

2014 No. 1639

HEALTH AND SAFETY

**The Acetylene Safety (England and Wales and Scotland)
Regulations 2014**

Made - - - - *23rd June 2014*

Laid before Parliament *1st July 2014*

Coming into force - - *1st October 2014*

The Secretary of State makes these Regulations—

- (a) in exercise of the powers conferred by sections 15(1)(a), (2), (3)(a) and (c), (4)(a)(b), (5) and (9), 43(2), (4), (5) and (6), 80(1) and 82(3)(a) of, and paragraphs 1(1), (2), (3), (5), 2(1), 3, 4, 9 and 12 of Schedule 3 to, the Health and Safety at Work etc. Act 1974(c) (“the 1974 Act”);
- (b) for the purposes of giving effect without modifications to proposals submitted to him by—
 - (i) the Health and Safety Executive under section 11(3)(d) of the 1974 Act; and
 - (ii) the Office for Nuclear Regulation under section 81(1)(a)(iv) of the Energy Act 2013(e) (“the 2013 Act”); and
- (c) it appearing to him that the repeals of the provisions of the Acts marked with an asterisk in Part 1 of Schedule 3 are expedient as set out in section 80(1) of the 1974 Act and that it was not appropriate to consult bodies in respect of those repeals in accordance with section 80(4)(f) of that Act.

Before submitting proposals for these Regulations to the Secretary of State, the Health and Safety Executive has carried out consultations in accordance with section 50(3)(g) of the 1974 Act, and the Office for Nuclear Regulation has carried out consultations in accordance with section 81(3) of the 2013 Act.

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- (a) See sections 53(1) and 15(1) of the Health and Safety at Work etc Act 1974 for a definition of “health and safety regulations”.
 - (b) See sections 53(1) and 10(1) of the Health and Safety at Work etc Act 1974 for a definition of “the Executive”.
 - (c) 1974 c.37; section 15(1) was amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraph 6, and S.I. 2002/794; section 15(2) was amended by the Energy Act 2013 (c.32), Schedule 12, paragraph 5(3); section 15(3)(c) was amended by the Energy Act 2013, Schedule 12, paragraph 5(4); section 15(4)(a) was amended by S.I. 2008/960; section 43(6) was amended the Employment Protection Act 1975, Schedule 15, paragraph 12 and S.I. 2002/794; Schedule 3, paragraph 2 was amended by the Customs and Excise Management Act 1979 (c.2), Schedule 4, paragraph 12, Table Part I.
 - (d) Section 11 was substituted by S.I. 2008/960 and amended by the Energy Act 2013, Schedule 2, paragraph 2.
 - (e) 2013 c.32.
 - (f) Section 80(4) was substituted by the Employment Protection Act 1975, Schedule 15, paragraph 19 and amended by S.I. 2002/794.
 - (g) Section 50(3) was amended by the Employment Protection Act 1975, Schedule 15, paragraph 16(3); the Health and Social Care Act 2012 (c. 7), Schedule 7, paragraphs 4 and 6; the Energy Act 2013, Schedule 12, paragraph 11(4), and S.I. 2008/960.

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Acetylene Safety (England and Wales and Scotland) Regulations 2014 and come into force on 1st October 2014.

(2) These Regulations apply—

- (a) within Great Britain; and
- (b) apart from paragraph 8 of Schedule 1 (cylinder colouring), outside Great Britain as sections 1 to 59 and 80 to 82 of the 1974 Act apply by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013(a).

(3) These Regulations extend to England and Wales and Scotland only.

Interpretation

2. In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“the 2009 Regulations” means the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(b);

“acetylene” means the hydrocarbon chemical listed under that name in the European inventory of existing commercial chemical substances, published in O.J. C 146A on 15th June 1990, under entry number 200-816-9;

“acetylene equipment” means any equipment containing compressed acetylene gas, excluding a cylinder and acetylene manifold but including a pipe, hose, valve, or device that is—

- (a) designed or manufactured for use with compressed acetylene gas, or
- (b) used with compressed acetylene gas;

“acetylene gas” means acetylene gas—

- (a) in a free gaseous state,
- (b) dissolved in a solution, or
- (c) contained in a homogeneous porous material, with or without a solvent;

“acetylene manifold” means a system of interconnected pipework in which compressed acetylene gas is contained, and which connects to, but excludes, a cylinder;

