

## Act relating to the Prevention of Fire, Explosion and Accidents involving Hazardous Substances and the Fire Services

The English text of this act is now available. Please observe that legislation in the Norwegian language is that which is legally binding. Unofficial translations must be regarded as a supplementary help only.

Act No. 20 of 14 June 2002 relating to the Prevention of Fire, Explosion and Accidents involving Hazardous Substances and the Fire Services' Duties connected with Rescue Operations (Fire and Explosion Prevention Act)

### Chapter 1. Introductory Provisions

#### § 1. Purpose

The purpose of this Act is to safeguard human life, health, the environment and material values against fire and explosion, against accidents involving hazardous substances and dangerous goods and other acute accident situations.

#### § 2. Scope

The Act applies to general obligations to prevent fire and explosion and also to the central and local levels of organizing and the performance of fire and explosion prevention work.

The Act also applies to duties regarding accident and damage prevention in connection with the handling of hazardous substances and the transport of dangerous goods on land, as well as to duties regarding preparedness and response measures and efforts in cases of acute accidents where the Fire Service is required to respond.

The King may lay down regulations for the Defence Establishment which deviate from the provisions in this Act if the need so arises.

#### § 3. Geographical application

The Act applies to Svalbard, Jan Mayen and the dependencies to the extent and with the local adaptations which the King may decide.

This Act does not apply to activity which goes on in sea areas in connection with exploration of, extraction and exploitation of natural deposits on the sea bed or in its subsurface in inner Norwegian waters, Norwegian territorial waters and that part of the continental shelf which is under Norwegian sovereignty.

The King may decide to which degree this Act shall apply to Norwegian ships and mobile installations.

#### § 4. Definitions

- a) "Construction" means buildings, structures and installations.
- b) "Dangerous goods" means goods further defined in the current, appropriate United Nations recommendations regarding the transport of dangerous goods.
- c) "Hazardous substance" in this Act defines:

- Flammable substance: solid, liquid or gaseous substance, substance compound and also substance which occurs in combinations of such states by virtue of its own flash point, contact with other substances, pressure, temperature or other chemical properties which represent danger of fire.
- Explosive substance: solid, liquid or gaseous substance, substance compound and also substance which occurs in combinations of such states which by virtue of its own properties can easily cause explosion through impact, friction, or by contact with sources of ignition or other substances.
- Prepressurized substance: other solid, liquid or gaseous substance or substance compound than flammable and explosive substance which is under pressure, and which thereby may represent a danger by loss of containment.

d) "Handling" in this Act means each and every activity involving hazardous substance such as manufacturing, storage, treatment, transport, loading, unloading, trade, commerce, import, export, transfer, use and destruction.

e) "Product" in this Act defines

- Hazardous substance, or ready goods where such substance is a component and where the hazardous properties continue to be distinctive.
- Installations, equipment, devices, packaging and other which is utilized in the handling of the hazardous substances or in connection with the transport of dangerous goods

- Installations, equipment, devices or other which is intended for the detection, warning or combatting of fire, explosion or other damage.

f) "Enterprise" means each and every public and private company regardless of whether the company is established with a view to commercial gain or not.

g) "Major accident" means an occurrence which has an uncontrolled development and which immediately or later causes serious danger to humans, the environment or material values.

## **Chapter 2. General obligations**

### **§ 5. Each and every person's obligation to prevent and limit damages caused by fire, explosion and other accidents**

Each and every person is under obligation to exercise general care and attention and to conduct themselves in a manner which is conducive to the prevention of fire, explosion and other accidents.

Each and every person is under obligation to immediately alert those who are in danger in cases of fire, explosion and other acute accidents and if necessary notify the regional emergency alarm centre. The same applies when there is imminent danger of such an occurrence.

Each and every person who finds themselves in the near vicinity of fire, explosion or other acute accidents is under obligation to the best of their ability to do that which is possible to limit the consequences.

Each and every person is under obligation to participate in the Fire Service's rescue and fire extinguishing operation when the leader of the task force so demands, and is further under obligation to place the use of property, buildings, materials and any personnel at disposal. The individual's material assets may be impinged if this is considered necessary in order to carry out rescue operation or limit damage. The impingement of private property may, however, only be undertaken if this is considered necessary to safeguard human life or protect assets which are of greater value than those which may be lost or are in danger of being lost by the impingement.

