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STATUTORY INSTRUMENTS

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**2014 No. 1637**

**The Petroleum (Consolidation) Regulations 2014**

**PART 4**

**MISCELLANEOUS PROVISIONS**

**Enforcing authorities**

- 18.**—(1) A petroleum enforcement authority is the enforcing authority within its area for—
- (a) these Regulations;
  - (b) sections 2 to 4 and 7 and 8 of the 1974 Act for the purposes of regulation 21(1), even if the road tanker in question is on a road at the time of that filling or replenishing; and
  - (c) the Dangerous Substances and Explosive Atmospheres Regulations 2002 in so far as they apply to any activity—
    - (i) at a retail petrol filling station relating to fuelling motor vehicles, ships with vehicle fuel or aircraft with petrol; or
    - (ii) at a non-retail petrol filling station relating to fuelling motor vehicles, ships or aircraft with petrol.
- (2) Paragraph (1)(c) does not apply to—
- (a) any activity at a retail petrol filling station connected with—
    - (i) repairing motor vehicles, ships or aircraft; or
    - (ii) retailing goods other than vehicle fuel; or
  - (b) any activity at a non-retail petrol filling station connected with repairing motor vehicles, ships or aircraft.
- (3) In this regulation—
- “non-retail petrol filling station” means premises used, or intended for use, for dispensing petrol for use in motor vehicles, ships or aircraft and includes any petrol dispenser, other apparatus or storage tank for storing petrol used there in connection with that fuelling, but it does not include any retail petrol filling station;
- “retail petrol filling station” means premises used, or intended for use, for dispensing petrol to the public for use in motor vehicles, ships or aircraft by way of sale and includes any vehicle fuel dispenser, other apparatus or storage tank for storing vehicle fuel used there in connection with that fuelling;
- “ship” includes every description of vessel used in navigation propelled by means of an internal combustion engine and includes hovercraft;
- “vehicle fuel” means petrol or any other substance which provides the power in an internal-combustion engine in a motor vehicle, ship or aircraft;
- “vehicle fuel dispenser” means a mechanical or electrical device for the dispensing of vehicle fuel.

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**Commencement Information**

**I1** [Reg. 18](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

**Manufacture etc. of portable petrol storage containers**

**19.**—(1) Any person who manufactures, imports or supplies any container for use as a portable petrol storage container must ensure that the container meets the standards for such containers specified in Schedule 3.

(2) In any proceedings for an offence under paragraph (1) it is a defence for any person who supplied the container, but did not manufacture it, to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

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**Commencement Information**

**I2** [Reg. 19](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

**Repairs of vessels or containers that have contained petrol**

**20.** A domestic or other relevant user must not repair, or allow the repair of, any container or other vessel, which to the person's knowledge has contained petrol, or still contains petrol, without first taking all reasonable precautions to ensure that the container or other vessel has been rendered free from petrol and any flammable petrol vapours.

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**Commencement Information**

**I3** [Reg. 20](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

**Prohibition on direct filling of fuel tanks from road tankers**

**21.**—(1) No person is to fill or replenish a fuel tank for an internal combustion engine or a portable container with petrol directly from a road tanker conveying petrol.

(2) A road tanker is conveying petrol where it is conveying petrol by road in circumstances where the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009(1) apply to that tanker.

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**Commencement Information**

**I4** [Reg. 21](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

**Limited continuation of activities that were formerly compliant**

**22.**—(1) A petrol storage container that either—

- (a) is made of metal and immediately before the relevant date complied with the requirements of regulations 2(1) and 4 of the Petroleum-Spirit (Motor Vehicles, etc.) Regulations 1929(2); or

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(1) [S.I. 2009/1348](#).

(2) [S.R. & O. 1929/952](#); regulation 2 was substituted by [S.I. 2002/2776](#); regulation 4 was amended by [S.I. 1982/630](#).

- (b) immediately before the relevant date complied with sub-paragraphs (a) to (d) of regulation 3(1) of, and the Schedule to, the Petroleum-Spirit (Plastic Containers) Regulations 1982(3),

may be manufactured and sold for use in Great Britain for up to two years after the relevant date.

(2) A person storing petrol in domestic or other relevant premises in accordance with the storage requirements in the Petroleum-Spirit (Motor Vehicles, etc.) Regulations 1929 immediately before the relevant date is to be treated as complying with the storage requirements in Schedule 2 for up to two years after the relevant date.

(3) A person storing up to 15 litres of petrol in domestic or other relevant premises in accordance with the storage requirements in section 1 of the Petroleum (Consolidation) Act 1928(4) immediately before the relevant date is to be treated as complying with the storage requirements in Schedule 2 for up to two years after the relevant date.

