



# Petroleum (Consolidation) Act 1928

1928 CHAPTER 32 18 and 19 Geo 5

An Act to consolidate the enactments relating to petroleum and to petroleum-spirit.  
[3rd August 1928]

## Modifications etc. (not altering text)

- C1 Act extended by [Milford Haven Conservancy Act 1983 \(c. xix\), s. 5\(6\)](#)
- C2 Act amended by [S.I. 1990/1380, regs. 3, 4](#)
- C3 Act: saved by virtue of [Health and Safety at Work etc. Act 1974 \(c. 37, SIF 43:3\), s. 53, Sch. 1](#) and [Tay Road Bridge Order Confirmation Act 1991 \(c. iv\), Sch. Pt. VII s. 62](#)
- C4 Act: definitions applied by [S.I. 1991/1760, art. 9\(1\)\(f\)](#)
- C5 Act: saved by virtue of [Health and Safety at Work etc. Act 1974 \(c. 37, SIF 43:3\), s. 53, Sch. 1](#) and [Highland Regional Council \(Harbours\) Order Confirmation Act 1991 \(c. xii\), s. 61\(1\)\(f\)](#)

## Commencement Information

- II Act wholly in force at 4. 8. 1928

### *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 [F<sup>1</sup>guilty of an offence.]

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed). (See end of Document for details)

- (3) If any person to whom a petroleum-spirit licence is granted contravenes any condition of the licence, he shall be [<sup>F1</sup>guilty of an offence.]

#### Textual Amendments

**F1** Words substituted by S.I. 1974/1942, Sch. 2 para. 1

#### Modifications etc. (not altering text)

**C6** S. 1 excluded by S.I. 1982/630, reg. 2(a)

## 2 Provisions as to licences.

- (1) The local authority empowered under this Act to grant petroleum-spirit licences shall be—

- [<sup>F2</sup>(a) in Greater London or a metropolitan county, the fire authority;]  
(c) elsewhere, [<sup>F3</sup>the county 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 [<sup>F4</sup>guilty of an offence]; and
- (b) if any person pulls down, . . . [<sup>F5</sup>any notice posted in accordance with the requirements of this subsection, he shall be [<sup>F4</sup>guilty of an offence]; 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 [<sup>F4</sup>guilty of an offence].

#### Textual Amendments

**F2** S. 2(1)(a) substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 37, Sch. 11 para. 4

**F3** Words substituted by Local Government Act 1963 (c. 33), s. 50(2)(3)

**F4** Words substituted by S.I. 1974/1942, Sch. 2 para. 2

**F5** Words repealed by Criminal Damage Act 1971 (c. 48), Sch. Pt. II

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#### Modifications etc. (not altering text)

C7 S. 2 excluded by S.I. 1982/630, reg. 2(a)

### 3 Appeals from refusals by local authorities to grant licences.

[<sup>F6</sup>Where a person who is aggrieved by a decision of a local authority on an application for a petroleum-spirit licence appeals to the Secretary of State under section 44 of the <sup>M1</sup>Health and Safety at Work etc. Act 1974, the Secretary of State when he determines the appeal or a person who determines the appeal on his behalf under that section may, if he thinks fit, direct the Health and Safety Executive to grant the licence either without conditions or subject to such conditions as he thinks proper or to 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 have effect as if granted by a local authority.]

#### Textual Amendments

F6 S. 3 substituted by S.I. 1974/1942, Sch. 2 para. 3

#### Modifications etc. (not altering text)

C8 S. 3 excluded by S.I. 1982/630, reg. 2(a)

#### Marginal Citations

M1 1974 c. 37.

### 4 Fees payable for licences.

[<sup>F7</sup>In respect of every petroleum-spirit licence granted by a local authority, or by the Secretary of State or by the Health and Safety Executive under this Act, fees shall be payable in the first case to the local authority, and in the other two cases to the Health and Safety Executive], by the person to whom the licence is granted, at the rates [<sup>F8</sup>fixed by or determined under regulations made in accordance with section 43(2) of the Health and Safety at Work etc. Act 1974].

#### Textual Amendments

F7 Words substituted by S.I. 1974/1942, Sch. 2 para. 4

F8 Words substituted by S.I. 1987/52, reg. 2, Sch. 1

#### Modifications etc. (not altering text)

C9 S. 4 excluded by S.I. 1982/630, reg. 2(a)

C10 S. 4 excluded (3.1.1992) by S.I. 1991/1921, reg. 11.

C11 S. 4 amended (2.11.1992) by S.I. 1992/1752, regs. 1(1), 10(2), Sch. 9 Pt.II.

S. 4 excluded (2.11.1992) by S.I. 1992/1752, regs. 1(1), 11.

S. 4 excluded (28.3.1994) by S.I. 1994/397, reg. 11

S. 4 excluded (18.11.1997) by S.I. 1997/2505, reg. 11

S. 4 excluded (1.4.1999) by S.I. 1999/645, reg. 11

S. 4 excluded (10.10.2000) by S.I. 2000/2482, reg. 11

S. 4 excluded (2.4.2002) by S.I. 2002/655, reg. 11

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*Labelling of Vessels containing Petroleum-Spirit*

**5 Provisions as to the labelling of vessels containing petroleum-spirit.**

- (1) Subject as hereinafter provided, where any petroleum-spirit—
  - (a) is kept at any place; or
  - (b) is sent or conveyed between any two places in Great Britain; or
  - (c) is sold or exposed or offered for sale;
 there shall be attached to, or, where that is impracticable, displayed near, the vessel containing the petroleum-spirit, a label showing, in conspicuous characters, the words “Petroleum-Spirit” and the words “Highly Inflammable,” and—
  - (i) in the case of petroleum-spirit kept, the name and address of the consignee or owner;
  - (ii) in the case of petroleum-spirit sent or conveyed, the name and address of the sender;
  - (iii) in the case of petroleum-spirit sold or exposed or offered for sale, the name and address of the vendor:
 Provided that, for the purposes of the foregoing provisions—
  - (a) petroleum-spirit shall not be deemed to be kept during the seven days next after it has been imported; and
  - (b) petroleum-spirit carried on any motor vehicle, ship, or aircraft, but intended to be used only for the purposes thereof shall not be deemed to be conveyed.
- (2) Any person who keeps, sends, conveys, sells, or exposes or offers for sale any petroleum-spirit in contravention of this section shall be [<sup>F9</sup>guilty of an offence].

**Textual Amendments**  
 F9 Words substituted by S.I. 1974/1942, Sch. 2 para. 5

**Modifications etc. (not altering text)**  
 C12 S. 5 restricted by S.I. 1981/1059, reg. 25(2) and excluded by S.I. 1982/630, reg. 2(a)

*Transport of Petroleum-Spirit*

**6** ..... F10

**Textual Amendments**  
 F10 Ss. 6, 10 repealed by S.I. 1974/1942, Sch. 1

**7, 8.** ..... F11

**Textual Amendments**  
 F11 Ss. 7, 8 repealed by S.I. 1987/37, regs. 5, 47(1)(c)

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**Changes to legislation:** There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed). (See end of Document for details)

**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 <sup>F12</sup>guilty of an offence].
- (4) Section forty of the <sup>M2</sup>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.

**Textual Amendments**

**F12** Words substituted by [S.I. 1974/1942, Sch. 2 para. 6](#)

**Modifications etc. (not altering text)**

**C13** [S. 9](#) excluded by [S.I. 1982/630, reg. 2\(a\)](#)

**Marginal Citations**

**M2** [1888 c. 25.](#)

**10** ..... <sup>F13</sup>

**Textual Amendments**

**F13** [Ss. 6, 10](#) repealed by [S.I. 1974/1942, Sch. 1](#)

**11** ..... <sup>F14</sup>

**Textual Amendments**

**F14** [S. 11](#) repealed by (E.W.) [Town and Country Planning Act 1947 \(c. 51\)](#), [Sch. 9 Pt. II](#) and (S.) [Town and Country Planning \(S.\) Act 1947 \(c. 53\)](#), [Sch. 9 Pt. II](#)

**12** ..... <sup>F15</sup>

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**Textual Amendments**

**F15** Ss. 12, 14–16, 19 repealed by S.I. 1974/1942, Sch. 1

*Accidents in connection with Petroleum-Spirit*

**13** ..... **F16**

**Textual Amendments**

**F16** S. 13 repealed by S.I. 1980/804, reg. 12, Sch. 5, Pt. 1

**14, 15.** ..... **F17**

**Textual Amendments**

**F17** Ss. 12, 14–16, 19 repealed by S.I. 1974/1942, Sch. 1

*Powers of Inspection, &c.*

**16** ..... **F18**

**Textual Amendments**

**F18** Ss. 12, 14–16, 19 repealed by S.I. 1974/1942, Sch. 1

**17 Powers of officers of local authorities as to testing petroleum-spirit.**

- (1) Any officer authorised by a local authority empowered under this Act to grant petroleum-spirit licences—
  - (a) may purchase samples of any petroleum from any dealer therein or from any person who keeps petroleum for the purposes of any trade or industry, or may on producing a copy of his appointment purporting to be signed by the clerk or secretary of the local authority require the dealer or other person to show him every place and any vessels in which petroleum in his possession is kept and to give him samples of such petroleum on payment of the value thereof; and
  - (b) may test or cause to be tested at any convenient place and at such reasonable time as he may appoint any samples so obtained by him.
- (2) Any such officer shall, before testing or causing to be tested any samples under the last foregoing subsection, give to the dealer or other person from whom they were obtained notice in writing of the place and time at which they are to be tested, and the dealer or other person or any person appointed by him may be present at the testing.

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- (3) If it appears to the person testing any samples of petroleum obtained under this section that the petroleum is petroleum-spirit, he may give a certificate in writing to that effect, and a certificate so given shall be received in evidence in any proceedings under this Act against the person from whom the samples were obtained, so, however, that if, after hearing any evidence given by or on behalf of that person, the court before which the proceedings are taken is not satisfied as to the correctness of the certificate, the court may appoint some person skilled in testing petroleum to test the samples to which the certificate relates and to report whether the certificate is correct or not.
- (4) Any expenses incurred in testing any samples of petroleum under this section shall, if the person from whom the samples were obtained is convicted of keeping, sending, conveying, selling, or exposing or offering for sale petroleum-spirit in contravention of this Act, be paid by that person, and shall be recoverable as part of the costs of the proceedings against him, but in every other case shall be paid by the local authority.
- (5) If any dealer in petroleum or person who keeps petroleum for the purposes of any trade or industry, by himself or by anyone in his employ or acting by his direction or with his consent, refuses to show to an officer authorised by the local authority any place or vessel in which petroleum in his possession is kept, or to give to such an officer such assistance as he may require for examining any such place or vessel, or to give him samples of such petroleum on payment of the value thereof, or wilfully obstructs the local authority or any officer thereof acting in the execution of this Act, that dealer or other person shall be liable on summary conviction to a fine not exceeding [<sup>F19</sup>level 2 on the standard scale].

#### Textual Amendments

- F19** Words amended and so substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

## 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.
- (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

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(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 [<sup>F20</sup>guilty of an offence].

[<sup>F21</sup>(4) Nothing in this section shall apply to any carriage to which the Road Traffic (Carriage of Dangerous Substances in Packages etc.) Regulations 1986 apply.]

**Textual Amendments**

**F20** Words substituted by S.I. 1974/1942, Sch. 2 para. 8

**F21** 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)

**Modifications etc. (not altering text)**

**C14** S. 18 restricted by S.I. 1981/1059, reg. 25(2)

19 ..... <sup>F22</sup>

**Textual Amendments**

**F22** 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)

*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 <sup>M3</sup>Petroleum Act 1879, shall remain deposited with the Board of Trade, and the Board shall, on payment of such fee, . . . <sup>F23</sup>, as the Board [<sup>F24</sup>may from time to time with the approval of the Treasury determine], 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 . . . <sup>F23</sup>, and shall stamp with a



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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 <sup>M4</sup>Petroleum Act 1879, shall after the commencement of this Act be so . . . <sup>F23</sup> stamped unless it has been previously . . . <sup>F23</sup> 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 stamped

but 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.

#### Textual Amendments

**F23** Words repealed by [Weights and Measures Act 1963 \(c. 31\)](#), [Sch. 9 Pt. I](#)

**F24** Words substituted by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), ss. 96(1), 97, [Sch. 11 para. 21\(2\)](#), [Sch. 12 para. 1](#)

#### Modifications etc. (not altering text)

**C15** References to Board of Trade to be construed as including references to Secretary of State or his Department as the context may require: [S.I. 1970/1537](#), [arts. 2\(1\)](#), [7\(4\)](#)

#### Marginal Citations

**M3** [1879 c. 47](#).

**M4** [1879 c. 47](#).

## 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.

#### Modifications etc. (not altering text)

**C16** Reference to Admiralty to be construed as reference to Secretary of State: [Defence \(Transfer of Functions\) Act 1964 \(c. 15\)](#), [s. 3\(2\)](#)

## 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

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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 <sup>M5</sup>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:

..... F25

“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 <sup>M6</sup>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 [<sup>F26</sup>or by the Health and Safety Executive]:

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

**Textual Amendments**

**F25** Definition of “Government inspector” repealed by S.I. 1974/1942, **Sch. 1**

**F26** Words inserted by S.I. 1974/1942, **Sch. 2 para. 9**

**Modifications etc. (not altering text)**

**C17** Definition of “harbour authority” explained by **Milford Haven Conservancy Act 1958 (c. 23), s. 1(6)**

**Marginal Citations**

**M5** 1873 c. 48.

**M6** 1878 c. 49.

**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—  
[<sup>F27</sup>(a) in a region, the regional council;  
(b) in an islands area, the islands council.]
- (2) ..... <sup>F28</sup>
- (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 a 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 [<sup>F29M7</sup>Criminal Procedure (Scotland) Act 1975];
- (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 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.

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#### Textual Amendments

- F27** S. 24(1)(a)(b) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 27 Pt. II para. 71**  
**F28** S. 24(2) repealed by [Town and Country Planning \(Scotland\) Act 1947 \(c. 53\)](#), **Sch. 9 Pt. II**  
**F29** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **s. 460(2)**

#### Modifications etc. (not altering text)

- C18** Functions of burgh police court now exercisable by District Court: [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **s. 3(1)**

#### Marginal Citations

- M7** 1975 c. 21.

### 25 Savings. **U.K.**

- (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.

### 25 Savings. **E+W+S**

- (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.

VALID FROM 12/04/1999

**[<sup>F30</sup>25A**

The provisions of this Act shall not apply in respect of—

- (a) any establishment to which the Control of Major Accident Hazards Regulations 1999 [S.I. 1999/743] apply by virtue of regulation 3 of those Regulations; and
- (b) any site in respect of which notification of an activity is required pursuant to regulation 3 of the Notification of Installations Handling Hazardous Substances Regulations 1982 [S.I. 1982/1357]..]

#### Textual Amendments

- F30** S. 25A inserted (12.4.1999) by [S.I. 1999/743](#), **reg. 23(1)**

### 26 †Short title, extent, repeal and commencement.

- (1) This Act may be cited as the Petroleum (Consolidation) Act 1928.

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed). (See end of Document for details)

(2) This Act shall not extend to Northern Ireland.

(3) .....<sup>F31</sup>

- (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 <sup>M8</sup>Locomotives on Highways Act 1896, and continued in force by subsection (4) of section ten of the <sup>M9</sup>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 [<sup>F32</sup>sections 16(1) and 17(2)(a) of the <sup>M10</sup>Interpretation Act 1978], with regard to the effect of repeals.

(5) .....<sup>F33</sup>

**Textual Amendments**

- F31** Words repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)
- F32** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)
- F33** [S. 26\(5\), Sch. 3](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

**Modifications etc. (not altering text)**

- C19** Unreliable marginal note

**Marginal Citations**

- M8** 1896 c. 36.
- M9** 1928 c. 20.
- M10** 1978 c. 30.

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.  
**Changes to legislation:** There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed). (See end of Document for details)

# SCHEDULES

## FIRST SCHEDULE..... F34

**Textual Amendments**  
**F34** Sch. 1 repealed by S.I. 1987/52, reg. 2, Sch. 1

## SECOND SCHEDULE

Section 20.

TEST APPARATUS TO BE USED AND MANNER OF TESTING PETROLEUM THEREWITH SO AS TO ASCERTAIN THE TEMPERATURE AT WHICH IT WILL GIVE OFF INFLAMMABLE VAPOUR

### PART I

#### SPECIFICATION OF THE TEST APPARATUS

##### *General*

The apparatus to be employed shall be the Abel Petroleum Testing apparatus or the Abel apparatus modified by having an oil cup provided with a stirrer. It shall be constructed to the dimensions herein specified within the limits of accuracy prescribed by the tolerances set forth below.

##### *The Oil Cup*

The oil cup consists of a cylindrical vessel open at the top and fitted on the outside with a flat circular flange projecting at right angles.

Within the cup, fixed through the wall and silver soldered or brazed in place, there is a gauge consisting of a piece of wire bent upwards and terminating in a point.

Material:—brass or gunmetal.

	Dimension	Tolerance
Cup, wall and bottom thickness	17 I.W.G.	
„ internal diameter	2in.	±0·05in.
„ internal depth	2·2in.	±0·05in.

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Flange, thickness	17 I.W.G.	
„ width	0·5in.	±0·05in.
„ distance of upper side from top edge of cup	0·375in.	±0·05in.
Gauge, thickness, not less than	10 I.W.G.	
„ distance of point from level of upper edge of cup.	0·7in.	±0·005in.

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### The Cover

The cup is provided with a close-fitting cover with a downward projecting rim barely reaching the flange of the cup. The downward projecting rim is made solid with the top or silver soldered or brazed in place. Upon the cover are mounted a thermometer socket, trunnions to support an oil-test lamp, a pair of guides in which a slide moves, and a white bead. The top of the cover is pierced by three rectangular holes symmetrically placed on a diameter, one in the centre and the other two as close as practicable to the inner sides of the cover-rim and opposite each other. These three holes are covered or uncovered by means of a slide moving in suitably disposed guides. The slide has two perforations, one corresponding in all particulars to the centre hole in the cover and the other to one of the holes at the side. The movement of the slide is restricted by suitable stops, and its length and the disposition of the holes are such, that at the outer extremity of the movement of the slide, the holes in the cover are simultaneously just completely opened and at the inner extremity of the movement of the slide they are completely closed.

The trunnions supporting the test lamp are fixed on the top of the guides and the lamp is mounted in the trunnions so that it is free to oscillate. The lamp is provided with a jet to contain a wick and is so arranged that when the slide is moved so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide and tilted over the central hole in such a way that the lower edge of the cover bisects the circle formed by the bore of the jet when in the lowest position. The flame then occupies a central position within the hole in both directions.

A suitably mounted gas-jet may be substituted for the lamp.

The thermometer socket is in the form of a split tube, mounted on a diameter at right angles to the diameter through the centres of the holes, and fitted at such an angle as to bring the bulb of the thermometer, when in place, vertically below the centre of the cover and at the correct distance from it.

A white bead, the dimensions of which represent the size of test flame to be used, is mounted in a visible position on the cover.

Materials:—all parts excepting bead:—brass or gunmetal. bead:—ivory or other suitable material.

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	Dimension	Tolerance
Cover, thickness	0·05in.	±0·015in.
„ central hole, length (in direction of slide).	0·05in.	±0·005in.
„ width	0·4in.	±0·005in.

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*Changes to legislation: There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed). (See end of Document for details)*

„ peripheral holes length (in direction of slide)	0·2in.	±0·005in.
width	0·3in.	±0·005in.
Slide, thickness	20 I.W.G.	
„ width of upper surface	0·5in.	±0·01in. (excess only).
Lamp. Overall length of jet	Approx. 0·6in.	To suit the requirements for the position of jet when tilted.
„ Bore of jet at end	0·0625in.	±0·005in.
Bead. Diameter	0·15in.	±0·01in.
Thermometer Socket:		
Internal diameter	0·6in.	±0·01in.
Length of short side measured from under surface of cover.	Approx. 0·5in.	
Length of long side measured from under surface of cover.	Approx. 0·75in.	
Distance of centre of socket from centre of cover measured on the underside	approx. 0·7in.	
These dimensions are subject to the correct placing of the thermometer when in position.		
Vertical depth of lowest part of thermometer below centre of under-side of cover.	1·5in.	±0·1in.

#### *Cover fitted with stirrer*

Provision may be made in the cover for the reception of a stirrer which projects into the oil cup, for use with viscous materials only.

A bush is mounted on the cover in a position diametrically opposite the thermometer mounting and its length is such and it is set at such an angle that the stirrer rod clears the oil-level gauge and the blades operate below the level of and without fouling the thermometer bulb. The bush is placed as near as practicable to the outer edge of the cover.

The stirrer consists of a round stem having four blades or vanes silver soldered in place at one end. A collar is fixed on the stem so that when the stem is inserted into the bush from below, it is arrested at a position such that the correct length protrudes into the oil cup. The top end of the stem is reduced and screwed.

A long sleeve having an internally screwed, knurled knob soldered to its upper end, is passed over the upper end of the stem and screwed home. The length of the sleeve is such that a flat-faced collar at its lower end just comes into contact with the upper end of the bush, leaving the stirrer free to rotate without appreciable vertical play.

A flat-headed cylindrical plug is provided for insertion in the bush when the stirrer is not in use.

Material:—brass or gun-metal.



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	<b>Dimension</b>	<b>Tolerance</b>
Stem, length overall	4in.	±0·1in.
„ „ Lower end to point of attachment of blades.	Approx. 0·1in.	
„ „ Lower end to upper surface of collar.	1·9in.	±0·1in.
„ „ Upper surface of collar to lower end of thread.	2in.	±0·1in.
„ „ Diameter of stem	Approx. 0·125in.	
„ „ „ of collar	Approx. 0·25in.	
„ Thread	7 B.A.	
Blades, thickness	17 I.W.G.	
„ Length excluding root	0·5in.	±0·01in.
„ Breadth (all corners of blades rounded).	5/16(0·3125in.).	±0·01in.
„ Blade angle	Approx. 45_	
Sleeve. Length, to suit stem, giving free rotation with no appreciable vertical play when screwed home.		
Diameter of bore	Sliding fit on stem.	
Diameter of collar	Approx. 0·25in.	

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### *Heating Vessel*

The heating vessel or bath consists of two flat-bottomed cylindrical copper vessels placed coaxially one inside the other and soldered at their tops to a flat copper ring, greater in outside diameter than the larger vessel and of smaller inside diameter than the smaller vessel. The space between the two vessels is thus totally enclosed and is used as a water jacket.

An ebonite or fibre ring of right-angle section is fitted into the hole in the centre of the flat ring forming the top of the bath and, when the apparatus is in use, the oil cup fits into, and its flange rests upon, this ebonite or fibre ring so that the oil cup is centrally disposed within the heating vessel. The ebonite or fibre ring is secured in place by means of six small screws having their heads sunk below the surface of the ring, to avoid metallic contact between the bath and the oil cup.

A split socket, similar to that on the cover of the oil cup, but set vertically, allows a thermometer to be inserted into the water-space. A funnel and overflow pipe also communicate with the water-space through the top plate and two loop handles are provided thereon.

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	<b>Dimension</b>	<b>Tolerance</b>
Inner vessel:		
Thickness	24 I.W.G.	

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Internal diameter	3in.	±0·05in.
Internal depth	2·5in.	±0·05in.
Outer vessel:		
Thickness, not less than	24 I.W.G.	
Internal diameter	5·5in.	±0·01in.
Internal depth	5·75in.	±0·1in.
Top plate:		
Thickness, not less than	20 I.W.G.	
Outer flange projection	0·375in.	±0·01in.
Diameter of central hole	To suit ebonite or fibre ring. Clearance not to exceed 0·1in.	
Ebonite or fibre ring:		
Internal diameter	Easy fit on oil cup	
External diameter of flange	2·75in.	±0·02in.
Overall depth of spigot	0·25in.	±0·02in.
Thickness, flange and spigot	0·08in.	±0·005in.
Screws, C.S.	8 B.A.y 0·15in.	
Thermometer socket:		
Internal diameter	0·6in.	±0·01in.
Height from top of plate	0·75in.	·05in.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a cylindrical copper jacket not less than 24 I.W.G. flanged inwards at the top, and of such dimensions that the bath, while resting firmly on the iron ring, just touches with its outward projecting flange the inward-turned flange of the jacket. Two handles are provided on the outer jacket.

Diameter of the outward jacket 6·5 inches±0·1 inches.

#### *Spirit Lamp*

A spirit lamp is provided for raising the temperature of the water bath, but any other means approved by the Board of Trade may be employed for this purpose.

#### *Thermometers*

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point.

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### *Oil Cup Thermometer*

Type	Mercury in glass, nitrogen filled, graduated on the stem, enamel back.
Length	Approximately 9 inches.
Stem	Diameter 0.24 inches to 0.28 inches.
Bulb	Spherical: made of a normal glass approved by the Board of Trade. Diameter, 0.35 inches + 0.05 inches.
Range	50 degrees Fahrenheit to 150 degrees Fahrenheit with expansion chamber. Distance from the bottom of the bulb to the 50 degree line 2.75 inches to 3.15 inches. Distance from the 50 degree line to the 150 degree line not less than 4.75 inches.
Immersion	A swelling is made in the stem to ensure that the thermometer shall be fixed in its brass collar so that the distance from the top of the collar to the bottom of the bulb is 2.4 inches + 0.05 inches.
Graduation	Scale graduated in 1 degree Fahrenheit divisions. Every fifth degree and tenth degree to be indicated by longer lines. Figured at every tenth degree in full.
Marking	“Abel Oil Cup”: Identification number: “Fahrenheit”: Maker’s or Vendor’s name or trade mark.

### *Water Bath Thermometer*

Type	Mercury in glass, nitrogen filled, graduated on the stem, enamel back.
Length	Approximately 9 inches.
Stem	Diameter, 0.24 inches to 0.28 inches.
Bulb	Cylindrical: made of a normal glass approved by the Board of Trade. Length approximately 0.8 inches. Diameter not to exceed the diameter of the stem.
Range	90 degrees Fahrenheit to 190 degrees Fahrenheit with expansion chamber. Distance from the bottom of the bulb to the 90 degree line 3.95 inches to 4.35 inches. Distance from the 90 degree line to the 190 degree line not less than 3.55 inches.

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Immersion	A swelling is made in the stem to ensure that the thermometer shall be fixed in its brass collar so that the distance from the top of the collar to the bottom of the bulb is 3·5 inches + 0·1 inches.
Graduation	Scale graduated in 1 degree Fahrenheit divisions. Every fifth degree and tenth degree to be indicated by longer lines. Figured at every tenth degree in full.
Marking	“Abel Water Bath”: Identification number: “Fahrenheit”: Maker’s or Vendor’s name or trade mark.

The brass collar of the thermometer is in each case of the following dimensions:—

Outside diameter	push fit in socket.
Thickness of tube	22 I.W.G.
Thickness of flange	0. 1 inches.±0. 001 inches.

*Note.*—A model apparatus is deposited at the Standards Department of the Board of Trade.

## PART II

### *Manner of Testing Petroleum*

- 1 For the purposes of this Act petroleum shall be tested either by means of apparatus constructed in accordance with the specification contained in Part I of this Schedule, or by means of apparatus constructed in accordance with the specification contained in the First Schedule to the <sup>M11</sup>Petroleum Act 1879 and verified and stamped by the Board of Trade.

#### **Marginal Citations**

**M11** 1879 c. 47.

- 2 The test apparatus shall be placed for use in a position where it is not exposed to currents of air or draughts.
- 3 The heating vessel or water-bath shall be filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the beginning of the test shall be 130 degrees Fahrenheit and no heat shall be applied to the water-bath during the test. When a test has been completed and it is desired to make another test the water-bath shall be again raised to 130 degrees Fahrenheit

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which may conveniently be done while the petroleum cup is being emptied, cooled and refilled with a fresh sample to be tested. The next test is then proceeded with.

4 If an oil test-lamp is being used it shall be prepared by fitting it with a piece of flat plaited candle-wick, and filling it with colza or rape-oil up to the lower edge of the opening of the spout or wick tube. The lamp shall be trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame, which is represented by the projecting white bead on the cover of the oil-cup, is readily maintained by simple manipulation from time to time with a small wire trimmer. A gas test-lamp may be employed, and if so, the size of the jet of flame shall be adjusted to the size laid down above.

5 The bath having been raised to the proper temperature, the cup shall be placed on a level surface in a good light and the oil to be tested shall be poured into it, until the level of the liquid just reaches the point of the gauge which is fixed in the cup. Before the test is begun the temperature of the oil shall be determined and shall be brought to approximately 60 degrees Fahrenheit. The cover, with the slide closed, shall then be put on to the cup and pressed down so that its edge rests on the rim of the cup, and the cup shall be placed into the bath or heating vessel, every care being taken to avoid wetting the sides of the cup with the oil. The thermometer in the lid of the cup has been adjusted so as to have the correct immersion when the brass collar of the thermometer is properly seated, and its position shall not in any circumstances be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

6 The test-lamp shall then be placed in position upon the lid of the cup. When the temperature has reached 66 degrees Fahrenheit the operation of testing shall be begun, the test flame being applied once for every rise of one degree, in the following manner:—

The slide shall be slowly drawn open while a metronome, set so as to beat at the rate of 75 to 80 beats in the minute, beats three times and shall be closed during the fourth beat. A pendulum of 24 inches effective length may be used in place of the metronome, counting one beat from one extremity of the swing to the other.

F35F35 THIRD SCHEDULE

**Textual Amendments**

F35 S. 26(5), Sch. 3 repealed by Statute Law Revision Act 1950 (c. 6)

**Status:**

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**Changes to legislation:**

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