



# Petroleum (Consolidation) Act 1928 (repealed)

1928 CHAPTER 32 18 and 19 Geo 5

## *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 [<sup>F1</sup>570 millilitres] each; and
  - (b) the aggregate amount kept would not, if the whole contents of the vessels were in bulk, exceed [<sup>F1</sup>15 litres].
- (2) The occupier of any premises in which petroleum-spirit is kept in contravention of this section shall be [<sup>F2</sup>guilty of an offence.]
- (3) If any person to whom a petroleum-spirit licence is granted contravenes any condition of the licence, he shall be [<sup>F2</sup>guilty of an offence.]

#### **Textual Amendments**

- F1** Words in s. 1(1)(a)(b) substituted (10.9.1992) by S.I. 1992/1811, reg. 3(1), **Sch. 1 Pt. 1.**  
**F2** Words substituted by S.I. 1974/1942, **Sch. 2 para. 1**

#### **Modifications etc. (not altering text)**

- C1** S. 1 excluded by S.I. 1982/630, **reg. 2(a)**

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## 2 Provisions as to licences.

(1) The local authority empowered under this Act to grant petroleum-spirit licences shall be—

- [<sup>F3</sup>(a) in Greater London or a metropolitan county, the fire authority;]
- (c) elsewhere, [<sup>F4</sup>the county council]:

Provided that in any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority hereinbefore mentioned, the harbour authority shall be the local authority for granting petroleum-spirit licences to the exclusion of any other local authority.

(2) A petroleum-spirit licence may be granted by a local authority so as to be in force for such time, and subject to such provisions as to renewal, as the local authority think necessary.

(3) A local authority may attach to any petroleum-spirit licence such conditions as they think expedient, as to the mode of storage, the nature and situation of the premises in which, and the nature of the goods with which, petroleum-spirit is to be stored, the facilities for the testing of petroleum-spirit from time to time, and generally as to the safe-keeping of petroleum-spirit.

(4) Where conditions to be observed by persons employed are attached to any petroleum-spirit licence, the occupier of the premises to which the licence relates shall cause to be kept posted on the premises, in such form and in such position as to be easily read by the persons employed on the premises, a notice setting out those conditions, and

- (a) if the occupier of any premises fails to comply with the foregoing requirements of this subsection, he shall be [<sup>F5</sup>guilty of an offence]; and
- (b) if any person pulls down, . . . [<sup>F6</sup>any notice posted in accordance with the requirements of this subsection, he shall be [<sup>F5</sup>guilty of an offence]; and
- (c) if any person employed contravenes any condition of which notice has been given in accordance with the requirements of this subsection, he shall be [<sup>F5</sup>guilty of an offence].

### Textual Amendments

**F3** S. 2(1)(a) substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 37, **Sch. 11 para. 4**

**F4** Words substituted by Local Government Act 1963 (c. 33), s. 50(2)(3)

**F5** Words substituted by S.I. 1974/1942, **Sch. 2 para. 2**

**F6** Words repealed by Criminal Damage Act 1971 (c. 48), **Sch. Pt. II**

### Modifications etc. (not altering text)

**C2** S. 2 excluded by S.I. 1982/630, **reg. 2(a)**

## 3 Appeals from refusals by local authorities to grant licences.

[<sup>F7</sup>Where a person who is aggrieved by a decision of a local authority on an application for a petroleum-spirit licence appeals to the Secretary of State under section 44 of the <sup>M1</sup>Health and Safety at Work etc. Act 1974, the Secretary of State when he determines the appeal or a person who determines the appeal on his behalf under that section may, if he thinks fit, direct the Health and Safety Executive to grant the licence either without conditions or subject to such conditions as he thinks proper or to modify the conditions attached by the local authority, and any licence so granted or modified shall

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be in force for such time and be subject to such provisions as to renewal as may be specified in the licence and shall have effect as if granted by a local authority.]

#### Textual Amendments

**F7** S. 3 substituted by S.I. 1974/1942, Sch. 2 para. 3

#### Modifications etc. (not altering text)

**C3** S. 3 excluded by S.I. 1982/630, reg. 2(a)

#### Marginal Citations

**M1** 1974 c. 37.

## 4 Fees payable for licences.

[<sup>F8</sup>In respect of every petroleum-spirit licence granted by a local authority, or by the Secretary of State or by the Health and Safety Executive under this Act, fees shall be payable in the first case to the local authority, and in the other two cases to the Health and Safety Executive], by the person to whom the licence is granted, at the rates [<sup>F9</sup>fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974].

