

1958/77

**THE DANGEROUS GOODS (LICENSING AUTHORITIES)
REGULATIONS 1958**

COBHAM, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 11th day of June 1958

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

WHEREAS, by section 23 of the Dangerous Goods Act 1957, it is provided that, where a local authority which is a licensing authority under that Act notifies the Chief Inspector that instead of making its own bylaws under that section it desires that regulations be made under the Act to have effect in the district of the local authority as bylaws of the local authority, the Governor-General may, by Order in Council, make such regulations as may be necessary to give effect to that request, and those regulations shall for all purposes be deemed to be, and shall have the same force and effect as, bylaws made by the local authority and approved by the Minister of Internal Affairs:

And whereas the local authorities specified in the First Schedule to these regulations are licensing authorities under that Act and have so notified the Chief Inspector:

Now, therefore, pursuant to section 23 of the Dangerous Goods Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations to give effect to that desire.

REGULATIONS

1. These regulations may be cited as the Dangerous Goods (Licensing Authorities) Regulations 1958.

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 shall have the same force and effect as, bylaws 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 in containers of a capacity greater than 90 gallons:
“Inspector” means an officer appointed by the licensing authority to carry out the provisions of the Dangerous Goods Act 1957 and the Dangerous Goods Regulations 1958:*
- The expressions “dangerous goods of Class I”, “dangerous goods of Class II”, “dangerous goods of Class III”, “dangerous goods of Class IV”, “dangerous goods of Class V”, “dangerous goods of Class VI”, and “dangerous goods of Class VII” have the same meanings respectively as in the Dangerous Goods Act 1958.
4. No licence to store dangerous goods of Class I shall be issued in respect of—
- (a) Any premises within the “brick area” of the district of the licensing authority (as defined in any bylaws for the time being in force relating to the erection of buildings in the district); or
- (b) Any premises within any area in which the bylaws of the licensing authority require that buildings shall either have a structural frame of steel or reinforced concrete or be of masonry or concrete bearing wall construction or a combination of both, and have reinforced concrete floors between stories,—
- unless the dangerous goods are stored either in an underground tank or in an approved fire-resisting depot.
5. Any person desirous of storing dangerous goods of any class (other than goods exempted from the requirement of a licence under the Dangerous Goods Regulations 1958*) 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.
6. Upon receipt of the application, the Clerk shall cause an inspection of the premises named in the application 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 the dangerous goods specified in the application, having regard to the provisions of the Dangerous Goods Regulations 1958* and to the character of the business carried on in the premises, 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.
7. If the Inspector reports that the premises are satisfactory, the licensing authority shall, on payment of the licence fee, forthwith issue a licence authorising the applicant to store such quantity of such dangerous goods as may be approved.
8. Every licence issued under these regulations shall be in a form approved by the licensing authority, and shall terminate on the 31st day of March immediately following the date on which it is issued.
9. In respect of the licensing authorities specified in Part I of the First Schedule to these regulations, the following licence fees shall be

payable to a licensing authority upon the issue of a licence to store dangerous goods:

	£	s.	d.
(a) For the storage of any quantity of dangerous goods of Class I or Class VII (with or without dangerous goods of Class II) in quantities not exceeding 50 gallons of all dangerous goods stored, kept for private use only, and in addition such quantities of dangerous goods of Class IV or Class V, or both those classes, as may be approved by an Inspector	0	5	0
(b) For the storage of dangerous goods of Classes I, II, III, and VII, or any one or more of those classes, in quantities not exceeding 250 gallons in all, and, in addition, such quantities of dangerous goods of Class IV or Class V, or both those classes, as may be approved by an Inspector	1	0	0
(c) For the storage of dangerous goods of Classes I, II, III, and VII, or any one or more of those classes, in quantities exceeding 250 gallons but not exceeding 1,000 gallons in all, and, in addition, such quantities of dangerous goods of Class IV or Class V, or both those classes, as may be approved by an Inspector	2	0	0
(d) For the storage of dangerous goods of Classes I, II, III, and VII, or any one or more 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 or Class V, or both those classes, as may be approved by an Inspector	3	0	0
(e) For the storage of dangerous goods of Classes I, II, III, and VII, or any one or more 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 or Class V, or both those classes, as may be approved by an Inspector	5	0	0
(f) For the storage of dangerous goods of Classes I, II, III, and VII, or any one or more 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 or Class V, or both those classes, as may be approved by an Inspector	10	0	0

	£	s.	d.
(g) For the storage of dangerous goods of Classes I, II, III, and IV, or any one or more of those classes, in quantities exceeding 250,000 gallons in all, and, in addition, such quantities of dangerous goods of Class IV or Class V, or both those classes, as may be approved by an Inspector	15	0	0
(h) For the storage of dangerous goods of Class IV or Class V, or of both those classes, only in such quantities as may be approved by an Inspector	0	10	0
(i) For the storage of dangerous goods on any farm not less than 10 acres in area, for private use or for use in connection with work on the farm	According to the scale set out in regulation 297 of the Dangerous Goods Regulations 1958.*		

10. In respect of those licensing authorities specified in Part II of the First Schedule to these regulations, the following licence fees shall be payable to a licensing authority upon the issue of a licence to store dangerous goods:

FOR THE STORAGE OF DANGEROUS GOODS OF CLASSES I, II, III, AND VII, OR OF ANY ONE OR MORE OF THOSE CLASSES, AND, IN ADDITION, SUCH QUANTITIES OF DANGEROUS GOODS OF CLASS IV OR CLASS V, OR OF BOTH THOSE CLASSES, AS MAY BE APPROVED BY AN INSPECTOR

If Quantity Stored Exceeds	But does not Exceed	Fees
Gallons	Gallons	£ 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 or Class VII or both those classes (whether with or without dangerous goods of Class II), not exceeding 50 gallons of all dangerous goods stored, kept for private use only 0 5 0

For the storage of dangerous goods of Class IV or Class V, or both those classes, only in quantities approved by an Inspector 0 10 0

11. 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, and in the case of dangerous goods of Class VII, 5 lb. weight shall be taken as equivalent to 1 gallon, for the purpose of determining the licence fee payable under these regulations.

12. In the case of any storage of dangerous goods of Class I, Class II, Class III, or Class VII in bulk, the licence shall be issued for the maximum capacity of the tank or tanks, and the licence fee payable under regulation 9 or regulation 10 of these regulations, as the case may be, shall be determined accordingly.

13. Every licence issued under these regulations shall be issued subject to the conditions, requirements, and restrictions contained in the Dangerous Goods Act 1957 and the Dangerous Goods Regulations 1958,* and all such conditions, requirements, and restrictions shall be implied in every such licence and be binding on the licensee.

14. 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 1958*, 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 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.

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

*S.R. 1958/76

SCHEDULES

FIRST SCHEDULE

PART I

Local Authorities Entitled to Receive the Fees Specified in Regulation 9

CITY COUNCILS

Dunedin
Gisborne
Hastings

Invercargill
Nelson
New Plymouth

Palmerston North
Timaru
Wanganui

FIRST SCHEDULE—*continued*

BOROUGH COUNCILS

Alexandra	Kumara	Rangiora
Arrowtown	Lawrence	Riccarton
Ashburton	Levin	Richmond
Balclutha	Lyttelton	Riverton
Birkenhead	Manurewa	Ross
Blenheim	Martinborough	Rotorua
Bluff	Marton	Roxburgh
Brunner	Masterton	Runanga
Cambridge	Matamata	Shannon
Carterton	Mataura	St. Kilda
Cromwell	Milton	Stratford
Dannevirke	Morrinsville	Taihape
Dargaville	Mosgiel	Tapanui
Eastbourne	Motueka	Taradale
Eketahuna	Mount Maunganui	Taumarunui
Eltham	Mount Wellington	Taupo
Featherston	Naseby	Tauranga
Feilding	Ngaruawahia	Te Aroha
Foxton	Northcote	Te Awamutu
Geraldine	Oamaru	Te Kuiti
Glen Eden	Ohakune	Temuka
Gore	Opotiki	Te Puke
Green Island	Otahuhu	Thames
Greymouth	Otaki	Tuakau
Greytown	Otorohanga	Upper Hutt
Hampden	Paeroa	Waihi
Havelock North	Pahiatua	Waikouaiti
Hawera	Palmerston	Waimate
Helensville	Papakura	Waipawa
Hokitika	Papatotoe	Waipukurau
Howick	Patea	Wairoa
Huntly	Petone	Waitara
Inglewood	Picton	Waiuku
Kaiapoi	Port Chalmers	Westport
Kaikohe	Pukekohe	Whakatane
Kaitaia	Putaruru	Whangarei
Kaitangata	Queenstown	Woodville
Kawerau	Raetihi	

TOWN COUNCILS

Edendale	Lumsden	Otautau
Hikurangi	Manaia	Outram
Hunterville	Mangaweka	Southbridge
Kaponga	Mercer	Waverley
Leeston	Nightcaps	Wynndham

COUNTY COUNCILS

Awatere	Kaikoura	Waimairi
Hokianga	Manukau	Whakatane
Inangahua	Southland	Whangaroa

FIRST SCHEDULE—*continued*

PART II

Local Authorities Entitled to Receive the Fees Specified in Regulation 10

CITY COUNCILS		
Christchurch	Lower Hutt	Wellington
Hamilton	Napier	
BOROUGH COUNCILS		
Devonport	Mount Roskill	One Tree Hill
Ellerslie	New Lynn	Takapuna
Mount Albert	Newmarket	
Mount Eden	Onehunga	

SECOND SCHEDULE

REGULATIONS REVOKED

Title of Regulations	Serial Number
The Dangerous Goods (Licensing Authorities) Regulations 1951	1951/206
The Dangerous Goods (Licensing Authorities) Regulations 1951, Amendment No. 1	1952/103
The Dangerous Goods (Licensing Authorities) Regulations 1951, Amendment No. 2	1953/81
The Dangerous Goods (Licensing Authorities) Regulations 1951, Amendment No. 3	1955/35

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 take effect as bylaws in the districts of the licensing authorities specified in the First Schedule under the provisions of section 23 of the Dangerous Goods Act 1957.

They prescribe the procedure for applying for licences to store dangerous goods, the licence fees payable, and the circumstances under which a licence may be revoked.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 12 June 1958.

These regulations are administered in the Department of Internal Affairs.