

SCHEDULE 6

AMENDMENTS

PART 1

2.—(1) The Petroleum (Consolidation) Act 1928(1) is amended as follows.

(2) In section 2 (provisions as to licences), omit the proviso to subsection (1) (special provision for harbours).

(3) Omit section 9 (byelaws as to loading, conveyance and landing of petroleum-spirit in and upon canals) and section 17 (powers of officers as to testing petroleum-spirit).

(4) In section 18 (warrants to search for and seize petroleum-spirit), for subsection (4) substitute—

“(4) This section does not apply to—

(a) a workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations 2002 used, or intended for use, for the dispensing of petroleum-spirit, or

(b) carriage to which the Carriage of Dangerous Goods by Road Regulations 1996(2) apply.”

(5) In section 23 (interpretation)—

(a) after the definition of “Contravention” insert—

““the Directive” means Commission Directive 92/69 EEC(3) adapting to technical progress for the seventeenth time Council Directive 67/548/EEC(4) on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances:

“Dispensing” means manual or electrical pumping of petroleum-spirit from a storage tank into the fuel tank for an internal combustion engine, whether for the purposes of sale or not.”; and

(b) for the definition of “Petroleum-spirit” substitute—

““Petroleum-spirit” means petroleum which, when tested in accordance with Part A.9. of the Annex to the Directive, has a flash point (as defined in that Part) of less than 21°C.”

(6) Re-number section 25A(5) (places to which Act does not apply) as subsection (1) and insert at the end “or

(c) any workplace within the meaning of the Dangerous Substances and Explosive Atmospheres Regulations 2002, apart from a workplace used, or intended for use, for dispensing petroleum-spirit.

(1) 1928 c. 32. Section 2(1) is amended by the Local Government Act 1972 (c. 70) section 251 and Schedule 29, Part II paragraph 32, by the Local Government Act 1985 (c. 51) section 37 and Schedule II paragraph 4 and by the Local Government (Wales) Act 1994 (c. 19) section 22(3) and Schedule 9 paragraph 2; section 18 is amended by S.I. 1974/1942, 1986/1951 and 1992/743; section 23 is amended by the Statute Law (Repeals) Act 1993 (c. 50) and by S.I. 1974/1942, 1992/1811, 1993/1746 and 1994/3247; section 25A is inserted by S.I. 1999/743.

(2) S.I. 1996/2095, amended by S.I. 1998/2885, 1999/257, 1999/303 and 2001/1426.

(3) OJ No. L383, 29.12.92, p. 113.

(4) OJ No. 196, 16.8.67, p. 1.

(5) Section 25A was inserted by S.I. 1999/743.

Status: *This is the original version (as it was originally made).*

(2) For the purposes of subsection (1)(c), any part of a workplace where petroleum-spirit is kept other than for dispensing is not to be regarded as used, or intended for use, for dispensing petroleum-spirit.”.