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FIRE SAFETY ACT 1993

**FIRE SAFETY
(PETROLEUM AND FLAMMABLE MATERIALS)
(AMENDMENT) REGULATIONS 2023**

In exercise of the powers conferred by section 113 of the Fire Safety Act 1993, the Minister for Home Affairs makes the following Regulations:

Citation and commencement

1.—(1) These Regulations are the Fire Safety (Petroleum and Flammable Materials) (Amendment) Regulations 2023 and, except for regulation 16, come into operation on 21 August 2023.

(2) Regulation 16 is deemed to have come into operation on 31 December 2021.

Amendment of regulation 2

2. In the Fire Safety (Petroleum and Flammable Materials) Regulations (Rg 7) (called in these Regulations the principal Regulations), in regulation 2(1), after the definition of “restaurant”, insert —

““Schedule 1 chemical” means a flammable material listed in Part 1 of the Fourth Schedule;

“Schedule 2 chemical” means a flammable material listed in Part 2 of the Fourth Schedule;

“Schedule 3 chemical” means a flammable material listed in Part 3 of the Fourth Schedule;

“scheduled chemical” means a Schedule 1 chemical, Schedule 2 chemical or Schedule 3 chemical;”.

Replacement of regulation 15

3. In the principal Regulations, replace regulation 15 with —
“Import of petroleum and flammable materials requiring licence

15.—(1) The import by sea or air of any class of petroleum or any flammable material requires a licence to import.

(2) Subject to paragraph (3), the import by land of any class of petroleum or any flammable material in excess of the respective quantities specified in the Second Schedule requires a licence to import.

(3) The import by land of any scheduled chemical, regardless of quantity, requires a licence to import.”.

Amendment of regulation 16

4. In the principal Regulations, in regulation 16 —
- (a) replace “Every” with “Subject to paragraph (2), every”;
 - (b) renumber the regulation as paragraph (1) of that regulation; and
 - (c) after paragraph (1), insert —
“**(2) Every container, tank, freight container or road tanker to be used to import any scheduled chemical, regardless of quantity, must be designed, constructed, maintained and labelled in accordance with an accepted code of practice specified by the Commissioner.**”.

Amendment of regulation 26

5. In the principal Regulations, in regulation 26(2) —
- (a) in sub-paragraph (b), delete “and” at the end;
 - (b) in sub-paragraph (c), replace the full-stop at the end with a semi-colon; and
 - (c) after sub-paragraph (c), insert —

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- “(d) the maintenance at all times of appropriate security measures to prevent any loss or theft of any petroleum or flammable material from the licensed premises;
 - (e) the maintenance of registers of persons authorised to access scheduled chemicals; and
 - (f) the recording of the movement of scheduled chemicals into and out of the licensed premises.”.

Amendment of heading of Part V

6. In the principal Regulations, in Part V, in the Part heading, replace “DISPENSING” with “SUPPLY”.

Amendment of regulation 29

7. In the principal Regulations, in regulation 29, replace paragraph (1) with —

“(1) The holder of a storage licence for any licensed premises, or a licence to transport any petroleum or flammable material or both as a carrier, supplier or dealer, must not sell or supply, or cause to be sold or supplied —

(a) any class of petroleum or flammable material, other than a scheduled chemical, exceeding the amounts specified in the Second Schedule; or

(b) any quantity of a scheduled chemical,

unless the holder of the storage licence or licence to transport (as the case may be) has checked and is satisfied that the purchaser or recipient is the holder of a valid licence to store or keep, or to transport, the petroleum or flammable material or both.”.

Amendment of regulation 29F

8. In the principal Regulations, in regulation 29F(2) —

(a) in sub-paragraph (b), delete “and” at the end;

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- (b) in sub-paragraph (c), replace the full-stop at the end with “; and”; and
- (c) after sub-paragraph (c), insert —
- “(d) the maintenance at all times of appropriate security measures to prevent any loss or theft of a scheduled chemical from the licensed pipeline.”.

Amendment of regulation 30

9. In the principal Regulations, in regulation 30 —
- (a) replace “The” with “Subject to paragraph (2), the”;
- (b) renumber the regulation as paragraph (1) of that regulation; and
- (c) after paragraph (1), insert —
- “(2) The transport by land in a vehicle of the following, regardless of quantity, requires a licence to transport:
- (a) mixed classes of petroleum;
- (b) different types of flammable materials;
- (c) any Schedule 1 chemical.”.

New regulation 33A

10. In the principal Regulations, after regulation 33, insert —
- “Obligations of person licensed to transport scheduled chemicals**
- 33A.—**(1) Without limiting the regulations in this Part —
- (a) a person licensed to transport a scheduled chemical must at all times comply with any measures directed by the Commissioner to prevent loss or theft of the scheduled chemical during its transport; and
- (b) a person licensed to transport a Schedule 1 chemical must provide armed escorts, whether in the same

vehicle or in a convoy, when transporting that chemical.

(2) A person licensed to transport a Schedule 1 chemical must not at any one time transport more than 100 mg of that chemical.”.

Replacement of regulation 34

11. In the principal Regulations, replace regulation 34 with —

“Maximum laden weight of vehicle transporting petroleum or flammable materials

34. The holder of a licence to transport petroleum or a flammable material or both must ensure that —

- (a) the laden weight of any vehicle transporting the petroleum or flammable material or both, in packages or in bulk, does not exceed the maximum laden weight of the vehicle as approved by the Registrar of Vehicles; and
- (b) the petroleum or flammable material transported by the vehicle does not exceed the following quantities, as the case may be:
 - (i) 18 kilolitres water capacity in the case of transportation of Class O petroleum in bulk;
 - (ii) 28.4 kilolitres water capacity in the case of transportation of Class I petroleum, Class II petroleum or Class III petroleum or any liquid flammable material, other than a Schedule 1 chemical, in bulk.”.

