

Petroleum (Consolidation) Regulations 2014

Introduction of new Petroleum Regulations

On 1 October 2014 the Petroleum (Consolidation) Regulations 2014 are scheduled to come into force.

Who do the Regulations apply to?

As with existing petrol storage legislation, they apply to:

- workplaces that store petrol and dispense it through manual or electrical pumping from a storage tank, ie petrol filling stations (retail and non-retail);
- storage of petrol at non-workplace premises, eg private homes, clubs, associations, etc.

What happens to the current legislation?

The legislation below will be revoked:

- Petroleum (Consolidation) Act 1928
- The Petroleum Spirit (Motor Vehicles etc) Regulations 1929
- The Petroleum (Mixtures) Order 1929
- Petroleum (Transfer of Licenses) Act 1936
- The Petroleum (Liquid Methane) Order 1957
- The Petroleum (Regulation) Acts 1928 and 1936 (Repeals and Modifications) Regulations 1974
- The Petroleum (Consolidation) Act 1928 (Enforcement) Regulations 1979
- The Petroleum Spirit (Plastic Containers) Regulations 1982

The following documents are being withdrawn without replacement:

- Approved Code of Practice COP6: Petroleum-Spirit (Plastic Containers) Regulations 1982. Requirements for testing and marking or labelling
- Approved Document L93: Approved tank requirements. The provisions for bottom loading and vapour recovery systems of mobile containers carrying petrol

The Approved Code of Practice ACOP L133 'Unloading petrol from road tankers' is being reviewed and updated as part of the consolidation work. HSE plans to publish a revised version of L133 by the end of 2014.

How will this affect me?

The Regulations consolidate much of the existing legislation so there is little overall change. A summary of the effect of the new regulations on the following groups is included below:

- petrol filling stations;
- people who store petrol at home, clubs, associations etc;
- designers/manufacturers/suppliers of portable petrol storage containers;
- Petroleum Licensing Authorities (PLAs);
- workplaces that do not dispense petrol.

Petrol filling stations

The Regulations do not change existing health and safety responsibilities for petrol filling station operators or those working at them.

Will I still need a licence to store petrol at these premises?

The licensing regime is being replaced with a certification scheme. To store petrol at a petrol filling station a petroleum storage certificate (storage certificate) will be required (Annex 1 contains an example of what a storage certificate may look like).

What happens to my existing licence?

Under the new Regulations, existing licences remain valid until their expiry date when, if the storage conditions remain unaltered, they will be converted to a storage certificate. If a significant change (referred to in the new Regulations as a 'prescribed material change' – see below) takes place at premises before the licence expiry date then a storage certificate will be required at that point to replace the licence.

This means there will be a phased introduction of storage certificates for existing sites. Therefore, for the vast majority of petrol filling stations no action is required on implementation of the new Regulations in October.

How do I apply for a petroleum storage certificate?

The application process will be similar to the current system for licences and applications will be to the local Petroleum Enforcement Authority.

Who will carry out enforcement at petrol filling stations?

The new Regulations maintain current, well-established enforcement responsibilities. The only change is that Petroleum Licensing Authorities (PLAs) will be renamed to Petroleum Enforcement Authorities (PEAs).

Are there any changes to fees?

No – annual fees for storing petrol remain the same.

What will be included on the petroleum storage certificate?

The new Regulations require that the storage certificate contains the following information:

- the name of the PEA granting the certificate;
- the address of the dispensing premises for which the certificate is granted;
- a drawing of the layout of the dispensing premises;
- a drawing of the containment system for petrol at the dispensing premises, including storage tanks and pipework;
- a drawing of the drainage system for petrol at the dispensing premises.

Annex 1 contains an example of what a storage certificate may look like.

Can PEAs add conditions to a certificate?

No – conditions cannot be added to the certificate and it cannot be revoked. Once a certificate has been granted, any required enforcement action must be taken through relevant health and safety legislation, eg DSEAR.

The new Regulations state: 'The petroleum enforcement authority must be satisfied that the containment system for petrol at the dispensing premises may reasonably be used to store petrol without creating an unacceptable risk to the health or safety of any person before granting a storage certificate.'