The Ministry may lay down regulations concerning the individual's obligation to prevent and limit the damage effects of fire, explosion and other accidents.

### **§ 6. Preventive safety measures and maintenance**

The owner of constructions, sites, means of transport, production equipment, other installations or products is under obligation to ensure that necessary safety measures are taken to prevent and limit fire, explosion or other accidents.

The owner and user of constructions, sites, means of transport, production equipment, other installations or products is under obligation to maintain building structures, safety equipment and other safety measures in proper condition to prevent fire, explosion or other accidents occurring and also to ensure that these operate at all times according to their purpose.

After any fire, explosion or other accident the owner or user shall ensure that the property is guarded and other necessary safety measures are undertaken if the leader of the Fire Service so demands.

The Ministry may lay down regulations concerning owners' and users' obligations regarding reporting, safety measures, maintenance and guarding in accordance with this provision.

### **§ 7. Measures in connection with big assemblies**

The person responsible for big assemblies, exhibitions, performances, meetings and other such events shall send a notification to the local supervisory authority, in ample time before the assembly takes place, if the assembly shall be held inside a construction or on a site which is not normally used for this type of assembly.

On receipt of the notification, the municipality may request any information considered necessary to evaluate the risk of fire, and may stipulate necessary fire safety measures and restrictions, and may also place requirements on the responsible organizer.

The Municipal Council may lay down local bye-laws with more specific provisions concerning the obligation to notify.

### **§ 8. Systematic health, environment and safety work**

Enterprises are obliged to carry out systematic health, environment and safety work (internal control) to ensure that the requirements laid down in or in accordance with this Act are complied with. The supervisory authorities may decide that also others shall carry out systematic health, environment and safety work. It is necessary to provide documentation to the supervisory authorities which demonstrates that the Act, regulations and individual decisions are observed.

The Ministry may lay down regulations concerning systematic health, environment and safety work.

## **Chapter 3. The Local Municipal Authorities' obligations and authority**

### **§ 9. Establishment and operational management of the Fire Service**

The municipality is responsible for the establishing and operation of a Fire Service which can undertake preventive and emergency preparedness duties according to this Act in an efficient and safe manner.

The municipality shall carry out a risk and vulnerability analysis so that the Fire Service is best possibly adapted to discharge any duties which may arise.

The leader of the Fire Service and the other personnel shall have the qualifications necessary to enable them to attend to their duties in a proper manner.

Two or more municipalities may agree to have a common Fire Service or common leadership of the Fire Service. The municipality may, by agreement, outsource the Fire Service's duties and leadership wholly or partially to another municipal authority, enterprise or similar. In such cases, the municipality must establish arrangements which ensure that discharge of authority shall come under the formal responsibility of the municipality.

The Ministry may lay down regulations concerning the establishment and management of the Fire Service, and also matters concerning personnel qualifications.

### **§ 10. Documentation**

The municipality shall provide documentation demonstrating that the obligations in accordance with the first, second and third paragraphs in § 9 are fulfilled.

The documentation including the risk and vulnerability analysis and any possible agreements which are entered into in accordance with the fourth paragraph in § 9 shall be submitted to the central supervisory authority.

The Ministry may lay down regulations concerning the obligation to provide documentation.

### **§ 11. The duties of the Fire Service**

The Fire Service shall:

- a) carry out information and motivation activities in the municipality covering fire dangers, the dangers of fire, fire prevention measures and manner of behaviour should a fire or other acute accidents occur
- b) carry out fire preventive inspection and control
- c) carry out accident prevention duties in connection with the handling of hazardous substances and the transport of dangerous goods by road and rail
- d) perform more explicit prevention and emergency preparedness duties during times of war and crisis
- e) be a task force in case of fire
- f) be a task force in case of other acute accidents when this is decided in accordance with the municipalities' risk and vulnerability analysis
- g) render assistance upon request in case of fire and accidents in sea areas inside and outside the Norwegian territorial boundary
- h) ensure that chimney sweeping and inspection of heating plants is carried out

The local municipal authority may delegate other duties to the Fire Service providing that these do not impair their duties as described in the first paragraph.