#### Textual Amendments

**F8** Words substituted by S.I. 1974/1942, Sch. 2 para. 4

**F9** Words substituted by S.I. 1987/52, reg. 2, Sch. 1

#### Modifications etc. (not altering text)

**C4** S. 4 excluded by S.I. 1982/630, reg. 2(a)

**C5** S. 4 excluded (3.1.1992) by S.I. 1991/1921, reg.11.

**C6** S. 4 amended (2.11.1992) by S.I. 1992/1752, regs. 1(1), 10(2), Sch. 9 Pt.II.

S. 4 excluded (2.11.1992) by S.I. 1992/1752, regs. 1(1),11.

S. 4 excluded (28.3.1994) by S.I. 1994/397, reg. 11

S. 4 excluded (18.11.1997) by S.I. 1997/2505, reg. 11

S. 4 excluded (1.4.1999) by S.I. 1999/645, reg. 11

S. 4 excluded (10.10.2000) by S.I. 2000/2482, reg. 11

S. 4 excluded (2.4.2002) by S.I. 2002/655, reg. 11

### *Labelling of Vessels containing Petroleum-Spirit*

## [<sup>F105</sup> Provisions as to the labelling of vessels containing petroleum-spirit.

- (1) Subject as hereinafter provided, where any petroleum-spirit—
- is kept at any place; or
  - is sent or conveyed between any two places in Great Britain; or
  - 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—

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- (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 [<sup>F11</sup>guilty of an offence].

#### Textual Amendments

**F10** S. 5: by S.I. 1992/743, **regs. 1(1), 30(1)** it is provided (1.6.1992) that s. 5 shall cease to have effect in so far as it relates to the carriage of petroleum mixtures and liquid methane in a road tanker or tank container.

**F11** Words substituted by S.I. 1974/1942, **Sch. 2 para. 5**

#### Modifications etc. (not altering text)

**C7** S. 5 restricted by S.I. 1981/1059, **reg. 25(2)** and excluded by S.I. 1982/630, **reg. 2(a)**

### *Transport of Petroleum-Spirit*

**6** ..... <sup>F12</sup>

#### Textual Amendments

**F12** Ss. 6, 10 repealed by S.I. 1974/1942, **Sch. 1**

**7, 8.** ..... <sup>F13</sup>

#### Textual Amendments

**F13** Ss. 7, 8 repealed by S.I. 1987/37, **regs. 5, 47(1)(c)**

**9** **Byelaws as to loading, conveyance and landing of petroleum-spirit in and upon canals.**

- (1) Every canal company shall have power to make byelaws regulating the loading, conveyance and landing of petroleum-spirit in and upon the canal under their jurisdiction, and as to the precautions to be observed with respect thereto, and as to the due enforcement of the byelaws.

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- (2) No byelaws made under this section shall come into force until confirmed by the Minister of Transport, and before submitting any such byelaws to the Minister, the canal company shall, in such manner as may be directed by the Minister, publish a draft thereof together with notice of their intention to apply for the confirmation of the byelaws.
- (3) If any person contravenes or attempts to contravene any byelaw made under this section, he shall be <sup>F14</sup>guilty of an offence].
- (4) Section forty of the <sup>M2</sup>Railway and Canal Traffic Act 1888 (which makes provision as to the byelaws of canal companies) shall not apply to byelaws made under this section.

**Textual Amendments**

**F14** Words substituted by S.I. 1974/1942, Sch. 2 para. 6

**Modifications etc. (not altering text)**

**C8** S. 9 excluded by S.I. 1982/630, reg. 2(a)

**Marginal Citations**

**M2** 1888 c. 25.

**10** ..... <sup>F15</sup>

**Textual Amendments**

**F15** Ss. 6, 10 repealed by S.I. 1974/1942, Sch. 1

**11** ..... <sup>F16</sup>

**Textual Amendments**

**F16** S. 11 repealed by (E.W.) Town and Country Planning Act 1947 (c. 51), Sch. 9 Pt. II and (S.) Town and Country Planning (S.) Act 1947 (c. 53), Sch. 9 Pt. II