When do I need to provide drawings to the PEA?

The new regulations state that the following drawings are required when applying for a petroleum storage certificate:

- a drawing of the layout of the dispensing premises;
- a drawing of the containment system for petrol at the dispensing premises, including storage tanks and pipe work;
- a drawing of the drainage system for petrol at the dispensing premises.

These drawings form an integral part of the storage certificate and their reference number(s) must be included on the certificate. The drawings should be readily available so it may be practical to store them with the certificate.

When a significant change ('prescribed material change') is made at the premises a new storage certificate will be required containing up-to-date drawing reference numbers.

Do I need to provide drawings if I currently have a licence?

The regulations state that where premises hold a current licence it will be converted to a storage certificate (on the next renewal date) without having to meet the storage certificate application requirements. However, where drawings exist they should be referenced on the storage certificate.

If a 'prescribed material change' is made at the premises it will be necessary to provide the PLA with up-to-date drawings and these must be referenced on

the storage certificate as it reflects changes to the current approved arrangements.

In what format are drawings required?

The new regulations do not contain a definition for drawings but it is recommended that drawings submitted to the PEA should be in hardcopy format with a scale of 1:100. Some PEAs may be able to accept electronic versions but you should check with the local PEA first.

What is a 'prescribed material change'?

The new Regulations list what constitutes a prescribed material change to premises and this is limited to:

- ceasing use of one or more of the petrol storage tanks;
- removing or permanently decommissioning one or more of the petrol storage tanks;
- installing any tank, pipework or vapour pipework associated with the storage and dispensing of petrol;
- installing any petrol pump, any other automotive pump, or dispenser in a new location.

These are the only types of changes that must be notified to the PEA. The new Regulations state that this must be done at least 28 days before any work commences to effect the change.

Do I need to transfer a certificate when there is a change of operator?

No – the certificate relates to the petrol storage arrangements at the premises and there is no requirement to transfer it. Instead of this, the new Regulations:

- place a duty on both the outgoing and incoming operator to notify the PEA when a change of operator occurs;
- place a duty on an outgoing operator to notify the PEA when they are vacating the premises.

In all instances the notifications must be made, in writing (this can be by email), to the PEA at least 28 days before the change takes place. The notification should include:

- the person's name and address;
- the address of the dispensing premises;
- the date on which the relevant change will take place.

Can a storage certificate become invalid?

Yes. A new certificate will be required where a prescribed material change (as defined above) is made at the premises. Also, it will become invalid if petrol is not stored at the site for a continuous period exceeding 12 months. This means where dispensing activities continue and not, for example, where a residue remains in the bottom of tanks.

As now, where a site ceases to operate it must be made temporarily safe or control measures identified and implemented to maintain the site in a safe condition.

Are under age sales prohibited by the regulations?

Yes - the new Regulations include the following provisions:

- no person under the age of 16 is to operate a dispenser on dispensing premises
- no person is to supply, or allow the supply of, petrol to a person under the age of 16

What types of containers can be filled at a petrol station?

The Regulations only allow for the filling of 'suitable containers'. The definition of what constitutes a suitable container is contained in the new Regulations and is summarised below under 'People who store petrol at home, clubs, associations etc'.

How many containers can be filled at a petrol station?

There are currently no legal restrictions regarding the number of containers that can be filled so this is not included in the new Regulations. This forms part of the risk assessment of the site and current guidance can be found in Section 8 of the Energy Institute's *Petrol filling stations guidance on managing the risks of fire and explosion* (The Red Guide): <https://www.energyinst.org/documents/1317>.

What happens where there is an application for a new licence (or transfer of a licence) under the current legislation?

If a new licence (or transfer) application was made and received by the enforcing authority before 1 October 2014 and it has not been fully processed, then it will be treated as an application under the new Regulations. If a fee has been paid and received then no additional fees will be payable for determining the application.

What happens where there is notification of storage up to 275 litres under the current legislation?

If the storage complies with current legislation the notice remains valid until 1 October 2016 or until a request to renew the notice under the new Regulations.

People who store petrol at home, clubs, associations etc

As the vast majority of the storage requirements are carried forward from existing legislation, there is little change to current requirements.

