

Jersey Law 15/1984

PETROLEUM (JERSEY) LAW, 1984.

A LAW to regulate the keeping, storage, conveyance, handling and use of petroleum-spirit and other substances and for purposes connected therewith, sanctioned by Order of Her Majesty in Council of the

25th day of JUNE, 1984.

(Registered on the 20th day of July, 1984).

STATES OF JERSEY.

The 24th day of November, 1981.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

ARTICLE 1

Interpretation

(1) In this Law, unless the context otherwise requires –

“the Committee” means the Defence Committee;

“contravention” includes, in relation to any provision, a failure to comply with that provision, and the expression “contravene” shall be construed accordingly;

“hovercraft” means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries

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include the ground, water or other surface beneath the vehicle;

“inspector” means a person so appointed by the Committee for the purpose of this Law;

“licence” means a licence granted by the Committee under this Law authorizing the keeping of petroleum-spirit;

“licensed premises” means any premises in respect of which a licence is for the time being in force;

“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;

“petroleum-spirit” means such petroleum as when tested in the manner for the time being set out in the Second Schedule to the Petroleum (Consolidation) Act, 1928 (18 and 19 Geo. 5 c.32) of the United Kingdom gives off a flammable vapour at a temperature of less than twenty-three degrees Celsius.

(2) Unless the context otherwise requires, references in this Law to any enactment (including an Act of Parliament of the United Kingdom) include references to that enactment as amended, extended or applied by or under any other enactment and to any enactment repealing and re-enacting that enactment with or without further amendment.

ARTICLE 2

Petroleum-spirit not to be kept without a licence

(1) Subject to the provisions of this Law, petroleum-spirit shall not be kept unless a licence is in force authorizing the keeping

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thereof and the petroleum-spirit is kept in accordance with the terms of the licence:

Provided that the provisions of this paragraph shall not apply to any petroleum-spirit which is kept in suitable vessels, securely stopped and of which the aggregate amount kept does not exceed 25 litres.

(2) The occupier of any premises in which petroleum-spirit is kept in contravention of this Article shall be liable to a fine not exceeding one hundred pounds for every day on which the contravention occurs or continues, and the Court before whom any person is convicted under this paragraph may order that the petroleum-spirit in respect of which the contravention occurs and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.

(3) If any person to whom a licence is granted contravenes any condition of the licence, he shall be liable to a fine not exceeding one hundred pounds for every day on which the contravention occurs or continues.

ARTICLE 3

Provisions as to licences

(1) The Committee may, on application being made in such form as it may require, on payment of any prescribed fee, grant a licence authorizing the keeping of petroleum-spirit.

(2) A licence shall be in such form, and be in force for such time, and subject to such provisions as to renewal, as the Committee may determine.

(3) The Committee may by Order prescribe the fees payable on the grant or renewal of a licence.

(4) The Committee may attach to a licence such conditions as it thinks fit as to the mode of storage, the nature and situation of the premises in which, and the nature of the goods with which, petroleum-

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spirit is to be stored, the facilities for the testing of petroleum-spirit from time to time, and generally as to the safe-keeping of petroleum-spirit.

(5) Subject to the provisions of this Law, the Committee may at any time where it considers it right and proper to do so cancel a licence or vary any conditions attached to such licence.

(6) Where conditions to be observed by persons employed are attached to any licence, the occupier of the premises to which the licence relates shall cause to be kept posted on the premises, in such form and in such position as to be easily read by the persons employed on the premises, a notice setting out those conditions, and –

- (a) if the occupier of any premises fails to comply with the foregoing requirements of this paragraph he shall be liable to a fine not exceeding twenty pounds for every day on which the failure occurs or continues; and
- (b) if any person pulls down, injures, or defaces any notice posted in accordance with the requirements of this paragraph, he shall be liable to a fine not exceeding twenty pounds; and
- (c) if any person employed contravenes any condition of which notice has been given in accordance with the requirements of this paragraph, he shall be liable to a fine not exceeding twenty pounds.

ARTICLE 4

Notice of refusal, cancellation, etc. of licence

- (1) The Committee shall not –
 - (a) refuse an application for the grant or renewal of a licence;
or

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- (b) attach any condition to such a licence, other than a condition attached on the grant or renewal of the licence, or vary any such condition; or
- (c) cancel a licence;

unless it has given to the applicant or the holder of the licence, as the case may be, not less than seven days notice in writing of the intention so to do and the reasons for so doing, and every such notice shall state that if, within the period of such notice, the applicant or the holder of the licence informs the Committee in writing that he desires to do so, the Committee, before refusing or cancelling the licence or attaching or varying the condition, will afford him an opportunity of being heard in person or by a representative, against such refusal or cancellation or the attachment to the licence of such condition.

(2) If, after affording an applicant or a holder of a licence, as the case may be, an opportunity of being heard, the Committee decides to refuse the application, to attach or vary the condition, or to cancel the licence, notice in writing shall be given to the applicant or holder of the licence as aforesaid and, if so requested in writing by him, the Committee shall, within seven days of receiving such a request give to him a statement in writing of the reasons for the decision.

