



Petroleum (Consolidation) Act 1928

1928 CHAPTER 32

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 one pint each; and
 - (b) the aggregate amount kept would not, if the whole contents of the vessels were in bulk, exceed three gallons.
- (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 twenty pounds for every day on which the contravention occurs or continues, and the court before whom any person is convicted under this subsection 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 twenty pounds for every day on which the contravention occurs or continues.

2 Provisions as to licences

- (1) The local authority empowered under this Act to grant petroleum-spirit licences shall be—
- (a) in the County of London, except the City of London, the county council;
 - (b) in the City of London, the common council of the City of London;
 - (c) elsewhere, the district council:

Provided that in any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority hereinbefore mentioned, the harbour authority shall be the local authority for granting petroleum-spirit licences to the exclusion of any other local authority.

- (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.
- (4) Where conditions to be observed by persons employed are attached to any petroleum-spirit licence, the occupier of the premises to which the licence relates shall cause to be kept posted on the premises, in such form and in such position as to be easily read by the persons employed on the premises, a notice setting out those conditions, and
 - (a) if the occupier of any premises fails to comply with the foregoing requirements of this subsection, he shall be liable on summary conviction to a fine not exceeding five pounds for every day on which the failure occurs or continues; and
 - (b) if any person pulls down, injures, or defaces any notice posted in accordance with the requirements of this subsection, he shall be liable on summary conviction to a fine not exceeding five pounds; and
 - (c) if any person employed contravenes any condition of which notice has been given in accordance with the requirements of this subsection, he shall be liable on summary conviction to a fine not exceeding five pounds.

3 Appeals from refusals by local authorities 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 or secretary 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 the Secretary of State within ten days after the receipt of the certificate or within such further time as the Secretary of State may allow.
- (2) Every appeal to the Secretary of State 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 subsection, and on consideration of any such appeal the Secretary of State 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 the Secretary of State, have effect as if granted by a local authority.

- (3) Before exercising his powers under the last foregoing subsection with respect to any appeal, the Secretary of State 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.

4 Fees payable for licences

In respect of every petroleum-spirit licence granted by a local authority or by the Secretary of State under this Act, fees shall be payable to the local authority or to the Secretary of State, as the case may be, by the person to whom the licence is granted, at the rates shown in the scale set out in the First Schedule to this Act or such lower scale as the Secretary of State may, with the consent of the Treasury, prescribe by regulations.