The Ministry may lay down regulations concerning the duties of the Fire Service.

### **§ 12. Authority in situations of fire and other acute accidents**

The leader of the Fire Service

- a) is in command of fire fighting
- b) is in command at the site of other acute accidents until such time as this command is taken over by the police
- c) has the authority to keep law and order until the police arrives at the site of the accident
- d) may impinge property, buildings, materials and personnel pursuant to the fourth paragraph in § 5
- e) may order the owner or user of property which has been subjected to fire, explosion or other acute accident to secure guarding and take any other necessary safety measures

The provisions concerning the authority of the leader pursuant to the first paragraph apply correspondingly to the person who deputizes at the site of fire or other accident.

The Ministry may lay down regulations concerning the authority and duties of the leader of the Fire Service in case of fire, explosion and other accidents.

### **§ 13. Special fire objects**

The municipality shall identify and keep records of constructions, stores, sites, tunnels, enterprises etc. where fire may lead to the loss of many lives or cause great damage to health, the environment or material values.

The municipality shall see to that inspection and control of constructions, etc. mentioned in the first paragraph is carried out to ensure that these are adequately secured against fire. The inspection and control shall include all aspects of importance for fire safety including aspects relating to building practices and to arrangements regarding technical and organizational solutions and equipment, and to significant aspects regarding the performance of fire fighting and other rescue operations.

The municipality shall be able to document for the central supervisory authority how inspection and control of constructions, etc. as mentioned in the first paragraph where the municipality is owner or user is carried out, and how any orders issued have been followed up.

The Municipal Council may, by the issuance of local bye-laws or individual decisions, decide that inspection and control shall be carried out in buildings, etc. other than those which are covered by the first paragraph.

The Ministry may lay down regulations regarding inspection of special fire objects.

### **§ 14. Additional safety and emergency preparedness measures**

The municipality may order any fire preventive measures considered necessary in individual cases regarding any construction, store, site, tunnel, etc.

The central supervisory authority may order owners of any construction, store, site, tunnel, etc. which is considered to constitute an extraordinary risk within the municipality to establish their own fire- and rescue preparedness and response arrangement or finance and maintain the necessary upgrading of the local Fire Service.

The Ministry may lay down regulations regarding further safety and emergency preparedness measures pursuant to this provision.

### **§ 15. Mutual cooperation between municipalities**

The municipality shall enter into cooperative measures at local and regional levels in the areas of fire prevention and preparedness and response with the aim of optimizing the joint resources.

The Ministry may issue orders of enforced cooperation between two or more municipalities in order to implement requirements pursuant to or in accordance with this Act.

The Fire Service in each municipality is obliged to assist in the response to fires, explosions and other acute accidents in other municipalities at the request of the task force leader, to the extent possible without reducing the preparedness and response of their own municipality.

The Ministry may issue regulations regarding local and regional cooperative arrangements regarding solutions for fire-prevention measures and preparedness and response.

### **§ 16. Regional emergency alarm centres**

The central supervisory authority may order/instruct a municipality to establish an emergency alarm centre to receive calls concerning fires and other accidents within a specified region which may cover several

municipalities (inter-municipal). The municipalities which come under the defined region are obliged to link up to the emergency alarm centre and by agreement carry their share of the cost of establishing and operating the centre.

The emergency alarm centre shall be manned, equipped and operated in such a manner that it at all times meets requirements for the receipt and recording of emergency calls, the alarm relaying of personnel and for communication with the task forces and the person who has made the emergency call. The establishment and operation of such a centre shall be coordinated with the other emergency alarm exchange centres for ambulance (medical emergencies) and police.

The Ministry may issue regulations concerning the establishment and operation of emergency alarm centres for the receipt of calls concerning fires, explosions and other acute accidents including qualification requirements for the personnel.

#### **§ 17. Duty to serve in the Fire Service**

Under special circumstances the municipality may instruct each and every person of age living in the municipality to serve duty in the Fire Service if this is necessary to ensure that the Fire Service shall be able to carry out the duties pursuant to this Act.

The Ministry may lay down regulations regarding duty to serve in the Fire Service.

#### **§ 18. Police attestation**

Police attestation may be required both in circumstances of normal appointment and when duty to serve applies in the Fire Service. The same applies for personnel in enterprises which wholly or partially carry out the duties of the Fire Service.