“bar(g)” means pressure, above atmospheric pressure, measured in the unit bar;

“compressed acetylene gas” means acetylene gas at pressure equal to or greater than 0.62 bar(g);

“cylinder” means—

- (a) transportable pressure equipment within the meaning of article 2(1)(a) of the Transportable Pressure Equipment Directive; or
- (b) an old pressure receptacle which—
 - (i) satisfies the requirements of regulation 14(4) of the 2009 Regulations, and
 - (ii) is to be treated as an old pressure receptacle under regulation 15(9) of these Regulations;

“licence” means a licence granted under regulation 9 and includes a renewed, varied or transferred licence;

“licensee” means a person who has been granted a licence under regulation 9 and includes—

- (c) a person to whom a licence is transferred;
- (d) a person treated as being the licensee under regulation 13; and

(a) S.I. 2013/240.

(b) S.I. 2009/1348; amended by S.I. 2011/1885, S.S.I 2013/119, S.I. 2013/235 and 2014/469.

(e) a person deemed to hold a licence under regulation 15.

“licensing authority” means—

- (a) in relation to a relevant activity carried out on ONR regulated premises, the ONR;
- (b) otherwise, the Executive;

“old pressure receptacle” means an old pressure receptacle within the meaning of regulation 14(6) of the 2009 Regulations;

“ONR” means the Office for Nuclear Regulation;

“ONR regulated premises” means any premises which are, or are on—

- (i) a GB nuclear site (within the meaning of section 68 of the Energy Act 2013^(a)),
- (ii) an authorised defence site (within the meaning of regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998^(b)), or
- (iii) a new nuclear build site (within the meaning of regulation 2A of those Regulations^(c)).

“relevant activity” means any of the following or a combination of any of the following—

- (a) the manufacture of compressed acetylene gas,
- (b) the compression of acetylene gas equal to or greater than 0.62 bar(g), or
- (c) the filling of a cylinder with compressed acetylene gas;

“relevant date” means the date when these Regulations come into force;

“risk” means the likelihood of a person’s safety being affected by any uncontrolled release of energy caused by—

- (a) the decomposition of acetylene gas or acetylene-derived compounds, or
- (b) any uncontrolled combustion of acetylene gas or acetylene-derived compounds; and

“the Transportable Pressure Equipment Directive” means Directive 2010/35/EU of the European Parliament and Council repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC^(d).

Prohibition concerning liquid and solid acetylene

3. No person is to manufacture, use, store, transport, import or sell liquid or solid acetylene, whether on its own or in any mixture.

Prohibition concerning compressed acetylene gas

4.—(1) Subject to paragraph (2), no person is to use, store, transport, import or sell compressed acetylene gas.

(2) Paragraph (1) does not apply to—

- (a) the use of compressed acetylene gas at equal to or lower than 1.5 bar(g) provided that—
 - (i) the requirements in Schedule 1 are complied with; and
 - (ii) risk is reduced so far as is reasonably practicable;
- (b) the storage of compressed acetylene gas in an acetylene manifold, provided that—
 - (i) the requirements in Schedule 1 are complied with; and
 - (ii) risk is reduced so far as is reasonably practicable;

(a) 2013 c.32.

(b) S.I. 1998/494, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

(c) S.I. 1998/494, amended by S.I. 2014/469; there are other amending instruments but none is relevant.

(d) OJ No L 165, 30.06.2010, p.1.

- (c) the storage of compressed acetylene gas in a cylinder which would, if used for carriage, meet the requirements of—
 - (i) the 2009 Regulations; and
 - (ii) paragraph 8 of Schedule 1 (cylinder colouring) to these Regulations;
- (d) the transportation, importation and sale of compressed acetylene gas in a cylinder, provided that—
 - (i) the relevant requirements of the 2009 Regulations are complied with; and
 - (ii) the cylinder complies with paragraph 8 of Schedule 1 (cylinder colouring) to these Regulations;
- (e) the use or storage of the requisite amount of compressed acetylene gas, in conditions other than those specified in sub-paragraphs (a) to (d), where the use or storage is required to assess the compliance of acetylene equipment, an acetylene manifold or cylinder with any relevant standards of a prescribed standards body or with relevant legal requirements, provided the use or storage is undertaken in such a way that risk is reduced so far as is reasonably practicable; and
- (f) the use or storage of compressed acetylene gas in conditions other than those specified in sub-paragraphs (a) to (d), during the process of testing equipment, including devices and valves, where the testing occurs for the purpose of regulatory investigations, enforcement actions or other legal proceedings initiated by the licensing authority.

