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STATUTORY INSTRUMENTS

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**2014 No. 1637**

**The Petroleum (Consolidation) Regulations 2014**

**PART 2**

**STORAGE OF PETROL ON DISPENSING PREMISES**

**Storage under certificate**

5. A person keeps petrol in compliance with this regulation if the petrol is kept on dispensing premises in respect of which there is—

- (a) a valid storage certificate; and
- (b) compliance with the notification requirements set out in regulations 9 and 10, as applicable.

**Commencement Information**

**II** [Reg. 5](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

**Application and grant of storage certificates**

6.—(1) A petroleum enforcement authority must grant a certificate in respect of dispensing premises (a “storage certificate”) where—

- (a) an application has been made in accordance with this regulation; and
  - (b) it is satisfied that the containment system for petrol at the dispensing premises, including storage tanks, pipework and dispensers, may reasonably be used to store petrol and would not create an unacceptable risk to the health or safety of any person.
- (2) An application under this regulation may be made by any person.
- (3) An application under this regulation must include the following information—
- (a) the name and address of the applicant;
  - (b) the address of the dispensing premises;
  - (c) a drawing of the layout of the dispensing premises;
  - (d) a drawing of the containment system for petrol at the dispensing premises, including storage tanks and pipework;
  - (e) a drawing of the drainage system for petrol at the dispensing premises.
- (4) A storage certificate must contain the following information—
- (a) the name of the petroleum enforcement authority granting the certificate;
  - (b) the address of the dispensing premises in respect of which the certificate is granted;
  - (c) a drawing of the layout of the dispensing premises;

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- (d) a drawing of the containment system for petrol at the dispensing premises, including storage tanks and pipe work;
  - (e) a drawing of the drainage system for petrol at the dispensing premises.
- (5) An application for a storage certificate must be made within—
- (a) a maximum of six months; and
  - (b) a minimum of 28 days,
- before the day on which the storage of petrol is to be undertaken at the dispensing premises.
- (6) A storage certificate is not personal to the person to whom it is granted and remains valid on transfer of ownership, operation or management of the dispensing premises.

#### Commencement Information

**I2** Reg. 6 in force at 1.10.2014, see [reg. 1\(2\)](#)

#### Validity of storage certificates

7. A storage certificate remains valid for so long as—
- (a) there is no prescribed material change (see regulation 8); and
  - (b) the dispensing premises do not cease to be used for the keeping of petrol for a continuous period exceeding 12 months.

#### Commencement Information

**I3** Reg. 7 in force at 1.10.2014, see [reg. 1\(2\)](#)

#### Prescribed material changes

- 8.—(1) For the purposes of regulation 7 a “prescribed material change” is a change to dispensing premises of a description falling within Schedule 1.
- (2) A prescribed material change must be notified to the petroleum enforcement authority at least 28 days before the commencement of any works to effect the change.
- (3) Where a prescribed material change has been effected to dispensing premises, the petroleum enforcement authority must issue, subject to the requirements of regulation 6(1)(b) being met, a new storage certificate containing the information specified in regulation 6(4) to—
- (a) the person to whom the certificate which it replaces was granted; or
  - (b) if that petroleum enforcement authority has subsequently been notified of the keeping of petrol at the premises by another person under regulation 10, the last such person to notify the petroleum enforcement authority.

#### Commencement Information

**I4** Reg. 8 in force at 1.10.2014, see [reg. 1\(2\)](#)

**Notification before ceasing to occupy dispensing premises in respect of which there is a storage certificate**

9.—(1) A person keeping petrol on dispensing premises in respect of which there is a storage certificate must notify the petroleum enforcement authority in accordance with this regulation before ceasing to occupy the dispensing premises.

- (2) The notification must be made in writing and must state—
  - (a) the person’s name and address;
  - (b) the address of the dispensing premises; and
  - (c) the date on which the person proposes to cease occupation of the dispensing premises.
- (3) The notification must be given—
  - (a) a maximum of six months; and
  - (b) a minimum of 28 days,

before the day on which the person ceases to occupy the dispensing premises.

(4) A contravention of paragraph (3)(b) does not relieve a person from the duty to notify the petroleum enforcement authority under paragraphs (1) and (2).

**Commencement Information**

**I5** Reg. 9 in force at 1.10.2014, see [reg. 1\(2\)](#)

**Notification before keeping petrol on dispensing premises in respect of which there is an existing storage certificate**

10.—(1) This regulation applies where a person proposes to keep petrol on dispensing premises in respect of which there is a valid storage certificate, and that person was not the person to whom the storage certificate was granted.

(2) A person proposing to keep petrol where this regulation applies must notify the petroleum enforcement authority in accordance with this regulation before keeping petrol on the dispensing premises.

- (3) The notification must be made in writing and must state—
  - (a) the person’s name and address;
  - (b) the address of the dispensing premises; and
  - (c) the date on which the person proposes to commence keeping petrol at the dispensing premises.
- (4) The notification must be given—
  - (a) a maximum of six months; and
  - (b) a minimum of 28 days,

before the day on which the person proposes to keep petrol on the dispensing premises.

(5) A contravention of paragraph (4)(b) does not relieve a person from the duty to notify the petroleum enforcement authority under paragraphs (2) and (3).

**Commencement Information**

**I6** Reg. 10 in force at 1.10.2014, see [reg. 1\(2\)](#)

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### Appeals from refusals by petroleum enforcement authorities to grant storage certificates

**11.**—(1) A person who is aggrieved by a decision of a petroleum enforcement authority not to grant a storage certificate may appeal to the Secretary of State.

(2) Subsections (2) to (6) of section 44 of the 1974 Act apply for the purposes of this regulation as they apply to an appeal under section 44(1) of that Act.

(3) The Health and Safety Licensing Appeals (Hearings Procedure) Rules 1974(1) apply for the purposes of this regulation, but as if any reference in those Rules—

- (a) to an appeal were a reference to an appeal under paragraph (1); and
- (b) to a licensing authority were a reference to a petroleum enforcement authority.

(4) Paragraph (3) applies in Scotland as if the reference to the Health and Safety Licensing Appeals (Hearings Procedure) Rules 1974 were a reference to the Health and Safety Licensing Appeals (Hearings Procedure) (Scotland) Rules 1974(2).

(5) The Secretary of State, when determining the appeal, may direct the petroleum enforcement authority to grant a storage certificate.

(6) In paragraph (5) “Secretary of State” includes a person who under section 44(2) of the 1974 Act determines the appeal on behalf of the Secretary of State.

#### Commencement Information

**17** [Reg. 11](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

### General prohibitions on dispensing and supply of petrol

**12.**—(1) No person is to dispense, or allow the dispensing of, petrol from a dispenser on dispensing premises except—

- (a) for use in a motor vehicle or motor boat;
- (b) to fill a suitable portable container or a demountable fuel tank; or
- (c) for the purpose of maintenance or calibration of the dispenser.

(2) No person under the age of sixteen years is to operate a dispenser on dispensing premises.

(3) No person is to supply, or allow the supply of, petrol to a person under the age of sixteen years.

(4) No person is to dispense petrol from a dispenser otherwise than on dispensing premises except to fill a suitable portable container.

(5) Paragraph (4) does not apply in relation to the re-fuelling of an aircraft by a bowser or vehicle specifically designed for the purpose of re-fuelling aircraft.

(6) In this regulation “suitable portable container” has the meaning given by paragraph 6 of Schedule 2.

#### Commencement Information

**18** [Reg. 12](#) in force at 1.10.2014, see [reg. 1\(2\)](#)

(1) [S.I. 1974/2040](#).

(2) [S.I. 1974/2068](#).

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