

**DRAFT PETROLEUM-SPIRIT (CONTROL) (JERSEY)
REGULATIONS 199**

**Lodged au Greffe on 17th February 1998
by the Defence Committee**



STATES OF JERSEY

STATES GREFFE

Explanatory Note

The purpose of these Regulations is to control the storage, sale and dispensing of petroleum-spirit. They replace the Petroleum-Spirit (Control) (Jersey) Regulations 1995, which expire on 11th April 1998.

It was originally intended that the Petroleum-Spirit (Control) Regulations would be replaced by Regulations to be made under the Petroleum (Jersey) Law 1984. However, that Law provides for the licensing authority to be the Defence Committee, instead of the Connétable of the parish where the premises are situated. It is the intention of the Defence Committee that the Connétables should continue to issue these licences. The Petroleum (Jersey) Law 1984 must, therefore, be amended, and these Regulations are to continue in force until the amendment is effective.

Regulation 1 prohibits any person from storing, selling or dispensing petroleum-spirit at any premises, except under the authority of a licence issued by the Connétable of the parish where the premises are situated.

Licences are issued free of charge and are valid for one year from the date of issue.

Regulation 2 gives a right of appeal to a person who has been refused a licence or who is aggrieved by any condition of the licence.

Regulation 3 provides for the inspection of licensed premises.

Regulation 4, by way of exception to Regulation 1, allows a person to keep for his own use, at home, up to 25 litres of petroleum spirit.

A person guilty of an offence under Regulation 1(6), 3(3) or 4(2) is liable to a fine not exceeding level 2 on the standard scale (£500).

Regulation 5 provides for the Regulations to come into force on 12th April 1998 and to remain in force for three years from that date, unless, during that period, they are replaced by equivalent Regulations made under the Petroleum (Jersey) Law 1984.

PETROLEUM-SPIRIT (CONTROL) (JERSEY) REGULATIONS 199

(Promulgated on the day of 199)

STATES OF JERSEY

The day of 199

THE STATES, by virtue and in exercise of the powers conferred on them by the Order in Council of the fourteenth day of April 1884,¹ have made the following Regulations -

Licence for keeping petroleum-spirit

1.-(1) No person shall at any premises store, sell or dispense petroleum-spirit (that is to say, petroleum which when tested in accordance with Part IV of Schedule 1 to the Classification, Packaging and Labelling of Dangerous Substances Regulations 1984 (S.I. 1984/1244) of the United Kingdom has a flash point of less than 21° Celsius) unless he is the holder of a licence issued by the Connétable of the parish in which the premises are situated authorizing him so to do.

(2) The Connétable may attach to a licence granted under this Regulation such conditions as he thinks fit in the interests of public safety, and the licence shall state the maximum quantity of petroleum-spirit which may be kept at any one time on licensed premises.

(3) Before granting a licence under this Regulation, the Connétable shall consult the Chief Fire Officer.

(4) Licences granted under this Regulation shall be issued free of charge and shall state -

¹ Recueil des Lois, Tomes IV-VI, page 46.

- (a) the full name and address of the licensee;
- (b) the description and dimensions of the premises at which the petroleum-spirit is stored, sold or dispensed;
- (c) any conditions attached to the licence; and
- (d) the maximum quantity of the petroleum-spirit which may be kept at any time at the premises concerned.

(5) A licence issued under these Regulations shall be valid for one year from the date of its issue and shall not be transferable.

(6) Any person who contravenes any of the provisions of this Regulation, or fails to comply with a condition attached to a licence granted thereunder, shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale,² and the Court, instead of or in addition to imposing a fine, may revoke the licence and order the confiscation of all or part of the petroleum-spirit stored on the premises.

(7) The Connétable of a parish in which an offence under these Regulations appears to have occurred may, if he deems it necessary, cause to be transported as a matter of urgency to a safe place, any articles found on the premises concerned, and may recover as costs of the conviction any expenses incurred in transporting the articles.

Appeal in respect of licences

2. Any person aggrieved by the decision of the Connétable to refuse the grant of a licence, or by any condition attached to the licence, may appeal, either in term or in vacation, to the Inferior Number of the Royal Court, on the ground that the decision of the Connétable was unreasonable having regard to all the circumstances of the case. The decision of the Inferior Number of the Royal Court shall be final and without further appeal.

² Recueil des Lois, Volume 1992-1993, page 437.

Inspection of licensed premises and testing of samples

3.-(1) The Connétable of a parish in which licensed premises are situated, or the Chief Fire Officer, may, at all reasonable times, enter those premises and may make such enquiries, take such samples and measurements, and require the production of such documents as appear to him to be necessary in order to satisfy himself that these Regulations are being complied with.

(2) The Connétable, or the Chief Fire Officer, shall submit any sample taken by him under paragraph (1) of this Article to the normal tests to ascertain the degree of flammability of the substance, and he shall inform the licensee of the date, time and place of the test so that he may be present.

(3) Any person who obstructs or impedes the Connétable or the Chief Fire Officer in the execution of his duties under this Regulation shall be guilty of an offence and liable, in respect of each such offence, to a fine not exceeding level 2 on the standard scale.

Keeping petroleum-spirit for private use

4.-(1) No person shall keep for his own use, in a dwelling which is inhabited, more than 25 litres of petroleum-spirit:

Provided that a person may, at the discretion of the Connétable of the parish concerned, keep a greater quantity of petroleum-spirit in a place and in receptacles approved by the Connétable, after consultation with the Chief Fire Officer, and the Connétable shall issue a permit to this effect.

(2) Any person who contravenes this Regulation shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.

Citation and commencement

5.-(1) These Regulations may be cited as the Petroleum-Spirit (Control) (Jersey) Regulations 199 .

(2) These Regulations shall come into force on the twelfth day of April 1998 and shall remain in force for three years from that date, or until the date of the coming into force of the first Regulations made under Article 8 of the Petroleum (Jersey) Law 1984,³ whichever occurs first.

³ Recueil des Lois, Volume 1984-1985, page 91.