

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. LXVI.

An Act for the Safe-keeping of Petroleum.

[29th *July* 1862.]

WHEREAS it is expedient to provide for the Safe-keeping of Petroleum and certain Products thereof that are dangerous to Life and Property, from their Properties of giving off inflammable Vapours at low Temperatures: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Definitions: "Petroleum:"

1. "Petroleum," for the Purposes of this Act, shall include any Product thereof that gives off an inflammable Vapour at a Temperature of less than One hundred Degrees of *Fahrenheit's* Thermometer:

"Borough;"

"Borough" shall in *England* mean any Place for the Time being subject to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales; and in *Scotland* any Royal Burgh and any of the Burghs or Towns returning or contributing to return Members to Parliament; and in *Ireland* any Place for the Time being subject to the Provisions of the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and eight, intituled *An Act for the Regulation of Municipal Corporations in* Ireland:

"Harbour:"

"Harbour" shall include any Port, Dock, navigable River, Pier, or other Works in or at which Vessels ship or discharge Goods or Passengers:

"Harbour Authority."

"Harbour Authority" shall include all Persons or Bodies of Persons, corporate or unincorporate, being Proprietors of or entrusted with the Duty of improving, maintaining, or managing any Harbour.

Regulations to be observed by a Ship carrying Petroleum.

2. Every Vessel carrying a Cargo consisting wholly or in part of Petroleum on entering any Harbour within the United Kingdom shall conform to such Regulations in respect to the Place at which she is to be moored as may from Time to Time be issued by the Harbour Authority having Jurisdiction over such Harbour. If any Vessel is moored in any Place in contravention of such Regulations, the Owner or Master of such Vessel shall incur a Penalty not exceeding Twenty Pounds for each Day during which the Vessel remains moored, and it shall be lawful for the Harbour Master, or any other Person acting under the Orders of the Harbour Authority, to cause such Vessel to be removed, at the Expense of the Owner thereof, to such Place as may be in conformity with the said Regulations, and all Expenses incurred in such Removal may be recovered in the same Manner in which Penalties are hereby made recoverable.

Regulations to be observed in storing Petroleum.

3. From and after the First Day of *October* One thousand eight hundred and sixty-two not more than Forty Gallons of Petroleum shall be kept within Fifty Yards of a Dwelling House or of a Building in which Goods are stored, except in pursuance of a Licence given by such Local Authority as is herein-after mentioned.

Any Petroleum kept in contravention of this Section shall be forfeited, and, in addition thereto, the Occupier of the Place in which such Petroleum is kept shall incur a Penalty not exceeding Twenty Pounds a Day for each Day during which Petroleum is kept in contravention of this Act.

Definition of Local Authority.

4. The following Bodies shall respectively be the Local Authority to grant Licences under this Act in the Districts herein-after mentioned; (that is to say,)

1. In the City of *London*, except as herein-after mentioned, the Court of Lord Mayor and Aldermen of the said City:
2. In the Metropolis, as defined by the Act of the Session of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, except the City of *London*, and except as herein-after mentioned, the Metropolitan Board of Works:
3. In any Borough in *England* or *Ireland*, except as herein-after mentioned, the Mayor, Aldermen, and Burgesses, by the Council:
4. In any Place in *England* or *Ireland*, except as herein-after mentioned, within the Jurisdiction of any Trustees or Improvement Commissioners, appointed under the Provisions of any Local or General Act of Parliament, the Trustees or Commissioners:
5. In any Burgh or Place in *Scotland*, except as herein-after mentioned, within the Jurisdiction of any Town Council, and not subject

subject to the Jurisdiction of Police Commissioners or Trustees, the Town Council; but in any Burgh or Place in *Scotland*, except as herein-after mentioned, within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act, the Police Commissioners or Trustees:

6. In any Harbour within the Jurisdiction of a Harbour Authority, whether situate or not within the Jurisdiction of any Local Authority herein-before mentioned, the Harbour Authority, to the Exclusion of any other Local Authority:

7. In any Place in *England* or *Ireland* in which there is no Local Authority as herein-before defined, the Justices in Petty Sessions assembled, and in *Scotland* any Two Justices of the Peace for the County.

