
PETROLEUM ACT**Principal Act****Act. No. 1931-10***Commencement* 18.1.1932
Assent 28.12. 1931

Amending Enactment	Relevant current provisions	Commencement date
Act. 1935-08	–	
1954-16	ss. 2, 5, 8, 9	
Order of 14.10.1969	s. 5(1)	
Act. 1991-21	s. 9	18.7.1991

EU Legislation/International Agreements involved:

Directive 68/414/EEC
Directive 72/425/EEC
Directive 75/339/EEC
Directive 94/63/EC
Directive 2008/99/EC

English sources:

Petroleum (Consolidation) Act 1928 (18 & 19 Geo.5 c.32)

ARRANGEMENT OF SECTIONS.

Section

1. Short title.
2. Interpretation.
3. Restriction on introduction of petroleum.
4. Licence.
5. Licensing authority.
6. *Repealed.*
7. Rules.
8. Directions when rules not applicable.
9. Offences.
10. Minister's power to apply Act to other substances.
11. *Revoked.*

AN ACT TO REGULATE THE IMPORTATION, STORAGE AND HANDLING OF PETROLEUM.

Short title.

1. This Act may be cited as the Petroleum Act.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“licensing authority” means the authority or person empowered to issue any licence or permit for the purposes of this Act and of any rules thereunder;

“petroleum” includes crude petroleum, oil made from petroleum, or from coal, shale, peat or other bituminous substances and other products of petroleum and also includes petroleum spirit as hereinafter defined;

“petroleum spirit” means such petroleum as when tested in the manner set forth in Part II of the Second Schedule to the Petroleum (Consolidation) Act, 1928, gives off an inflammable vapour at a temperature of less than 73 degrees Fahrenheit;

“ship” includes every description of vessel used in navigation whether propelled by oars or otherwise, and also includes a lighter and a hulk ;

“storehouse” means any room, building, coach-house, lean-to, or other place on land in which petroleum is kept, or intended to be kept and also includes any place in which any motor car is kept with petroleum in the tank thereof;

“storage in bulk” or “stored in bulk” means storage of any quantity of petroleum exceeding twenty gallons and including any tank or other vessel used in connection with a roadside pump or supply of petroleum.

Restriction on introduction of petroleum.

3. No person shall land, introduce, or keep or attempt to land, introduce or keep in Gibraltar any petroleum except in accordance with the provisions of this Act and any rules made thereunder.

Licence

4. No petroleum shall be kept in any place wholly or partly for sale unless such place is licensed in accordance with rules made under this Act.

Licensing authority

5.(1) The authority empowered to issue licences and permits for the purpose of this Act and of any rules made thereunder shall be the Financial and Development Secretary:

Provided that in the case of any licence required to be issued in respect of any ship the licensing authority shall be the Captain of the Port.

(2) The power to issue any licence or permit under this Act or any rules made thereunder shall include the power to grant, refuse, revoke or cancel such licence or permit.

6. *Repealed.*

Rules

7.(1) The Governor may make rules in respect of any or all of the following matters–

- (a) the mooring in the Bay of Gibraltar of ships or vessels carrying petroleum, or lighters or hulks in which petroleum maybe stored;
- (b) the lading or unloading of vessels with petroleum including the necessary supervision of such lading or unloading and the fees to be charged for such supervision;
- (c) the regulation of the storage of petroleum whether by the owners of motor cars or by persons storing such petroleum for the purpose of sale;
- (d) the inspection of and licensing of premises in which petroleum is stored in bulk;
- (e) the conditions necessary to render premises fit for the storage of petroleum whether stored in bulk or otherwise ;
- (f) the quantity of petroleum which may be kept in storehouses whether in motor cars or otherwise;

- (g) the number of motor cars which may be kept in a storehouse or other building with or without licences or permits under this Act;
- (h) the keeping of petroleum on board of motor boats and aircraft both in the harbour and on land and the manner and conditions in which petroleum may be supplied to motor boats and aircraft;
- (i) the conditions under which petroleum may be kept, used or conveyed including the introduction into Gibraltar of petroleum by land ;
- (j) the fees to be paid for any licence or permit under this Act and the duration of such licence or permit;
- (k) generally for giving effect to the objects and intentions of this Act.

