



Petroleum (Consolidation) Act (Northern Ireland) 1929

1929 CHAPTER 13

LICENCES FOR KEEPING PETROLEUM-SPIRIT

1 Petroleum-spirit not to be kept without a licence.

- (1) Subject to the provisions of this Act, petroleum-spirit shall not be kept unless a petroleum-spirit licence is in force under this Act authorising the keeping thereof and the petroleum-spirit is kept in accordance with such conditions, if any, as may be attached to the licence:

Provided that the foregoing provision shall not apply to any petroleum-spirit kept either for private use or for sale so long as—

- (a) it is kept in separate glass, earthenware, or metal vessels, securely stopped and containing not more than^[F1] 570 millilitres] each; and
 - (b) the aggregate amount kept would not, if the whole contents of the vessels were in bulk, exceed^[F1] 15 litres].
- (2) The occupier of any premises in which petroleum-spirit is kept in contravention of this section, shall be liable on summary conviction to a fine not exceeding^[F2] level 3 on the standard scale], and the court before whom any person is convicted under this sub-section may order that the petroleum-spirit, in respect of which the contravention occurs, and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.
- (3) If any person to whom a petroleum-spirit licence is granted contravenes any condition of the licence, he shall be liable on summary conviction to a fine not exceeding^[F2] level 3 on the standard scale].

F1 SR 1992/413

F2 1984 NI 3

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Petroleum (Consolidation) Act (Northern Ireland) 1929. (See end of Document for details)

2 Provisions as to licences.

- (1) The local authority empowered under this Act to grant petroleum-spirit licences shall be, as respects any ...^{F3} district, the council thereof:

^{F4} . . .

Para.(i) rep. by SRO (NI) 1973/341

Para.(ii) rep. by SR 2003/152

Subs.(2) and (3) rep. by SR 2003/152

Subs.(4) rep. by SR 1996/512

F3 SRO (NI) 1973/341

F4 SR 2003/152

3 Appeals from refusals by local authority to grant licences.

- (1) If on any application for a petroleum-spirit licence a local authority refuse to grant the licence, or grant the licence on conditions with which the applicant is dissatisfied, the local authority shall, if required by the applicant so to do, deliver to him a certificate in writing signed by the clerk of the local authority stating the grounds on which the authority has refused the licence or attached the conditions, as the case may be, and the applicant may appeal to^{F5} the Executive] within ten days after the receipt of the certificate or within such further time as^{F5} the Executive] may allow.
- (2) Every appeal to^{F5} the Executive] under this section shall be made in writing asking that the licence may be granted notwithstanding the refusal of the local authority, or that the conditions may not be attached or may be modified in such manner and to such extent as may be set forth in the appeal, and shall be accompanied by the certificate of the local authority given under the last foregoing sub-section, and on consideration of any such appeal^{F5} the Executive] may, if he thinks fit, grant the licence either without conditions or subject to such conditions as he thinks proper or may modify the conditions attached by the local authority, and any licence so granted or modified shall be in force for such time and be subject to such provisions as to renewal as may be specified in the licence, and shall, when certified under the hand of^{F5} the Executive], have effect as if granted by a local authority.
- (3) Before exercising his powers under the last foregoing sub-section with respect to any appeal,^{F5} the Executive] may, if he thinks it necessary or desirable, cause an inquiry and report upon the matter to be made to him by such person as he may appoint for the purpose.

F5 1998 NI 18

4 Fees payable for licences.

In respect of every petroleum-spirit licence granted by a local authority or by^{F6} the Executive] under this Act, fees shall be payable to the local authority or to^{F6} the Executive], as the case may be, by the person to whom the licence is granted, at the rates^{F7} fixed by or determined under regulations made in accordance with Article 40(2) of the Health and Safety at Work (Northern Ireland) Order 1978].