**12** ..... <sup>F17</sup>

**Textual Amendments**

**F17** Ss. 12, 14–16, 19 repealed by S.I. 1974/1942, Sch. 1

*Accidents in connection with Petroleum-Spirit*

**13** ..... <sup>F18</sup>

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**Textual Amendments**

**F18** S. 13 repealed by S.I. 1980/804, reg. 12, Sch. 5, Pt. 1

14, 15. .... <sup>F19</sup>

**Textual Amendments**

**F19** Ss. 12, 14–16, 19 repealed by S.I. 1974/1942, Sch. 1

*Powers of Inspection, &c.*

16 ..... <sup>F20</sup>

**Textual Amendments**

**F20** Ss. 12, 14–16, 19 repealed by S.I. 1974/1942, Sch. 1

**17 Powers of officers of local authorities as to testing petroleum-spirit.**

- (1) Any officer authorised by a local authority empowered under this Act to grant petroleum-spirit licences—
  - (a) may purchase samples of any petroleum from any dealer therein or from any person who keeps petroleum for the purposes of any trade or industry, or may on producing a copy of his appointment purporting to be signed by the clerk or secretary of the local authority require the dealer or other person to show him every place and any vessels in which petroleum in his possession is kept and to give him samples of such petroleum on payment of the value thereof; and
  - (b) may test or cause to be tested at any convenient place and at such reasonable time as he may appoint any samples so obtained by him.
- (2) Any such officer shall, before testing or causing to be tested any samples under the last foregoing subsection, give to the dealer or other person from whom they were obtained notice in writing of the place and time at which they are to be tested, and the dealer or other person or any person appointed by him may be present at the testing.
- (3) If it appears to the person testing any samples of petroleum obtained under this section that the petroleum is petroleum-spirit, he may give a certificate in writing to that effect, and a certificate so given shall be received in evidence in any proceedings under this Act against the person from whom the samples were obtained, so, however, that if, after hearing any evidence given by or on behalf of that person, the court before which the proceedings are taken is not satisfied as to the correctness of the certificate, the court may appoint some person skilled in testing petroleum to test the samples to which the certificate relates and to report whether the certificate is correct or not.
- (4) Any expenses incurred in testing any samples of petroleum under this section shall, if the person from whom the samples were obtained is convicted of keeping, sending, conveying, selling, or exposing or offering for sale petroleum-spirit in contravention

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of this Act, be paid by that person, and shall be recoverable as part of the costs of the proceedings against him, but in every other case shall be paid by the local authority.

- (5) If any dealer in petroleum or person who keeps petroleum for the purposes of any trade or industry, by himself or by anyone in his employ or acting by his direction or with his consent, refuses to show to an officer authorised by the local authority any place or vessel in which petroleum in his possession is kept, or to give to such an officer such assistance as he may require for examining any such place or vessel, or to give him samples of such petroleum on payment of the value thereof, or wilfully obstructs the local authority or any officer thereof acting in the execution of this Act, that dealer or other person shall be liable on summary conviction to a fine not exceeding [<sup>F21</sup>level 2 on the standard scale].

[<sup>F22</sup>(6) In any case where there is doubt as to whether the substance tested is petroleum-spirit the testing shall be carried out using the Abel test apparatus.]

#### Textual Amendments

**F21** Words amended and so substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

**F22** [S. 17\(6\)](#) inserted (10.9.1992) by [S.I. 1992/1811, reg. 12\(2\)](#), [Sch. 3 Pt. I](#) (by reg. 12(1) it is provided that this amendment shall have effect in relation to the value of the flash point of petroleum-spirit and the methods for determining it).

#### [<sup>F23</sup>18 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—
- proceedings shall be commenced forthwith for determining whether or not it is to be forfeited; and
  - 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
  - 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: the amount of such compensation shall, in default of agreement, be assessed by the court of summary jurisdiction before which proceedings

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are taken for determining whether or not the petroleum-spirit or 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, that person shall be <sup>F24</sup>guilty of an offence].

<sup>F25</sup>[ Nothing in this section shall apply to any carriage to which the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1986 apply.]