Can I store petrol without a licence?

Yes – as is the case now, a licence is not required for storing up to certain amounts of petrol. The new Regulations set out in detail the requirements for

storing petrol at these premises – the table below summarises the key elements.

Storing up to 30 litres	Storing more than 30 litres and up to 275 litres
No requirement to inform the PEA	Notify the local PEA in writing, providing name and address of the occupier and the storage place
Can be stored in: <ul style="list-style-type: none"> • suitable portable containers; • one demountable fuel tank; • a combination of the above as long as no more than 30 litres is kept. 	Can be stored in: <ul style="list-style-type: none"> • suitable portable containers; • demountable fuel tanks; • a combination of the above as long as no more than 275 litres is kept.
<p><i>Common storage requirements for these amounts</i></p> <ul style="list-style-type: none"> • Petrol is not stored in living accommodation; • Petrol is not dispensed* at the storage place; • If the storage place is not in the open air, it has a direct exit to the open air and is ventilated to it; • All reasonable precautions are taken in the storage place to prevent any sources of ignition or heat that would be liable to ignite petrol or its vapour; • Petrol is not used in the storage place other than: <ul style="list-style-type: none"> ○ in the fuel tank of any internal combustion engine; ○ in quantities (not exceeding 150 millilitres at any one time), for cleaning or as a solvent for repair purposes. <p>* Dispensing means manual or electrical pumping of petrol from a storage tank</p>	

Will I still need a licence to store larger quantities of petrol at these premises?

Yes – the licensing regime is being retained for storage of more than 275 litres at non-workplace premises. As is the case now, you must apply for a licence from your local PEA. The licence will specify your name, where the petrol is to be kept. It can be granted for up to three years and is not transferrable. A PEA may attach conditions to a licence regarding the storage conditions.

What happens if I already have a licence?

The new Regulations provide that existing licences remain valid until their expiry date.

What size containers can I use?

The new Regulations state that petrol can be stored in the following containers:

- plastic containers up to 10 litres (previous regulations restricted this to 5 litres)
- metal containers up to 20 litres (previous regulations restricted this to 10 litres)

Does the petrol in my car's fuel tank count towards the total I can store?

No – petrol contained in the fuel tank of any vehicle (including boats and aircraft) does not count when calculating the total amount stored.

How much petrol can I store on a vehicle?

You can store up to 30 litres of petrol in a maximum of two suitable portable petrol containers in a vehicle (including boats and aircraft). This type of storage counts towards the total storage at non-workplace premises.

What if I applied for a licence under the previous legislation?

If you made a licence application before 1 October 2014 and it has not been refused or granted then it will be treated as an application under the new Regulations. If a fee has been paid and received and the licence had not been granted or refused then no additional fees will be payable.

What if I have applied to transfer a licence under the previous legislation?

If you apply to transfer a licence before 1 October 2014 and it has not been refused or the licence transferred, the application will be deemed to be an application for a new licence by the proposed transferee under the new Regulations. If a fee has been paid and received and the transfer has not been refused or granted, no additional fees will be payable.

What if I have notified the enforcing authority of storage up to 275 litres under the old legislation?

If you have previously notified the Petroleum Licensing Authority of the amount of petrol you are storing and it is being stored in compliance with existing legislation then this notice will remain valid until 1 October 2016 until you give or renew that notice under the new Regulations.

Designers/manufacturers/suppliers of portable petrol storage containers

The basic design safety features in the Petroleum-Spirit (Plastic Containers) Regulations 1982 have been carried forward into the new Regulations and now include metal containers. There are no new or additional requirements included in the new Regulations so plastic containers that currently comply with the 1982 Regulations will comply.

Are there changes to the manufacturing requirements for petrol containers?