F6 1998 NI 18

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the Petroleum (Consolidation) Act (Northern Ireland) 1929. (See end of Document for details)

F7 SR 1992/396

Modifications etc. (not altering text)

- C1** S. 4 excluded (2.4.2007) by [Health and Safety \(Fees\) Regulations \(Northern Ireland\) 2007 \(S.R. 2007/62\)](#), **reg. 3**
- C2** S. 4 excluded (10.3.2008) by [Health and Safety \(Fees\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/21\)](#), **reg. 3**
- C3** S. 4 excluded (27.4.2009) by [Health and Safety \(Fees\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/132\)](#), **reg. 3**
- C4** S. 4 excluded (1.4.2010) by [Health and Safety \(Fees\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/60\)](#), **reg. 3**

LABELLING OF VESSELS CONTAINING PETROLEUM-SPIRIT

5^{F8} Provisions as to the labelling of vessels containing petroleum-spirit.

(1) Subject as hereinafter provided, where any petroleum-spirit—

- (a) is kept at any place; or
- (b) is sent or conveyed between any two places in Northern Ireland; or
- (c) is sold or exposed or offered for sale;

there shall be attached to, or, where that is impracticable, displayed near, the vessel containing the petroleum-spirit, a label showing, in conspicuous characters, the words “Petroleum-Spirit” and the words “Highly Inflammable,” and—

- (i) in the case of petroleum-spirit kept, the name and address of the consignee or owner;
- (ii) in the case of petroleum-spirit sent or conveyed, the name and address of the sender;
- (iii) in the case of petroleum-spirit sold or exposed or offered for sale, the name and address of the vendor;

Provided that, for the purposes of the foregoing provisions—

- (a) petroleum-spirit shall not be deemed to be kept during the seven days next after it has been imported; and
- (b) petroleum-spirit carried on any motor vehicle, ship, or aircraft, but intended to be used only for the purposes thereof shall not be deemed to be conveyed.

(2) Any person who keeps, sends, conveys, sells, or exposes or offers for sale any petroleum-spirit in contravention of this section shall be liable on summary conviction to a fine not exceeding^{F9} level 2 on the standard scale], and the court before whom any person is convicted in respect of any such contravention may order that the petroleum-spirit, in respect of which the contravention occurs, and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.

F8 mod. by SR 1981/283; 1992/260

F9 [1984 NI 3](#)

Status: Point in time view as at 01/01/2006.

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TRANSPORT OF PETROLEUM-SPIRIT

6 Regulations as to the conveyance of petroleum-spirit by road.

- (1) The Minister of Home Affairs may make regulations as to the conveyance of petroleum-spirit by road and for protecting persons or property from danger in connection with such conveyance, and in particular—
 - (a) for regulating the description and construction of vehicles to be used in the conveyance of petroleum-spirit by road;
 - (b) for prohibiting or subjecting to conditions and restrictions the conveyance by road of petroleum-spirit with any explosive, or with any articles or substances, or in passenger vehicles;
 - (c) for prescribing the quantity of petroleum-spirit which may be conveyed at one time or in one vehicle;
 - (d) for prescribing the precautions to be observed in the conveyance of petroleum-spirit by road, and in loading and unloading vehicles used in such conveyance, and the time during which the petroleum-spirit may be kept during such conveyance, loading, and unloading as aforesaid;
 - (e) for the publication and supply of copies of the regulations;
 - (f) for adapting, on good cause being shown, the regulations in force under this section to the circumstances of any particular locality;
 - (g) for the enforcement of the regulations in any area by the local authority empowered under this Act to grant petroleum-spirit licences in that area.
- (2) If any person contravenes or attempts to contravene any regulation made under this section, he shall be liable on summary conviction to a fine not exceeding^{F10} level 3 on the standard scale], and the court before whom any person is convicted under this sub-section may order that the petroleum-spirit in respect of which the offence was committed and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.

F10 1984 NI 3

Ss. 7, 8 rep. by SR 1991/509

S. 9 rep. by SR 2003/152

SPECIAL PROVISIONS AS TO KEEPING, USE AND SUPPLY OF PETROLEUM-SPIRIT FOR MOTOR VEHICLES

10 Regulations as to the keeping and use of petroleum-spirit for purpose of motor vehicles, motor boats, aircraft and engines.

