual  
offender.

**32.** (1) When an occupier is charged with an offence against this Act, he shall be entitled, upon 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 he had used due diligence to enforce the provisions of this Act, the breach of which constituted the offence, and that the said person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any penalty.

Forfeited  
property.

**33.** All forfeited property shall be disposed of as the Minister directs or as prescribed.

Payment of  
penalties and  
proceeds of  
forfeiture.

**34.** All penalties recovered shall be paid into the Treasury, and be carried to the Consolidated Revenue, and the proceeds of any sale of inflammable liquid or other goods forfeited shall be paid and accounted for in like manner.

**35.**

**35.** Where the owner or master of a ship or boat is adjudged to pay a penalty for an offence committed with or in relation to the ship or boat, the court may in addition to any other power they may have for the purpose of compelling payment of the penalty, direct that the same be levied by arrest and sale of the ship or boat and her tackle.

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Levy on ship  
or boat for  
penalty.

**36.** In any proceedings under this Act with respect to any article examined or tested in pursuance of this Act, the production of the certificate of the chief inspector, or of an inspector, shall be prima facie evidence of the facts therein stated without proof of the signature of the person appearing to have signed the same.

Certificate of  
inspector to  
be evidence.

**37.** The production of the Gazette containing any proclamation, notice, rule, regulation, or by-law appearing or purporting to have been issued or made under this Act, or the production of any document certified by the chief inspector to be a true copy of, or extract from, any such proclamation, notice, rule, regulation, or by-law issued or made under this Act, shall be prima facie evidence of the issue or making of such proclamation, notice, rule, regulation, or by-law, and that the same is in force.

Evidence of  
proclamation,  
notice, rule,  
regulation, or  
by-law.

**38.** (1) This Act shall not, save as is herein expressly provided, exempt any person from any action or suit which might, but for the provisions of this Act, have been brought against him.

Proceedings  
not exempted  
by this Act.

(2) This Act shall not exempt any person from any indictment or other proceeding for a nuisance, or for an offence which is indictable at common law or under any Act other than this Act, so, however, that no person be punished twice for the same offence.

(3) Where proceedings are taken before any court against a person in respect of any offence under this Act, which is also an offence indictable at common law, or by some Act other than this Act, the court may direct that, instead of those proceedings being continued proceedings shall be taken for indicting the person at common law or under such other Act.

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## PART VIII.

## GENERAL PROVISIONS.

Forging  
stamp.

**39.** If any person forges or counterfeits any stamp or mark required by this Act to be placed on apparatus for testing inflammable liquid, or alters any such stamp or mark placed on any such apparatus, he shall be guilty of felony, and shall be liable on conviction to imprisonment with or without hard labour for a term not exceeding five years.

Use of mineral  
spirit in  
hairdressers'  
shops.

**40.** If any person engaged or employed in the business or trade of hair-dressing uses or applies mineral spirit to the hair or person of any customer, he shall be liable to a penalty not exceeding one hundred pounds.

Notices, &c.,  
must be in  
writing or  
print and may  
be sent by  
post.

**41.** (1) All notices, certificates, and documents under this Act shall be in writing or print, or partly in writing and partly in print.

(2) All notices, certificates, and documents (including applications for licenses), directed by or required for the purposes of this Act, may be sent by post or otherwise.

Rescinding  
and adding to  
general rules.

**42.** The Governor may, from time to time, make and when made repeal, alter, and add to rules for the purposes of rescinding, altering, or adding to any general rules contained in this Act.

Inflammable  
liquid and  
protected  
work.

**43.** (1) The Governor may, by proclamation in the Gazette, declare—

- (a) any liquid to be “inflammable liquid”;
- (b) any place to be a “protected work”.

Extension of  
Act to  
substances.