(3) In this regulation—

“prescribed standards body” means any full member from time to time of the International Organization for Standardization;

“requisite amount” means—

- (a) where there is a minimum amount required for the assessment in the relevant standard or in the relevant legal requirements, that minimum amount; or
- (b) where there is not a minimum amount required for the assessment in the relevant standard or the relevant legal requirements, the lowest amount at which the assessment can be performed effectively;

“relevant legal requirements” means any enactment of national, European or international origin imposing, from time to time, safety or technical requirements on acetylene equipment, an acetylene manifold or cylinder, that is applicable in Great Britain or in any other jurisdiction.

Prohibition of a relevant activity without a licence

5.—(1) Subject to paragraph (2), no person is to conduct a relevant activity unless the person—

- (a) holds a licence for that activity;
- (b) complies with the conditions of that licence; and
- (c) complies with the requirements of Schedule 1.

(2) Paragraph (1) does not apply to the compression of naturally occurring, by-product, or traces of, compressed acetylene gas that is mixed with other gases excluding oxygen in a proportion insufficient to sustain decomposition.

Applications in relation to licences

6.—(1) An application for a licence or a renewal, variation or transfer of a licence must be made to the licensing authority in a form approved for the time being by the Executive for the purpose of these Regulations.

(2) The licensing authority may request additional information from the applicant where the licensing authority considers it necessary to determine whether to grant, renew, vary or transfer a licence.

(3) Where the licensing authority considers it necessary, when determining whether to grant, renew, vary or transfer a licence, to obtain evidence that the equipment, including devices and valves, proposed to be used for a relevant activity is suitable for that activity, then it may—

- (a) test the equipment, including devices and valves; or
- (b) require the applicant to provide evidence that such equipment, including devices and valves, is suitable.

Premises which cease to be ONR regulated premises: effect on licences

7.—(1) Where this regulation applies any licence granted by, or treated as granted by, the ONR is to be treated on and after the relevant date applicable to the premises as a licence granted by the Executive.

(2) This regulation applies where—

- (a) the premises in connection with which the licence was granted cease to be ONR regulated premises; and
- (b) the licence mentioned in sub-paragraph (a) remained in force (with or without variations) immediately before the date on which the premises ceased to be ONR regulated premises.

(3) In this regulation “relevant date applicable to the premises” means the date on which the premises ceased to be ONR regulated premises.

Premises which become ONR regulated premises: effect on licences

8.—(1) Where this regulation applies any licence granted by, or treated as granted by, the Executive is to be treated on and after the relevant date applicable to the premises as a licence granted by the ONR.

(2) This regulation applies where—

- (a) premises in connection with which the licence was granted become ONR regulated premises; and
- (b) the licence mentioned in sub-paragraph (a) remained in force (with or without variations) immediately before the date on which the premises became ONR regulated premises.

(3) In this regulation “relevant date applicable to the premises” means the date on which the premises became ONR regulated premises.

Grants, renewals, variations and transfers of licences

9.—(1) The licensing authority may grant a licence—

- (a) for any relevant activity; and
- (b) with or without a time limit as to its duration.

(2) The licensing authority may grant a licence only if it is of the opinion that—

- (a) the premises where the applicant proposes to carry out a relevant activity are suitable for that activity;
- (b) the construction, site and orientation of any building, including protective works around the building, where the applicant proposes to carry out a relevant activity are suitable for that activity;
- (c) the equipment, including devices and valves, which the applicant proposes to use for any relevant activity are suitable for that activity; and
- (d) there are no other reasons to conclude that permitting the relevant activity would result in significant risk that may not be adequately reduced by the imposition of conditions under regulation 9(3).

