

**AUTHORISATION**

**TO**

**RETAIL PORTABLE CYLINDERS**

**FILLED WITH LPG, INCLUDING**

**RETAIL FROM A FIXED POINT OF**

**SALE.**

Malta Resources Authority  
Millennia 2<sup>nd</sup> Floor  
Aldo Moro Road  
Marsa  
LQA 06  
Malta  
Tel: 21220 619  
Fax: 22955 200  
E-mail: [enquiry@mra.org.mt](mailto:enquiry@mra.org.mt)

**Authorisation to carry out the activity of a  
LPG Distributor**

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**Authorisation Number:**

Authorisation granted by the Malta Resources Authority under the 'LPG Market Regulations, 2008', LN 249 of 2008 to carry out the retail activity of portable cylinders filled with LPG including retail from a fixed point of sale;

\_\_\_\_\_, holder of Identity Card Number \_\_\_\_\_, and residing at \_\_\_\_\_ (hereunder known as the authorised person) is being granted an authorisation, on behalf of \_\_\_\_\_ to carry out the retail activity of portable cylinders filled with LPG including retail from a fixed point of sale;  
I.

The authorisation holder is authorised to distribute either using the vehicle/s listed in the application to this authorisation or from the authorised fixed point of sale sites listed in the application, unless there is so written in the special conditions of licence

Authorisation is being granted under the attached conditions for the time span declared hereunder. However, the authorisation fee shall be payable annually as prescribed in regulation 8 of the aforesaid Regulations. The Authority reserves the right to amend, modify, replace add or delete the conditions of the authorisation as prescribed in regulation 12 of the aforesaid Regulations.

This license does not cover any changes in operation or infrastructure that are not approved by the Authority prior to their coming effect or service.

**Fees paid for this Authorisation: € 24.00**

**Authorisation Validity: XXXX 2009 to 31<sup>st</sup> December 20XX**

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**for Malta Resources Authority**

## **STANDARD CONDITIONS OF AUTHORISATION**

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## 1. Definitions

1.1 In this authorisation and for the purpose of these conditions (except in so far as the context otherwise requires) the following expressions shall have the meanings respectively assigned to them. The definitions of any other terms used in this authorisation are the same as those in 'LPG Market Regulations, 2008', (Legal Notice 249 of 2008).

1.1.1 **ADT** means "L-Awtorita dwar it-Transport" established under the Malta Transport Authority Act (Cap. 332).

1.1.2 **ADR** means the "UNECE Agreement Concerning the International Carriage of Dangerous Goods by Road". Subsidiary legislation 'Motor Vehicle (Carriage of Dangerous Goods by Road) Regulations', (LN 211 of 2003) requires compliance with the ADR for both the National and International carriage of dangerous goods.

## **2. LIMITATIONS, VARIATIONS AND AMENDMENTS**

### **2.1 LIMITATIONS**

Nothing in this authorisation or the conditions attached thereto should be construed as, and/or should in any way be understood and, or be deemed to exonerate the holder and/or any other person or persons from being obliged to observe, comply with or carry out any requirement or comply with a provision of any law or subsidiary legislation or any other legal requirement for the time being in force.

### **2.2 VARIATIONS AND AMENDMENTS**

Any special condition, exemption or variation shall be read together with, and construed as being part of these conditions, unless otherwise specified.

Any general condition in Part 3 or special condition in Part 4 of this authorisation may be amended or varied, or new general and special conditions added, at the discretion of the Malta Resources Authority, according to applicable laws and regulations, giving where practicable due notice to the authorised provider

The authorised provider shall however be notified of the intended amendments and consulted by the Malta Resources Authority prior to any such amendment or variation being put into effect.

2.3 The Malta Resources Authority may oblige the authorised person to meet the following requirements where appropriate -:

- (a) compliance by the holder with all other relevant permits and authorisations, however so described, issued by any other public authority;
- (b) the safeguarding of safety conditions at the authorised facility and/ or vehicle;
- (c) fitness and propriety of the authorised provider;
- (d) protection of the health and safety of employees and third parties that could be involved in the operations related to this authorisation;
- (e) protection of the environment;
- (f) compliance with relevant laws and regulations;
- (g) continued maintenance of adequate standards in the authorised facility with regard to safety, health, security, hazardous substances and the environment.

