



**Supplement No. 2
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NOTS'I MOLOPO

being a Minister of the Government of Lesotho, responsibility for the business of Government relating to **TRADE AND INDUSTRY** from 23 July to 8 August 1997, being the period of the absence of the **HONOURABLE LI-RA MOTETE** from Lesotho.

DATED: 1997

Letsie III,
King of Lesotho.

LEGAL NOTICE NO. 93 OF 1997

Liquified Petroleum Gas (Trade and Handling) Regulations 1997

In exercise of the powers conferred on me by section 17A of Fuel Services Control Act 1983¹, I,

SHAKHANE ROBONG MOKHEHLE

Minister responsible for Natural Resources make the following Regulations —

Citation

1. These Regulations may be cited as the **Liquified Petroleum Gas (Trade and Handling) Regulations 1997**.

Interpretation

2. In these Regulations —

"LPG" means **Liquified Petroleum Gas**;

"dealer" means a person who sells **LPG** within Lesotho;

"wholesaler" means a person who imports **LPG** in bulk for sale to dealers;

"specialised licence" means a type of licence which clearly stipulates the type of items a dealer is permitted to deal in.

Prohibition on importation of LPG

3. (1) No person shall import **LPG** into Lesotho unless the person has obtained a specialised licence to sell or otherwise deal with **LPG** from the Ministry of Trade and Industry.

(2) A person who has obtained a specialised licence shall not import **LPG** in quantities greater than 100 kg unless the person is a registered supplier or wholesaler and does so in the following manner —

- (a) in transporting the LPG he uses a bulk tanker or truck designed specifically for LPG cylinder transportation;
 - (b) where he uses the truck in transporting LPG cylinders, the cylinders are packed in a manner that they can be easily cross-checked from the truck; or
 - (c) where he uses bulk tankers, the tankers have a slip tube.
- (3) The person shall in declaring the LPG at any Border Post in Lesotho do so on a form provided for that purpose by a government officer stationed at the Border Post.

Person qualified to apply

4. An officer responsible for the issue of licences at the Ministry of Trade and Industry may, upon an application made to him in such form and upon payment of such a fee as the Minister of Trade and Industry may determine, issue a licence only if the person applying is —

- (a) a registered wholesaler or an agent of a foreign wholesaler of LPG; and
- (b) issued with a letter of approval from the Department of Energy.

Letter of approval

5. (1) An officer responsible for the issue of the letter of approval may issue that letter if —

- (a) having inspected the proposed dealership site he is satisfied with the structural standards concerning the trade; and
- (b) he is satisfied that the applicant or his employee having received sufficient training on "properties of LPG" from a wholesaler is fully conversant with the potential dangers involved in the handling of or dealing with LPG.

(2) A person seeking the letter of approval shall produce, before the officer responsible for the issue of that letter, a certificate to the effect that he has received training from the wholesaler on "properties of LPG".

Restriction on removal of cylinders from Lesotho

6. (1) A wholesaler or dealer shall not remove, from Lesotho, LPG cylinder bearing the brand name of another wholesaler or dealer.

(2) A wholesaler or dealer may only remove, from Lesotho for filling or safety checks, a LPG cylinder bearing his brand name.

Duties of a wholesaler or dealer

7. Without prejudice to the generality of an employer's duties under section 93 of the Labour Code Order 1992, a wholesaler or dealer shall —

- (a) provide necessary information, instructions, training and supervision to his employees to ensure the health and safety at work of his employees and customers;

- (b) ensure that his employee is conversant with —
 - (i) the dangers and risks involved in the handling of LPG;
 - (ii) an article or substance which the employee has to process, use, handle, store or transport;
 - (iii) plant or machinery which the employer uses; or
 - (iv) the precautionary measures required in order to avoid harm or danger from occurring.
- (c) ensure that —
 - (i) the premises within which LPG is sold are kept clean and in a very good state of repair;
 - (ii) the floors and stairways are kept clear of any obstacles, clean and in good state of repair;
 - (iii) storage area is kept clean and free from accumulation of waste or combustible matter;
 - (iv) any source of ignition is kept safe or removed; and
 - (v) gangways are wide enough to permit easy access and handling of equipment and cylinders; and
 - (vi) warning and safety notices and signs are conspicuously displayed and the location of equipment is conspicuously marked within the premises.
- (d) maintain adequate ventilation as the Department of Energy may specify;
- (e) follow good stacking, storage and loading practices as the Department of Energy may specify;
- (f) provide within the premises waste bins and ensure that they are cleaned on a regular basis;
- (g) install adequate number of fire extinguishers and equipment within the premises at a place to be specified and approved by the Department of Energy.