Amendment of regulation 55

12. In the principal Regulations, in regulation 55 —

(a) replace paragraph (1) with —

“(1) In the event of any loss, theft, fire, explosion, leakage, accident or accidental discharge of any petroleum and flammable material —

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- (a) at any licensed premises;
 - (b) at or from any licensed pipeline; or
 - (c) in any vehicle used to transport petroleum and flammable materials,

the relevant licensee must immediately, either personally or acting through the licensee's agent or employee —

- (d) take adequate and effective actions and mitigating measures to control and contain the leakage or discharge of petroleum or flammable material; and
 - (e) inform the Commissioner of the incident.”;
- and

(b) replace paragraphs (4) and (5) with —

“(4) If any tank, pipeline or vehicle used for the storage, conveyance or transport of any petroleum or flammable material is involved in any of the incidents specified in paragraph (1), the licensee must —

- (a) subject that tank, pipeline or vehicle to any certification test that the Commissioner may specify; and
- (b) submit the results of the certification test to the Commissioner.

(5) The licensee must not use any tank, pipeline or vehicle which was involved in any incident specified in paragraph (1) to store, convey or transport any petroleum or flammable material unless the Commissioner's written permission has been obtained for that tank, pipeline or vehicle to be so used.”.

Amendment of Second Schedule

13. In the principal Regulations, in the Second Schedule —
- (a) replace the Schedule reference with —
 “Regulations 15(2), 16(1), 29(1)(a) and 30(1)”;
 - (b) in Part I, delete item 2;
 - (c) in Part II, in item 1, replace “or transport in a vehicle” with
 “of flammable material, other than a scheduled chemical,
 or transport in a vehicle of flammable material, other than a
 Schedule 1 chemical,”; and
 - (d) in Part II, delete item 2.

Amendment of Fourth Schedule

14. In the principal Regulations, in the Fourth Schedule —
- (a) replace the Schedule reference with —
 “Regulation 2(1) and (3)(b)”; and
 - (b) below the Schedule heading, replace “S/N” and
 “*Flammable Materials*” with —
 “PART 1
 Schedule 1 chemicals
 1. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr
 or i-Pr) phosphoramidocyanidates
 e.g. Tabun: O-Ethyl N,N-dimethyl
 phosphoramidocyanidate
 2. Sulfur mustards:
 (a) 2-Chloroethylchloromethylsulfide
 (b) Mustard gas: Bis(2-chloroethyl)sulfide
 (c) Bis(2-chloroethylthio)methane
 (d) Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane
 (e) 1,3-Bis(2-chloroethylthio)-n-propane
 (f) 1,4-Bis(2-chloroethylthio)-n-butane

- (g) 1,5-Bis(2-chloroethylthio)-n-pentane
- (h) Bis(2-chloroethylthiomethyl)ether
- (i) O-Mustard: Bis(2-chloroethylthioethyl)ether

PART 2

Schedule 2 chemicals

1. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides [excluding a mixture containing not more than 30% by weight of N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalide]
2. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts
Excluding:
 - (a) N,N-Dimethylaminoethanol and corresponding protonated salts
 - (b) N,N-Diethylaminoethanol and corresponding protonated salts
 - (c) any mixture containing not more than 30% by weight of —
 - (i) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ol;
 - (ii) any corresponding protonated salt; or
 - (iii) both combined.
3. Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol

PART 3

Schedule 3 chemicals

1. Dimethyl phosphite [excluding a mixture containing not more than 30% by weight of dimethyl phosphite]
2. Ethyldiethanolamine [excluding a mixture containing not more than 30% by weight of ethyldiethanolamine]
3. Methyl diethanolamine [excluding a mixture containing not more than 30% by weight of methyl diethanolamine]
4. Sulfur dichloride [excluding a mixture containing not more than 30% by weight of sulfur dichloride]

5. Sulfur monochloride [excluding a mixture containing not more than 30% by weight of sulfur monochloride]
6. Triethyl phosphite
7. Trimethyl phosphite

PART 4

Other flammable materials".

Amendment of Fifth Schedule

15. In the principal Regulations, in the Fifth Schedule —

- (a) in item 1, in paragraph (b), replace “item 2” with “items 2 and 9”;
- (b) in items 2, 3, 4 and 7, after “flammable materials”, insert “, other than Schedule 1 chemicals,”;
- (c) after item 8, insert —
 - “9. Transport of Schedule 1 chemicals 9 a.m. to 5 p.m.”; and

(d) renumber the existing item 9 as item 10.

Miscellaneous amendments

16. In the principal Regulations —

- (a) in regulation 2(1), in the definition of “factory”, replace “(Cap. 354A)” with “2006”;
- (b) in regulation 2(1), in the definition of “hazardous material”, replace “(Cap. 276, R 23)” with “(R 23)”;
- (c) in regulation 2(1), in the definition of “licence”, replace “Part VI” with “Part 6”;
- (d) in regulation 2(1), in the definition of “professional engineer”, replace “(Cap. 253)” with “1991”;
- (e) in regulation 4(3)(a), replace “(Cap. 29)” with “1989”;
- (f) in regulation 5(3)(a), replace “(Cap. 276)” with “1961”;
and

(g) in regulation 25(1), replace “section 22(4)(a)” with “section 38(4)(a)”.

[G.N. Nos. S 546/2013; S 552/2013; S 188/2014; S 329/2015; S 186/2018; S 780/2020; S 541/2022]

Made on 14 February 2023.

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