The requirements remain the same apart from new provisions that allow storage of petrol in larger containers. The general principles regarding the requirements for portable petrol storage containers are set out in the new Regulations and state that a portable petrol storage container must:

- have a nominal capacity
 - no greater than 10 litres if made of plastic;
 - no greater than 20 litres if made of metal;
- have a total capacity between 10% and 15% more than the nominal capacity;
- be made of either metal or plastic that is suitable and safe for the purpose and will not significantly degrade due to exposure to petrol or naturally occurring ultra-violet radiation;
- be designed and constructed so that:
 - it is reasonably robust and not liable to break under the normal conditions of use;
 - the escape of liquid or vapour is prevented;
 - petrol can be poured safely from it;
 - it is not unsteady when placed on a flat surface.
- be marked or labelled in a legible and indelible form with:
 - the words 'PETROL' and 'HIGHLY FLAMMABLE';
 - an appropriate hazard warning sign;
 - the nominal capacity in litres;
 - the manufacturer's name and the date and month of manufacture.

Is the Approved Code of Practice COP6 'Petroleum-Spirit (Plastic Containers Regulations 1982: Requirements for testing and marking or labelling' being revised?

No – this document will be withdrawn. Guidance is currently being developed by a stakeholder working group (involving designers, manufacturers, suppliers and enforcing authority representatives) regarding the design and manufacturing of suitable portable petrol storage containers.

Can we continue to manufacture/supply containers that complied with previous legislation?

Yes - until 2016. The new Regulations state that petrol containers that comply with the Petroleum Spirit (Motor Vehicles etc) Regulations 1929 or the Petroleum Spirit (Plastic Containers) Regulations 1982 can continue to be manufactured and sold for use in Great Britain until 1 October 2016.

Petroleum Licensing Authorities (PLAs)

As PLAs will retain their current enforcement responsibilities under the new Regulations all the sections in this guidance are relevant to them.

Are there any changes to powers of entry?

The Regulations are made under the Health and Safety at Work etc Act 1974 (HSWA). If required, PEAs can therefore use the powers conferred on them under section 20 (Powers of inspectors) and section 25 (Power to deal with cause of imminent danger) of the HSWA. So the new Regulations do not carry forward the provisions of section 18 of the Petroleum (Consolidation) Act 1928 relating to powers of entry.

Workplaces that do not dispense petrol

Petroleum legislation was disappplied from workplaces that do not dispense petrol when DSEAR was introduced in 2002. The new Regulations do not change those arrangements.

Petroleum storage certificate
(A record of the petrol filling station)

Petroleum enforcement authority (PEA) and site details

This certificate has been issued by:

.....**Insert name of PEA here**..... being the PEA for the petrol filling station located at:

.....**Insert address of petrol filling station here**.....

Storage arrangements

The storage arrangements below have been registered with the PEA named in Section 1 of this certificate.

A	General site layout	Drawing Reference No (or insert 'as in place on 'licence renewal date xx/xx/xxxx')
B	Fuel and vapour containment system, including storage tanks (see Table 1), pipework and dispensers	Drawing Reference No (or insert 'as in place on 'licence renewal date xx/xx/xxxx')
C	Spillage containment/drainage systems	Drawing Reference No (or insert 'as in place on licence renewal date xx/xx/xxxx')

Table 1 A record of tanks registered to store petrol at the site (the tanks may be used to store other vehicle fuels)

TANK/ COMPARTMENT No	MAXIMUM WORKING CAPACITY (MWC)(LITRES)*
1	xxxxx
2	xxxxx
3	xxxxx
4	xxxxx

* The fee payable to the PEA is based on the MWCs of the tanks in which petrol is stored, not the MWC of the tanks in which petrol may be stored.

Prescribed material changes to storage arrangements

Regulation 8 of the Petroleum (Consolidation) Regulations 2014 states that a prescribed material change to the storage arrangements contained in this storage certificate must be notified to the PEA named in Section 1 of this certificate at least 28 days before any work commences. Schedule 1 of the Regulations lists prescribed material changes as:

- the cessation of use of one or more of the petrol storage tanks;
- the removal or permanent decommissioning one or more of the petrol storage tanks;
- the installation of any tank, pipework or vapour pipework associated with the storage and dispensing of petrol;
- the installation of any petrol pump, any other automotive pump, or dispenser in a new location.

Period of certification

This certificate does not need to be renewed. However:

- a new certificate will be required following a prescribed material change, as detailed in Schedule 1 of the Petroleum (Consolidation) Regulations 2014;
- it will no longer be valid if the premises cease to be used for the keeping of petrol for a continuous period exceeding 12 months.