(3) The licensing authority may make a licence subject to any of the following conditions that it considers appropriate to reduce risk—

- (a) the maximum amount of compressed acetylene gas which may be manufactured on the premises;
 - (b) the maximum amount of acetylene gas which may be compressed at equal to or greater than 0.62 bar(g) on the premises;
 - (c) the maximum number of cylinders which may be filled with compressed acetylene gas on the premises;
 - (d) conditions as to the construction, location or orientation of any building, including protective works around the building, where the relevant activity is to take place;
 - (e) conditions as to the activities which may be undertaken in a building or part of a building within the premises specified in the licence;
 - (f) conditions as to the equipment, including devices and valves, that is to be used for any relevant activity;
 - (g) conditions as to the operational requirements for equipment, including devices and valves; and
 - (h) any other condition the licensing authority considers appropriate to reduce risk.
- (4) The licensing authority may, following an application by the licensee, renew a time-limited licence where it is satisfied that—
- (a) the licensee has complied with the licence conditions, if any;
 - (b) the requirements in regulation 9(2) are still satisfied; and
 - (c) the conditions of the licence, if any, are still sufficient adequately to reduce risk.
- (5) The licensing authority may vary a licence, including the conditions attached to a licence—
- (a) without the consent of the licensee, if there has been a change in circumstances such that a variation is necessary adequately to reduce risk; or
 - (b) on the application of the licensee, if the licensing authority is satisfied that after the variation the—
 - (i) requirements in regulation 9(2) would still be satisfied; and
 - (ii) conditions of the licence, if any, are still sufficient adequately to reduce risk.
- (6) Following an application by the licensee, the licensing authority may transfer a licence, subject to the conditions of that licence, to any other person who wishes to conduct the activity permitted in the licence in place of the licensee, if the licensing authority is satisfied that after the transfer the requirements in regulation 9(2) would still be satisfied.

Form of licences

10.—(1) A licence must be in a form approved for the time being by the Executive for the purposes of this regulation.

(2) A licence must specify—

- (a) the name and address of the licensee;
- (b) the relevant activity that is permitted;
- (c) the premises, and the places within the premises, where any relevant activity may take place;
- (d) any conditions attached to that licence under regulation 9(3); and
- (e) the duration for which it is granted, if it is of limited duration.

Revocation of licences

11. The licensing authority may revoke a licence if there has been a change in circumstances leading the licensing authority to conclude that the requirements in regulation 9(2) are no longer satisfied.

Further provisions concerning refusals, variations and revocations

12.—(1) Where the licensing authority proposes to—

- (a) refuse an application for—
 - (i) a licence,
 - (ii) a renewal of a licence,
 - (iii) a transfer of a licence, or
 - (iv) a variation of a licence;
- (b) vary a licence without the agreement of the licensee; or
- (c) revoke a licence,

it must notify the applicant or the licensee in writing, as applicable, of its proposed course of action and afford them a period of 28 days beginning with the date of the notification to make written representations to the licensing authority about the proposed course of action.

(2) After the 28 day period for making representations in paragraph (1) has elapsed, the licensing authority must consider any written representations received in that 28 day period from the applicant or the licensee, as applicable, prior to making a final decision.

(3) Where the licensing authority decides to—

- (a) refuse an application for—
 - (i) a licence,
 - (ii) a renewal of a licence,
 - (iii) a transfer of a licence, or
 - (iv) a variation of a licence;
- (b) vary a licence without the agreement of the licensee; or
- (c) revoke a licence,

it must provide the applicant or licensee, as applicable, with written reasons.

Death, incapacity, bankruptcy and insolvency

13.—(1) If a licensee dies or becomes incapacitated, a person carrying on a relevant activity in accordance with the conditions of the licensee's licence is to be treated as being the licensee until the first to occur of—

- (a) the expiration of a period of 60 days beginning with the date of the death or incapacity;
- (b) the grant or refusal of a new licence; or
- (c) the transfer of, or refusal to transfer, the licence.

(2) If a licensee becomes bankrupt or, in the case of a company, goes into liquidation, administration or receivership or has a receiving order made against it, any liquidator, administrator, trustee in bankruptcy or receiver is to be treated as being the licensee.

Power to grant exemptions

14.—(1) Subject to paragraph (3), the Executive may, by a certificate in writing, exempt any person or class of persons from all or any of the requirements or prohibitions imposed by or under these Regulations, save where such an exemption would contravene rules imposed by other enactments.

(2) An exemption granted under paragraph (1) may be—

- (a) subject to conditions,
- (b) subject to a time limit, and
- (c) revoked at any time by a certificate in writing.