(2) Any such rules may relate to any or all of the substances comprised in the term “petroleum”.

Directions when rules not applicable..

8. In the absence of any particular rules relating to the introduction, storage or handling of any petroleum to which this Act relates such petroleum shall be introduced, stored or handled in accordance with such general or special directions as the licensing authority may give, or may be entirely exempted from any licensing or control.

Offences.

9.(1) A person who contravenes any of the provisions of this Act, the rules thereunder or any special or general directions given by the licensing authority under this Act is guilty of an offence and is liable—

- (a) on summary conviction to a fine at level 5 on the standard scale;
- (b) on conviction on indictment to a fine of ten times the amount at level 5 on the standard scale.

(2) Where the effect of a contravention of the Act in respect of which a person is convicted of an offence under subsection (1) has resulted in the leakage, spillage or escape of petroleum, the court by which he is convicted, in addition to dealing with him in any way permissible under this or any other Act, may make an order requiring him to carry out, or cause to be

carried out, within such period as may be specified in the order, such operations for the purpose of removing any leaked, spilled or escaped petroleum and remedying the damage caused by such leakage, spillage or escape as may be so specified.

(3) In the case of an order under subsection (2) made by the Magistrates Court, the period specified in the order shall not begin to run –

- (a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against the decision of the Magistrates Court;
- (b) when notice of appeal is given within the period so prescribed, until the determination of the appeal.

(4) At any time before an order under subsection (2) has been complied with or fully complied with, the court by which it was made may, on the application of the person against whom it was made, discharge or vary the order if it appears to the court that a change in circumstance has made compliance or full compliance with the order impracticable or unnecessary.

(5) If, within the period specified in an order under this section, the person against whom it was made fails, without reasonable excuse, to comply with it, he shall be liable on summary conviction –

- (a) to a fine at level 5 on the standard scale; and
- (b) in the case of a continuing offence, to a further fine at level 5 on the standard scale for each day during which the offence continues after conviction.

(6) If, within the period specified in an order under this section, any operations specified in the order have not been carried out, the Licensing Authority may carry out such operations and recover from the person against whom the order was made any expenses reasonably incurred by them in doing so.

(7) Where in the opinion of the Licensing Authority it is unsafe or impracticable or will cause irreparable damage if action to remove leaked, spilled or escaped petroleum and to remedy damage caused by such leak, spill or escape is delayed until such time as an order may be made under subsection (2), the Licensing Authority may take such steps as are reasonably necessary to remove the leaked, spilled or escaped petroleum and to remedy the damage caused by such leak, spill or escape and the court, where a person is convicted of an offence under subsection (1), and in addition to dealing with him in any way permissible under this or any other

Act, may order that the costs thereby incurred by the Licensing Authority shall be reimbursed to them by the person convicted.

Minister's power to apply Act to other substances.

10.(1) The Governor may by order published in the Gazette apply to any substance such provisions of this Act or any rules made thereunder as may be specified in such order, with such modifications (if any) as may seem to the Governor to be desirable having regard to the nature of the substance to which the order relates.

(2) While any order relating to any substance is in force under this section, the provisions of this Act thereby applied shall have effect as if the substance were included in the definition of petroleum or petroleum spirit, as the case may be, but subject to such modifications (if any) as may be provided by the order.

Application of Act.

11. This Act shall not apply-

- (a) to the importation, keeping or using of petroleum under the control of persons in the public service of the Crown where such petroleum is imported, kept or used solely for the public service;
- (b) to petroleum spirit kept either for private use or sale so long as-
 - (i) it is kept in separate glass, earthenware, or metal vessels, securely stopped and containing not more than one pint each; and
 - (ii) the aggregate amount kept would not if the whole content of the vessel were in bulk exceed three gallons.