



Petroleum (Consolidation) Act 1928

1928 CHAPTER 32

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 Secretary of State 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, 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 twenty pounds for every day on which the offence 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 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.

11 Byelaws as to petroleum filling stations

- (1) For the purpose of preserving for the enjoyment of the public the amenities of any rural scenery or of any place of beauty or historic interest or of any public park or pleasure promenade or of any street or place which is of interest by reason of its picturesque character, the council of any county or borough may make byelaws—
 - (a) regulating the appearance of petroleum filling stations; or
 - (b) prohibiting the establishment of petroleum filling stations,in any part of their area to which the byelaws apply; and, without prejudice to the generality of the foregoing provisions, any such byelaws regulating the appearance of petroleum filling stations may, in particular, require compliance with such provisions as may be contained in the byelaws as to the position, design, size, colour and screening of such stations or of any parts thereof.

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Provided that—

- (i) as respects the City of London, the powers and duties conferred and imposed by this section shall be exercised and performed by the Common Council of the City of London instead of the London County Council; and
 - (ii) no byelaws made under this section by the council of any county shall have effect in any borough within the county; and
 - (iii) nothing in any byelaws regulating the appearance of petroleum filling stations shall prevent the use in any place to which the byelaws apply, of any pump or other apparatus approved for use in such places by the Secretary of State; and in making any such byelaws a council shall make provision for exempting any station established at the time of the making of the byelaws from any restrictions requiring structural alterations for such period, not being less than two years from that time, as they may think fit; and
 - (iv) in making any byelaws prohibiting the establishment of petroleum filling stations a council shall have regard to the need for reasonable facilities for the supply of petroleum in or near the part of their area to which the byelaws apply.
- (2) Any part of the area of a council to which byelaws or a draft of any byelaws made under this section apply shall be distinctly marked and shown on plans to be signed by and deposited with the clerk of the council making the byelaws, and the said plans shall be at all reasonable times thereafter open for the inspection of the public without charge.
- (3) No byelaws made under this section shall come into force until confirmed by the Secretary of State, and before submitting any such byelaws to the Secretary of State the council by whom the byelaws were made shall, in such manner as may be directed by the Secretary of State, publish a draft thereof, together with notice of the place where the plans marked in accordance with the provisions of this section may be inspected and of the intention of the council to apply for the confirmation of the byelaws.
- (4) Where byelaws made under this section are in force prohibiting the establishment of petroleum filling stations in any part of the area of a council, the council may, with a view to securing the removal of all such stations from that part of their area, serve upon every occupier of a petroleum filling station established therein before the date on which the byelaws came into force a notice requiring him to remove it within such period, not being less than six months after the service of the notice, as may be specified in the notice, and any such notice may be addressed "the occupier" without further name or description and may be served either by delivering it or leaving it at, or by sending it by post as a registered letter to, the usual or last known place of abode of the occupier, or if his place of abode is not known, by fixing it on some conspicuous part of the petroleum filling station :

Provided that any person upon whom such a notice is served shall be entitled to recover from the council by whom it was served any expenses reasonably incurred by him in carrying out the directions contained in the notice, and shall, if he makes a claim within twelve months after the service of the notice, be entitled to recover from the council compensation for any loss sustained by him in direct consequence of the requirements of the notice, and any question in dispute as to whether compensation is payable under this subsection or as to the amount of any compensation so payable shall be determined by a single arbitrator appointed by agreement between the parties or, in default of such agreement, appointed by the Secretary of State.

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- (5) The occupier of any premises used or intended to be used as a petroleum filling station shall have power, notwithstanding anything in any conveyance or in any lease or other agreement, to do all such things as may be necessary for complying with the requirements of any byelaw made or notice served under this section; and where a notice has been served upon any person under this section the council by whom the notice was served may, with his consent, do on his behalf anything necessary for complying with the requirements of the notice.
- (6) If any person contravenes any byelaw made or notice served under this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds for every day on which the contravention occurs or continues, and if, after any person has been so convicted in respect of a contravention of any byelaw made under this section prohibiting the establishment of petroleum filling stations or in respect of a contravention of any notice served under this section requiring the removal of any such station, the petroleum filling station is not removed within such time as the court may allow, the council by whom the byelaw was made or the notice served shall have power to do all such acts as may be necessary for the removal thereof, and any expenses incurred by a council in removing any petroleum filling station established in contravention of any such byelaw as aforesaid shall be recoverable from the person convicted summarily as a civil debt.
- (7) Any expenses incurred by a county council under this section shall be defrayed as part of their expenses for general county purposes.
- (8) The council of any urban district shall have power to enforce within their district any byelaws in force under this section, and any expenses incurred by a district council under this subsection shall be defrayed as part of their general expenses.