



Petroleum (Consolidation) Act 1928 (repealed)

1928 CHAPTER 32 18 and 19 Geo 5

Supplementary

[^{F1}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 ^{M1}Petroleum Act 1879, shall remain deposited with the Board of Trade, and the Board shall, on payment of such fee, . . . ^{F2}, as the Board [^{F3}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 . . . ^{F2}, 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 ^{M2}Petroleum Act 1879, shall after the commencement of this Act be so . . . ^{F2} stamped unless it has been previously . . . ^{F2} 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.]

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Changes to legislation: There are currently no known outstanding effects for the Petroleum (Consolidation) Act 1928 (repealed), Cross Heading: Supplementary.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

Textual Amendments

- F1** S. 20 repealed (10.9.1992) by S.I. 1992/1811, reg. 12(2), **Sch. 3 Pt. I** (by reg. 12(1) it is provided that this repeal shall have effect in relation to the value of the flash point of petroleum-spirit and the methods for determining it).
- F2** Words repealed by [Weights and Measures Act 1963 \(c. 31\)](#), **Sch. 9 Pt. I**
- F3** 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)

- C1** 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

- M1** [1879 c. 47](#).
- M2** [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)

- C2** 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 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):—

^{F4}

“Canal” and “canal company” have respectively the same meanings as in the ^{M3}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:

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

F5

“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:

[^{F6}“I.W.G.” means the denominations of standards approved by Order in Council made under the ^{M4}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:

F7

[^{F8}“Petroleum-spirit” means such petroleum as when tested in accordance with [^{F9} Part III of Schedule 1 to [^{F10}the Chemicals (Hazard Information and Packaging for Supply) Regulations 1994 (S.I. 1994/3247)] has a flash point (as defined in regulation 2(1) of those Regulations)] of less than 215C Celsius]:

“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 [^{F11}or by the Health and Safety Executive]:

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

Textual Amendments

- F4** Definition of "amenities" in s. 23 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV**
- F5** Definition of “Government inspector” repealed by S.I. 1974/1942, **Sch. 1**
- F6** S. 23: definition of 'I.W.G.' repealed (10.9.1992) by S.I. 1992/1811, **reg. 12(2), Sch. 3 Pt. I** (by reg. 12(1) it is provided that this repeal shall have effect in relation to the value of the flash point of petroleum-spirit and the methods for determining it).
- F7** Definition of "petroleum filling station" repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XV**
- F8** S. 23: definition of 'Petroleum-spirit' substituted (10.9.1992) by S.I. 1992/1811, **reg. 12(2), Sch. 3 Pt. I** (by reg. 12(1) it is provided that this substitution shall have effect in relation to the value of the flash point of petroleum-spirit and the methods for determining it).
- F9** Words in the definition of "petroleum spirit" in s. 23 substituted (1.9.1993) by S.I. 1993/1746, **reg. 21(13), Sch. 10 Pt. I** (which S.I. was revoked (31.1.1995) by S.I. 1994/3247, **reg. 19(1)**)
- F10** S. 23(1): words in the definition of “petroleum-spirit” substituted (31.1.1995) by S.I. 1994/3247, **reg. 19(9), Sch. 8 Pt. I**
- F11** Words inserted by S.I. 1974/1942, **Sch. 2 para. 9**

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Modifications etc. (not altering text)

C3 Definition of “harbour authority” explained by [Milford Haven Conservancy Act 1958 \(c. 23\), s. 1\(6\)](#)

Marginal Citations

M3 1873 c. 48.

M4 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—

[^{F12}(a) in a region, the regional council;
(b) in an islands area, the islands council.]

(2) ^{F13}

^{F14}(3)

^{F14}(4)

^{F14}(5)

(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;

^{F14}(7)

Textual Amendments

^{F12} S. 24(1)(a)(b) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 27 Pt. II para. 71](#)

^{F13} S. 24(2) repealed by [Town and Country Planning \(Scotland\) Act 1947 \(c. 53\), Sch. 9 Pt. II](#)

^{F14} S. 24(3),(4), (5) and (7) repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt.XV](#)

Modifications etc. (not altering text)

C4 Functions of burgh police court now exercisable by District Court: [District Courts \(Scotland\) Act 1975 \(c. 20\), s. 3\(1\)](#)

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.

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- (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

[^{F15}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

F15 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.
- (2) This Act shall not extend to Northern Ireland.
- (3) ^{F16}
 - (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;
 - ^{F17}(b)
 - (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 [^{F18}sections 16(1) and 17(2)(a) of the ^{M5}Interpretation Act 1978], with regard to the effect of repeals.
- (5) ^{F19}

Textual Amendments

F16 Words repealed by Statute Law Revision Act 1950 (c. 6)

F17 S. 26(3)(b) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.XV

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F18 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\), s. 25\(2\)](#)

F19 [S. 26\(5\), Sch. 3](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

Modifications etc. (not altering text)

C5 Unreliable marginal note

Marginal Citations

M5 [1978 c. 30.](#)

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