

Serial Number 1951/206

**THE DANGEROUS GOODS (LICENSING AUTHORITIES)  
REGULATIONS 1951**

B. C. FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 19th day of  
September 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS the Minister of Internal Affairs, in pursuance of the powers conferred on him by section 15 of the Explosive and Dangerous Goods Amendment Act 1920, did by requisition dated the 30th day of January 1950, require each of the local authorities mentioned in the First Schedule to these regulations, being licensing authorities under the said Act, to alter their respective by-laws made under the said Act :

And whereas none of the said local authorities did within three months from the receipt of the said requisition alter its by-laws in the manner required by the said requisition :

Now, therefore, pursuant to section 15 of the Explosive and Dangerous Goods Amendment Act 1920, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations to give effect to the said requisitions.

**REGULATIONS**

1. (1) These regulations may be cited as the Explosive and Dangerous Goods (Licensing Authorities) Regulations 1951.

(2) These regulations shall come into force on the day one month after the date of their notification in the *Gazette*.

2. These regulations shall be in force in the district of each licensing authority specified in the First Schedule to these regulations, and shall, for all purposes be deemed to be, and to have the same force and effect as, by-laws made by the licensing authority and approved by the Minister of Internal Affairs.

3. In these regulations, unless the context otherwise requires,—

“ Approved ” means approved by an Inspector :

“ In bulk ”, in relation to liquid dangerous goods, means stored or kept in receptacles of a capacity greater than 90 gallons :

“ Inspector ” means an officer appointed by the licensing authority to carry out the provisions of the Explosive and Dangerous Goods Amendment Act 1920 :

“Licensing authority” means a local authority appointed to be a licensing authority under section 9 of the Explosive and Dangerous Goods Amendment Act 1920 :

The expressions “dangerous goods”, “fuel oil”, “petroleum”, “petroleum oil”, and “petroleum spirit” have the same meanings respectively as in section 2 of the Explosive and Dangerous Goods Act 1908 :

The expressions “dangerous goods of Class I”, “dangerous goods of Class II”, “dangerous goods of Class III”, “dangerous goods of Class IV (A)”, “dangerous goods of Class IV (B)”, and “dangerous goods of Class V” have the same meanings respectively as in the Dangerous Goods Regulations 1951\*.

4. No person shall keep or store dangerous goods within the district of the licensing authority except in pursuance of a written licence in that behalf as hereinafter mentioned, and then only in the place, to the extent, and in the manner permitted by the licence and by these regulations :

Provided that it shall not be an offence under these regulations to keep or store dangerous goods without a licence in the quantities and under the conditions of storage shown hereunder :—

- (a) In quantities not exceeding 3 gallons in all of dangerous goods of Class I, if the goods are kept in separate glass, earthenware, or metal vessels, each of which contains not more than  $\frac{1}{2}$  pint and is securely stopped :

Provided that nothing in these regulations shall prohibit the keeping or storing without licence for purposes of sale of a quantity of dangerous goods of Class I, not exceeding 50 gallons in all, if the goods constitute a thinner, paint, lacquer, enamel, cleaner, insecticide, polish, or similar trade preparation, and if the goods are packed in approved metal vessels, the individual capacity of which does not exceed 1 gallon and which are so securely closed as to prevent the escape therefrom of liquid or vapour :

- (b) In quantities not exceeding  $8\frac{1}{2}$  gallons in all of dangerous goods of Class I, kept for private use, if the goods are kept in substantial vessels of metal or other approved material so securely closed that neither liquid nor vapour can escape therefrom, and are not kept within a dwelling or an outhouse attached to a dwelling, and if due precautions are taken to prevent accident by fire or explosion and to prevent the escape of any such dangerous goods into a sewer or drain :

- (c) In quantities not exceeding 17 gallons in all of dangerous goods of Class II kept other than for private use, or not exceeding 50 gallons in all of such goods kept for private use, if no dangerous goods of Class I are kept by any person within a distance of 20 ft. from the dangerous goods of Class II :

Provided that nothing in these regulations shall prohibit the keeping or storing without licence for purposes of sale of a quantity of dangerous goods of Class II not exceeding 100 gallons in all if the goods constitute a thinner, paint, lacquer, enamel, cleaner, insecticide, polish, or similar

