

SCHEDULE 12

UNLOADING OF PETROL AT PETROLEUM FILLING STATIONS AND CERTAIN OTHER PREMISES LICENSED FOR THE KEEPING OF PETROL

PART I

GENERAL REQUIREMENTS

1.—(1) It shall be the duty of the person licensed under the Petroleum (Consolidation) Act 1928 to keep petrol at a particular petroleum filling station or at particular premises of the kind specified in regulation 20(1)(b) (“the licensee”) to ensure that the unloading of petrol from a road tanker at those premises (“the licensed premises”) is carried out—

- (a) under his control and in accordance with the procedure set out in Part II of this Schedule (“the Part II procedure”); or
- (b) under the control of the driver of the road tanker making the delivery, under the authority of a licence issued by the petroleum licensing authority pursuant to paragraph 19(1)(a) (“a Part III licence”) and in accordance with the procedure set out in Part III of this Schedule (“the Part III procedure”); and
- (c) (in either case)—
 - (i) subject to the provisions of this Part of this Schedule, and
 - (ii) by transferring the petrol from the tank of the road tanker into a storage tank.

(2) Where the licensee has been granted a Part III licence in respect of the licensed premises, he shall use the Part III procedure and no other thereat unless—

- (a) he has given at least one week’s notice to the petroleum licensing authority that he intends to change to using the Part II procedure and that notice period has expired; or
- (b) due to failure of equipment, compliance with the Part III procedure has ceased to be possible and the licensee has agreed with the operator and (where the operator is not the supplier of the petrol) with the supplier to revert temporarily to the Part II procedure pending correction of the equipment.

(3) Where the temporary use of the Part II Procedure occurs in accordance with sub-paragraph (2) (b) of this paragraph, the licensee shall give notice to the petroleum licensing authority—

- (a) of his having commenced such temporary use; and
- (b) of his having resumed the use of the Part III procedure upon correction of the equipment failure.

(4) Any notice required to be given in accordance with sub-paragraph (3) of this paragraph shall be given by the quickest practicable means.

(5) The licensee shall, within 3 working days of giving any notice in accordance with sub-paragraph (3) of this paragraph, give written confirmation of that notice to the petroleum licensing authority.

(6) In sub-paragraph (5) of this paragraph, the reference to “3 working days” is a reference to a period of 72 hours calculated from the time the relevant notice was given in accordance with sub-paragraph (3) of this paragraph, but disregarding so much of any such period as falls on a Saturday or Sunday, or on Christmas day or Good Friday, or a day which is a bank holiday under the Banking and

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Financial Dealings Act 1971(1) in the part of Great Britain where the licensed premises concerned are situated.

2.—(1) The licensee shall, for the purpose of distinguishing one storage tank from any other storage tank situated at the licensed premises, ensure that every such tank is clearly marked with—

- (a) a number, a letter or a combination of both a number and a letter in such a manner that the number, letter or number and letter cannot be readily altered or obliterated; and
- (b) (adjacent to that number, letter or number and letter) the maximum working capacity of the tank and the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises.

(2) In this Schedule, any reference to the maximum working capacity of a storage tank shall be a reference to 97 per cent of its actual capacity, expressed in litres.

3. For the purpose of distinguishing one compartment of the tank of a road tanker from each other compartment of that tank, the operator shall ensure that every such compartment is clearly marked with a number in such a manner that that number cannot readily be altered or obliterated.

4. The licensee shall ensure that every dipstick, not being one permanently fixed to a storage tank, and any other device used for ascertaining the quantity of the petrol for the time being contained in a storage tank, is marked with the same number, letter or combination of both a number and letter and in the like manner as that with which the storage tank in connection with which it is used is marked.

5. Where the method of filling a storage tank is by means of a pipe (whether in a single length or segmented) leading from the tank to a filling point not situated on, or immediately adjacent to, the tank itself, the licensee shall ensure that the said pipe is clearly marked on, or immediately adjacent to, the filling point with—

- (a) the same number, letter or combination of both a number and letter and in the like manner as that with which the tank is marked; and
- (b) (adjacent to that number, letter or number and letter) the maximum working capacity of the tank and the grade of petrol permitted to be stored therein under the petroleum-spirit licence granted in respect of the licensed premises.

6. In any case where the method of filling the tank is that referred to in paragraph 5, the licensee shall ensure, so far as practicable, that no filling takes place until—

- (a) the pipe is properly and securely connected to the tank and to the filling point; and
- (b) (where the pipe is segmented) each segment is properly and securely connected one with another.

7. Where, during the course of filling a storage tank, vapours given off by that storage tank are returned to the road tanker by means of a vapour balance pipe which is connected to a vapour balance hose emanating from that road tanker, the licensee shall ensure that that vapour balance pipe is marked with the words “vapour balance”.

8.—(1) The licensee shall appoint a competent person over the age of 18 years (in this Schedule referred to as “the competent person”) who shall be permitted neither to be the driver of, nor to be employed to be in attendance on, any vehicle from which a delivery of petrol is to be made at the licensed premises and who shall have the functions given to him by Parts II and III of this Schedule.

(2) The licensee shall ensure that—

- (a) the competent person has received adequate training to enable him to understand—
 - (i) the nature of the dangers to which the carriage of petrol may give rise, and

(1) 1971 c. 80.

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- (ii) the functions given to him by Parts II and III of this Schedule and his duties under sections 7 and 8 of the Health and Safety at Work etc. Act 1974; and
- (b) a record of the training received pursuant to sub-paragraph (2)(a) of this paragraph is available at the licensed premises.