
 STATUTORY INSTRUMENTS

1974 No. 1942

HEALTH AND SAFETY

PETROLEUM

**The Petroleum (Regulation) Acts 1928 and 1936
 (Repeals and Modifications) Regulations 1974**

<i>Made</i> - - - -	21st November 1974
<i>Laid before Parliament</i>	3rd December 1974
<i>Coming into Operation</i>	1st January 1975

The Secretary of State in exercise of the powers conferred on him by sections 15(1) and (3)(a) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act") and of all other powers enabling him in that behalf, and after consultation with the Health and Safety Commission and such other bodies as appeared to him to be appropriate, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974 and shall come into operation on 1st January 1975.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Repeals and modifications—the Petroleum (Consolidation) Act 1928

2. In the Petroleum (Consolidation) Act 1928(c) ("the 1928 Act")—

- (a) the provisions mentioned in column 1 of Schedule 1 to these Regulations are hereby repealed to the extent specified in column 2 of that Schedule: and
- (b) the provisions mentioned in Schedule 2 to these Regulations shall have effect subject to the modifications specified in that Schedule.

Modification—the Petroleum (Transfer of Licences) Act 1936

3. In the Petroleum (Transfer of Licences) Act 1936(d)—

- (a) in section 1(1), for the words from "and the Secretary of State" to the end of the subsection there shall be substituted the words "and the Health and Safety Executive may transfer in like manner a petroleum-spirit licence granted by the Secretary of State or by the said Executive."; and

 (a) 1974 c. 37.

(b) 1889 c. 63.

(c) 1928 c. 32.

(d) 1936 c. 27.

- (b) in section 1(4), for the words “or to the Secretary of State”, there shall be substituted the words “or to the Health and Safety Executive”.

Modification—instruments under the Petroleum (Consolidation) Act 1928

4.—(1) The following provisions, that is to say:—

- (a) Regulation 14 of the Gas Cylinders (Conveyance) Regulations 1931(a);
and
(b) Regulations 1, 13, 14 and 19 of the Compressed Gas Cylinders (Fuel for Motor Vehicles) Regulations 1940(b),

shall have effect as if for the references therein to the Secretary of State there were substituted references to the Health and Safety Executive.

(2) The Petroleum-Spirit (Conveyance by Road) Regulations 1957(c) shall have effect as if in Regulation 20 and in paragraphs 1(e), 6(1)(a) and (b), 9(1)(a) and 10(a) of the Schedule to the Regulations for the references to a government inspector there were substituted references to an inspector appointed by the Health and Safety Executive under section 19 of the 1974 Act.

Supplemental

5.—(1) These Regulations shall not affect the validity of anything done under the provisions of enactments or instruments repealed or modified by these Regulations before the coming into operation of the Regulations.

(2) Petroleum-spirit licences granted by the Secretary of State which are in force immediately before the coming into operation of these Regulations shall continue in force in accordance with the provisions thereof, except that where they make provision for the renewal of the licence by the Secretary of State, they shall have effect as if they provided for its renewal by the Health and Safety Executive, and any application for renewal made to the Secretary of State before that date and not determined at that date shall have effect as if it had been made to the Health and Safety Executive.

(3) Where any of the provisions mentioned in paragraph (1) of this Regulation prescribes a penalty for an offence of any kind, that penalty shall, notwithstanding these Regulations, continue to apply to offences of that kind committed before 1st January 1975.

(4) Orders in Council, regulations and other instruments of a legislative character made or having effect under any provision repealed by these Regulations and in force immediately before the coming into operation of these Regulations shall continue in force notwithstanding the repeal of that provision.

Signed by order of the Secretary of State.

21st November 1974.

Harold Walker,

Joint Parliamentary Under Secretary of State,
Department of Employment.

(a) S.R. & O. 1931/679 (Rev. XVIII, p. 16: 1931 p. 1040).

(b) S.R. & O. 1940/2009 (Rev. XVIII, p. 23: 1940 I, p. 771).

(c) S.I. 1957/191 (1957 II, p. 1853).

SCHEDULE 1

Regulation 2(a)

THE PETROLEUM (CONSOLIDATION) ACT 1928

Repeals

Provision	Extent of repeal
Section 6.	The whole section.
Section 7.	The words in subsection (6) from "and shall be liable" to "continues".
Section 8.	The words from "and shall be liable" to "five hundred pounds".
Section 10.	The whole section.
Section 12.	The whole section.
Section 13.	The words in subsection (1) from "A notice of any accident" to the end of the subsection.
Sections 14 to 16.	The whole section in each case.
Section 19.	The whole section.
Section 23.	The definition of "Government inspector".

SCHEDULE 2

Regulation 2(b)

THE PETROLEUM (CONSOLIDATION) ACT 1928

Modifications

1. In section 1, for the words in subsections (2) and (3) from "liable" to the end of the subsection there shall be substituted in each subsection the words "guilty of an offence".

2. In section 2, for the words in paragraphs (a), (b) and (c) of subsection (4) from "liable" to the end of the paragraph there shall be substituted in each paragraph the words "guilty of an offence".

3. For section 3 there shall be substituted the following section:—

"3. 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 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."

4. In section 4, for the words from the beginning to the words "as the case may be" there shall be substituted the words "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".

5. In section 5, for the words in subsection (2) from "liable" to the end of the subsection there shall be substituted the words "guilty of an offence".

6. In section 9, for the words in subsection (3) from "liable" to the end of the subsection there shall be substituted the words "guilty of an offence".

7. In section 13—
 - (a) for the references to the Secretary of State there shall be substituted references to the Health and Safety Executive; and
 - (b) for the words in subsection (3) from “liable” to the end of the subsection there shall be substituted the words “guilty of an offence”.
8. In section 18, for the words in subsection (3) from “liable” to the end of the subsection there shall be substituted the words “guilty of an offence”.
9. In section 23, in the definition of “Petroleum-spirit licence” at the end there shall be inserted the words “or by the Health and Safety Executive”.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations contain repeals and modifications of provisions of the Petroleum (Regulation) Acts 1928 and 1936 and instruments thereunder. They are made in consequence of the establishment on 1st January 1975 of the Health and Safety Executive and the coming into operation on that date of provisions of the Health and Safety at Work etc. Act 1974 which supersede or affect the said provisions.

The Regulations therefore—

- (a) repeal powers to make regulations and other instruments and provisions relating to inquiries, and the powers of inspectors which are superseded by powers and other provisions contained in the 1974 Act;
- (b) modify provisions relating to the granting of licences on appeal and the transfer of licences so granted so as to enable the Health and Safety Executive, instead of the Secretary of State, to grant, modify and transfer such licences; and
- (c) apply to offences committed on or after 1st January 1975 the penalties contained in the 1974 Act.

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