\* Statutory Regulations 1951, Serial number 1951/205, page 786.

trade preparation, and if the goods are packed in approved metal vessels, the individual capacity of which does not exceed 1 gallon and which are so securely closed as to prevent the escape therefrom of liquid or vapour :

- (d) In quantities not exceeding 250 gallons in all of dangerous goods of Class I or of Class II, kept on any farm premises not less than 10 acres in area, for private use or use in connection with the work on the farm, if all such dangerous goods are kept in a thoroughly ventilated building situated not less than 40 ft. from any other building, and if all such dangerous goods are kept in substantial metal vessels so securely closed that neither liquid nor vapour can escape therefrom, and if all due precautions are taken to prevent accident from fire or explosion :
- (e) In quantities not exceeding 500 gallons in all of dangerous goods of Class III stored in bulk on any farm premises not less than 10 acres in area, for private use or use in connection with the work on the farm, if all such dangerous goods are kept in an approved type of tank fully compounded and situated not less than 100 ft. from any building, any protected work, and any dangerous goods of any other class :
- (f) Without limit as to quantity in respect of the keeping or storing of dangerous goods of Class III, if the following conditions are observed :—
  - (i) That the goods are stored otherwise than in bulk ;
  - (ii) That no other dangerous goods of any class are kept or stored above ground by any person within 25 ft. of the dangerous goods of Class III ;
  - (iii) That the goods are stored either in the open at a safe distance from all buildings or that they are stored in a detached fire resisting building approved for the purpose by an Inspector ; and
  - (iv) That the goods are not kept or stored in any tank or similar container that forms part of or is attached to an installation that burns or consumes fuel oil :
- (g) In quantities not exceeding 30 gallons in all of dangerous goods of Class III kept or stored in any tank or similar container that forms part of or is attached to any installation that burns or consumes fuel oil :
- (h) In quantities not exceeding 2 lb. in all of phosphorus kept under water in securely closed containers :
- (i) In quantities not exceeding 50 lb. in all of calcium carbide contained in waterproof and airtight tins, each containing not more than 7 lb. and labelled with a distinctive label or mark denoting the nature of the contents :
- (j) In quantities not exceeding 8 tons in all on any one premises of dangerous goods of Class IV (B) :
- (k) Without limit as to quantity in respect of the keeping or storing of dangerous goods of Class V, if the provisions of regulation 211 of the Dangerous Goods Regulations 1951 are complied with :
- (l) On a ship, carriage, railway station, or wharf, while being conveyed in accordance with these regulations :

- (m) In a fuel tank of a motor vehicle or motor propelled ship, or aircraft, or the fuel tank of a stationary internal combustion engine :

Provided further that nothing in this regulation shall authorize the keeping in unlicensed premises of more than 3 gallons at any one time of petroleum spirit used or intended for use in the premises in connection with any trade or business or any purpose incidental thereto.

5. No person shall store or keep within the district of the licensing authority any gunpowder, blasting powder, gelignite, detonators, or other explosives for which a licence is required under the Explosive and Dangerous Goods Act, 1908, save in pursuance of and under the conditions prescribed by a licence under that Act issued by a Government Inspector.

6. No licence to store dangerous goods of Class I shall be issued in respect of any premises within the "brick area" of the district of the licensing authority (as defined in any by-laws for the time being in force relating to the erection of buildings in the district), unless the dangerous goods are stored either in an underground tank or in and approved fire resisting depot.

7. Any person desirous of keeping dangerous goods of any class in or upon any premises in the district of the licensing authority shall deliver to the Clerk of the licensing authority a written application for a licence in such form as may be approved by the licensing authority.

8. Upon receipt of the application the Clerk shall cause an inspection of the premises therein named to be made by an Inspector, and it shall be the duty of the Inspector to examine the premises and report in writing to the Clerk as to their fitness or otherwise for the storage of any such dangerous goods as aforesaid, having regard to the character of the business carried on therein, the situation and construction of the proposed storage place, the nature of adjoining premises, and the precautions (if any) that the applicant has taken to guard against the risk of fire or explosion, and to the Dangerous Goods Regulations 1951.