ARTICLE 5

Right of appeal

- (1) Any person aggrieved by –
 - (a) the refusal of an application for a licence or for the renewal of a licence; or
 - (b) the attachment of any condition to a licence or the variation of any condition attached to a licence; or
 - (c) the cancellation of a licence;

may, within the twenty-eight days next following the day on which notice of the decision of the Committee was given to him under paragraph (2) of Article 4 of this Law or, in the case of a condition attached on the grant or renewal of a licence, within twenty-eight days next following the day on which he was notified of the grant or renewal of the licence, appeal to the Inferior Number of the Royal Court, in term or in vacation, on the ground that the decision of the Committee was unreasonable having regard to all the circumstances of the case, and the decision of the Inferior Number of the Royal Court shall be final and without further appeal, but without prejudice to the right of the Inferior Number to refer the matter to the Superior Number of the Royal Court.

(2) If any person appeals against the cancellation of a licence or against a condition attaching to a licence, the cancellation of the licence, or, as the case may be, the condition attached, shall not take effect until the appeal is abandoned or determined.

ARTICLE 6

Provisions as to labelling

(1) Subject to the provisions of this Article, where any petroleum-spirit –

- (a) is kept at any place; or
- (b) is sent or conveyed between any places in the Island; or
- (c) is sold or exposed or offered for sale;

there shall be attached to, or where that is impracticable, displayed near, the vessel containing the petroleum-spirit, a label showing, in conspicuous characters, the words “Petroleum-Spirit” and the words “Highly Flammable”:

Provided that, for the purposes of this paragraph, petroleum-spirit carried in the fuel tank of any motor vehicle, ship, aircraft or hovercraft and intended to be used only for the purposes thereof shall not be deemed to be sent or conveyed.

(2) Any person who keeps, sends, conveys, sells, or exposes or offers for sale any petroleum-spirit in contravention of this Article shall be liable to a fine not exceeding twenty pounds, and the court before whom any person is convicted in respect of any such contravention may order that the petroleum-spirit in respect of which the contravention occurs and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court thinks fit.

ARTICLE 7

Conveyance of petroleum-spirit by road

(1) The States may by regulations make provision for the conveyance of petroleum-spirit by road and for protecting persons or property from danger in connexion with such conveyance and, without prejudice to the generality of the foregoing provisions of this Article, may make provision –

- (a) for regulating the description and construction of vehicles to be used in the conveyance of petroleum-spirit by road;
- (b) for prohibiting or subjecting to conditions and restrictions the conveyance by road of petroleum-spirit with any explosive, or with any articles or substances, or in passenger vehicles;
- (c) for prescribing the quantity of petroleum-spirit which may be conveyed at one time or in one vehicle;
- (d) for prescribing the precautions to be observed in the conveyance of petroleum-spirit by road, and in loading and unloading vehicles used in such conveyance, and the time during which the petroleum-spirit may be kept during such conveyance, loading and unloading as aforesaid.

(2) Any person who contravenes or attempts to contravene the provisions of any regulations made under this Article shall be liable to a fine not exceeding one hundred pounds for every day on which the offence occurs or continues.

ARTICLE 8

Provisions as to keeping and use of petroleum-spirit for the purpose of motor vehicles, motor boats, aircraft, hovercraft and engines

(1) The States may by regulations make provision for the keeping and use of petroleum-spirit by persons intending to use it for the purpose of any class of motor vehicles, motor boats, aircraft, hovercraft or engines specified in the regulations, and any such regulations may exempt from any of the foregoing provisions of this Law the keeping and use of petroleum-spirit by persons intending to use it for the purpose of any such class as aforesaid to which the regulations apply.

(2) Any person who contravenes the provisions of any regulations made under this Article shall be liable to a fine not exceeding one hundred pounds for every day on which the offence occurs or continues.

ARTICLE 9

Powers of entry and inspection

(1) An inspector shall have power, on production if so required of evidence of his authority, to make such examination and inquiry as he may think necessary to ascertain whether the provisions of this Law or of any regulations made thereunder are complied with, and for that purpose he may –

- (a) enter, inspect and examine at all reasonable times any licensed premises and every part thereof, and any premises in which any petroleum-spirit is kept, or is suspected by him to be kept, in contravention of the provisions of this Law or of any regulations made thereunder;
- (b) require the occupier of any premises which he is so entitled to enter, or a person employed therein by the occupier, to give him samples of any petroleum on the premises;
- (c) test or cause to be tested any samples so obtained by him.

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(2) The occupier of any such premises as aforesaid, and any servant or agent of the occupier shall render to an inspector all such assistance as the inspector may think necessary for the purposes of any entry or examination which he is entitled under this Article to make.

- (3) Any person who –
- (a) fails to permit an inspector to enter and examine any premises as aforesaid; or
 - (b) fails or refuses to render to an inspector such assistance as may be necessary for the purposes of an entry or examination; or
 - (c) otherwise obstructs an inspector in the execution of his duties;

shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

ARTICLE 10

Application of this law to other substances

(1) The States may by regulations apply to any other substance any of the provisions of this Law specified in the regulations, with such modifications, if any, as may be so specified.

(2) Where any regulations relating to any other substance are in force under this Article, the provisions of this Law thereby applied shall have effect as if that other substance were included in the definition of petroleum-spirit in Article 1 of this Law, but subject to such modifications, if any, as may be provided by the regulations.

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ARTICLE 11

Orders

The Subordinate Legislation (Jersey) Law, 1960, as amended,¹ shall apply to Orders made under this Law.

ARTICLE 12

Short title and commencement

(1) This Law may be cited as the Petroleum (Jersey) Law, 1984.

(2) This Law shall come into force on such day or days as the States may by Act appoint and different days may be appointed for different purposes of this Law.

E.J.M. POTTER,

Greffier of the States.

¹ Recueil des Lois, Tome VIII, page 849.