### **3. GENERAL CONDITIONS**

- 3.1 The authorised person shall comply with the requirements of the 'LPG Market Regulations, 2008' (Legal Notice 249 of 2008) and other applicable legislation/regulation in force at the time.
- 3.2 The authorised person is not authorised to retail LPG in Bulk through this authorisation.
- 3.3 Special authorisation conditions may be attached to this authorisation upon its granting and subsequent to that time thereof. The continuing validity of this authorisation shall be subject to adherence to such special authorisation conditions.
- 3.4 The authorised person and all persons employed by him shall act in accordance with, and observe the conditions attached to the authorisation.
- 3.5 This authorisation, including the granting form duly issued by the Authority and any special authorisation conditions issued shall be produced to an official of the Authority upon demand.
- 3.6 The authorised person shall take all reasonably practicable steps necessary to prevent any unauthorised persons having access to the LPG vehicle and its auxiliary equipment or the LPG cylinders storage site
- 3.7 It is not permitted to carry any passengers, unconnected with the distribution operation, on the vehicle.
- 3.8 The authorised person shall take all reasonably practical steps to protect the environment in the course of operations associated with this authorisation.
- 3.9 Operations associated with this authorisation must comply with the guidelines issued by the Authority from time to time. The Authority reserves the right to amend, vary, add or remove conditions, whether general or special, attached to this authorisation in terms of regulation 12 of the 'LPG Market Regulations, 2008' (Legal Notice 0249 of 2008). The authorised person undertakes to accept directions in the form of letters from the Authority, intended to explain or amplify the conditions attached to this authorisation or otherwise improve the general conduct of activities regulated by this authorisation.
- 3.10 The Authority can require the authorised person to provide mandatory services to the specific authorised facilities , against payment.
- 3.11 The authorised person shall accept at all reasonable times inspections carried out by officers of the Authority or persons on its behalf for the purposes of ascertaining operational standards and the condition of the overnight parking station.

- 3.12 The authorised person must provide assistance and facilitate the working of the Authorities in so far as the carrying out of their duties in accordance with legislation and relevant to the authorisation concerned.
- 3.13 Operations associated with this authorisation must comply with the guidelines issued by the Authority from time to time. The Authority reserves the right to amend, vary, add or remove conditions, whether general or special, attached to this authorisation in terms of regulation 12 of the 'LPG Market Regulations, 2008' (Legal Notice 249 of 2008). The authorised person undertakes to accept directions in the form of letters from the Authority, intended to explain or amplify the conditions attached to this authorisation or otherwise improve the general conduct of activities regulated by this authorisation

#### **Transport and Retailing of LPG**

- 3.14 The authorised person is authorised to distribute and retail LPG cylinders using an appropriate vehicle and / or from an authorised 'fixed point of sale'.
- 3.15 The authorised person is the only person authorised to carry LPG cylinders, unless it is specified differently in the Special conditions of licence.
- 3.16 Whilst retailing the authorised person shall only load LPG cylinders into vehicles in a manner not to place in danger the passengers of the vehicle. The authorised person authorised to retail LPG from a fixed point to sale is obliged to display in a prominent manner instruction to persons carrying away cylinder by a personal vehicle on the manner the LPG cylinder is to be safely carried.

#### **LPG Cylinder Distributor Vehicles**

- 3.17 The LPG cylinder distributor vehicle/s is/are to display an orange plate and hazard placard as indicated in the 'Motor Vehicle (Carriage of Dangerous Goods by Road) Regulations, 2003'.
- 3.18 The LPG distributor vehicle/s is/are to be equipped with:
- (i) written procedures for normal and emergency procedures as approved by the Authority;
  - (ii) fire-fighting equipment as per requirements of the ADR;
  - (iii) one wheel chock suited to the weight of the vehicle and the diameter of the wheels;
  - (iv) suitable warning vest/clothing for each member of the crew;
  - (v) pocket lamp;

- (vi) special protection and special actions equipment as listed in the in the ADR instructions in writing for the driver (Tremcard); and
- (vii) two self-standing warning signs (e.g. reflective cones or flashing amber lights which are independent of the electrical equipment of the LPG distributor vehicle).

### **Driver of the LPG cylinder distributor vehicle**

- 3.19 The driver and helper boarding the LPG cylinder distributor vehicle/s is/are to be in possession of an ADR Vocational Driver Training Certificate for drivers of vehicles carrying dangerous goods or as may be authorised by that authority.
- 3.20 The driver and helper on board the LPG cylinder distributor vehicle/s shall take all practicable steps necessary to prevent:
- a) accident by fire or explosion;
  - b) the escape of LPG;
  - c) any LPG entering any drain, sewer or waterway or public road;
  - d) any naked light, fire, flame or any other source liable to ignite flammable vapour occurring or present within a hazardous area; and
  - e) smoking taking place in any hazardous area close to the LPG cylinder distributor vehicle where LPG is stored.

### **Over-Night Parking of the LPG cylinder distributor vehicle/s**

- 3.21 LPG cylinder distributor vehicle/s must be parked in an open space. The area where the LPG cylinder distributor vehicle/s is parked is to be clean and free of any combustible material or any other hazardous material, according to the guidelines established by the Authority.

### **Maintenance of the LPG cylinder distributor vehicle.**

- 3.22 The LPG cylinder distributor vehicle/s shall be maintained in such a condition that safety-related features remain in place and function effectively.