**Textual Amendments**

- F23** S. 18: by S.I. 1992/743, **regs. 1(1), 30(1)** it is provided (1.6.1992) that s. 18 shall cease to have effect in so far as it relates to the carriage of petroleum mixtures and liquid methane in a road tanker or tank container.
- F24** Words substituted by S.I. 1974/1942, **Sch. 2 para. 8**
- F25** S. 18(4) added by reg. 16, Sch. 4 Pt. II para. 1 of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1986/1951 (reg. 3(2) thereof providing that those regs. do not apply as there mentioned)

**Modifications etc. (not altering text)**

- C9** S. 18 restricted by S.I. 1981/1059, **reg. 25(2)**

19 ..... <sup>F26</sup>

**Textual Amendments**

- F26** S. 18(4) added by reg. 16, Sch. 4 Pt. II para. 1 of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1986/1951 (reg. 3(2) thereof providing that those regs. do not apply as there mentioned)

*Supplementary*

<sup>F27</sup>**20 Provisions as to apparatus for and method of testing petroleum.**

- (1) Models of the apparatus for testing petroleum, of which specifications are contained respectively in Part I of the Second Schedule to this Act and in the First Schedule to the <sup>M3</sup>Petroleum Act 1879, shall remain deposited with the Board of Trade, and the Board shall, on payment of such fee, . . . <sup>F28</sup>, as the Board [<sup>F29</sup>may from time to time with the approval of the Treasury determine], cause every apparatus constructed in accordance with either such specification which is submitted to them for the purpose to be compared with the appropriate model so deposited . . . <sup>F28</sup>, and shall stamp with a mark approved by the Board and notified in the London Gazette every such apparatus that is found to be correct, so, however, that no apparatus constructed in accordance with the specification contained in the First Schedule to the <sup>M4</sup>Petroleum Act 1879, shall after the commencement of this Act be so . . . <sup>F28</sup> stamped unless it has been



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previously . . . <sup>F28</sup> stamped on or before the third day of August, nineteen hundred and twenty-eight.

(2) No apparatus for testing petroleum stamped by the Board of Trade in accordance with the provisions of this section shall be deemed to have been verified by the Board unless—

- (a) it has been stamped within ten years; and
- (b) no part of the apparatus has been materially altered, repaired, or replaced since the apparatus was last stamped

but save as aforesaid all such apparatus purporting to be so stamped shall be deemed to have been verified by the Board until the contrary is proved.

(3) All fees payable under this section shall be paid into the Exchequer.]

#### Textual Amendments

**F27** S. 20 repealed (10.9.1992) by S.I. 1992/1811, reg. 12(2), Sch. 3 Pt. I (by reg. 12(1) it is provided that this repeal shall have effect in relation to the value of the flash point of petroleum-spirit and the methods for determining it).

**F28** Words repealed by Weights and Measures Act 1963 (c. 31), Sch. 9 Pt. I

**F29** Words substituted by Weights and Measures Act 1985 (c. 72, SIF 131), ss. 96(1), 97, Sch. 11 para. 21(2), Sch. 12 para. 1

#### Modifications etc. (not altering text)

**C10** References to Board of Trade to be construed as including references to Secretary of State or his Department as the context may require: S.I. 1970/1537, arts. 2(1), 7(4)

#### Marginal Citations

**M3** 1879 c. 47.

**M4** 1879 c. 47.

## 21 Regulations and byelaws to be laid before Parliament.

All regulations made by the Secretary of State and all byelaws made by the Admiralty under this Act shall be laid before each House of Parliament as soon as may be after they are made, and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent forty days on which that House has sat next after any such regulation or byelaw is laid before it, praying that the regulation or byelaw may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation or byelaw.

#### Modifications etc. (not altering text)

**C11** Reference to Admiralty to be construed as reference to Secretary of State: Defence (Transfer of Functions) Act 1964 (c. 15), s. 3(2)

## 22 Confirmation and publication of byelaws.

The Secretary of State or the Minister of Transport, as the case may be, may confirm any byelaws submitted to him under this Act with or without any modifications, and any byelaws so confirmed shall be published by the authority by whom they were

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submitted in such manner as the Secretary of State or the Minister of Transport, as the case may be, may direct.

