
 STATUTORY INSTRUMENTS

1979 No. 427

HEALTH AND SAFETY

**The Petroleum (Consolidation) Act 1928 (Enforcement)
Regulations 1979**

<i>Made</i> -	<i>3rd April 1979</i>
<i>Laid before Parliament</i>	<i>5th April 1979</i>
<i>Coming into Operation</i>	<i>1st July 1979</i>

The Secretary of State in exercise of the powers conferred on him by sections 15(1) and (3)(a) and (c), 18(2) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act") and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979 and shall come into operation on 1st July 1979.

- (2) In these Regulations, unless the context otherwise requires—
 "the 1928 Act" means the Petroleum (Consolidation) Act 1928(b);
 "the 1974 Act" means the Health and Safety at Work etc. Act 1974.

Enforcing authorities

2.—(1) Subject to paragraphs (2) and (3) of this Regulation, an authority empowered to grant petroleum-spirit licences under the 1928 Act shall be the enforcing authority within its area for—

- (a) any provision of the 1928 Act (except section 13) including any such provision as applied by—
 (i) the Petroleum (Carbide of Calcium) Order 1929(c);
 (ii) the Petroleum (Mixtures) Order 1929(d);
 (iii) the Petroleum (Compressed Gases) Order 1930(e);
 (iv) the Petroleum (Carbide of Calcium) Order 1947(f);

(a) 1974 c. 37; section 15 was amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraph 6.

(b) 1928 c. 32.

(c) S.R. & O. 1929/992.

(d) S.R. & O. 1929/993.

(e) S.R. & O. 1930/34.

(f) S.R. & O. 1947/1442.

- (v) the Petroleum (Inflammable Liquids and Other Dangerous Substances) Order 1947(a);
 - (vi) the Petroleum (Liquid Methane) Order 1957(b);
 - (vii) the Petroleum (Carbon Disulphide) Order 1958(c);
 - (viii) the Petroleum (Carbon Disulphide) Order 1968(d);
 - (ix) the Petroleum (Corrosive Substances) Order 1970(e);
 - (x) the Petroleum (Inflammable Liquids) Order 1971(f);
 - (xi) the Petroleum (Organic Peroxides) Order 1973(g); and
- (b) any regulations or other instruments of a legislative character made, or having effect as if made, under the 1928 Act including those made, or having effect as if made, under that Act as applied by any of the Orders specified in sub-paragraph (a) above.

(2) Paragraph (1) of this Regulation shall not apply to the enforcement of any byelaws to the extent that they contain provision for their own enforcement.

(3) The reference in paragraph (1) of this Regulation to an authority empowered to grant petroleum-spirit licences shall not include the Health and Safety Executive.

Modifications

3. The Regulations specified in column 1 of the Schedule to these Regulations shall be modified to the extent set out opposite thereto in column 4 of that Schedule.

Signed by order of the Secretary of State.
3rd April 1979.

John Grant,

Joint Parliamentary Under Secretary of State,
Department of Employment.

(a) S.R. & O. 1947/1443.

(b) S.I. 1957/859.

(c) S.I. 1958/257.

(d) S.I. 1968/571.

(e) S.I. 1970/1945.

(f) S.I. 1971/1040.

(g) S.I. 1973/1897.

SCHEDULE

Regulation 3

MODIFICATIONS

1	2	3	4
Regulations	Reference	Relevant amending instruments	Extent of modification
The Petroleum-spirit (Motor Vehicles, &c.) Regulations 1929.	S.R. & O. 1929/952.		<p>Regulation 16 shall be renumbered "16.—(1)" and the following paragraph added at the end—</p> <p>"(2) These Regulations (which were continued in force by Regulation 5(4) of the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974(a)) shall have effect as if any requirement or prohibition imposed by or under them was imposed by or under health and safety regulations".</p>
The Gas Cylinders (Conveyance) Regulations 1931.	S.R. & O. 1931/679.	S.R. & O. 1947/1594.	<p>Regulation 15 shall be renumbered "15.—(1)" and the following paragraph added at the end—</p> <p>"(2) These Regulations (which were continued in force by Regulation 5(4) of the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974(a)) shall have effect as if any requirement or prohibition imposed by or under them was imposed by or under health and safety regulations".</p>
		S.I. 1959/1919.	
		S.I. 1974/1942.	
			(a) S.I. 1974/1942.