9. If the officer making the inspection reports that the premises are satisfactory, the Clerk of the licensing authority shall, on payment of the licence fee, forthwith issue a licence under his hand authorizing the applicant to keep such quantity of all or any such dangerous goods as aforesaid as may be approved by the Inspector :

Provided that no licence shall be issued for the storage of any quantity of liquid dangerous goods exceeding 1,000 gallons unless the licensing authority has first approved of the issue of the licence.

10. Every such licence shall be in such form as may be approved by the licensing authority, and shall terminate on the 31st day of March immediately following the date on which it is issued.

11. In respect of those licensing authorities specified in Part I of the First Schedule to these regulations, the following fees shall be payable to the licensing authority by the applicant for a licence upon the issue thereof to him :—

- (a) For the storage of any quantity of dangerous goods of Class I in quantities not exceeding 50 gallons in all, kept for private use only, and in addition such quantities of dangerous goods of Class IV (A) or Class IV (B) or of both those classes as may be approved by an Inspector .. .. .
- |  | £ | s. | d. |
|--|---|----|----|
|  | 0 | 5  | 0  |

	£	s.	d.
(b) For the storage of dangerous goods of Classes I and II or either of them in quantities not exceeding 225 gallons in all, with or without such quantity of dangerous goods of Class III as will not bring the total quantities of dangerous goods of Classes I, II, and III stored in excess of 1,000 gallons, or for the storage of dangerous goods of Class III only in quantities not exceeding 1,000 gallons, and, in addition, in either case such quantities of dangerous goods of Class IV (A) or Class IV (B) or of both those classes as may be approved by an Inspector .. .. .	1	0	0
(c) For the storage of dangerous goods of Classes I and II or either of them in quantities exceeding 225 gallons but not exceeding 1,000 gallons in all, with or without such quantity of dangerous goods of Class III as will not bring the total quantities of dangerous goods of Classes I, II, and III stored in excess of 1,000 gallons, and, in addition, such quantities of dangerous goods of Class IV (A) or Class IV (B) or of both those classes as may be approved by an Inspector .. .. .	2	0	0
(d) For the storage of a quantity of dangerous goods of Classes I, II, and III or of any one or two of those classes in quantities exceeding 1,000 gallons but not exceeding 2,000 gallons in all, and, in addition, such quantities of dangerous goods of Class IV (A) or Class IV (B) or of both those classes as may be approved by an Inspector .. .. .	3	0	0
(e) For the storage of a quantity of dangerous goods of Classes I, II, and III or of any one or two of those classes in quantities exceeding 2,000 gallons but not exceeding 16,000 gallons in all, and, in addition, such quantities of dangerous goods of Class IV (A) or Class IV (B) or of both those classes as may be approved by an Inspector .. .. .	5	0	0
(f) For the storage of dangerous goods of Classes I, II, and III or of any one or two of those classes in quantities exceeding 16,000 gallons but not exceeding 250,000 gallons in all, and, in addition, such quantities of dangerous goods of Class IV (A) or Class IV (B) or of both those classes as may be approved by an Inspector .. .. .	10	0	0
(g) For the storage of dangerous goods of Classes I, II, and III or of any one or two of those classes in quantities exceeding 250,000 gallons in all, and, in addition, such quantities of dangerous goods of Class IV (A) or Class IV (B) or of both those classes as may be approved by an Inspector .. .. .	15	0	0
(h) For the storage of dangerous goods of Class IV (A) or Class IV (B) or of both those classes only .. .. .	0	10	0

12. In respect of those licensing authorities specified in Part II of the First Schedule to these regulations, the following fees shall be payable to the licensing authority by the applicant for a licence upon the issue thereof to him :—

FOR THE STORAGE OF DANGEROUS GOODS OF CLASSES I, II, AND III OR OF ANY ONE OR TWO OF THOSE CLASSES, AND, IN ADDITION, SUCH QUANTITIES OF DANGEROUS GOODS OF CLASS IV (A) OR CLASS IV (B) OR OF BOTH THOSE CLASSES AS MAY BE APPROVED BY AN INSPECTOR