- (1) The Minister of Home Affairs may make regulations as to the keeping and use of petroleum-spirit by persons intending to use it for the purpose of any class of motor vehicles, motor boats, aircraft^{F11}, or engines specified in the regulations, and any such regulations may exempt from the operation of any of the foregoing provisions of this Act the keeping and use of petroleum-spirit by persons intending to use it for the purpose of any such class as aforesaid to which the regulations apply.
- (2) If any person contravenes or attempts to contravene any regulation made under this section, he shall be liable on summary conviction to a fine not exceeding^{F12} level 3

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on the standard scale], and the court before whom any person is convicted under this sub-section may order that the petroleum-spirit, in respect of which the offence was committed, and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.

F11 1968 c.59

F12 1984 NI 3

S. 11 rep. by 1972 NI 17

REGULATIONS AS TO SPECIAL CLASSES OF PETROLEUM-SPIRIT

12 Regulations as to classes of petroleum-spirit likely to be dangerous or injurious to health.

- (1) If the Minister of Home Affairs is satisfied that any class of petroleum-spirit is, by reason of the nature thereof or of any substance mixed therewith, likely to be dangerous or injurious to health either generally or in the case of any class of persons, [^{F13} or that fixed tanks or other fixed containers which have been used for the storage of petroleum-spirit and which are no longer used for that purpose, kept on any premises, are likely to be dangerous,] he may make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case, and in particular—
- (a) for requiring the observance of such precautions as may be prescribed for the protection of persons employed or engaged in handling or using petroleum-spirit of that class in connection with any trade or business; and
 - (b) for requiring persons selling to the public petroleum-spirit of that class to give, in such manner as may be prescribed, warning to purchasers of petroleum-spirit of that class as to the dangers thereof and the precautions to be observed with respect thereto; and
 - (c) for prohibiting the sale or use of petroleum-spirit which he may by order declare to be so dangerous or injurious to health that precautions for the protection of persons employed or engaged in handling or using such petroleum-spirit are impracticable; and
 - ^{F13}(cc) for prescribing the steps to be taken by the occupier of premises on which a fixed tank or other fixed container which has been used for the storage of petroleum-spirit and which is no longer used for that purpose is kept for the prevention of danger from the container;]
 - (d) for the publication and supply of copies of the regulations; and
 - (e) for the enforcement of the regulations in any area by the local authority empowered under this Act to grant petroleum-spirit licences in that area.
- (2) If any person contravenes or attempts to contravene any regulation made under this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds for each day on which the offence occurs or continues, and the court before whom any person is convicted under this sub-section may order that the petroleum-spirit, in respect of which the offence was committed, and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.

F13 1978 NI 19

Status: Point in time view as at 01/01/2006.

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ACCIDENTS IN CONNECTION WITH PETROLEUM-SPIRIT

S. 13 rep. by SR 1981/339

S. 14 rep. by 2005 c. 12

15 Coroners' inquests on deaths from accidents connected with petroleum-spirit.

^{F14}(1) Where a coroner holds an inquest upon the body of any person whose death may have been caused by any accident of which notice is required by this Act to be given to the Minister of Home Affairs, the coroner shall adjourn the inquest unless a government inspector, or some person on behalf of the said Minister, is present to watch the proceedings:

Provided that, if the accident has not occasioned the death of more than one person, and the coroner has sent to the Minister of Home Affairs notice of the time and place of holding the inquest not less than forty-eight hours before the time of the holding thereof, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary that he should do so.