(3) The Executive must not grant an exemption under paragraph (1) unless, having regard to the circumstances of the case, and in particular to—

(a) the conditions, if any, which it proposes to attach to the exemption under paragraph (2); and

(b) any requirements imposed by or under any enactments which apply to the case,

it is satisfied that the safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

Transitional provisions

15.—(1) Where, immediately before the relevant date—

(a) the manufacture of acetylene gas was permitted at premises specified in an approval by the Executive under the Order in Council (No. 30) prohibiting the Manufacturing, Importation, Keeping, Conveyance or Sale of Acetylene when an Explosive as defined by the Order of 2nd February 1937(a);

(b) the compression of acetylene gas was permitted at premises specified in an approval by the Executive under the 1919 Order; or

(c) any person or class of persons was exempt from the general prohibition on compression or manufacture of acetylene gas by virtue of an exemption certificate granted under the 1979 Regulations,

the person carrying on that manufacture, compression, or combination of these activities is deemed to hold a licence granted under regulation 9 permitting such activities as constitute a relevant activity subject to any conditions in the original approval or exemption.

(2) Where the compression of acetylene gas was permitted at premises specified in an approval by the Executive under the 1919 Order the deemed licence is to be taken to allow the filling of any cylinder with compressed acetylene gas as well as the compression of acetylene gas at equal to or greater than 0.62 bar(g).

(3) Nothing in paragraph (1) or (2) may be taken to exempt the holder of a deemed licence from any of the requirements in Schedule 1, except insofar as the previous approval expressly allowed a specified activity or practice that would contravene any such requirement.

(4) Where an application for an approval for any one or more of the manufacture or compression of, or filling of any cylinder with, acetylene gas was made to and received by the Executive before the relevant date and the application has not been refused nor the approval granted by the relevant date, the application is to be treated as an application for a licence to the licensing authority under these Regulations and the provisions of these Regulations are to apply to that application.

(5) Where an application to amend, renew or transfer an approval was made to and received by the Executive before the relevant date and the application has not been refused nor the approval or transfer granted by the relevant date, the application is to be treated as an application for a variation, renewal or transfer of a deemed licence to the licensing authority under these Regulations and the provisions of these Regulations are to apply to that application.

(6) Where fees have already been paid in relation to an application for an approval, amendment, renewal or transfer of an approval which was made to and received by the Executive before the relevant date where the approval, amendment, renewal or transfer was not refused or granted before the relevant date, no additional fees will be payable for the determination of that application.

(7) Where acetylene gas is kept in an acetylene manifold in conditions which, immediately before the relevant date would have been permissible under the Certificate of Exemption No. 4 of 1984 made under the 1979 Regulations, keeping acetylene gas in an acetylene manifold in this manner is to be treated as falling within the exception in regulation 4(2)(b) until midnight on 31st December 2015.

(a) S.R. & O. 1937/54 amended by S.R. & O. 1947 No 805, S.I. 1974/1885, 1984/510 and 2005/1082.

(8) Where acetylene gas is kept in conditions which, immediately before the relevant date, would have been permissible under Certificate of Exemption No. 2 of 1989 made under the 1979 Regulations, keeping acetylene gas in this manner is to be treated as falling within the exception in regulation 4(2)(a) until midnight on 31st December 2015, and for these purposes keeping includes use.

(9) Where, immediately before the relevant date—

- (a) a gas container was permitted for the keeping, importing, conveyance or sale of acetylene under Certificate of Exemption Number 1 of 1995 made under the 1979 Regulations; or
- (b) a transportable pressure receptacle was permitted for the keeping, importing, conveyance or sale of acetylene under Certificate of Exemption Number 1 of 2001 made under the 1979 Regulations,

such gas container or transportable pressure receptacle is to be treated as an old pressure receptacle for the purposes of these Regulations.

(10) Where, immediately before the relevant date, a transportable pressure receptacle complies with the requirement to be painted maroon, under paragraph 2(3) of the Certificate of Exemption No 1 of 2001 made under the 1979 Regulations, that transportable pressure receptacle is to be treated as complying with the requirement under paragraph 8 of Schedule 1 (cylinder colouring), until such time as the colour is no longer visibly maroon.

(11) In this regulation—

“the 1919 Order” means the Order of Secretary of State (No 9), dated June 23, 1919, relating to Compressed Acetylene contained in a Porous Substance (1919)(a);

“the 1979 Regulations” means the Explosives Act 1875 (Exemptions) Regulations 1979(b); and

“deemed licence” means a licence deemed to have been granted under regulation 9 by virtue of paragraph (1).

Amendments, repeals and revocations

16.—(1) The secondary legislation specified in Schedule 2 is amended in accordance with the provisions of that Schedule.