Duties of employees

8. Without prejudice to the generality of an employee's duties under section 94 of the Labour Code Order, an employee of a wholesaler or dealer shall, while at work —

- (a) obey safety precautions provided by the wholesaler or dealer under regulation 6;
- (b) carry out a lawful order issued to him by the wholesaler or dealer;
- (c) report any potential risk or danger forthwith to the wholesaler or dealer; and
- (d) notwithstanding paragraph 94(e) of the Labour Code Order not smoke or use an open flame.

Supervision

9. (1) A wholesaler or dealer shall, in writing —
- (a) designate a responsible person to —
 - (i) supervise all work involving the handling of LPG;
 - (ii) ensure that the employees comply with the safety measures provided under these regulations; and
 - (iii) generally promote the safety conduct at work; and
 - (b) state the duties and responsibilities of the designated person.
- (2) The designated person shall having read and understood his duties and responsibilities accept, in writing, the duties and responsibilities.
- (3) The wholesaler or dealer shall in designating the person do so in accordance with a format as the Department of Energy may prescribe.
- (4) The duties and responsibilities of the designated person do not in any way absolve the wholesaler or dealer of his duties and responsibilities under these regulations.

Display and communication of safety information

10. (1) A wholesaler or dealer shall conspicuously display and make available on the premises, information explaining the basic safety measures to customers.
- (2) A wholesaler, dealer or his employee shall upon selling LPG to a customer explain to the customer how the cylinder should be connected to any LPG appliance.

First aid

11. (1) A wholesaler or dealer shall have, within the premises, a first aid kit which shall be made available to his employees for the treatment of injured persons in the case of a danger or harm occurring on the premises, and he shall keep it at a conspicuously marked place.
- (2) Where more than ten persons are employed on the premises the first aid kit shall be kept in charge of the person trained as a first aider.

Display of safe work procedure

12. (1) The manager or any other person in charge of a plant where LPG cylinders are filled up shall, within the premises, conspicuously display safe work procedures on the following —
- (a) container compliance inspection;
 - (b) gas filling requirements;
 - (c) fire prevention requirements;
 - (d) stacking and storage requirements;
 - (e) emergency action plan; and

- (f) cylinder stickers to be used on filled, empty and faulty cylinders.
- (2) A wholesaler or dealer shall, within the premises where LPG is sold conspicuously display safe work procedures on the following —
 - (a) fire prevention requirements;
 - (b) stacking and storage requirements; and
 - (c) cylinder stickers for filled, empty and faulty cylinder.

Authority to fill up a cylinder

- 13. (1) No person shall fill a LPG cylinder unless the person is trained to do so and has obtained, from a wholesaler of LPG, a certificate in "cylinder filling procedure".
- (2) A wholesaler of LPG shall not fill, with LPG, a LPG cylinder belonging to another wholesaler unless the wholesaler has obtained a written permission to do so from the other wholesaler.

Weighing Scale

- 14. (1) A dealer shall have, within the premises where LPG is sold, a calibrated weighing scale to be used for weighing a filled LPG cylinder upon it being purchased by a customer.
- (2) A dealer or his employee shall weigh a filled LPG cylinder in the presence of the customer.

Records

- 15. A wholesaler or dealer shall keep and make available to the Department of Energy records relating to the LPG business as the Department of Energy may, in writing, specify.

Penalties

- 16. (1) A person who contravenes regulation 3 commits an offence and is liable on conviction to a fine not exceeding M10,000 or imprisonment for a period not exceeding five years or both.
- (2) A wholesaler or dealer who contravenes regulations 6, 7, 8, 9, 10, 11, 13, 14 commits an offence and is liable on conviction to a fine not exceeding M20,000 or closure of his business and cancellation of his licence or both.
- (3) An employee who contravenes regulation 7, or a person who contravenes regulation 12(1) commits an offence and is liable on conviction to a fine of M600.00 or imprisonment for three months or both.
- (4) A wholesaler or dealer of LPG who contravenes regulation 12(2) commits an offence and is liable on conviction to a fine not exceeding M20,000 or imprisonment for a period not exceeding ten years or both.
- (5) LPG imported into Lesotho contrary to regulation 3 shall be con-

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fiscated in accordance with section 8 of the Fuel and Services Control Act 1983.

Transitional

16. LPG dealership licences obtained before the coming into operation of these regulations shall continue to be valid for 90 days from the date of the coming into operation of these regulations.

DATED: 4/8/97

S. R. Mokhehe,
Minister of Natural Resources.

NOTE

1. Act No. 23 of 1983 as amended by Order No. 18 of 1988
2. Order No. 29 of 1992