
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require a person having custody or control of oil to carry out certain works and take certain precautions and other steps for preventing pollution of any waters which are controlled waters for the purposes of Part III of the Water Resources Act 1991.

Regulation 2(2) sets out circumstances in which these Regulations do not apply to the storage of oil.

Regulation 3 imposes general requirements in relation to the storage of oil. Additional requirements which apply to specific types of container are imposed by regulation 4 (fixed tanks) and regulation 5 (mobile bowsers).

Regulation 6 contains transitional provisions. Where in a transitional case the Environment Agency considers that there is a significant risk of pollution of controlled waters from the oil in question it has the power to serve a notice on the person having custody or control to minimise the risk (*see regulation 7*). A person served with a notice has a right of appeal to the Secretary of State under regulation 8.

Failure to comply with any of the requirements of regulations 3 to 5 or a notice under regulation 7 is a criminal offence (see regulation 9), punishable on conviction on indictment to an unlimited fine or on summary conviction to a fine not exceeding the statutory maximum (currently £5,000).