(2) The Governor may also, by proclamation, declare that this Act, or any enactments thereof, shall apply to any substance, and this Act or the enactments thereof specified in the proclamation shall thereupon apply to such substance, and shall be construed and have effect as if throughout it such substance had been included in the definition of inflammable liquid, subject to the qualification that—

- (a) the quantities of such substance which may be kept in registered premises, and the conditions under which such quantities may be so kept,  
and

and the quantities of such substance which may be kept in a place which is neither a licensed store nor registered premises, and the conditions under which such quantities may be so kept shall be such as may be specified in such proclamation;

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- (b) the outside of any package containing any such substance shall be marked as specified in such proclamation.

**44.** The Governor may make such regulations (not being inconsistent with the provisions of this Act) as may be necessary or convenient for carrying into effect the provisions of this Act, and in particular, but without diminishing the generality of this provision, for—

Regulations.

- (a) prescribing the form and manner of applying for and granting licenses and registrations, renewals, transfers, revocations, alterations, and amendments thereof, and fees to be paid, and fixing the periods during which such licenses and registrations and the renewals thereof shall have effect: Provided that the fee for each registration shall not exceed ten shillings, and for each license shall not exceed two pounds;
- (b) prescribing the situation of licensed stores and depôts, and of screen walls, and regulating their construction and fitting-up; and prescribing the conditions and restrictions to be observed in connection with inflammable liquid in licensed stores and registered premises according to the nature of the business conducted therein;
- (c) prescribing the maximum quantity of inflammable liquid to be kept in depôts according to their construction and situation, and according to the description of inflammable liquid kept therein;
- (d) prescribing the construction and character of artificial lights which may be taken into a depôt;

(e)

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- (e) prescribing the quantity of sand or other material that shall be kept in registered premises or licensed stores, and the manner in which the same shall be kept.
- (f) regulating the keeping storing, removing, conveying, and marking, and the opening and closing of packages of inflammable liquid, and of packages that have contained inflammable liquid in registered premises, licensed stores, and depôts ;
- (g) determining the notice to be given by the master of any ship or boat of intention to convey, load, or unload inflammable liquid ;
- (h) determining the quantities of inflammable liquids which may be conveyed, loaded, or unloaded without giving such notice ;
- (i) regulating the navigation of and places for mooring ships and boats conveying, loading, or unloading inflammable liquid ;
- (j) regulating the description, construction, marking, ventilation, lighting, cleaning, and general fitting up of ships, boats, and carriages used for the conveyance of inflammable liquid ;
- (k) regulating the mode of stowing and keeping inflammable liquid during transit, and of giving notice by brands, labels, or otherwise of the nature and destination of any package of inflammable liquid ;
- (l) regulating, subject to the Hawkers and Pedlers Act, 1901, the hawking of inflammable liquid ;
- (m) regulating the use of fires and lights on or near any ships, boats, or carriages loading or unloading inflammable liquid or in which inflammable liquid is being or has been recently conveyed, and prohibiting the use of such fires or lights thereon or near thereto as may be dangerous ;
- (n) regulating the placing, removal, and storage of inflammable liquid on or from any wharf and any place within two hundred yards of any wharf ;
- (o) regulating the conveyance, loading, and unloading of inflammable liquid ;

(p)

- (p) altering or adding to the Schedule to this Act prescribing the manner of testing inflammable liquid and the construction of test apparatus: Provided that the standard model of any apparatus made in pursuance of such regulations deposited with the chief inspector shall be so constructed as to give flash points corresponding to those given by the apparatus prescribed in the Schedule;
- (q) prescribing fees to be paid for testing inflammable liquid, for testing, stamping, and marking apparatus, and for any other work done for the purpose of carrying out any of the provisions of this Act;
- (r) prescribing penalties not exceeding fifty pounds for any one offence for any contravention of any regulation.

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**45.** All proclamations, rules, regulations, and by-laws made in pursuance of this Act shall be published in the Gazette, and shall have the force of law, and take effect from the date of publication or from a later date to be specified therein. All such proclamations, rules, regulations, and by-laws shall be laid before both Houses of Parliament within one month after they were so published if Parliament is then sitting, or, if not, then within one month after the commencement of the next session of Parliament. If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Rules, &c., to  
have force of  
law.