- (2) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof.
- (3) The coroner, at least four days before holding the adjourned inquest, shall send to the Minister of Home Affairs notice in writing of the time and place of holding the adjourned inquest.
- (4) A government inspector or person employed on behalf of the Minister of Home Affairs shall be at liberty at any such inquest as aforesaid to examine any witness, subject nevertheless to the order of the coroner on points of law.
- (5) Where at any inquest there is given evidence of any neglect having caused or contributed to an accident, or evidence of there having been, in or about or in connection with any licensed premises or any ship or vehicle carrying petroleum-spirit, any defect that appears to the coroner or jury to require a remedy, the coroner shall, if no government inspector or person employed on behalf of the Minister of Home Affairs is present at the inquest, send to the Minister of Home Affairs notice in writing of the neglect or defect.

<p>F14 1938 c.4 (NI)</p>

POWERS OF INSPECTION, ETC.

16 Powers of government inspectors.

- (1) A government inspector shall have power to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act or of any regulations made thereunder are complied with, and for that purpose—
 - (a) he may enter, inspect, and examine at all reasonable times by day any licensed premises, and every part thereof, and any premises in which any petroleum-spirit is kept, or is suspected by him to be kept, in contravention of the provisions of this Act or of any regulations made thereunder; and

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- (b) he may require the occupier of any premises which he is so entitled to enter, or a person employed therein by the occupier, to give him samples of any petroleum on the premises.
- (2) The occupier of any such premises as aforesaid, his agents and servants, shall furnish the means required by a government inspector as being necessary for every such entry, inspection and examination which he is entitled under this section to make.
- (3) If any person fails to permit a government inspector to enter, inspect or examine as aforesaid, or to comply with any such requisition of a government inspector as aforesaid, or in any manner obstructs a government inspector in the execution of his duties, that person shall be liable on summary conviction to a fine not exceeding^{F15} level 3 on the standard scale], or on conviction on indictment to^{F15} an unlimited fine].

F15 1984 NI 3

S.17 rep. by SR 2003/152

18^{F16} Warrants to search for and seize petroleum-spirit.

- (1) If a court of summary jurisdiction is satisfied by information on oath that there is reasonable ground for suspecting that any petroleum-spirit is being kept, sent, conveyed, or exposed or offered for sale within the jurisdiction of the court in contravention of this Act, the court shall grant a search warrant authorising any person named therein to enter and examine any place, ship or vehicle named in the warrant and to search for and take samples of petroleum therein and to seize and remove any petroleum-spirit that he may find therein kept, sent, conveyed, or exposed or offered for sale in contravention of this Act, and the vessel containing any such petroleum-spirit, and to detain such petroleum-spirit and vessel until a court of summary jurisdiction has determined whether or not they are to be forfeited.
- (2) Where any petroleum-spirit or vessel is seized by virtue of a warrant granted under this section—
 - (a) proceedings shall be commenced forthwith for determining whether or not it is to be forfeited; and
 - (b) the person seizing it shall not be liable to any proceedings for detaining it or for any loss or damage incurred in respect thereof except where the loss or damage is due to any wilful act or neglect while the petroleum-spirit or vessel is so detained; and
 - (c) in the case of any petroleum-spirit or vessel seized in any ship or vehicle, the person seizing it may for the purposes of the removal thereof use, during twenty-four hours after the seizure, the ship or vehicle in which it was seized, with the tackle, beasts and accoutrements belonging thereto, but if he do so shall pay to the owner of the ship or vehicle reasonable compensation for the use thereof; and the amount of such compensation shall, in default of agreement, be assessed by the court of summary jurisdiction before which proceedings are taken for determining whether or not the petroleum-spirit or vessel is to be forfeited, and may be recovered in like manner as fines under this Act may be recovered.
- (3) If any person by himself or by anyone in his employ or acting by his direction or with his consent refuses or fails to admit into any place, ship or vehicle occupied by him or under his control any person authorised by a warrant granted under this section

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to enter that place, ship or vehicle, or obstructs or prevents any person from making any search, examination or seizure or taking any samples which he is authorised by such a warrant to make or take, the first-mentioned person shall be liable on summary conviction to a fine not exceeding^[F17] level 3 on the standard scale] and may be ordered by the court to forfeit any petroleum-spirit which is found in his possession or under his control with or without any vessel in which it is contained.