(4) For petrol stored domestically in accordance with the storage requirements in the Petroleum-Spirit (Motor Vehicles, etc.) Regulations 1929 any valid notice already given under those Regulations is deemed to be notice given in accordance with paragraph 4 of Schedule 2 to these Regulations, and remains valid for up to one year after the relevant date, or until the user gives or renews notice under these Regulations, whichever occurs first.

(5) An application for a licence under section 2 of the Petroleum (Consolidation) Act 1928 received, but not determined, by a petroleum licensing authority before the relevant date, is to be considered under regulation 6, 14 or 16 of these Regulations, as applicable, and the provisions of these Regulations apply.

(6) An application for the transfer of a licence under section 1 of the Petroleum (Transfer of Licences) Act 1936(5) received, but not determined, by the petroleum licensing authority before the relevant date, is to be considered under regulation 6 or 14 of these Regulations, as applicable, and the provisions of these Regulations apply.

(7) Fees paid for the grant or transfer of a licence in the circumstances described in paragraphs (5) and (6) are deemed to be fees paid in full for the determination of the application under these Regulations.

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**Commencement Information**

**I5** [Reg. 22](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

**Transitional provisions in relation to licences granted under the Petroleum (Consolidation) Act 1928**

**23.**—(1) This regulation applies to the keeping of petrol that immediately before the relevant date was authorised by a licence granted under section 2(2) of the Petroleum (Consolidation) Act 1928.

(2) Where the keeping of petrol to which this regulation applies—

- (a) occurs on dispensing premises; and
- (b) fulfils the requirements in paragraph (4),

it is deemed to be kept in compliance with a valid certificate granted under regulation 6.

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(3) [S.I. 1982/630](#).

(4) [1928 c.32](#); section 1 was amended by [S.I. 1974/1942](#) and by [S.I. 1992/1811](#); section 2 was amended by Schedule 29 to the Local Government Act [1972 \(c. 70\)](#), section 37 of and Schedule 11 to the Local Government Act [1985 \(c. 51\)](#), Schedule 9 to the Local Government (Wales) Act [1994 \(c. 19\)](#), Schedule 1 to the Fire and Rescue Services Act [2004 \(c. 21\)](#) and by [S.I. 1995/2923](#) and [S.I. 2002/2776](#).

(5) [1936 c. 27](#); section 1(4) was amended by [S.I. 1974/1942](#) and [S.I. 1987/52](#).

(3) Where the keeping of petrol to which this regulation applies—

- (a) occurs on domestic or other relevant premises;
- (b) is for private use; and
- (c) fulfils the requirements in paragraph (4),

it is deemed to be kept in compliance with a valid licence granted under regulation 14.

(4) The requirements are the conditions attached to the licence referred to in paragraph (1), but excluding any provision for renewal of the licence.

(5) “Private use” does not include keeping petrol for the purpose of sale.

(6) Except for paragraph (7), this regulation ceases to have effect at the end of the period of three years beginning with the relevant date.

(7) A licence deemed to be tantamount to a valid storage certificate under paragraph (2), where the storage arrangements remain unaltered, is to be converted, by the petroleum enforcement authority, to a storage certificate on its expiry without having to fulfil the requirements set out in regulation 6.

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**Commencement Information**

**I6** [Reg. 23](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

**Savings in relation to byelaws**

**24.** Despite the revocation of regulation 17(5) of the Dangerous Substances and Explosive Atmospheres Regulations 2002 (which saves byelaws made or having effect under section 9 of the Petroleum (Consolidation) Act 1928), byelaws made or having effect under section 9 of the Petroleum (Consolidation) Act 1928 which are in force immediately before the relevant date are to continue.

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**Commencement Information**

**I7** [Reg. 24](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

**Repeals, revocations and consequential amendments**

**25.—**(1) The Acts and instruments referred to in column 1 of Part 1 of Schedule 4 are repealed or revoked to the extent specified in the corresponding entry in column 3 of that Part.

(2) Part 2 of Schedule 4 (which makes consequential amendments) has effect.

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**Commencement Information**

**I8** [Reg. 25](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

**Review**

**26.—**(1) Before the end of the review period, the Secretary of State must—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
  - (b) assess the extent to which those objectives are achieved; and
  - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (3) “Review period” means the period of five years beginning with the relevant date.

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**Commencement Information**

**19** [Reg. 26](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Petroleum (Consolidation) Regulations 2014, PART 4.