**46.** All powers given by this Act shall be deemed to be in addition to, and not in derogation of, any other powers conferred on any local authority by any Act, or any law, charter, or custom, and every local authority may exercise those other powers, so far as they are consistent with the provisions of this Act, in the same manner as if this Act had not passed, so, however, that no person shall be punished twice for the same offence.

Powers given  
by Act to be in  
addition to  
powers con-  
ferred on  
local  
authorities.

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## SCHEDULE.

N.B.—In this Schedule the expression “oil” means any liquid to be tested for the purpose of ascertaining its character as inflammable liquid. Degrees of temperature are according to Fahrenheit’s thermometer.

## I.—NATURE OF THE TEST APPARATUS.

THE apparatus consists of the following parts:—

1. An oil cup
2. A cover, with slide, test lamp for oil, or test-flame arrangement for use with gas, and clockwork arrangement for opening and closing the holes in the cover, and for dipping the test flame.
3. A water bath or heating vessel.
4. A tripod (with jacket), and spirit lamp or gas arrangement for heating the water bath.
5. A round bulb thermometer for testing the temperature of the oil, with scale ranging from 55 degrees to 160 degrees.
6. A long bulb thermometer for testing the temperature of the water, with scale ranging from 90 degrees to 220 degrees.
7. A mercurial or aneroid barometer.

The oil cup is a cylindrical flat-bottomed vessel, 2 inches in diameter,  $2\frac{3}{8}$  inches in height (internal), made of gunmetal or brass (17 B.W.G.), and tinned or silvered inside. It is provided with a projecting rim,  $\frac{1}{8}$  inch wide,  $\frac{3}{8}$  inch from the top, and  $1\frac{1}{8}$  inch from the bottom of the cup, on which it rests when inserted in the water bath. A gauge is fixed on the inside of the cup to regulate the height to which it is to be filled with the sample under examination. The distance of the point from the bottom of the cup is  $1\frac{1}{2}$  inch. The cup is provided with a close-fitting overlapping cover, made of brass (22 B.W.G.), which carries the thermometer, the test-lamp, or test-flame arrangement, and the adjuncts thereto. The test lamp, which has a spout, the mouth of which is  $\frac{1}{8}$  inch in diameter, or test-flame arrangement, is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted to distance of  $1\frac{1}{2}$  inch below the centre of the lid.

The cover is provided with three holes—one in the centre (0·2 square inch) and two smaller ones (each 0·06 square inch) close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp, or test-flame arrangement, is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout or test flame just below the surface of the lid. As the slide moves back so as to cover the holes the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed a white bead, the diameter of which represents the size of the test flame to be used.

The



The water bath or heating vessel consists of two flat-bottomed copper cylinders (24 B.W.G.)—an inner one of 3 inches diameter and  $2\frac{1}{2}$  inches height, and an outer one of  $5\frac{1}{2}$  inches diameter and  $5\frac{3}{4}$  inches height: they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre, which forms the top of the bath, in such manner as to inclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about  $\frac{3}{8}$  inch—that is, its diameter is about  $\frac{3}{8}$  inch greater than the body of bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath and the oil cup is  $\frac{1}{2}$  inch. The bath is therefore so constructed that when the oil cup is placed in position an air space or air chamber intervenes between the two; consequently, in applying the test to oils flashing below 115 degrees the heat is transmitted gradually to the oil from the hot water, through the air space. The water bath is fitted with a socket, set at a right-angle, for receiving a long bulb thermometer, to indicate the temperature of the water. It is also provided with a funnel, an overflow pipe, and two handles.

