



# Dangerous Goods Ordinance

## Information on Consultation



- **What's this about?**

The Falkland Islands Government is running a public consultation on proposed changes to the Dangerous Goods Ordinance. This piece of legislation aims to regulate hazardous or dangerous goods present in the Falkland Islands through understanding what quantities exist, where they are situated and whether the storage arrangements for these goods are adequate. Although there is existing regulation, it has been determined that this doesn't provide sufficient regulation and it is likely that, in the event of a major incident, emergency services and members of the public could be subject to significant risk of harm.

- **What are 'dangerous goods'?**

'Dangerous goods' will be defined in the updated ordinance as follows: "Materials or items with hazardous properties which, if not properly controlled, present a potential hazard to human health and safety, infrastructure and/or their means of transport." Dangerous goods include, but are not limited to:

- Corrosives
- Explosives
- Flammable liquids
- Flammable solids or substances liable to spontaneous combustion or emit flammable gases when in contact with water
- Gases that are compressed, liquefied or dissolved under pressure
- Oxidizing substances and organic peroxides
- Toxic and infectious substances
- Radioactive substances
- Other substances that present a danger to human health

- **What will this mean for dangerous goods and the commercial sector?**

We propose that a licence should be required for the manufacture, processing, possession, transportation and use of dangerous goods within the Falkland Islands.

- **What will this mean for dangerous goods and residential properties?**

We recognise that there are some dangerous goods which, if stored in smaller quantities, do not need to be subject to a full licencing regime, but for public safety they should be subject to a notification requirement so that their type, quantity and whereabouts are known.

- **How will licencing work?**

An application will be made to the licencing officer a minimum of 20 working days before the applicant intends to manufacture, process, possess, transport or use dangerous goods. A fee will apply when a full licence is required. The application will be assessed by the officer and either accepted or refused together with the reasons for doing so. The applicant will have the right of appeal if their application is refused. There may be the need to vary the terms and conditions of the licence if this is required to reduce the risk of harm to human health. Licences may also be revoked if the licence holder fails to comply with the necessary terms and conditions of the licence; again the licence holder will have the right of appeal.

- **How will the notification requirement work?**

A traffic light system has been developed to help people to identify whether they meet the threshold for: no licence or notification requirement; a notification requirement; or a full licencing requirement. Different thresholds apply for domestic properties, farms and commercial premises. Notification will not cost anything and will simply involve emailing, writing to or phoning the Fire Service to advise them of the following each year (a visit can also be arranged if required):

- A description of the dangerous goods
- The quantity of the dangerous goods
- The location of the dangerous goods
- The contact details of the person responsible for the dangerous goods

- **Will there be sanctions for breaches of licences and/or notifications?**

Failure to adhere to one or more terms of the licence could be subject to a penalty fine and/or six months imprisonment, depending on the severity. On conviction the court may order forfeiture and disposal of the dangerous goods concerned, and prohibit the person from holding dangerous goods in the future for such period as the court sees fit. In terms of the offence of failing to give notification, there will be a fixed £50 penalty scheme in place. **Prosecution would only be a last resort as the aim of the exercise is all about safety.**

- **Why are you consulting on these proposed changes?**

We are fortunate to live in a secure community where people often do not lock their doors and feel safe walking down the streets. However this sense of personal safety also extends to ensuring that potential dangers to human health are minimised where possible. People working hard for our fire and rescue and police services – many of whom are volunteers – have the right to carry out their work in the safest way possible and to be protected from exposure to unnecessary and potential danger. Our aim is not to introduce a cumbersome set of administrative practices, but to gather information in order to prevent needless harm to members of our community, including fatalities. Public safety is everyone's business.

- **Why are dangerous goods relevant to me as a householder?**

Dangerous goods can be very common items which we use in our homes on a daily basis. They may appear quite harmless when they are stored in our garages or kitchen cupboards, but spill them, mix them together or expose them to heat, and they can become extremely dangerous. Examples of these items are chlorine, acid, drain cleaner, bleach etc.

- **Will I need dangerous goods training?**

We encourage all those who require a dangerous goods licence to undertake training. This can be done through Falkland College online courses or with a private company. It is likely that training will be a condition prior to the issue of dangerous goods licences from 2022.

- **How can I get involved?**

We want to know what people think about these proposals for notifications and licensing, and whether you feel that the suggested thresholds outlined are correct. **You have from 9 September 2019 until 29 September 2019 to share your views with us.** We are especially keen to hear from members of the rural and business communities, as you will be more likely to be involved in handling and storing goods which are classified as dangerous, and most likely in greater quantities. To complete our online survey visit [https://www.surveymonkey.com/r/Dangerous\\_Goods\\_Ordinance\\_Consultation](https://www.surveymonkey.com/r/Dangerous_Goods_Ordinance_Consultation) you can also email [pa.desis@sec.gov.fk](mailto:pa.desis@sec.gov.fk) or call 27230 for a paper copy.

