



Petroleum (Consolidation) Act 1928

1928 CHAPTER 32

Transport of Petroleum-Spirit

6 Regulations as to the conveyance of petroleum-spirit by road

- (1) The Secretary of State may make regulations as to the conveyance of petroleum-spirit by road and for protecting persons or property from danger in connection with such conveyance, and in particular—
 - (a) for regulating the description and construction of vehicles to be used in the conveyance of petroleum-spirit by road:
 - (b) for prohibiting or subjecting to conditions and restrictions the conveyance by road of petroleum-spirit with any explosive, or with any articles or substances, or in passenger vehicles:
 - (c) for prescribing the quantity of petroleum-spirit which may be conveyed at one time or in one vehicle :
 - (d) for prescribing the precautions to be observed in the conveyance of petroleum-spirit by road, and in loading and unloading vehicles used in such conveyance, and the time during which the petroleum-spirit may be kept during such conveyance, loading, and unloading as aforesaid:
 - (e) for the publication and supply of copies of the regulations :
 - (f) adapting, on good cause being shown, the regulations in force under this section to the circumstances of any particular locality :
 - (g) the enforcement of the regulations in any district by the local authority empowered under this Act to grant petroleum-spirit licences in that district.
- (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.

7 Byelaws as to ships loading and carrying petroleum-spirit in harbour

- (1) It shall be the duty of every harbour authority to make for the harbour under their jurisdiction byelaws as to the loading of ships with petroleum-spirit and generally as to the precautions to be observed with respect to ships carrying petroleum-spirit whilst in the harbour, and such byelaws shall in particular provide—
 - (a) for regulating the places at which ships are to load or land petroleum-spirit and the time and mode of, and the precautions to be taken on, such loading and landing; and
 - (b) for regulating the places at which ships carrying petroleum-spirit are to be moored; and
 - (c) for the due enforcement of the byelaws.
- (2) No byelaws made by a harbour authority under the last foregoing subsection shall come into force until confirmed by the Minister of Transport and before submitting any such byelaws to the Minister the harbour authority shall, in such manner as may be directed by the Minister, publish a draft thereof together with notice of their intention to apply for the confirmation of the byelaws.
- (3) If it appears to the Minister of Transport that at any harbour there are for the time being no byelaws or insufficient byelaws in force under this section, the Minister may by notice require the harbour authority having jurisdiction in that harbour to make and submit to him byelaws for the purposes of this section, and if the harbour authority make default in complying with any such requirement within the time limited by the notice, the Minister may make byelaws which shall have effect as if they had been made by the harbour authority and confirmed by him.
- (4) If it appears to the Admiralty that byelaws under this section ought to be made with respect to any place within the limits of a dockyard port as defined by the Dockyard Port Regulation Act, 1865, but that there is no harbour authority competent to make byelaws with respect to that place, the Admiralty may make byelaws with respect thereto, and any byelaws so made by the Admiralty shall come into force without confirmation, shall be published in such manner as the Admiralty think proper, and shall have effect as if they had been made by a harbour authority and confirmed by the Minister of Transport.
- (5) If it appears to a harbour master or to any person acting under the orders of a harbour authority that any ship or any petroleum-spirit is in a place in which it ought not in accordance with any such byelaws as aforesaid to be, he may cause it to be removed so as to be in conformity with the byelaws, and any expenses incurred by the harbour authority in connection with any such removal may be recovered summarily as a civil debt from the owner of the ship or of the petroleum-spirit, as the case may be.
- (6) In the event of any contravention of the requirements of any byelaw in force under this section, the owner and master of any ship in or in relation to which the contravention occurs, and, except in the case of a contravention in respect of the mooring of a ship, the owner of any petroleum-spirit in respect of which the contravention occurs, shall each be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds for every day on which the offence occurs or continues :

Provided that it shall be a good defence to proceedings for any such offence to prove—

- (a) if the proceedings are against the owner or master of a ship for an offence in respect of the loading or landing of petroleum-spirit, that all reasonable means were taken by the master to prevent the commission of the offence, and that

- the offence was not caused or facilitated by any act or neglect on the part of the owner or of any person engaged or employed by the owner or master; and
- (b) if the proceedings are against the owner of petroleum-spirit for an offence in respect of the loading or landing thereof, or in respect of any failure to observe precautions required to be observed with respect to ships carrying petroleum-spirit whilst in harbour, that the offence was not caused or facilitated by any act or neglect on his part or on the part of any person engaged or employed by him.

8 Notice of ships carrying petroleum-spirit to be given on entering harbour

The owner or master of every ship carrying a cargo, any part of which consists of petroleum-spirit, shall, on entering any harbour within Great Britain, give notice of the nature of the cargo to the harbour authority having jurisdiction over the harbour, and if such notice is not given, the owner and master of the ship shall each be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, or on conviction thereof on indictment to a fine not exceeding five hundred pounds :

Provided that it shall be a good defence to proceedings for any such offence to prove that neither the owner nor the master knew the nature of the goods in respect of which the proceedings are taken, and that neither of them could, with reasonable diligence, have obtained such knowledge.

9 Byelaws as to loading, conveyance and landing of petroleum-spirit in and upon canals

- (1) Every canal company shall have power to make byelaws regulating the loading, conveyance and landing of petroleum-spirit in and upon the canal under their jurisdiction, and as to the precautions to be observed with respect thereto, and as to the due enforcement of the byelaws.
- (2) No byelaws made under this section shall come into force until confirmed by the Minister of Transport, and before submitting any such byelaws to the Minister, the canal company shall, in such manner as may be directed by the Minister, publish a draft thereof together with notice of their intention to apply for the confirmation of the byelaws.
- (3) If any person contravenes or attempts to contravene any byelaw 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.
- (4) Section forty of the Railway and Canal Traffic Act, 1888 (which makes provision as to the byelaws of canal companies) shall not apply to byelaws made under this section.