(2) The primary legislation specified in column 1 of Part 1 of Schedule 3 is repealed to the extent specified in column 3 of that Schedule.

(3) The secondary legislation specified in column 1 of Part 2 of Schedule 3 is revoked to the extent specified in column 3 of that Schedule.

Review

17.—(1) Before the end of the review period, the Secretary of State must—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(a) S.R. & O. 1919/809; amended by S.I. 1974/1885, 1984/510 and S.I. 2005/1732.

(b) S.I. 1979/1378.

(3) In this regulation “review period” means the period of five years beginning with the relevant date.

Signed by authority of the Secretary of State for Work and Pensions.

23rd June 2014

Mike Penning
Minister of State
Department for Work and Pensions

SCHEDULE 1 Regulations 4(2) and 5(1)

Safety Requirements

Requirements for any acetylene equipment or acetylene manifold

1. Any acetylene equipment or acetylene manifold may only be used if designed, manufactured and operated to prevent, so far as is reasonably practicable—

- (a) the uncontrolled combustion of acetylene gas;
- (b) the decomposition of acetylene gas; and
- (c) the formation of acetylene-derived compounds that pose a risk or are liable to initiate decomposition of acetylene gas.

2. Any acetylene equipment or acetylene manifold may only be used if designed and manufactured to—

- (a) withstand the thermal and mechanical stresses of any decomposition of the acetylene gas that it contains; or
- (b) dissipate or direct the thermal and mechanical stresses of any decomposition of the acetylene gas that it contains.

Further requirements for an acetylene manifold

3. An acetylene manifold may only be used if it is—

- (a) designed to prevent the mixture of air, or oxygen, with acetylene gas within the acetylene manifold;
- (b) fitted with rigid pipework with an internal diameter equal to or less than 25mm;
- (c) fitted with a flexible hose where rigid pipework is not practicable and the flexible hose—
 - (i) is kept at the minimum practicable length; and
 - (ii) has an internal diameter equal to or less than 25mm; and
- (d) not subjected to pressure greater than that within any attached cylinder.

Requirements of a system of connected acetylene equipment

4. A system of connected acetylene equipment may only be used if it is fitted—

- (a) with a pressure regulation device that is—
 - (i) designed and constructed for use with compressed acetylene gas; and
 - (ii) positioned as close as is reasonably practicable to the acetylene manifold or, where no acetylene manifold is used, to the cylinder;
- (b) within one metre of the pressure regulation device, with a flame arrestor; and

- (c) with a non-return device, effective against the return of gas towards the cylinder, and a quick-acting shut-off device, and both devices are positioned as close as is reasonably practicable to the acetylene manifold or, where no acetylene manifold is used, to the cylinder.

5. A system of connected acetylene equipment may only be used if the internal diameter of the pipework does not exceed the maximum diameter specified in the Table for the respective pressure of the compressed acetylene gas in use.

Requirements for a flame arrestor

6. A flame arrestor that is put into service after the relevant date may only be used if, at the time it is put into service, it complies with the requirements of BSEN 730-1:2002 or any other relevant international standard recognised for use in any EEA State at the relevant date.

Requirement for an isolation valve

7. A manually operated isolation valve must be fitted as close as is reasonably practicable upstream of each acetylene burner or acetylene-consuming equipment.

Cylinder colouring

8. A cylinder must be painted, on both its body and shoulder, in the colour matching number 3007 of the Classic RAL system(a).

Interpretation

9. In this Schedule—

“acetylene burner” means any equipment, including devices and valves, designed for use with ignited acetylene gas;

“acetylene-consuming equipment” means any equipment designed to convert acetylene gas into another chemical form;

“flame arrestor” means a device designed and constructed to arrest the progression of any flame resulting from the decomposition or uncontrolled combustion of acetylene gas;

“system of connected acetylene equipment” means any connected equipment, whether permanently or temporarily connected, which is intended for use with compressed acetylene gas, or which is used with compressed acetylene gas, including acetylene equipment, a cylinder, an acetylene manifold and other accessories; and

“quick-acting shut-off device” means a safety device effective against the continued release of—

- (a) acetylene gas; and
- (b) products of decomposition caused by—
 - (i) the decomposition of acetylene gas; or
 - (ii) any uncontrolled combustion of acetylene gas.

(a) The Classic RAL system is used to define colour standards and is available, without charge, from the website: www.ralcolours.com.