[^{F18}(4) This section does not apply to—

- (a) a workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2002 used, or intended for use, for the dispensing of petroleum-spirit, or
- (b) a carriage to which the Carriage of Dangerous Goods by Road Regulations (Northern Ireland) 1997 apply.]

F16 mod. by SR 1992/260

F17 1984 NI 3

F18 SR 2003/152

POWER TO APPLY ACT TO OTHER SUBSTANCES

19 Power to make Orders in Council applying Act to other substances.

- (1) The^[F19] Department of Enterprise, Trade and Investment may by order] apply to any substance any of the provisions of this Act specified in the^[F19] order], with such modifications, if any, as may seem to^[F19] that Department] to be desirable having regard to the nature of the substance to which the^[F19] order] relates.
- (2) While any^[F19] order] relating to any substance is in force under this section, the provisions of this Act thereby applied shall have effect as if the substance were included in the definition of petroleum-spirit, but subject to such modifications, if any, as may be provided by the^[F19] order].
- (3) Any^[F19] order] made under this section may be varied or revoked by any subsequent^[F19] order].

F19 SI 1999/663

SUPPLEMENTARY

S. 20 rep. by SR 1992/413

21 Laying of regulations before Parliament.

All regulations made by the Minister of Home Affairs under this Act shall^[F20] be subject to negative resolution].

F20 SI 1999/663

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22 Publication of certain byelaws.

Any byelaws confirmed by the Ministry of Commerce under this Act shall be published by the authority by whom they were submitted in such manner as the said Ministry may direct.

23 Interpretation.

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them (that is to say):—

“Amenities” in relation to any place, includes any view of or from that place:

“Canal” and “canal company” have respectively the same meanings as in the Regulation of Railways Act, 1873:

“Clerk” includes secretary:

“Contravention” includes, in relation to any provision, a failure to comply with that provision, and the expression “contravene” shall be construed accordingly:

[^{F21}“the Directive” means Commission Directive 92/69 EEC adapting to technical progress for the seventeenth time Council Directive [67/548/EEC](#) on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances;

“Dispensing” means manual or electrical pumping of petroleum-spirit from a storage tank into the fuel tank for an internal combustion engine, whether for the purposes of sale or not:]

“Dock” includes any pier, jetty or other place, in or at which ships can ship or unship goods or passengers:

[^{F22}“Executive” means the Health and Safety Executive for Northern Ireland established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978;]

“Government inspector” means a government inspector under the Explosives Act, 1875:

“Harbour” means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river, canal or inland navigation navigated by sea-going ships and, subject to the provisions of this Act, any dock:

“Harbour authority” means any person or body of persons in whom are vested by or under any Act of Parliament powers and duties of improving, maintaining or managing a harbour, so, however, that where, as respects any dock within a harbour, such powers and duties are separately vested by or under any Act of Parliament in any person or body of persons, that person or body shall, as respects that dock, be the harbour authority, and the dock shall be deemed to be a separate harbour:

Definition rep. by SR 1992/413

“Licensed premises” means any premises in respect of which a petroleum-spirit licence is in force under this Act:

“Minister of Home Affairs” means the Minister of Home Affairs for Northern Ireland^{F23}.

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“Motor vehicles” includes all mechanically-propelled vehicles intended or adapted for use on roads:

“Petroleum” includes crude petroleum, oil made from petroleum, or from coal, shale, peat or other bituminous substances, and other products of petroleum:

“Petroleum filling station” means any premises or place used or intended to be used by way of trade or for purposes of gain for fuelling motor vehicles with petroleum, and includes any building, advertisement, pump or other apparatus in, or used in connection with, any such premises:

[^{F21}“Petroleum-spirit” means petroleum which, when tested in accordance with Part A.9. of the Annex to the Directive, has a flash point (as defined in that Part) of less than 21°C:]