The water bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket (24 B.W.G.)  $6\frac{1}{2}$  inches diameter, so that the bath is surrounded by an enclosed air space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit lamp, which is attached to it by a small swing bracket. The distance of the wickholder from the bottom of the bath is 1 inch. The clockwork arrangement by which, during the operation of testing, the slide is withdrawn and the test flame dipped into the cup and raised again as the slide is replaced is provided with a ratchet key for setting it in action for each test, and with a trigger for starting it each time that the test flame is applied. From the beginning to the end of the movement of the slide the time taken is to be exactly 3 seconds.

N.B.—When gas is available it may be conveniently used instead of the oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted.

## II.—DIRECTIONS FOR PREPARING AND USING THE TEST APPARATUS.

### 1. *Preparing the water bath.*

The water bath is filled by pouring water into the funnel until it begins to flow out at the overflow pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be as follows:—

- (a) 130 degrees when a flashing point at or about 73 degrees is to be observed.
- (b) 160 degrees when a flashing point at or about 100 degrees is to be observed.
- (c) 180 degrees when a flashing point at or about 150 degrees is to be observed.

This

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This is attained in the first instance by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication, or the water is heated in the bath by means of a spirit lamp or gas arrangement until the required temperature is indicated.

### 2. *Preparing the test lamp.*

(a) The test lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wick holder, but may be readily moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick which is coiled within it, is placed a small tuft of cotton wool moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted the wick is adjusted by means of a pair of forceps or a pin until the flame is of the size of the bead fixed on the cover of the oil cup.

Should a particular test occupy so long a time that the flame begins to get smaller through the supply of the oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from a dropping-bottle or pipette provided for the purpose. This can be safely done without interrupting the test.

(b) When using gas for testing, the jet is to be lighted and then adjusted by means of the tap controlled by means of a screw pinch cock or fine tap until the flame is the size of the bead fixed on the cover of the oil cup.

### III.—FILLING THE OIL CUP.

Before the oil cup is filled the lid is to be made ready by being placed upon the cup, *i.e.*, the round bulb thermometer is to be inserted into the socket, so that the projecting rim of the collar with which it is fitted touches the edge of the socket, and the test lamp is to be placed in position. The oil cup is to be cooled when necessary to a temperature not exceeding—

- (a) 60 degrees, when a flashing point at or about 73 degrees is being observed;
- (b) 85 degrees, when a flashing point at or about 100 degrees is being observed;
- (c) 135 degrees, when a flashing point at or about 150 degrees is being observed,

by placing it bottom downwards in water at a suitable temperature. The oil cup is now to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in without splashing until its surface is level with the point of the gauge which is fitted in the cup. The lid is then put on the cup at once and pressed down so that its edge rests on the rim of the cup.

### IV.

## IV.—APPLICATION OF THE TEST.

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1. The water bath, with its thermometer in position, is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire test flame being compared with that of the bead on the cover. The cup is carefully lifted, without shaking it, and placed in the bath, the test lamp is lighted, and the clockwork wound up by turning the key. The thermometer in the oil cup is now watched, and the clockwork is set in motion by pressing the trigger, when the temperature has reached--

- (a) 63 degrees, when a flashing point at or about 73 degrees is being observed.
- (b) 90 degrees, when a flashing point at or about 100 degrees is being observed.
- (c) 140 degrees, when a flashing point at or about 150 degrees is being observed.

If no flash takes place the clockwork is at once re-wound and the trigger pressed at the next higher degree, and so on at every degree rise of temperature until the flash occurs.

2. When a flashing point at or above 115 degrees is being observed the air chamber is to be filled to a depth of  $1\frac{1}{2}$  inch with cold water before the oil cup containing the oil to be tested is placed in position.

3. The temperature at which a flash occurs, if not within 8 degrees of the temperature at which the testing was commenced, is the observed flashing point of the oil, and by correction of the observed flashing point for atmospheric pressure as hereinafter described, the true flashing point is obtained.

