



Jersey

# **PETROLEUM (JERSEY) LAW 1984**

## **Official Consolidated Version**

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## PETROLEUM (JERSEY) LAW 1984

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Jersey

## PETROLEUM (JERSEY) LAW 1984<sup>1</sup>

**A LAW** to regulate the keeping, storage, conveyance, handling and use of petroleum-spirit and other substances and for purposes connected therewith

Commencement [[see endnotes](#)]

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### 1 Interpretation

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

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

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

“licence” means a licence granted by the Minister 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;

“Minister” means the Minister for Home Affairs;

“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” has the same meaning as in Section 23 of the Petroleum (Consolidation) Act 1928 of the United Kingdom;<sup>2</sup>

- (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.

- (3) The States may by Regulations amend the definition “petroleum spirit”.<sup>3</sup>

## **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 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 of level 3 on the standard scale 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.<sup>4</sup>
- (3) If any person to whom a licence is granted contravenes any condition of the licence, the person shall be liable to a fine of level 3 on the standard scale.<sup>5</sup>

## **3 Provisions as to licences**

- (1) The Minister may, on application being made in such form as the Minister 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 Minister may determine.
- (3) The Minister may by Order prescribe the fees payable on the grant or renewal of a licence.
- (4) The Minister may attach to a licence such conditions as the Minister 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-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 Minister may at any time where the Minister 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 the occupier shall be liable to a fine not exceeding level 2 on the standard scale;
- (b) if any person pulls down, injures, or defaces any notice posted in accordance with the requirements of this paragraph, the person shall be liable to a fine not exceeding level 2 on the standard scale; and
- (c) if any person employed contravenes any condition of which notice has been given in accordance with the requirements of this paragraph, the person shall be liable to a fine not exceeding level 2 on the standard scale.<sup>6</sup>

#### **4 Notice of refusal, cancellation, etc. of licence**

- (1) The Minister shall not –
  - (a) refuse an application for the grant or renewal of a licence;
  - (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 the Minister has given to the applicant or the holder of the licence, as the case may be, not less than 7 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 Minister in writing that the applicant or the holder of the licence desires to do so, the Minister, before refusing or cancelling the licence or attaching or varying the condition, will afford the applicant or the holder of the licence 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 Minister 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 the applicant or holder of the licence, the Minister shall, within 7 days of receiving such a request give to the applicant or holder of the licence a statement in writing of the reasons for the decision.

#### **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;
  - (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 28 days next following the day on which notice of the decision of the Minister was given to the person under Article 4(2) or, in the case of a condition attached on the grant or renewal of a licence, within 28 days next following the day on which the person 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 Minister 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.

## **6 Provisions as to labelling**

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

- (a) is kept at any place;
- (b) is sent or conveyed between any places in Jersey; 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 level 2 on the standard scale, 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.<sup>7</sup>

## **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 connection 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.
- (1A) Regulations made under this Article may make provision for, or in respect of, exemption from those Regulations, including provision for the Minister to make Orders for, or in respect of, exemption from those Regulations.<sup>8</sup>
- (2) Any person who contravenes or attempts to contravene the provisions of any Regulations made under this Article shall be liable to a fine of level 3 on the standard scale.<sup>9</sup>

## **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 of level 3 on the standard scale.<sup>10</sup>

## **9 Powers of entry and inspection**

- (1) An inspector shall have power, on production if so required of evidence of the inspector's authority, to make such examination and inquiry as the inspector may think necessary to ascertain whether the provisions of this Law or of any Regulations made thereunder are complied with, and for that purpose the inspector 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 the inspector 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 the inspector is so entitled to enter, or a person employed therein by the occupier, to give the inspector samples of any petroleum on the premises;

- (c) test or cause to be tested any samples so obtained by the inspector.
- (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 the inspector 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;
  - (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 the inspector's duties,shall be guilty of an offence and shall be liable to a fine not exceeding level 2 on the standard scale.<sup>11</sup>

## **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, but subject to such modifications, if any, as may be provided by the Regulations.

## **11 Regulations and Orders<sup>12</sup>**

A power to make Regulations or Orders under this Law, or a power to make Orders under Regulations under this Law, may be exercised –

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
- (b) so as to make, as respects the cases in relation to which it is exercised –
  - (i) the full provision to which the power extends or any lesser provision (whether by way of exception or otherwise),
  - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of the Regulations or Orders,
  - (iii) any such provision either unconditionally or subject to any specified condition.

**12 Citation**

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

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Petroleum (Jersey) Law 1984	<a href="#">L.15/1984</a>	12 April 2001 ( <a href="#">R&amp;O.56/2001</a> )
Petroleum (Amendment) (Jersey) Law 2002	<a href="#">L.20/2002</a>	21 June 2002
States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005	<a href="#">R&amp;O.47/2005</a>	9 December 2005
Petroleum (Amendment No. 2) (Jersey) Law 2006	<a href="#">L.4/2006</a>	10 March 2006
Petroleum (Amendment No. 3) (Jersey) Law 2012	<a href="#">L.34/2012</a>	2 November 2012
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )

### Table of Renumbered Provisions

Original	Current
12(1)	12
12(2)	spent, omitted from this revised edition

### Table of Endnote References

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- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> Article 1(1) *amended by L.34/2012*
- <sup>3</sup> Article 1(3) *added by L.34/2012*
- <sup>4</sup> Article 2(2) *amended by L.1/2016*
- <sup>5</sup> Article 2(3) *amended by L.20/2002, L.1/2016*
- <sup>6</sup> Article 3(6) *amended by L.20/2002*
- <sup>7</sup> Article 6(2) *amended by L.20/2002*
- <sup>8</sup> Article 7(1A) *inserted and amended by L.4/2006*
- <sup>9</sup> Article 7(2) *amended by L.20/2002, L.1/2016*
- <sup>10</sup> Article 8(2) *amended by L.20/2002, L.1/2016*
- <sup>11</sup> Article 9(3) *amended by L.20/2002*
- <sup>12</sup> Article 11 *substituted by L.4/2006*