



# Petroleum (Consolidation) Act (Northern Ireland) 1929

## 1929 CHAPTER 13

### POWERS OF INSPECTION, ETC.

#### 18<sup>F1</sup> Warrants to search for and seize petroleum-spirit.

- (1) If a court of summary jurisdiction is satisfied by information on oath that there is reasonable ground for suspecting that any petroleum-spirit is being kept, sent, conveyed, or exposed or offered for sale within the jurisdiction of the court in contravention of this Act, the court shall grant a search warrant authorising any person named therein to enter and examine any place, ship or vehicle named in the warrant and to search for and take samples of petroleum therein and to seize and remove any petroleum-spirit that he may find therein kept, sent, conveyed, or exposed or offered for sale in contravention of this Act, and the vessel containing any such petroleum-spirit, and to detain such petroleum-spirit and vessel until a court of summary jurisdiction has determined whether or not they are to be forfeited.
- (2) Where any petroleum-spirit or vessel is seized by virtue of a warrant granted under this section—
  - (a) proceedings shall be commenced forthwith for determining whether or not it is to be forfeited; and
  - (b) the person seizing it shall not be liable to any proceedings for detaining it or for any loss or damage incurred in respect thereof except where the loss or damage is due to any wilful act or neglect while the petroleum-spirit or vessel is so detained; and
  - (c) in the case of any petroleum-spirit or vessel seized in any ship or vehicle, the person seizing it may for the purposes of the removal thereof use, during twenty-four hours after the seizure, the ship or vehicle in which it was seized, with the tackle, beasts and accoutrements belonging thereto, but if he do so shall pay to the owner of the ship or vehicle reasonable compensation for the use thereof; and the amount of such compensation shall, in default of agreement, be assessed by the court of summary jurisdiction before which proceedings are taken for determining whether or not the petroleum-spirit or

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*Changes to legislation: There are currently no known outstanding effects for the Petroleum (Consolidation) Act (Northern Ireland) 1929, Section 18. (See end of Document for details)*

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vessel is to be forfeited, and may be recovered in like manner as fines under this Act may be recovered.

- (3) If any person by himself or by anyone in his employ or acting by his direction or with his consent refuses or fails to admit into any place, ship or vehicle occupied by him or under his control any person authorised by a warrant granted under this section to enter that place, ship or vehicle, or obstructs or prevents any person from making any search, examination or seizure or taking any samples which he is authorised by such a warrant to make or take, the first-mentioned person shall be liable on summary conviction to a fine not exceeding<sup>[F2]</sup> level 3 on the standard scale] and may be ordered by the court to forfeit any petroleum-spirit which is found in his possession or under his control with or without any vessel in which it is contained.

<sup>[F3]</sup>(4) This section does not apply to—

- (a) a workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) <sup>[F4]</sup>2003] used, or intended for use, for the dispensing of petroleum-spirit, or

<sup>[F5]</sup>(b) carriage by road to which the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) <sup>[F6]</sup>2010] apply.]]

**F1** mod. by SR 1992/260

**F2** 1984 NI 3

**F3** SR 2003/152

**F4** Word in s. 18(4)(a) substituted (1.8.2006) by Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 (S.R. 2006/173), reg. 55, **Sch. 13 para. 1(2)**

**F5** S. 18(4)(b) substituted (1.8.2006) by Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006 (S.R. 2006/173), reg. 55, **Sch. 13 para. 1(3)**

**F6** Word in s. 18(4)(b) substituted (19.5.2010) by Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2010 (S.R. 2010/160), reg. 30, **Sch. 5** (with reg. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Petroleum (Consolidation) Act (Northern Ireland) 1929, Section 18 .