4. If, however, the flash takes place at any temperature within 8 degrees of the temperature at which the testing was commenced, the test is to be rejected, and the whole operation of testing is to be repeated with a fresh portion of the sample, the testing, however, to begin at 10 degrees lower than the temperature at which the flash has been previously obtained. If necessary, this procedure shall be repeated with fresh portions of oil until a flash has been obtained at a temperature not within 8 degrees of the temperature at which the testing was commenced.

5. The temperature at which the last-mentioned flash occurs is the observed flashing point of the oil, and by correction of the observed flashing point for atmospheric pressure as hereinafter described, the true flashing point is obtained.

6. In repeating a test a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil, and cooled, as already described, before receiving the fresh sample.

7. If in any case no flash has occurred when a temperature has been reached which is not within 8 degrees of the temperature at which the testing was commenced, and which, after correction for atmospheric pressure,

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8. If no flash has occurred when a temperature has been reached which is not within 8 degrees of the temperature at which the testing was commenced, and which, after correction for atmospheric pressure, is not less than 100 degrees, and the tests are not required to be continued, the oil shall be deemed to have a true flashing point of not less than 100 degrees.

9. In the same manner, if no flash has occurred when a temperature has been reached which is not within 8 degrees of the temperature at which the testing was commenced, and which, after correction for atmospheric pressure, is not less than 150 degrees, and the tests are not required to be continued, the oil shall be deemed to have a true flashing point of not less than 150 degrees.

#### V.—CORRECTION FOR ATMOSPHERIC PRESSURE.

As the flashing point of an oil is influenced by changes in atmospheric pressure to an average of 1·6 degrees for every inch of the barometer, a correction of the observed flashing point is necessary whenever the barometer does not stand at 30 inches. This correction is to be made in the following manner:—

If the barometer stands at less than 30 inches (the normal height of the barometer), add to the observed flashing point 1·6 times the difference (measured in inches) between the actual and normal barometer. If the barometer stands above 30 inches, deduct from the observed flashing point 1·6 times the difference between the actual and normal barometer.

The nearest whole number to the result of this correction is to be taken as the corrected flashing point, and if the result is exactly midway between two whole numbers the higher whole number is to be taken.

For example: Suppose an oil has an observed flashing point of 72 degrees, the barometer being 27·1 inches, then the difference between 30·0 inches and 27·1 inches is 2·9 inches. This result multiplied by 1·6 is 4·64, which has to be added to 72, making 76·64. The nearest whole number to this is 77 degrees, which is to be taken as the corrected flashing point, and if the testing had been commenced at or below 64 degrees, the true flashing point is 77 degrees.

Again: Suppose the observed flashing point of an oil to be 96 degrees, and the testing had been commenced at 87 degrees and the barometer indicated 30·6 inches. The true flashing point of the oil is the nearest whole number to 96 minus the product of 0·6 multiplied by 1·6—that is, 95 degrees.

The readings of the barometer are to be corrected readings, in accordance with the corrections applicable to the instrument in use. The instrument must be compared periodically with the standard barometer at the office of the chief inspector, and regulated thereby.

#### VI.

## VI. APPLICATION OF THE TEST TO VISCOUS FLUIDS OR PREPARATIONS.

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If the flashing test has to be applied to substances of a viscous or semi-solid nature which cannot be poured (such as solutions of india-rubber in mineral naphtha), the mode of proceeding is as follows:—

One fluid ounce or two tablespoonfuls of the substance to be tested is placed in the cup, and the cover is put on. The air chamber in the water bath is filled with water to a depth of  $1\frac{1}{2}$  inch, and the temperature of the water bath is raised to 90 degrees. The cup is then put into the bath, and the temperature of the water bath maintained at 90 degrees throughout the test. After the lapse of fifteen minutes the test flame is to be applied. If no flash occurs the heating is continued for another fifteen minutes, and the test-flame again applied, and so on until a flash takes place, or the temperature in the cup has reached 90 degrees, and so on.

The temperature at which a flash occurs is the observed flashing point of the substance, and, subject to correction for atmospheric pressure as hereinbefore described, is the true flashing point.

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