“Petroleum-spirit licence” means a licence authorising the keeping of petroleum-spirit granted by a local authority empowered under this Act to grant such a licence or by the [^{F22} Executive]:

“Ship”^{F24} includes every description of vessel used in navigation, whether propelled by oars or otherwise:

“Statutory period” means ...

definition in 1954 c.33 (NI) s.41(2) substituted by 1979 NI 12 art.10

Subs.(2) rep. by 1954 c.33 (NI)

F21 SR 2003/152

F22 1998 NI 18

F23 SRO (NI) 1973/504

F24 1968 c.59

24 Savings.

- (1) The powers conferred by this Act shall be in addition to and not in derogation of any other powers conferred on any local authority, harbour authority, or canal company by any Act (not being an enactment repealed by this Act), or by law or custom.
- (2) Nothing in this Act shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance.

[^{F25}**24A** [The provisions of this Act shall not apply in respect of—

- ^{F26}(1)]
- (a) any establishment to which the Control of Major Accident Hazards Regulations (Northern Ireland) 2000 [S.R. 200 No. 93] apply by virtue of regulation 3 of those Regulations;^{F26} . . .
 - (b) any site in respect of which notification of an activity is required pursuant to regulation 3 of the Notification of Installations Handling Hazardous Substances Regulations (Northern Ireland) 1984 [S.R. 1984 No. 177][^{F26} or
 - (c) any workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2002, apart from a workplace used, or intended for use, for dispensing petroleum-spirit.

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- (2) For the purposes of subsection (1)(c), any part of a workplace where petroleum-spirit is kept other than for dispensing is not to be regarded as used, or intended for use, for dispensing petroleum-spirit.]]

F25 SR 2000/93

F26 SR 2003/152

25 Short title and repeal.

- (1) This Act may be cited as the Petroleum (Consolidation) Act (Northern Ireland), 1929.
- (2) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that—

- (a) any appointment, byelaw, regulation, order, licence, certificate or warrant, made, granted, given or issued, and any proceedings taken, under any enactment hereby repealed, shall have effect as if made, granted, given, issued, or taken under the corresponding provision of this Act, and references in this Act to any appointment, byelaw, regulation, order, licence, certificate, warrant or proceedings shall have effect accordingly;
 - (b) any byelaws made by a harbour authority as defined by this Act with respect to the landing of petroleum-spirit, being byelaws which under sub-section (2) of section six of the Petroleum (Amendment) Act (Northern Ireland), 1929 , applied with the necessary modifications to the loading of ships with such spirit, shall, until revoked, continue so to apply;
 - (c) any regulations made under section five of the Locomotives on Highways Act, 1896 , and continued in force by sub-section (4) of section twenty of the Petroleum (Amendment) Act (Northern Ireland), 1929, shall have effect as if made under section ten of this Act, and in so far as any such regulations relate to any substance other than petroleum-spirit, section ten of this Act shall be deemed to have been applied to that substance under section nineteen of this Act;
 - (d) any Order in Council made under section fourteen of the Petroleum Act, 1871 , and continued in force by sub-section (4) of section sixteen of the Petroleum (Amendment) Act (Northern Ireland), 1929, shall have effect as if made under section nineteen of this Act;
 - (e) any licence granted under section eight of the Petroleum Act, 1871, by any justices in petty sessions or by the commissioners of a town not being an urban district, and continued in force by section seventeen of the Petroleum (Amendment) Act (Northern Ireland), 1929, shall have effect as if it had been granted by the local authority empowered under this Act to grant petroleum-spirit licences;
 - (f) any document referring to any enactment repealed by this Act shall be construed as referring to this Act and to the corresponding enactment, if any, therein.
- (3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight^{F27} of the Interpretation Act, 1889 , with regard to the effect of repeals.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the
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Subs.(4) rep. by SLR (NI) 1952

F27 1954 c.33 (NI)

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the Petroleum (Consolidation) Act (Northern Ireland) 1929.