### **Chapter 4. Enterprises' obligations**

#### **§ 19. Safety in enterprises**

Enterprises shall ensure that safety regarding fire, explosion, handling of hazardous substances and the transport of dangerous goods by road and rail is followed up in a proper manner. Safety considerations shall be integrated at all stages of the enterprise, including planning, establishment, operation and closure.

Enterprises shall make employees and others who carry out tasks in or on behalf of the enterprise aware of their obligation pursuant to § 25 in this Act. The enterprise shall supply training to ensure that all labour operation tasks are pursued in a safe manner both during normal operation and under irregular circumstances and operational conditions. The training shall also cover routines and precautionary rules in case of accidents.

The obligation to ensure that safety in the enterprise is attended to lies with the management.

#### **§ 20. Level of safety in enterprises which handle hazardous substances, etc.**

Enterprises are under obligation to ensure that all handling of hazardous substances and dangerous goods is undertaken in such a manner that human life, the environment and surroundings are satisfactorily secured. Risk shall be reduced to a level which may be reasonably achieved.

The level of safety as described in the first paragraph shall be established through technical and organizational measures, if necessary supplemented by land use limitations in areas surrounding the enterprise, and shall be documented for the central supervisory authority.

Land use limitations shall be determined in accordance with provisions of the Planning and Building Act. Advice shall be obtained from the central supervisory authority before the land use limitations are determined.

Costs involved in connection with the establishing of the land use limitations, including any possible costs due to expropriation, shall be borne by the enterprise.

The Ministry may lay down regulations regarding the levels and criteria for acceptable risk.

#### **§ 21. Obligation to establish preparedness and response arrangements**

Establishments which

- a) handle hazardous substances
- b) constitute a special fire or explosion risk, or
- c) transport dangerous goods by road or rail

and which are covered by the special criteria laid down in regulations, shall establish adequate preparedness and response arrangements which include appurtenant warning and response plans.

If the enterprise constitutes a major accident risk the central supervisory authority may decide that the preparedness and response arrangements pursuant to the first paragraph shall also cover the areas in the vicinity of the enterprise.

The preparedness and response arrangements shall be adapted to the size of risk, be coordinated with the public preparedness and response arrangements and be updated as necessary.

The Ministry may lay down regulations concerning demands for enterprises' own preparedness and response arrangements, including the education and training of personnel.

#### **§ 22. Obligation to report and follow-up**

Enterprises as mentioned under items "a" and "c" in the first paragraph of § 21 shall establish a system for the recording of accidents and incidents which could have lead to an accident. Such accidents and incidents shall be reported to the central supervisory authority.

The report shall contain an analysis of the cause of the accident or incident and give information on which measures the enterprise will implement to avoid similar occurrences in the future.

The Ministry may lay down regulations concerning requirements on recording and reporting pursuant to this provision, including procedures for reporting and requirements regarding the content of the report.

#### **§ 23. Special information obligations for enterprises with major accidents potential**

Enterprises as mentioned under item "a", first paragraph in § 21 and which constitute a risk of major accidents shall inform the public living in the near vicinity about the hazardous substances which are handled and the risk factors involved. Information shall also be issued about precautions to be taken should an accident with such substances occur. The information shall be issued in an easily understandable form and be regularly updated and repeated.

The Ministry may lay down regulations regarding enterprises' obligation to issue information.

#### **§ 24. Gathering opinions from the public in the vicinity of enterprises with major accidents potential**

During the planning of enterprises mentioned in item "a", first paragraph in § 21 and which constitute a risk of major accidents, such enterprises shall gather statements of opinion from the local public and take into consideration their comments regarding the siting and planned preparedness, response and safety measures.

Existing enterprises shall gather statements of opinion from the local public and take into consideration their comments if changes are planned which will have consequence for emergency preparedness, response and safety measures.

The Ministry may lay down regulations concerning the obligation to gather statements pursuant to this provision.

#### **§ 25. Employees' obligation to promote safety**

Employees shall carry out their work tasks in accordance with the safety provisions in acts, regulations and internal procedures in order to prevent fires, explosions and other accidents, and actively promote safety in the enterprise.