If Quantity Kept or Stored Exceeds. Gallons.	But Does Not Exceed. Gallons.	Fees.	
		£	s. d.
..	100	1	0 0
100 ..	250	1	5 0
250 ..	1,000	2	10 0
1,000 ..	5,000	5	0 0
5,000 ..	25,000	7	10 0
25,000 ..	50,000	10	0 0
50,000 ..	100,000	15	0 0
100,000 ..	250,000	20	0 0
250,000 ..	500,000	25	0 0
500,000 ..	1,000,000	30	0 0
1,000,000 ..	2,000,000	40	0 0
2,000,000 ..	..	50	0 0
For the storage of a quantity of dangerous goods of Class I, not exceeding 50 gallons, kept for private use only .. .. .			
		s.	d.
		..	5 0
For the storage of dangerous goods of Class IV (A) or Class IV (B) or of both those classes only .. .. .			
		..	10 0

13. In the case of dangerous goods of Class I or Class II in solid form, 10 lb. weight shall be taken as equivalent to 1 gallon for the purpose of determining the licence fee payable under these regulations.

14. In the case of any storage of dangerous goods of Class I, Class II, or Class III in bulk, the licence shall be issued for the maximum capacity of the tank or tanks, less an allowance of 5 per cent for expansion, and the licence fee payable under regulation 11 or regulation 12 hereof, as the case may be, shall be determined accordingly.

15. Every licence issued under these regulations shall be issued subject to the conditions, requirements, and restrictions contained in the Explosive and Dangerous Goods Amendment Act 1920 and the Dangerous Goods Regulations 1951, and all such conditions, requirements, and restrictions shall be implied in every such licence and be binding on the licensee.

16. If upon inspection of any licensed premises it appears that the licensee is keeping on his premises a greater quantity of any dangerous goods than is specified in his licence, or has committed a breach of any of the conditions of his licence, or of the Dangerous Goods Regulations 1951, he shall be guilty of an offence against these regulations, and, in that case, or in case the licensing authority in its absolute discretion considers it expedient so to do, it shall be lawful for the licensing authority, without prejudice to any proceedings against the licensee in respect of the offence, to revoke the licence forthwith, and to cause a note of the revocation, under the hand of the Clerk of the licensing authority, to be left at the premises of the licensee, and thereupon the licence shall be absolutely void and of no effect.

17. The regulations specified in the Second Schedule to these regulations are hereby revoked.

## SCHEDULES

## FIRST SCHEDULE

## PART I

LOCAL AUTHORITIES ENTITLED TO RECEIVE THE FEES SPECIFIED IN  
REGULATION 11*City Councils*Dunedin.  
Hamilton.  
Invercargill.  
Lower Hutt.Napier.  
Nelson.  
New Plymouth.Palmerston North.  
Timaru.  
Wanganui.*Borough Councils*Akaroa.  
Alexandra.  
Arrowtown.  
Ashburton.  
Balclutha.  
Birkenhead.  
Blenheim.  
Bluff.  
Brunner.  
Cambridge.  
Carterton.  
Cromwell.  
Dannevirke.  
Dargaville.  
Eastbourne.  
Eketahuna.  
Eltham.  
Featherston.  
Feilding.  
Foxton.  
Geraldine.  
Gisborne.  
Gore.  
Green Island.  
Greymouth.  
Greytown.  
Hampden.  
Hastings.  
Hawera.  
Helensville.  
Hokitika.  
Huntly.  
Inglewood.  
Kaiapoi.  
Kaikohe.  
Kaitaia.Kaitangata.  
Kumara.  
Lawrence.  
Levin.  
Lyttelton.  
Manurewa.  
Martinborough.  
Marton.  
Masterton.  
Matamata.  
Mataura.  
Milton.  
Morrinsville.  
Mosgiel.  
Motueka.  
Naseby.  
Ngaruawahia.  
Northcote.  
Oamaru.  
Ohakune.  
Opotiki.  
Opunake.  
Otahuhu.  
Otaki.  
Paeroa.  
Pahiatua.  
Palmerston.  
Papakura.  
Papatōetoe.  
Patea.  
Petone.  
Picton.  
Port Chalmers.  
Pukekohe.  
Putaruru.Queenstown.  
Raetihi.  
Rangiora.  
Riccarton.  
Richmond.  
Riverton.  
Ross.  
Rotorua.  
Roxburgh.  
Runanga.  
Shannon.  
St. Kilda.  
Stratford.  
Taihape.  
Tapanui.  
Taumarunui.  
Tauranga.  
Te Aroha.  
Te Awamutu.  
Te Kuiti.  
Temuka.  
Te Puke.  
Thames.  
Upper Hutt.  
Waihi.  
Waikouaiti.  
Waimate.  
Waipawa.  
Waipukurau.  
Wairoa.  
Waitara.  
Westport.  
Whakatane.  
Whangarei.  
Woodville.*Town Boards*Bulls.  
Edendale.  
Glen Eden.  
Havelock.  
Havelock North.  
Hikurangi.  
Howick.  
Hunterville.  
Johnsonville.Kaponga.  
Leeston.  
Lumsden.  
Manaia.  
Mangaweka.  
Mercer.  
Nightcaps.  
Otautau.Otorohanga.  
Outram.  
Southbridge.  
Taradale.  
Tuakau.  
Waiuku.  
Waverley.  
Wyndham.*County Councils*Awatere.  
Hokianga.Inangahua.  
Kaikoura.Manukau.  
Whangaroa.

