



Petroleum (Consolidation) Act 1928 (repealed)

1928 CHAPTER 32 18 and 19 Geo 5

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 [^{F2}guilty of an offence.]
- (3) If any person to whom a petroleum-spirit licence is granted contravenes any condition of the licence, he shall be [^{F2}guilty of an offence.]

Textual Amendments

- F1** Words in s. 1(1)(a)(b) substituted (10.9.1992) by S.I. 1992/1811, reg. 3(1), **Sch. 1 Pt. 1.**
- F2** Words substituted by S.I. 1974/1942, **Sch. 2 para. 1**

Modifications etc. (not altering text)

- C1** S. 1 excluded by S.I. 1982/630, reg. 2(a)

*Status: Point in time view as at 06/04/2009.**Changes to legislation: There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed), Cross Heading: Licences for Keeping Petroleum-Spirit. (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—
- [^{F3}(a) in Greater London or a metropolitan county, the [^{F4}fire authority][^{F4}fire and rescue authority];]
- (c) elsewhere, [^{F5}the county council][^{F6}or county borough council]:
- ^{F7}
- (2) A petroleum-spirit licence may be granted by a local authority so as to be in force for such time, and subject to such provisions as to renewal, as the local authority think necessary.
- (3) A local authority may attach to any petroleum-spirit licence such conditions as they think expedient, as to the mode of storage, the nature and situation of the premises in which, and the nature of the goods with which, petroleum-spirit is to be stored, the facilities for the testing of petroleum-spirit from time to time, and generally as to the safe-keeping of petroleum-spirit.
- ^{F8}(4)

Textual Amendments

- F3** S. 2(1)(a) substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 37, **Sch. 11 para. 4**
- F4** Words in s. 2(1)(a) substituted (E.W.) (7.9.2004 for E. for specified purposes and 1.10.2004 for E. in so far as not already in force) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, **Sch. 1 para. 4**; [S.I. 2004/2304](#), art. 2
- F5** Words substituted by [Local Government Act 1963 \(c. 33\)](#), s. **50(2)(3)**
- F6** Words in s. 2(1)(c) inserted (1.4.1996) by [1994 c. 19](#), s. 22(3), **Sch. 9 para. 2** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 3, **Sch. 1**
- F7** S. 2(1) proviso repealed (9.12.2002) by [S.I. 2002/2776](#), regs. 15(1), 16(1), [Sch. 6 para. 2\(2\)](#), **Sch. 7 Pt. 1** (with art. 17(4))
- F8** S. 2(4) repealed (1.1.1996) by [S.I. 1995/2923](#), reg. 3(1), **Sch. Pt. I**

Modifications etc. (not altering text)

- C2** S. 2 excluded by [S.I. 1982/630](#), **reg. 2(a)**

3 Appeals from refusals by local authorities to grant licences.

[^{F9}Where a person who is aggrieved by a decision of a local authority on an application for a petroleum-spirit licence appeals to the Secretary of State under section 44 of the ^{M1}Health and Safety at Work etc. Act 1974, the Secretary of State when he determines the appeal or a person who determines the appeal on his behalf under that section may, if he thinks fit, direct the Health and Safety Executive to grant the licence either without conditions or subject to such conditions as he thinks proper or to 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 have effect as if granted by a local authority.]

Textual Amendments

- F9** S. 3 substituted by [S.I. 1974/1942](#), **Sch. 2 para. 3**

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Modifications etc. (not altering text)

C3 S. 3 excluded by S.I. 1982/630, reg. 2(a)

Marginal Citations

M1 1974 c. 37.

4 Fees payable for licences.

[^{F10}In respect of every petroleum-spirit licence granted by a local authority, or by the Secretary of State or by the Health and Safety Executive under this Act, fees shall be payable in the first case to the local authority, and in the other two cases to the Health and Safety Executive], by the person to whom the licence is granted, at the rates [^{F11}fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974].

Textual Amendments

F10 Words substituted by S.I. 1974/1942, Sch. 2 para. 4

F11 Words substituted by S.I. 1987/52, reg. 2, Sch. 1

Modifications etc. (not altering text)

C4 S. 4 excluded by S.I. 1982/630, reg. 2(a)

C5 S. 4 excluded (3.1.1992) by S.I. 1991/1921, reg. 11.

C6 S. 4 amended (2.11.1992) by S.I. 1992/1752, regs. 1(1), 10(2), Sch. 9 Pt.II.

S. 4 excluded (2.11.1992) by S.I. 1992/1752, regs. 1(1), 11.

S. 4 excluded (28.3.1994) by S.I. 1994/397, reg. 11

S. 4 excluded (18.11.1997) by S.I. 1997/2505, reg. 11

S. 4 excluded (1.4.1999) by S.I. 1999/645, reg. 11

S. 4 excluded (10.10.2000) by S.I. 2000/2482, reg. 11

S. 4 excluded (2.4.2002) by S.I. 2002/655, reg. 11

C7 S. 4 excluded (1.4.2003) by Health and Safety (Fees) Regulations 2003 (S.I. 2003/547), regs. 1(1), 11

C8 S. 4 excluded (1.4.2004) by Health and Safety (Fees) Regulations 2004 (S.I. 2004/456), art. 1(1)reg. 10

C9 S. 4 excluded (6.4.2005) by Health and Safety (Fees) Regulations 2005 (S.I. 2005/676), regs. 1(1), 10

C10 S. 4 excluded (6.4.2006) by Health and Safety (Fees) Regulations 2006 (S.I. 2006/336), regs. 1(1), 10

C11 S. 4 excluded (6.4.2007) by Health and Safety (Fees) Regulations 2007 (S.I. 2007/813), regs. 1(1), 10

C12 S. 4 excluded (6.4.2008) by Health and Safety (Fees) Regulations 2008 (S.I. 2008/736), regs. 1(1), 10

C13 S. 4 excluded (6.4.2009) by Health and Safety (Fees) Regulations 2009 (S.I. 2009/515), regs. 1(1), 10

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