### **Fixed Point of Sale – Storage Location**

- 3.23 The separation distance between the LPG cylinder storage location in an authorised facility and another premises housing vulnerable populations e.g. schools, residential homes for the elderly or hospitals is not to be less than 12 meters, or, the distance established in any other guidelines or codes of practice which may be issued by the Authority, whichever of these is the greatest.

3.24 The storage facility and its operation must comply with the guidelines issued by the Authority.

#### **Fixed Point of Sale – Material Alteration**

3.25 Any material alteration to the authorised facility shall follow the procedure prescribed in regulation 16 of the 'LPG Fuel Market Regulations', (Legal Notice 249 of 2008).

#### **Fixed Point of Sale - Security**

3.26 It is the responsibility of the authorised person to make sure that all practicable steps necessary to prevent fires, explosions, leaks and spills at the authorised facility are taken.

3.27 In this regard, the authorised person shall take all practicable steps necessary to prevent:

- a) any fire or explosion;
- b) the escape of LPG;
- c) any LPG entering any drain, sewer or public road;
- d) any naked light, fire, flame or any other source conducive to the ignition of flammable vapour occurring or present within a hazardous area; and
- e) smoking taking place in any hazardous area where LPG is stored.

3.28 No electric light, electrical apparatus or appliance likely to ignite surrounding flammable vapour shall be used in any hazardous area where LPG is stored unless the apparatus is specifically designed for explosive atmospheres.

3.29 Adequate and efficient fire-fighting equipment together with means for summoning the Fire Brigade, shall be provided at all times by the authorised person. The equipment shall be maintained in good condition and be capable of efficient operation at all times and in all weather conditions.

#### **Fixed Point of Sale – Emergency Procedures**

- 3.30 The authorised person shall make available to persons working at the authorised facility, written procedures for normal operating and emergency procedures as approved by the Authority. All operational and emergency procedures shall be reviewed regularly by the authorised person. They shall be amended to take into account any changes in local circumstances, any alterations or modifications to the plant or equipment at the authorised facility and as a result of any practical experience gained from suspected or actual leaks, spills or other incidents.
- 3.31 All storage areas containing LPG cylinders have to be clearly marked as storing flammable and hazardous goods. The capacity of the storage area, and the date of last inspection must also be exhibited near the storage area in white lettering on a black background.

#### **Fixed Point of Sale - Notification Requirements**

- 3.32 The authorised person shall immediately notify the Department of Civil Protection the details of any fire, explosion, any actual or suspected leak or loss of LPG on the authorised facility, or other significant incident, which could be reasonably judged to be detrimental to the safe operation of the authorised facility.

#### **Fixed Point of Sale - Inspection, testing and certification by a competent person**

- 3.33 When applying for the granting or renewal of an authorisation to operate a fixed point of sale facility the authorised person must commission a competent person to check and certify that the storage facility complies with existing legislative requirements and approved codes of practice

#### **Customer Complaints**

- 3.34 The authorised person, if not operating under a service contract with another authorised operator, shall maintain a customer complaint register and proceedings, in a form approved by the Authority, which shall be made available for examination by an inspector upon demand.

#### **Records & Supply of Data**

- 3.35 The authorised person must maintain proper books of accounts supported by adequate and comprehensive records, which should be in accordance with guidelines that may be issued from time to time by the Authority.
- 3.36 The authorised person shall maintain in a form acceptable to the Authority and produce to an inspector upon request, a record documenting the daily records and accounts of all receipts and issues of LPG cylinders in such form as the Authority may from time to time prescribe.
- 3.37 Within the 15<sup>th</sup> working day of each month the authorised person, if not operating under a service contract with another authorised operator, must submit in written form to the Authority a list covering the total amount of LPG cylinders handled during the preceding month. The list shall cover:
- (i) LPG cylinders bought or supplied from each authorised importer and, or wholesaler; and
  - (ii) all LPG sales, divided into:
    - residential premises;
    - commercial & institutional premises; and
    - industrial premises by type:- food sector, manufacturing, textiles, and construction industries.

### **Insurance**

- 3.38 The authorised person shall insure and keep insured throughout the duration of the authorisation the authorised premises and/or vehicle against loss or damage, including malicious damage resulting from fire and/or explosion, to third parties and third party property surrounding the authorised premises.

### **Transfer of Authorisation**

- 3.39 Authorisations shall be transferable:
- Provided that whenever an authorised person desires to transfer his license he shall follow the procedure prescribed in regulation 20 of the 'LPG Market Regulations, 2008', (Legal Notice 249 of 2008).
- 3.40 The Authority shall treat an application for the transfer of a license as a new application in terms of Schedule 1 of the 'LPG Market Regulations, 2008', (Legal Notice 249 of 2008).

**4. Special conditions of authorisation**

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**Declaration**

I \_\_\_\_\_ of \_\_\_\_\_  
accept this authorisation with its conditions.

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I.D. No.: \*\*\*\*\*

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