**23 Interpretation.**

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them (that is to say):—

“Amenities,” in relation to any place, includes any view of or from that place:

“Canal” and “canal company” have respectively the same meanings as in the <sup>M5</sup>Regulation of Railways Act 1873:

“Contravention” includes, in relation to any provision, a failure to comply with that provision, and the expression “contravene” shall be construed accordingly:

“Dock” includes any pier, jetty or other place, in or at which ships can ship or unship goods or passengers:

..... <sup>F30</sup>

“Harbour” means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river, canal or inland navigation navigated by sea-going ships and, subject to the provisions of this Act, any dock:

“Harbour authority” means any person or body of persons in whom are vested by or under any Act of Parliament powers and duties of improving, maintaining or managing a harbour, so, however, that where, as respects any dock within a harbour, such powers and duties are separately vested by or under any Act of Parliament in any person or body of persons, that person or body shall, as respects that dock, be the harbour authority, and the dock shall be deemed to be a separate harbour:

[<sup>F31</sup>“I.W.G.” means the denominations of standards approved by Order in Council made under the <sup>M6</sup>Weights and Measures Act 1878, and dated the twenty-third day of August, eighteen hundred and eighty-three, known as the “Imperial Wire Gauge”:]

“Licensed premises” means any premises in respect of which a petroleum-spirit licence is in force under this Act:

“Motor vehicles” includes all mechanically-propelled vehicles intended or adapted for use on roads:

“Petroleum” includes crude petroleum, oil made from petroleum, or from coal, shale, peat or other bituminous substances, and other products of petroleum:

“Petroleum filling station” means any premises or place used or intended to be used by way of trade or for purposes of gain for fuelling motor vehicles with petroleum, and includes any building, advertisement, pump or other apparatus in, or used in connection with, any such premises:

[<sup>F32</sup>“Petroleum-spirit” means such petroleum as when tested in accordance with Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 (S.I. 1984/1244) has a flash point of less than 215C Celsius]:

“Petroleum-spirit licence” means a licence authorising the keeping of petroleum-spirit granted by a local authority empowered under this Act to grant such a licence or by the Secretary of State [<sup>F33</sup>or by the Health and Safety Executive]:

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“Ship” includes every description of vessel used in navigation, whether propelled by oars or otherwise

**Textual Amendments**

- F30** Definition of “Government inspector” repealed by S.I. 1974/1942, **Sch. 1**
- F31** S. 23: definition of 'I.W.G.' repealed (10.9.1992) by S.I. 1992/1811, reg. 12(2), **Sch. 3 Pt. I** (by reg. 12(1) it is provided that this repeal shall have effect in relation to the value of the flash point of petroleum-spirit and the methods for determining it).
- F32** S. 23: definition of 'Petroleum-spirit' substituted (10.9.1992) by S.I. 1992/1811, reg. 12(2), **Sch. 3 Pt. I** (by reg. 12(1) it is provided that this substitution shall have effect in relation to the value of the flash point of petroleum-spirit and the methods for determining it).
- F33** Words inserted by S.I. 1974/1942, **Sch. 2 para. 9**

**Modifications etc. (not altering text)**

- C12** Definition of “harbour authority” explained by **Milford Haven Conservancy Act 1958 (c. 23), s. 1(6)**

**Marginal Citations**

- M5** 1873 c. 48.
- M6** 1878 c. 49.

**24 Application to Scotland.**

This Act shall apply to Scotland subject to the following modifications:—

- (1) the following paragraphs shall be substituted for paragraphs (a), (b) and (c) of subsection (1) of section two of this Act—
  - [<sup>F34</sup>(a) in a region, the regional council;
  - (b) in an islands area, the islands council.]
- (2) .....<sup>F35</sup>
- (3) the expression “a Master of the Supreme Court” means the Auditor of the Court of Session; the expression “attending before a court of record” means attending on citation in the High Court of Justiciary; the expression “stipendiary magistrate” means the sheriff; and the expression “information” means a complaint;
- (4) any offence may be prosecuted in a court of summary jurisdiction or on indictment and any penalty shall be recoverable on conviction by a court of summary jurisdiction or on indictment, provided that no court of summary jurisdiction shall, except in the case of an offence which involves a fine for every day on which the offence occurs or continues, have power to impose a penalty exceeding fifty pounds and no court of summary jurisdiction other than the sheriff court shall have power to impose a penalty exceeding twenty pounds;
- (5) the expression “court of summary jurisdiction” in section fourteen of this Act means the sheriff, and elsewhere has the like meaning as in the [<sup>F36M7</sup>Criminal Procedure (Scotland) Act 1975];
- (6) any petroleum, petroleum-spirit, or other substance or thing ordered by a court to be forfeited may be sold or otherwise disposed of in such manner as the court shall direct;
- (7) any penalty recovered and the proceeds of any forfeiture shall be paid to the King’s and Lord Treasurer’s Remembrancer where the court is the sheriff court, to the county

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clerk where the court is the justice of the peace court, and to the treasurer of the burgh where the court is the burgh or police court.