Table

<i>Pipework maximum internal diameter (mm)</i>	<i>Maximum pressure of contained compressed acetylene gas (bar(g))</i>
23	1.5
25	1.3
35	1.0
42	0.8

SCHEDULE 2

Regulation 16(1)

Amendments**The Health and Safety (Enforcing Authority) Regulations 1998**

1. In Schedule 2 to the Health and Safety (Enforcing Authority) Regulations 1998(a) after paragraph 13 insert—

“14. Any activity regulated by the Acetylene Safety (England and Wales and Scotland) Regulations 2014.”.

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009

2. In regulation 14(5) of the 2009 Regulations after “undertaken” insert “, after these Regulations have come into force,”.

The Health and Safety (Fees) Regulations 2012

3. The Health and Safety (Fees) Regulations 2012(b) are amended as follows—

(a) in regulation 9 (Fees payable etc.)—

(i) after paragraph (4) insert—

“(4A) Where an application in relation to the 2014 Acetylene Regulations is made for a purpose specified in column 1 of the Table in Part 3A of Schedule 8, the fee specified in the corresponding entry in column 2 of that Table is payable by the applicant to the Executive, or to the ONR where it is the licensing authority by virtue of the 2014 Acetylene Regulations.

(4B) An additional fee is payable by the applicant to the Executive, or to the ONR where it is the licensing authority by virtue of the 2014 Acetylene Regulations, where work is required to be carried out by its specialist inspectors in connection with any application in relation to the 2014 Acetylene Regulations that is made for a purpose specified in column 1 of the Table in Part 3A of Schedule 8 for which there is a corresponding entry in column 3 of that Table, and the fee for work in connection with each such purpose is that specified in the corresponding entry in column 3 of that Table for each hour worked, adjusted pro rata for a period worked of less than one hour, and such fee is payable prior to the notification of the result of the application.”

(ii) in paragraph (13) before the definition of the “2014 Regulations” insert—

““the 2014 Acetylene Regulations” means the Acetylene Safety (England and Wales and Scotland) Regulations 2014;”.

(b) in Schedule 8 (Fees payable etc.) after Part 3 insert—

(a) S.I. 1998/494, amended by S.I.2006/557; there are other amending instruments but none is relevant.

(b) S.I. 2012/1652, to which there are amendments not relevant to these Regulations.

“Part 3A

Applications under, and replacement of licence under, the Acetylene Safety (England and Wales and Scotland) Regulations 2014

<i>1</i>	<i>2</i>	<i>3</i>
<i>Purpose of Application</i>	<i>Fee</i>	<i>Fee for work by specialist inspector</i>
Original application for a licence for the manufacture of compressed acetylene gas, the compression of acetylene gas, the filling of a cylinder with compressed acetylene gas or any combination of those activities under regulation 6.	£39	£127 per hour worked
Application to renew a licence under regulation 6.	£39	£127 per hour worked
Application to vary a licence under regulation 6.	£39	£127 per hour worked
Application to transfer a licence under regulation 6.	£39	£127 per hour worked
Replacement of any of the licences referred to in this part if lost.	£39”	

SCHEDULE 3

Regulation 16(2) and (3)

Repeals and Revocations

PART 1

Repeals

<i>1.</i>	<i>2.</i>	<i>3.</i>
<i>Title</i>	<i>Reference</i>	<i>Extent of repeal</i>
Explosives Act 1875.	c. 17.	Sections 43 and 104.
Regulatory Enforcement and Sanctions Act 2008*.	c. 13.	In Schedule 6, in the entry relating to the Explosives Act 1875, “43”.
Health and Safety (Offences) Act 2008*.	c. 20.	Paragraph 1 of Schedule 3.

PART 2

Revocations

<i>Instrument</i>	<i>Reference</i>	<i>Extent of Revocation</i>
The Order of Secretary of State (No 5) relating to Compressed Acetylene in Admixture with Oil-Gas, 1898	S.R. & O. 1898/248	The whole instrument
The Order of Secretary of State (No 5A) relating to Compressed Acetylene in Admixture with Oil-Gas (1905)	S.R. & O. 1905/1128	The whole instrument
The Order of Secretary of State (No 9),	S.R.& O.	The whole instrument

