



Petroleum (Consolidation) Act 1928 (repealed)

1928 CHAPTER 32 18 and 19 Geo 5

Powers of Inspection, &c.

16 ^{F1}

Textual Amendments

F1 Ss. 12, 14–16, 19 repealed by S.I. 1974/1942, Sch. 1

^{F2}17

Textual Amendments

F2 S. 17 repealed (9.12.2002) by S.I. 2002/2776, regs. 15(1), 16(1), Sch. 6 para. 2(3), Sch. 7 Pt. 1

[^{F3}18 **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.

Status: Point in time view as at 09/12/2002.

Changes to legislation: There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed), Cross Heading: Powers of Inspection, &c.. (See end of Document for details)

- (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: 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 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, that person shall be [^{F4}guilty of an offence].

[This section does not apply to—

- ^{F5}(4) (a) a workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations 2002 used, or intended for use, for the dispensing of petroleum-spirit, or
- (b) carriage to which the Carriage of Dangerous Goods by Road Regulations 1996 ^{F6} apply.]]

Textual Amendments

F3 S. 18 : by [S.I. 1992/743](#) , [regs. 1\(1\)](#) , [30\(1\)](#) it is provided (1.6.1992) that s. 18 shall cease to have effect in so far as it relates to the carriage of petroleum mixtures and liquid methane in a road tanker or tank container.

F4 Words substituted by [S.I. 1974/1942](#) , [Sch. 2 para. 8](#)

F5 S. 18(4) substituted (9.12.2002) by [S.I. 2002/2776](#) , [reg. 15\(1\)](#) , [Sch. 6 para. 2\(4\)](#)

F6 [S.I. 1996/2095](#), amended by [S.I. 1998/2885](#), [1999/257](#), [1999/303](#) and [2001/1426](#).

Modifications etc. (not altering text)

C1 S. 18 restricted by [S.I. 1981/1059](#) , [reg. 25\(2\)](#)

Status: Point in time view as at 09/12/2002.

Changes to legislation: There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed), Cross Heading: Powers of Inspection, &c.. (See end of Document for details)

Textual Amendments

- F7** [S. 18\(4\)](#) added by reg. 16, Sch. 4 Pt. II para. 1 of the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1986/1951 (reg. 3(2) thereof providing that those regs. do not apply as there mentioned)

Status:

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Changes to legislation:

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