SCHEDULE—continued

1	2	3	4
Regulations	Reference	Relevant amending instruments	Extent of modification
The Compressed Gas Cylinders (Fuel for Motor Vehicles) Regulations 1940.	S.R.&O. 1940/2009.	S.I. 1974/1942.	<p>Regulation 20 shall be renumbered "20.—(1)" and the following paragraph added at the end—</p> <p>"(2) These Regulations (which were continued in force by Regulation 5(4) of the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974(a)) shall have effect as if any requirement or prohibition imposed by or under them was imposed by or under health and safety regulations".</p>
The Petroleum-Spirit (Conveyance by Road) Regulations 1957.	S.I. 1957/191.	S.I. 1958/962. S.I. 1966/1190. S.I. 1974/1942.	<p>For Regulation 27 substitute—</p> <p>"27. These Regulations (which were continued in force by Regulation 5(4) of the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974(a)) shall have effect as if any requirement or prohibition imposed by or under them was imposed by or under health and safety regulations".</p>
The Carbon Disulphide (Conveyance by Road) Regulations 1958.	S.I. 1958/313.	S.I. 1962/2527.	<p>For Regulation 23 substitute—</p> <p>"23. These Regulations (which were continued in force by Regulation 5(4) of the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974(a)) shall have effect as if any requirement or prohibition imposed by or under them was imposed by or under health and safety regulations".</p>

(a) S.I. 1974/1942.

SCHEDULE—continued

1	2	3	4
Regulations	Reference	Relevant amending instruments	Extent of modification
The Corrosive Substances (Conveyance by Road) Regulations 1971.	S.I. 1971/618.		For Regulation 9 substitute— “9. These Regulations (which were continued in force by Regulation 5(4) of the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974(a)) shall have effect as if any requirement or prohibition imposed by or under them was imposed by or under health and safety regulations”.
The Inflammable Liquids (Conveyance by Road) Regulations 1971.	S.I. 1971/1061.		For Regulation 8 substitute— “8. These Regulations (which were continued in force by Regulation 5(4) of the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974(a)) shall have effect as if any requirement or prohibition imposed by or under them was imposed by or under health and safety regulations”.
The Inflammable Substances (Conveyance by Road) (Labelling) Regulations 1971.	S.I. 1971/1062.		For Regulation 10 substitute— “10. These Regulations (which were continued in force by Regulation 5(4) of the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974(a)) shall have effect as if any requirement or prohibition imposed by or under them was imposed by or under health and safety regulations”.

(a) S.I. 1974/1942.

SCHEDULE—continued

1	2	3	4
Regulations	Reference	Relevant amending instruments	Extent of modification
The Organic Peroxides (Conveyance by Road) Regulations 1973.	S.I. 1973/2221.		For Regulation 19 substitute— “19. These Regulations (which were continued in force by Regulation 5(4) of the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974(a)) shall have effect as if any requirement or prohibition imposed by or under them was imposed by or under health and safety regulations”.

(a) S.I. 1974/1942.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide that a petroleum-spirit licensing authority (other than the Health and Safety Executive) will be the enforcing authority in its area for the Petroleum (Consolidation) Act 1928, including that Act as applied to other substances, and for instruments of a legislative character made or having effect as if made under it, except for byelaws to the extent that they contain provision for their own enforcement.

The Regulations include consolidation of the enforcement provisions in various regulations concerning the conveyance of petroleum and of other substances to which the Act is applied.

The Regulations modify certain regulations continued in force by the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974 by adding to each a provision that they shall have effect as if any requirement or prohibition imposed by or under them was imposed by or under health and safety regulations.

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