The Ministry may lay down regulations concerning employees obligations pursuant to this provision.

### **Chapter 5. Product requirements**

#### **§ 26. Suitable and safe products**

Products which are used in connection with the handling of hazardous substances and dangerous goods shall be constructed suitably for their purpose and be safe. They shall at all times be in such a condition that danger of fire, explosion and other accident does not occur. The installation shall be carried out professionally and safely.

Products which are used for the detection, warning or combatting of fire, explosion or other accidents shall be suitable and safely constructed and installed, and shall at all times be in such a condition that they operate as intended.

The Ministry may lay down regulations concerning requirements to products and requirements to the manufacturer, supplier, importer or distributor, including requirements regarding quality and approval of the substances which are covered by this Act, prohibition against or requirement to use such products.

#### **§ 27. Regulations regarding requirements for labelling, etc.**

The Ministry may lay down regulations regarding requirements for warning labelling and other labelling of products and dangerous goods, as well as safety data sheets and substance register.

### **Chapter 6. Fees, reimbursements and compensation, etc.**

#### **§ 28. Regulations regarding charges, fees, payment tariffs, etc.**

The Ministry may lay down regulations regarding charges, fees and payment tariffs to cover expenses incurred during the carrying out of the supervisory authorities' duties pursuant to this Act.

The Municipal Council may issue local bye-laws regarding fees for carrying out chimney-sweeping and the inspection of heating plants.

Charges and fees may be collected by distraint.

#### **§ 29. Compensation for participation in fire and rescue work, etc.**

The municipality shall make payment for

- a) compensation for injury to persons who have been ordered to participate in the fire services' obligatory fire and rescue work. Act No. 65 of 16 June 1989 concerning workers' compensation insurance applies correspondingly
- b) compensation for lost earnings during ordered participation in fire and rescue work
- c) compensation for damage to property or material values as a consequence of impingement or requisition pursuant to this Act
- d) compensation for impinged materials and equipment.

Owners of objects or property which has been subject to fire and rescue work, and others who have a special connection to the object cannot demand compensation as mentioned in the first paragraph.

The Ministry may lay down regulations concerning compensation pursuant to this provision.

#### **§ 30. Reimbursements and distribution of expenses**

A municipality which has received assistance from another municipal fire service shall cover the expense for the assistance rendered unless a special agreement has been reached.

If a fire, explosion or other accident covers two or more municipalities the expenses incurred shall be covered jointly by the municipalities.

The County Governor shall determine the reimbursement and the distribution of expenses between municipalities for any expenditure based upon this Act if the parties do not reach agreement.

The Ministry may decide the reimbursement and distribution of expenses if the municipalities are in different counties and the County Governors cannot reach an agreement.

### **Chapter 7. Supervision, enforcement and sanctions, etc.**

#### **§ 31. Central supervisory authority**

The King may decide who, at central level, shall carry out supervision to ensure that the provisions given in or pursuant to this Act are complied with.

The supervisory authority may, upon request from the municipality, assist the municipality in the carrying out of obligatory inspection and control pursuant to § 32.

The supervisory authority may allow other public authorities or private competent bodies to carry out the inspection and control on its behalf.

The King may decide that one supervisory authority shall coordinate public supervisory activities concerning health, environment and safety at large industrial development projects and at existing plants which are covered by this Act.

### **§ 32. Local supervisory authority**

The municipality shall carry out inspection and control in the areas which are described in this Act or in regulations laid down pursuant to this Act.

### **§ 33. The supervisory authorities' right to demand information**

Each and every person who is subject to supervision pursuant to this Act shall submit information which is considered to be necessary for the discharge of the supervisory activities regardless of professional secrecy, whenever the supervisory authority so demands.

The supervisory authority may decide the form in which the information shall be given.

Information as described in the first paragraph may also be demanded by other public authorities regardless of professional secrecy which is otherwise applicable. The obligation to give information is restricted to information which is considered necessary for the public authority to carry out its duties in accordance with this Act.

### **§ 34. The supervisory authorities' right to entry, etc.**

The supervisory authority shall at all times have unhindered access to each and every place and each and every installation and vehicle which the supervisory authority considers necessary in order to carry out supervisory activities in accordance with this Act. If necessary, the supervisory authority may request assistance from the police to obtain such access. The police and the inspection personnel from the Local County Road Administration may stop vehicles in connection with the inspection and control of dangerous goods.