FIRST SCHEDULE—*continued*

PART II

LOCAL AUTHORITIES ENTITLED TO RECEIVE THE FEES SPECIFIED IN  
REGULATION 12

*City Council*  
Christchurch.

*Borough Councils*

Devonport.  
Ellerslie.  
Mount Albert.  
Mount Eden.

Mount Roskill.  
New Lynn.  
Newmarket.

Onehunga.  
One Tree Hill.  
Takapuna.

SECOND SCHEDULE  
REGULATIONS REVOKED

Title.	Gazette Reference.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within the Town District of Johnsonville	<i>Gazette</i> , 16th March, 1922, Vol. I, p. 677.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within the Borough of Hampden	<i>Gazette</i> , 15th June, 1922, Vol. II, p. 1605.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within the Borough of Akaroa	<i>Gazette</i> , 10th January, 1924, Vol. I, p. 24.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within certain specified Boroughs	<i>Gazette</i> , 27th March, 1928, Vol. I, p. 873.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within certain specified Town Districts and Road Districts	<i>Gazette</i> , 27th March, 1928, Vol. I, p. 875.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within certain specified Town Districts	<i>Gazette</i> , 27th March, 1928, Vol. I, p. 876.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within certain specified Boroughs	<i>Gazette</i> , 27th March, 1928, Vol. I, p. 878.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within the Town District of Putaruru	<i>Gazette</i> , 27th March, 1930, Vol. I, p. 854.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within certain specified Boroughs	<i>Gazette</i> , 27th March, 1930, Vol. I, p. 854.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within the County of Kaikoura	<i>Gazette</i> , 27th March, 1930, Vol. I, p. 855.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within the Town District of Kaikohe	<i>Gazette</i> , 15th October, 1931, Vol. III, p. 2964.
Regulations under the Explosive and Dangerous Goods Amendment Act, 1920, to take effect as By-laws within the Counties of Awatere and Inangahua	<i>Gazette</i> , 15th October, 1931, Vol. III, p. 2964.

T. J. SHERRARD,  
Clerk of the Executive Council.



## EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations are issued as a consequence of the replacement of the Dangerous Goods Regulations 1928 by the Dangerous Goods Regulations 1951, and are designed to take effect as by-laws within the districts of licensing authorities under the Explosive and Dangerous Goods Amendment Act 1920. They replace various earlier sets of regulations made to take effect as by-laws within the districts of those authorities.

The new regulations differ little in their effect from the various previous sets of regulations which operated as by-laws, the only variations being those necessarily introduced to bring these regulations into conformity with the Dangerous Goods Regulations 1951. The alterations referred to appear in regulations 3 (definitions) and 4 (exemptions), whilst a licence fee is also prescribed in regulations 11 and 12 for the storage of dangerous goods of Class IV (B), a new class declared under the Dangerous Goods Regulations 1951. Briefly, the effect of these amendments is to declare two new classes of dangerous goods—viz., Classes IV (B) and V—and to revise the exemptions from licence for storage of the various classes of dangerous goods.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20th day of September 1951.

These regulations are administered in the Department of Internal Affairs.