



# Petroleum (Consolidation) Act 1928

## 1928 CHAPTER 32

### *Supplementary*

#### **20 Provisions as to apparatus for and method of testing petroleum**

- (1) Models of the apparatus for testing petroleum, of which specifications are contained respectively in Part I of the Second Schedule to this Act and in the First Schedule to the Petroleum Act, 1879, shall remain deposited with the Board of Trade, and the Board shall, on payment of such fee, not exceeding twenty shillings, as the Board may from time to time prescribe, cause every apparatus constructed in accordance with either such specification which is submitted to them for the purpose to be compared with the appropriate model so deposited and to be verified, and shall stamp with a mark approved by the Board and notified in the London Gazette every such apparatus that is found to be correct, so, however, that no apparatus constructed in accordance with the specification contained in the First Schedule to the Petroleum Act, 1879, shall after the commencement of this Act be so verified and stamped unless it has been previously verified and stamped on or before the third day of August, nineteen hundred and twenty-eight.
- (2) No apparatus for testing petroleum stamped by the Board of Trade in accordance with the provisions of this section shall be deemed to have been verified by the Board unless—
  - (a) it has been stamped within ten years; and
  - (b) no part of the apparatus has been materially altered, repaired, or replaced since the apparatus was last stampedbut save as aforesaid all such apparatus purporting to be so stamped shall be deemed to have been verified by the Board until the contrary is proved.
- (3) All fees payable under this section shall be paid into the Exchequer.

#### **21 Regulations and byelaws to be laid before Parliament**

All regulations made by the Secretary of State and all byelaws made by the Admiralty under this Act shall be laid before each House of Parliament as soon as may be after

they are made, and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent forty days on which that House has sat next after any such regulation or byelaw is laid before it, praying that the regulation or byelaw may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation or byelaw.

## 22 Confirmation and publication of byelaws

The Secretary of State or the Minister of Transport, as the case may be, may confirm any byelaws submitted to him under this Act with or without any modifications, and any byelaws so confirmed shall be published by the authority by whom they were submitted in such manner as the Secretary of State or the Minister of Transport, as the case may be, may direct.

## 23 Interpretation

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:

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

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

" 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:

" I.W.G. " means the denominations of standards approved by Order in Council made under the Weights and Measures Act, 1878, and dated the twenty-third day of August, eighteen hundred and eighty-three, known as the " Imperial Wire Gauge " :

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

" 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:

" Petroleum-spirit " means such petroleum as when tested in the manner set forth in Part II of the Second Schedule to this Act gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit:

" 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 Secretary of State:

" Ship " includes every description of vessel used in navigation, whether propelled by oars or otherwise.

## 24 Application to Scotland

This Act shall apply to Scotland subject to the following modifications:—

- (1) the following paragraphs shall be substituted for paragraphs (a), (b) and (c) of subsection (1) of section two of this Act—
  - (a) in a burgh the town council;
  - (b) in a county the county council;
- (2) the expression " borough " shall mean " burgh," and any expenses incurred by a county or town council under section eleven of this Act shall be defrayed out of such rate leviable by the council and payable by owners and occupiers in equal proportions as the council may determine;
- (3) the expression " a Master of the Supreme Court " means the Auditor of the Court of Session; the expression " attending before a court of record " means attending on citation in the High Court of Justiciary; the expression " stipendiary magistrate " means the sheriff ; and the expression " information " means complaint;
- (4) any offence may be prosecuted in a court of summary jurisdiction or on indictment and any penalty shall be recoverable on conviction by a court of summary jurisdiction or on indictment, provided that no court of summary jurisdiction shall, except in the case of an offence which involves a fine for every day on which the offence occurs or continues, have power to impose a penalty exceeding fifty pounds and no court of summary jurisdiction other than the sheriff court shall have power to impose a penalty exceeding twenty pounds;
- (5) the expression " court of summary jurisdiction " in section fourteen of this Act means the sheriff, and elsewhere has the like meaning as in the Summary Jurisdiction (Scotland) Acts;
- (6) any petroleum, petroleum-spirit, or other substance or thing ordered by a court to be forfeited may be sold or otherwise disposed of in such manner as the court shall direct;
- (7) any penalty recovered and the proceeds of any forfeiture sold shall be paid to the King's and Lord Treasurer's Remembrancer where the court is the sheriff court, to the county clerk where the court is the justice of the peace court, and to the treasurer of the burgh where the court is the burgh or police court.

## 25 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.

## 26 Short title, extent, repeal and commencement

- (1) This Act may be cited as the Petroleum (Consolidation) Act, 1928.
- (2) This Act shall not extend to Northern Ireland.
- (3) The enactments mentioned 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 any byelaws made by a harbour authority as defined by this Act with respect to the landing of petroleum-spirit, being byelaws which under the said repealed enactments applied with the necessary modifications to the loading of ships with such spirit, shall, until revoked, continue so to apply, and references in this Act to any appointment, byelaw, regulation, order, licence, certificate, warrant or proceedings shall have effect accordingly;
  - (b) any regulations made under section five of the Locomotives on Highways Act, 1896, and continued in force by subsection (4) of section ten of the Petroleum (Amendment) Act, 1928, 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;
  - (c) 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.
- (4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.
  - (5) This Act shall come into operation on the fourth day of August, nineteen hundred and twenty-eight.