Supervisory personnel must show identity in accordance with § 15 of the Public Administration Act and, if possible, contact a representative of the owner or user of the object subject to supervision, and when an enterprise is subject to supervision, a representative for the employer and the enterprise's main employees' safety delegate.

The owner, user, employer or representative for these has a right to, and may be ordered to be present during the inspection. The inspection personnel may decide that this right shall not apply during interview with employees or if such presence will pose a considerable disadvantage or if it puts the purpose of the inspection in danger.

### **§ 35. The supervisory authorities' right to obtain tests/samples**

The supervisory authorities' may demand that the owner, manufacturer, importer or distributor of a product shall present a representative sample of the product or initiate investigations as deemed necessary to evaluate the properties of, the effects of, or the suitability of the product. The same applies when it is necessary to ascertain whether a product shall be covered by this Act. The supervisory authorities may initiate such investigations or undertake necessary testing and control of the product.

The first paragraph applies correspondingly to the dispatcher, recipient or conveyor of dangerous goods.

Costs incurred shall be borne by the one to whom the demands for investigations, testing and control are directed. The Ministry may, however, decide that the costs be divided between several owners, manufacturers, importers or distributors, or that they shall wholly or partially be covered from public funds. Claims for reimbursement of costs incurred are grounds for enforcement of attachment of property.

### **§ 36. The supervisory authorities' obligation to submit a report following inspection and control**

The supervisory authority shall give a written report of the inspection and control to the person responsible for



the object of the inspection and control unless significant considerations dictate otherwise. Following inspection and control in an enterprise where there is legal requirement for employees safety delegates, the main employees safety delegate shall receive a copy of the report.

### **§ 37. Orders and prohibitions against use**

The supervisory authority may issue any orders and make any individual decisions considered necessary to carry out the provisions laid down in or pursuant to this Act. A time limit shall be decided within which the order shall be carried out.

If an order is not complied with within the time limit, the supervisory authority may wholly or partially stop the activity or wholly or partially forbid the use of the construction, site or product etc. concerned.

In cases of imminent danger, the supervisory authority may stop the activity or prohibit the use of the construction, site, product, etc. concerned without issuance of an order.

If necessary, the supervisory authority may request assistance from the police to ensure that the decision pursuant to the second and third paragraph is carried out.

### **§ 38. Withdrawal of a product, etc.**

If a product may lead to an unacceptable risk for fire, explosion or other accident or is in any way not complying with the demands in § 26, the supervisory authority may decide to withdraw the product from the consumer or distributor. Import, production, sale and trading may also be stopped. The supervisory authority may initiate such measures and demand that the costs incurred be borne by the one to whom the orders are directed.

### **§ 39. Coercive fine**

When ordered in accordance with this Act, a coercive periodical fine may be imposed on a daily, weekly or monthly basis to commence if the order has not been complied with within the specified time limit, and shall continue until the order has been carried out. A coercive fine may alternatively be imposed as a single payment fine. The central supervisory authority may waive decisions for coercive fines.

A coercive fine imposed by the municipality devolves on the municipality itself.

### **§ 40. Enforced execution**

The supervisory authority may issue an administrative order to anyone who, within the specified time limit, neglects to comply with an order or prohibition given according to this Act. Administrative order means a new order concerning the earlier order or prohibition that gives a new time limit for compliance. The administrative order shall contain information on the provisions in the second paragraph and shall, as far as possible, be served directly to the person concerned.

The person to whom the administrative order is served may bring an action against the public authority in order to have the case tried. If the action is not brought within 30 days from the date the order is served, the administrative order has the same effect as a legally enforceable judgment and can be executed according to the rules for judgments.

Appeals may not be made against administrative orders.

If an order given in a legally enforceable judgment or in an equally binding administrative order is not complied with, the supervisory authority in question may ensure that the order be carried out at the cost of the person to whom the judgment or administrative order has been served, without a judicial decision being necessary pursuant to Section 13-14 of the Enforcement Act.

In case of imminent danger the order may be enforced according to the rules in Section 13-14 of the Enforcement Act without need of judgment or court order.

### **§ 41. Appeals**

The appeals body for decisions made by or on behalf of the central supervisory authority or by other public agencies pursuant to § 31, is the Ministry.

The appeals body for decisions made by the Municipal Council or County Governor, is the central supervisory authority. For other decisions made by the municipality § 28 of the Public Administration Act applies accordingly.

## **§ 42. Penal Clause**

Anyone who intentionally or negligently violates this Act or central or local regulations or individual decisions laid down in accordance with this Act, or who contributes thereto, may be punished by fines or by imprisonment for up to three months.

Anyone who hinders investigations initiated by public authorities in accordance with this Act, or who fails to render obligatory assistance or give information which is demanded in connection with the performance of supervision according to this Act, may be punished by fines, provided that the contravention is not subject to more stringent penal provisions.

## **Chapter 8. Final provisions**

### **§ 43. Supplementary provisions**

The Ministry may lay down regulations concerning

- a) obligations of the management in an enterprise, including technical and organizational measures, and also the documentation of such
- b) requirements for the handling of hazardous substances, including requirements for appliances, apparatus and the like, the obligation to notify, criteria for permits and approvals, requirements regarding training and requirements for certificates
- c) enterprises which constitute a major hazard risk
- d) transport of dangerous goods on land, including provisions for loading, unloading, obligation to notify, control on roads, rail and in enterprises, safety adviser in enterprises and also equipment and which bodies may grant approval and control such equipment, and also requirements regarding training and training schemes.

### **§ 44. Transitional provisions**

Regulations, rules and other provisions issued pursuant to Act No. 47 of 21 May 1971 relating to Flammable Goods and to Liquids and Gases under Pressure, Act No. 39 of 14 June 1974 relating to Explosive Goods and Act No. 76 of 5 June 1987 relating to Fire Prevention, etc. apply until further notice provided they do not come into conflict with this Act or provisions laid down pursuant to this Act. The same applies to permits, approvals, consents, etc. as long as this is accepted by the supervisory authority.

### **§ 45. Entry into force**

The Act enters into force from the date determined by the King. 1st July 2002 according to Royal Decree of 14th June 2002.

### **§ 46. Repeal of/amendment to other Acts, etc.**

From the date this Act enters into force, the following amendments in other legislation will apply:

1) In Act No. 4 of 18 June 1965 relating to Public Roads the following amendments apply :

New third paragraph in § 7 shall read:

The Directorate of Public Roads may decide that the transport of certain types of dangerous goods shall be allowed on certain roads, at certain times or under special conditions/terms. The Directorate of Public Roads may give the Road Offices the power /right to make exemptions from such regulations.

§ 18 is repealed.

Letter f) in item 1 of § 36 shall read:

Rules laid down in accordance with third paragraph of § 7 are substantially violated or orders given in connection with these are not complied with

Letter b) in item 2 of § 36 shall read:

b) has used vehicle with considerable overweight, or with dangerous goods which are at variance with the provisions given in or in accordance with this Act, or with irresponsibly placed cargo, or on roads where the vehicle must not drive according to laid down provisions regarding axle/shaft and bogie weight/load capacity, length, breadth, height, etc. or

Act No. 47 of 21 May 1971 relating to Flammable Goods and to Liquids and Gases under Pressure is repealed.

Act No. 39 of 14 June 1974 relating to Explosive Goods is repealed.

In Act No. 2 of 8 February 1980 relating to Fees and Mortgages letter b) in (2) Of § 6-1 shall read:

b) Chimney sweeping fee pursuant to second paragraph in § 28 of the Act relating to Fire and Explosion Prevention

Act No. 26 of 5 June 1987 relating to Fire Prevention, etc. is repealed.

Second paragraph in § 5 in Act No. 100 of 11 June 1987 concerning establishment and management of railways, including tram lines, tracks in tunnels and tracks in suburbs, etc. (Railway Act) is repealed.

In Act No. 19 of 28 February 1997 relating to National Insurance letters a) and b) of § 13-9 shall read:

a) Anyone who is consigned to obligatory service in the fire service pursuant to § 17 in the Act relating to Fire

and Explosion Prevention

b) Anyone, who, upon demand or request renders assistance for help in accordance with § 5 of the Act relating to Fire and Explosion Prevention

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