

1976 No. 2162
CONTROL OF FUEL AND ELECTRICITY
Petroleum Stocks Order 1976

<i>Made</i> - - - -	16th December 1976
<i>Laid before Parliament</i>	16th December 1976
<i>Coming into Operation</i>	6th January 1977

The Secretary of State, in exercise of the powers conferred on him by sections 6(6)(a) and (b) and 17(3) of the Energy Act 1976(a) and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Petroleum Stocks Order 1976 and shall come into operation on 6th January 1977.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

United Kingdom stocks

2.—(1) Stocks of crude liquid petroleum and petroleum products (in the United Kingdom or elsewhere) are to be treated in relation to any person to whom a direction under section 6 of the Energy Act 1976 is given as his United Kingdom stocks in the following circumstances, that is to say where they are held for his use or disposal and are—

- (a) within the United Kingdom but are not—
 - (i) kept for sale to the general public by delivery into the fuel tanks of vehicles,
 - (ii) in ships (except qualified cargoes) or in other vehicles, pipe-lines or refinery plant, or
- (b) outside the United Kingdom in the territory of another member State of the European Economic Community under an agreement made between the United Kingdom and that member State for the purpose of implementing Council Directive No. 68/414/EEC(c), as amended (d), imposing an obligation on member States of the European Economic Community to maintain minimum stocks of crude oil and/or petroleum products.

(a) 1976 c. 76.

(b) 1889 c. 63.

(c) O.J. No. L308/14, 23.12.68, p. 9 (O.J./S.E. 1968 (II) p. 287).

(d) Council Directive No. 72/425/EEC. O.J. No. L291/154, 28.12.72, p. 13 (O.J./SE 1972 (28-30 Dec) p. 69).

- (2) In this Article—
- (a) “qualified cargo” means any cargo of crude liquid petroleum or petroleum products in a ship—
- (i) within the limits of a port appointed by the Commissioners of Customs and Excise under section 13 of the Customs and Excise Act 1952(a) which may immediately be lawfully landed,
 - (ii) engaged in the trade of carrying goods within the United Kingdom, or
 - (iii) which is a coasting ship within the meaning of section 57 of the Customs and Excise Act 1952; and
- (b) “ship” includes any boat or other vessel whatsoever.

Substantial suppliers to the United Kingdom market

3.—(1) A person who in the course of an undertaking carried on by him supplies petroleum products to persons for use by them as finished products is to be treated as a substantial supplier to the United Kingdom market for the purpose of section 6(2)(b) of the Energy Act 1976 if he has, during any period of 12 months ending not earlier than 3 months before the giving of a direction to him under that paragraph, supplied to persons (not being companies associated with the supplier in the same group) in the United Kingdom for such use there a total quantity of petroleum products which, together with the total quantity of petroleum products so used in that period by him or, if the supplier is a company, by that company and any company associated with it in the same group, exceeds 100,000 tonnes.

(2) For the purposes of this Article companies are associated together in the same group if one is a subsidiary of the other or both are subsidiaries of a third (“subsidiary” having the same meaning as in the Companies Act 1948(b)).

Counting of stocks of a kind not subject to directions

4. Where any direction given under section 6 of the Energy Act 1976 to any person specifies stocks of petroleum products but not stocks of crude liquid petroleum, his United Kingdom stocks of crude liquid petroleum are to count towards compliance with the direction as if they were stocks of the same quantity by weight of the petroleum products to the extent that the amount so counted does not exceed 88 per cent of those stocks of crude liquid petroleum.

16th December 1976.

Tony Benn,
Secretary of State for Energy.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prescribes, for the purposes of section 6 (bulk stocks of petroleum etc.) of the Energy Act 1976—

- (a) the circumstances in which stocks of crude liquid petroleum and petroleum products (in the United Kingdom and elsewhere) are to be treated as a person's United Kingdom stocks (Article 2),
- (b) the circumstances in which a person supplying petroleum products for use as finished products is to be treated as a substantial supplier to the United Kingdom market (Article 3), and
- (c) the extent to which stocks of crude liquid petroleum are to count towards compliance with a direction specifying stocks of petroleum products (Article 4).

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