#### Textual Amendments

- F34** S. 24(1)(a)(b) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 27 Pt. II para. 71](#)  
**F35** S. 24(2) repealed by [Town and Country Planning \(Scotland\) Act 1947 \(c. 53\)](#), [Sch. 9 Pt. II](#)  
**F36** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [s. 460\(2\)](#)

#### Modifications etc. (not altering text)

- C13** Functions of burgh police court now exercisable by District Court: [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), [s. 3\(1\)](#)

#### Marginal Citations

- M7** 1975 c. 21.

#### 25 Savings. **U.K.**

- (1) The powers conferred by this act shall be in addition to and not in derogation of any other powers conferred on any local authority, harbour authority, or canal company by any Act (not being an enactment repealed by this Act), or by law or custom.
- (2) Nothing in this Act shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance.

#### 25 Savings. **E+W+S**

- (1) The powers conferred by this act shall be in addition to and not in derogation of any other powers conferred on any local authority, harbour authority, or canal company by any Act (not being an enactment repealed by this Act), or by law or custom.
- (2) Nothing in this Act shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance.

VALID FROM 12/04/1999

[<sup>F37</sup>25A

The provisions of this Act shall not apply in respect of—

- (a) any establishment to which the Control of Major Accident Hazards Regulations 1999 [S.I. 1999/743] apply by virtue of regulation 3 of those Regulations; and
- (b) any site in respect of which notification of an activity is required pursuant to regulation 3 of the Notification of Installations Handling Hazardous Substances Regulations 1982 [S.I. 1982/1357]..]

#### Textual Amendments

- F37** S. 25A inserted (12.4.1999) by [S.I. 1999/743](#), [reg. 23\(1\)](#)

**Status:** Point in time view as at 10/09/1992. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed). (See end of Document for details)

**26 †Short title, extent, repeal and commencement.**

- (1) This Act may be cited as the Petroleum (Consolidation) Act 1928.
- (2) This Act shall not extend to Northern Ireland.
- (3) ..... <sup>F38</sup>
  - (a) any appointment, byelaw, regulation, order, licence, certificate or warrant, made, granted, given or issued and any proceedings taken, under any enactment hereby repealed, shall have effect as if made, granted, given, issued, or taken under the corresponding provision of this Act, and any byelaws made by a harbour authority as defined by this Act with respect to the landing of petroleum-spirit, being byelaws which under the said repealed enactments applied with the necessary modifications to the loading of ships with such spirit, shall, until revoked, continue so to apply, and references in this Act to any appointment, byelaw, regulation, order, licence, certificate, warrant or proceedings shall have effect accordingly;
  - (b) any regulations made under section five of the <sup>M8</sup>Locomotives on Highways Act 1896, and continued in force by subsection (4) of section ten of the <sup>M9</sup>Petroleum (Amendment) Act 1928, shall have effect as if made under section ten of this Act, and in so far as any such regulations relate to any substance other than petroleum-spirit, section ten of this Act shall be deemed to have been applied to that substance under section nineteen of this Act;
  - (c) any document referring to any enactment repealed by this Act shall be construed as referring to this Act and to the corresponding enactment, if any, therein.
- (4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of [<sup>F39</sup>sections 16(1) and 17(2)(a) of the <sup>M10</sup>Interpretation Act 1978], with regard to the effect of repeals.
- (5) ..... <sup>F40</sup>

**Textual Amendments**

- F38** Words repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)  
**F39** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)  
**F40** [S. 26\(5\), Sch. 3](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

**Modifications etc. (not altering text)**

- C14** Unreliable marginal note

**Marginal Citations**

- M8** [1896 c. 36.](#)  
**M9** [1928 c. 20.](#)  
**M10** [1978 c. 30.](#)

**Status:**

Point in time view as at 10/09/1992. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed).