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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations require a person having custody or control of oil to carry out certain works and take certain precautions and other steps for preventing pollution of any waterway.

Regulation 3(2) sets out circumstances in which these Regulations do not apply to the storage of oil.

Regulation 4 imposes general requirements in relation to the storage of oil. Additional requirements, which apply to specific types of container, are imposed by regulation 5 (fixed tanks) and regulation 6 (mobile bowsers).

Regulation 7 contains transitional provisions. Where in a transitional case the Department considers that there is a significant risk of pollution of a waterway or water contained in any underground strata from the oil in question, it has the power to serve a notice on the person having custody or control of the oil to minimise the risk (see regulation 8). A person served with a notice has a right of appeal under regulation 9.

Failure to comply with any of the requirements of regulations 4, 5 and 6 or a notice under regulation 8 is a criminal offence (see regulation 10), punishable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine or to both or on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding £20,000 or to both.

The Regulations were notified in draft to the European Commission in accordance with Directive [98/34/EC](#) as amended by Directive [98/48/EC](#).

A Regulatory Impact Assessment has been prepared in connection with these Regulations and a copy can be found on the Department's website at [www.doeni.gov.uk](http://www.doeni.gov.uk)