## Schedule of dangerous goods to which the notification requirement applies

Table 1: dangerous goods stored at:-

1. Privately owned, leased or rented domestic properties in Farms/Camp
2. Privately owned, leased or rented domestic properties in Stanley

Description	No notification requirement applies	Notification requirement applies	Full licensing requirements apply	
Diesel (see note)	Less than 100 litres	100 – 205 litres	205+ litres	Full licensing requirements also apply where combined total of these three goods exceeds 300 litres
Petrol (see note)	Less than 100 litres	100 – 205 litres	205+ litres	
Kerosene (not stored in a domestic heating fuel storage tank) (see note)	Less than 100 litres	100 – 205 litres	205+ litres	
Jet A1 (see note)	Less than 100 litres	100-205 litres	205+ litres	
Avgas (see note)		Any quantity	25+ litres	
LPG*	Less than 140kgs	140-180kg	180+kgs	
Acetylene		1 cylinder	More than 1 cylinder	
Oxygen (for non-medical use)		1 cylinder	More than 1 cylinder	
Chemical fertiliser	Less than 10kgs	10-20kgs	20+kgs	
Fireworks (total max explosive content) not packaging weight**	Less than 1kgs	1kg	Anything above 1Kg as deemed commercial	
Flammable paint, varnishes, etc.	Less than 100 litres	100 – 150 litres	150+ litres	
Acids		2 litres and under	2+ litres	
Non-domestic chemicals or industrial cleaning products		10 litres and under	10+ litres	
Waste oil		205 litres and under	205+ litres	
Other compressed gases		10kgs and under	10+kgs	
Bulk storage (in a domestic heating fuel storage tank) of kerosene/diesel for domestic heating ***	Less than 3,500	3,500 litres	3,500+ litres	

Notes:

\* LPG 140kgs = 3 x 45kg cylinders

\*\* The normal limits of explosive materials in a consumer firework is 50mg, about the size of half an aspirin tablet. Any item containing more than 50mg should be avoided.

\*\*\* Part 74a of the Building Regulations 1999 apply

Note:-

Amounts referred to are for waste fuels & oils or spare fuels kept for use which is stored in garages and sheds or other outbuildings.

## Schedule of dangerous goods to which the notification requirement applies

Table 2: dangerous goods stored at farms and commercial premises in Camp and Stanley (dwellings are assumed to be part of the commercial farm if under the control of the farmer or farm manager directly or indirectly and not privately owned, leased or rented)

Description	No notification requirement applies	Notification requirement applies	Full licensing requirements apply
Diesel	Less than 50,000 litres	50,000 – 100,000 litres	100,000+ litres
Petrol**	Less than 2,050 litres	2,050 – 4,100 litres	4,100+ litres
Kerosene (not stored in a bulk heating fuel storage tank)	Less than 2,500 litres	2,500 – 6,150 litres	6,150+ litres
Bulk storage (in a fuel storage tank) of kerosene/diesel		6,500 – 6,600 litres	6,600+ litres
Jet A1		6,500 – 6,600 litres	6,600+ litres
Avgas		6,500 – 6,600 litres	6,600+ litres
LPG*	Less than 540kgs	540 – 900kgs	900+ kgs
Acetylene		1-4 cylinders	5 cylinders or more
Oxygen (for non-medical use)		Any amount	10 cylinders or more
Chemical fertiliser	Less than 5,000kgs	5,000 – 20,000kgs	20,000+ kgs
Fireworks for sale			Any amount
Flammable paint, varnishes, etc.		Any amount	2,000+ litres combined
Acids		Any amount	25+ litres
Non-domestic chemicals or industrial cleaning products	Less than 100 litres, depending on product a DGL may be required	100 – 1,000 litres, depending on product a DGL may be required	1,000+ litres
Waste oil	Less than 5,000 litres	5,000 – 10,000 litres	10,000+ litres
Other compressed gases	Less than 100kgs	100 – 500kgs	500+ kgs
Toxic gas		Any amount	Any amount
Toxic poisonous		Any amount	Any amount
Infectious substances		Any amount	Any amount

Notes:

\* LPG 540kgs = 12 x 45kg cylinders

\*\* Petrol 2,050 litres = 10 x 205 litre drums

All explosive categories require a DGL (Dangerous Goods Licence) and, in the case of ammunition (black powder), an ammunition licence obtained from the Royal Falkland Islands Police