Petroleum (Consolidation) Act (Northern Ireland) 1929 [F1]

[F2F3]1929 CHAPTER 13

An Act to consolidate, as respects Northern Ireland, the enactments relating to petroleum and petroleum-spirit. [19th December 1929]

F1 1937 c.4 (NI);SI 1965/1536
F2 mod. by SR 1984/177
F3 functions transf. by SR 1993/310

LICENCES FOR KEEPING PETROLEUM-SPIRIT

1 Petroleum-spirit not to be kept without a licence.

(1) Subject to the provisions of this Act, petroleum-spirit shall not be kept unless a petroleum-spirit licence is in force under this Act authorising the keeping thereof and the petroleum-spirit is kept in accordance with such conditions, if any, as may be attached to the licence:

Provided that the foregoing provision shall not apply to any petroleum-spirit kept either for private use or for sale so long as—

(a) it is kept in separate glass, earthenware, or metal vessels, securely stopped and containing not more than**[**[F4] 570 millilitres**]** each; and

(b) the aggregate amount kept would not, if the whole contents of the vessels were in bulk, exceed**[**[F4] 15 litres**]**.

(2) The occupier of any premises in which petroleum-spirit is kept in contravention of this section, shall be liable on summary conviction to a fine not exceeding**[**[F5] level 3 on the standard scale**]**, and the court before whom any person is convicted under this sub-section may order that the petroleum-spirit, in respect of which the contravention occurs, and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.

(3) If any person to whom a petroleum-spirit licence is granted contravenes any condition of the licence, he shall be liable on summary conviction to a fine not exceeding**[**F5 level 3 on the standard scale**]**.

F4 SR 1992/413
F5 1984 NI 3

[F6 1A Powers of local authority in relation to petroleum-spirit licences

A petroleum-spirit licence may be granted by a local authority and the authority may—

(a) vary the conditions attached to the licence; or

(b) revoke the licence,

by notice in writing given to the holder.**]**

F6 S. 1A inserted (19.3.2012) by The Petroleum (Consolidation) Act (Amendment of Licensing Provisions) Regulations (Northern Ireland) 2012 (S.R. 2012/11), regs. 1, **2(2)**

2 Provisions as to licences.

(1) The local authority empowered under this Act to grant petroleum-spirit licences shall be, as respects any …F7 district, the council thereof:

F8 . . .

Para.(i) rep. by SRO (NI) 1973/341

Para.(ii) rep. by SR 2003/152

Subs.(2) and (3) rep. by SR 2003/152

Subs.(4) rep. by SR 1996/512

F7 SRO (NI) 1973/341
F8 SR 2003/152

[F9 3 Licensing Procedures and Appeals

(1) This subsection applies to the following actions in relation to a petroleum-spirit licence, that is to say—

(a) the refusal to grant the licence;

(b) the attachment of any condition to the licence;

(c) the variation or refusal to vary the conditions of the licence; or

(d) the revocation of the licence.

(2) A local authority shall not take any action to which subsection (1) applies unless they have followed the procedure set out in Chapter II of the model rules.

(3) Any person aggrieved by any action of the local authority to which subsection (1) applies may appeal against that action to a Tribunal and Chapter I of the model rules shall apply for the purpose of such an appeal.

(4) For the purposes of subsections (2) and (3), the model rules are those set out in the Schedule to the Deregulation (Model Appeal Provisions) Order (Northern Ireland)

1997 and for the purposes of subsection (3), the Tribunal is a Tribunal appointed in accordance with Chapter I of those model rules.**]**

F9 S. 3 substituted (19.3.2012) by The Petroleum (Consolidation) Act (Amendment of Licensing Provisions) Regulations (Northern Ireland) 2012 (S.R. 2012/11), regs. 1, **2(3)**

[F10 4 Fees payable for licences

In respect of every petroleum-spirit licence granted by a local authority, fees shall be payable to the authority by the person to whom the licence is granted at the rates fixed by or determined under regulations made in accordance with Article 40(2) of the Health and Safety at Work (Northern Ireland) Order 1978.**]**

F10 S. 4 substituted (19.3.2012) by The Petroleum (Consolidation) Act (Amendment of Licensing Provisions) Regulations (Northern Ireland) 2012 (S.R. 2012/11), regs. 1, **2(4)**

Modifications etc. (not altering text)
C1 S. 4 excluded (30.7.2012) by The Health and Safety (Fees) Regulations (Northern Ireland) 2012 (S.R. 2012/255), regs. 1(1), **3**

Labelling of Vessels containing Petroleum-Spirit

5 F11 Provisions as to the labelling of vessels containing petroleum-spirit.

(1) Subject as hereinafter provided, where any petroleum-spirit—

(a) is kept at any place; or

(b) is sent or conveyed between any two places in Northern Ireland; or

(c) is sold or exposed or offered for sale;

there shall be attached to, or, where that is impracticable, displayed near, the vessel containing the petroleum-spirit, a label showing, in conspicuous characters, the words "Petroleum-Spirit" and the words "Highly Inflammable," and—

(i) in the case of petroleum-spirit kept, the name and address of the consignee or owner:

(ii) in the case of petroleum-spirit sent or conveyed, the name and address of the sender:

(iii) in the case of petroleum-spirit sold or exposed or offered for sale, the name and address of the vendor:

Provided that, for the purposes of the foregoing provisions—

(a) petroleum-spirit shall not be deemed to be kept during the seven days next after it has been imported; and

(b) petroleum-spirit carried on any motor vehicle, ship, or aircraft, but intended to be used only for the purposes thereof shall not be deemed to be conveyed.

(2) Any person who keeps, sends, conveys, sells, or exposes or offers for sale any petroleum-spirit in contravention of this section shall be liable on summary conviction to a fine not exceeding**[**F12 level 2 on the standard scale**]**, and the court before whom any person is convicted in respect of any such contravention may order that the petroleum-spirit, in respect of which the contravention occurs, and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.

F11 mod. by SR 1981/283; 1992/260
F12 1984 NI 3

TRANSPORT OF PETROLEUM-SPIRIT

6 Regulations as to the conveyance of petroleum-spirit by road.

(1) The Minister of Home Affairs may make regulations as to the conveyance of petroleum-spirit by road and for protecting persons or property from danger in connection with such conveyance, and in particular—

(a) for regulating the description and construction of vehicles to be used in the conveyance of petroleum-spirit by road;

(b) for prohibiting or subjecting to conditions and restrictions the conveyance by road of petroleum-spirit with any explosive, or with any articles or substances, or in passenger vehicles;

(c) for prescribing the quantity of petroleum-spirit which may be conveyed at one time or in one vehicle;

(d) for prescribing the precautions to be observed in the conveyance of petroleum-spirit by road, and in loading and unloading vehicles used in such conveyance, and the time during which the petroleum-spirit may be kept during such conveyance, loading, and unloading as aforesaid;

(e) for the publication and supply of copies of the regulations;

(f) for adapting, on good cause being shown, the regulations in force under this section to the circumstances of any particular locality;

(g) for the enforcement of the regulations in any area by the local authority empowered under this Act to grant petroleum-spirit licences in that area.

(2) If any person contravenes or attempts to contravene any regulation made under this section, he shall be liable on summary conviction to a fine not exceeding**[**F13 level 3 on the standard scale**]**, and the court before whom any person is convicted under this sub-section may order that the petroleum-spirit in respect of which the offence was committed and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.

F13 1984 NI 3

Ss. 7, 8 rep. by SR 1991/509

S. 9 rep. by SR 2003/152

SPECIAL PROVISIONS AS TO KEEPING, USE AND SUPPLY OF PETROLEUM-SPIRIT FOR MOTOR VEHICLES

10 Regulations as to the keeping and use of petroleum-spirit for purpose of motor vehicles, motor boats, aircraft and engines.

(1) The Minister of Home Affairs may make regulations as to the keeping and use of petroleum-spirit by persons intending to use it for the purpose of any class of motor vehicles, motor boats, aircraft[F14], or engines specified in the regulations, and any such regulations may exempt from the operation of any of the foregoing provisions of this

Act the keeping and use of petroleum-spirit by persons intending to use it for the purpose of any such class as aforesaid to which the regulations apply.

(2) If any person contravenes or attempts to contravene any regulation made under this section, he shall be liable on summary conviction to a fine not exceeding**[**F15 level 3 on the standard scale**]**, and the court before whom any person is convicted under this sub-section may order that the petroleum-spirit, in respect of which the offence was committed, and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.

F14 1968 c.59
F15 1984 NI 3

S. 11 rep. by 1972 NI 17

REGULATIONS AS TO SPECIAL CLASSES OF PETROLEUM-SPIRIT

12 Regulations as to classes of petroleum-spirit likely to be dangerous or injurious to health.

(1) If the Minister of Home Affairs is satisfied that any class of petroleum-spirit is, by reason of the nature thereof or of any substance mixed therewith, likely to be dangerous or injurious to health either generally or in the case of any class of persons, [F16 or that fixed tanks or other fixed containers which have been used for the storage of petroleum-spirit and which are no longer used for that purpose, kept on any premises, are likely to be dangerous,] he may make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case, and in particular—

(a) for requiring the observance of such precautions as may be prescribed for the protection of persons employed or engaged in handling or using petroleum-spirit of that class in connection with any trade or business; and

(b) for requiring persons selling to the public petroleum-spirit of that class to give, in such manner as may be prescribed, warning to purchasers of petroleum-spirit of that class as to the dangers thereof and the precautions to be observed with respect thereto; and

(c) for prohibiting the sale or use of petroleum-spirit which he may by order declare to be so dangerous or injurious to health that precautions for the protection of persons employed or engaged in handling or using such petroleum-spirit are impracticable; and

F16(cc) for prescribing the steps to be taken by the occupier of premises on which a fixed tank or other fixed container which has been used for the storage of petroleum-spirit and which is no longer used for that purpose is kept for the prevention of danger from the container;]

(d) for the publication and supply of copies of the regulations; and

(e) for the enforcement of the regulations in any area by the local authority empowered under this Act to grant petroleum-spirit licences in that area.

(2) If any person contravenes or attempts to contravene any regulation made under this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds for each day on which the offence occurs or continues, and the court before whom any person is convicted under this sub-section may order that the petroleum-spirit, in respect of which the offence was committed, and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.