Mode of granting Licences.

5. Licences in pursuance of this Act shall be valid if signed by Two or more of the Persons constituting the Local Authority, or executed in any other Way in which other Licences, if any, granted by such Authority are executed; they may be granted for a limited Time, and there may be annexed thereto any Conditions as to Renewal or otherwise which the Local Authority thinks necessary for diminishing the Risk of Damage from Explosion or Fire; and any Licensee violating any of the Conditions of his Licence shall be deemed to be an unlicensed Person.

In case of Refusal of Licence, the Applicant may memorialize Secretary of State.

6. If, on any Application for a Licence under this Act, the Local Authority refuses the Licence, or grants the same only on Conditions with which the Applicant is dissatisfied, the Local Authority shall, if required by the Applicant, certify in Writing under the Hand or Hands of One or more of the Persons constituting the Local Authority the Grounds on which it refused the Licence or annexed Conditions to the Grant thereof, and shall deliver the Certificate to the Applicant, who may thereupon, within Ten Days from the Time of the Delivery thereof, transmit the same to One of Her Majesty's Principal Secretaries of State, if the Application is for a Licence in *England* or *Scotland*, and to the Lord Lieutenant or other Chief Governor if the Application is for a Licence in *Ireland*, together with a Memorial, praying that, notwithstanding such Refusal, the Licence may be granted, or that such Conditions may not be imposed, or may be altered or modified in such Manner and to such Extent as may be set forth in such Memorial; and it shall be lawful for the Secretary of State, Lord Lieutenant, or other Chief Governor, if he think fit, on consideration of such Memorial and Certificate, and if he think it necessary or desirable, after due Inquiry from and a Report by such Person as he may appoint for that Purpose, to grant the Licence prayed for, either absolutely, or with such Conditions as he thinks fit, or to alter or modify the Conditions imposed by the Local Authority; and the Licence so granted, or altered and modified, as the Case may be, when certified under

under the Hand of the said Secretary of State, Lord Lieutenant, or other Chief Governor, shall be to all Intents as valid as if granted by the Local Authority.

Forfeitures and Penalties in England and Ireland.

7. Any Forfeiture or Penalty for an Offence against this Act may be enforced in *England* and *Ireland* upon summary Conviction before any Two Justices; and one Moiety of the Forfeiture and Penalty shall belong to Her Majesty, and the other Moiety to the Informer, unless the Informer is a Servant of the Person informed against, in which Case the Moiety of the Forfeiture or Penalty which would otherwise belong to the Informer shall be applied in such Manner and to such other Purposes as the Justices in their or his Discretion may think fit.

Recovery of Forfeitures and Penalties in Scotland.

8. Any Forfeiture or Penalty for an Offence against this Act may be enforced in *Scotland* upon summary Conviction, at the Instance of the Procurator Fiscal, before any Sheriff, or before any Two Justices of the County, or before the Magistrates or any Police Magistrate of the Burgh in which the Offence was committed, who may sentence the Offender to Imprisonment, until such Forfeiture or Penalty and the Expenses of Conviction are paid, for a Period not exceeding Three Months; and one Moiety of such Forfeiture or Penalty shall belong to Her Majesty, and the other Moiety shall be applied in such Manner and to such Purposes as such Sheriff, Justices, Magistrates, or Magistrate in their or his Discretion may think fit.

Search for Petroleum.

9. Petroleum may be searched for in the same Manner, under the same Warrants, and subject to the same Conditions in, under, and subject to which Gunpowder may be searched for, in pursuance of the Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and thirty-nine; and all the Provisions of the said Act relating to searching for Gunpowder shall be incorporated with this Act, and be construed as if the Word "Gunpowder" in such Provisions included Petroleum as defined by this Act, and as if the Act therein referred to were this Act.

Reservation of previous Powers with respect to inflammable Substances.

10. All Powers given by this Act shall be deemed to be in addition to and not in derogation of any other Powers conferred on any Local Authority by Act of Parliament, Law, or Custom, and the Local Authority may exercise such other Powers in the same Manner as if this Act had not passed; and nothing in this Act contained shall be deemed to exempt any Person from any Penalty to which he would otherwise be subject in respect of a Nuisance.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1862.