dated June 23, 1919, relating to Compressed Acetylene contained in a Porous Substance (1919)	1919/809	
The Order in Council (No 30) prohibiting the Manufacture, Importation, Keeping, Conveyance or Sale of Acetylene when an Explosive as defined by the Order, 1937	S.R. & O. 1937/54	The whole instrument
The Compressed Acetylene Order 1947	S.R. & O. 1947/805	The whole instrument
The Compressed Acetylene (Importation) Regulations 1978	S.I. 1978/1723	The whole instrument
The Explosives Act 1875 (Exemptions) Regulations 1979	S.I. 1979/1378	The whole instrument
The Explosives Act 1875 etc. (Metrication and Miscellaneous Amendment) Regulations 1984	S.I. 1984/510	The whole instrument except for regulations 1(1) and (2)(a), 2 and Schedule 1 to the extent that they relate to section 32 of the Explosives Act 1875.
The Health and Safety (Fees) Regulations 2012	S.I. 2012/1652	Regulation 9(4) and (7) to (9) and Parts 3 and 5 to 7 of Schedule 8.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations consolidate, with amendments, existing legislation for activities relating to acetylene in Great Britain. As such they repeal provisions contained in the Explosives Act 1875 and revoke and replace instruments made under it, which provided the framework for the regulatory regime in relation to acetylene prior to these Regulations.

2. Most of the terms and expressions used in these Regulations are defined in regulation 2.

3. Regulation 3 makes the following changes of substance to the previous regime: (a) prohibitions concerning solid acetylene; and (b) prohibitions, without disapplications, concerning liquid acetylene.

4. Prohibitions concerning “compressed acetylene gas” are contained in regulation 4 but are subject to disapplications. Nothing in these Regulations imposes restrictions on acetylene gas at a pressure lower than 0.62 bar(g).

5. Subject to a disapplication, a person wishing to conduct a “relevant activity” requires a licence to do so and must comply with safety requirements contained in Schedule 1 (regulation 5). Applications for a licence should be made to the licensing authority (regulation 6).

6. The “licensing authority” means the Health and Safety Executive, other than in relation to a “relevant activity” carried out on “ONR regulated premises” in which case the licensing authority is the Office for Nuclear Regulation.

7. Grounds for granting, renewing, varying or transferring a licence are set out in regulation 9. Regulation 10 specifies the form of a license and the information it must contain. Grounds for revoking a licence are set out in regulation 11. The circumstances and timescales for making written representations are contained in regulation 12. Licence arrangements in the event of death, incapacity, bankruptcy and insolvency of the licensee are contained in regulation 13.

8. Power to grant exemptions from the requirements or prohibitions imposed by these Regulations is in regulation 14.

9. Regulation 15 contains transitional provisions.

10. Amendments to legislation are made by regulation 16(1) and Schedule 2. These are consequential amendments apart from the amendment to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (“CDG 2009”) which clarifies that only ‘old pressure receptacles’ (as defined in regulation 14(6) of CDG 2009) which are of seamless construction or have contained acetylene and in relation to which a modification, major repair or re-rating has been undertaken *after CDG 2009 came into force* may not be used for the carriage of dangerous goods.

11. These Regulations also amend the Health and Safety (Fees) Regulations 2012 (SI 2012/1652), so as to include fee provisions in those Regulations for the new licensing provision made by these Regulations.

12. Repeals and revocations of legislation are made by regulation 16(2) and (3) and Schedule 3.

13. Regulation 17 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force, and within every five years after that. Following the review it will fall to the Secretary of State to consider whether the Regulations should be allowed to remain as they are, or be revoked or amended. A further instrument would be needed to revoke the Regulations or amend them.

14. A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public is published with the Explanatory Memorandum which is available alongside this instrument on the website: www.legislation.gov.uk. Copies of these documents are also available in the libraries of both Houses of Parliament.

15. The European inventory of existing commercial chemical substances is contained in the publication: O.J. C 146A, dated 15 June 1990, with the International Standard Serial Number 0378-6986. This may be downloaded without charge from the relevant part of the EUR-Lex website (www.eur-lex.europa.eu/en/index.htm). The Classic RAL system, which is used to define colour standards, is available, without charge, from the website: www.ralcolours.com. The Certificates of Exemption made under the Explosives Act 1875 (Exemptions) Regulations 1979 are available, without charge, on application to the Health and Safety Executive (Hazardous Installations Directorate), Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS (Reference: 2014/0202594).

16. These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC, as amended by Directive 98/48/EC.

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