

From 1st October 2014, major changes were put in place to remove licensing, and introduce new regulations that affect forecourt operators, petroleum inspectors and contractors working on petrol stations.

# Petroleum (Consolidation) Regulations 2014 (PCR)

## Background

The consolidation of petroleum legislation is one of the five 'sector' consolidations that the Government gave a commitment to undertake in response to the independent review 'Reclaiming Health and Safety for all: An Independent Review of Health and Safety Legislation'.

The outcome was to repeal/revoke all existing legislation and replace it with new regulations. This is designed to consolidate, modernise and, where practicable, simplify the current legislative arrangements for the storage of petrol, whilst maintaining existing safety standards and reducing unnecessary burdens on business.

## New Storage Certificate

PCR consolidates and updates the Petroleum (Consolidation) Act 1928 (PCA) and a raft of 20th century regulations made under the PCA, the relevant regulations are listed in table 1 on page 11. PCR only applies to England, Scotland and Wales.

The petrol storage licence is replaced by a petrol storage certificate (PSC). This is granted in perpetuity to the dispensing premises (not to the site operator) and remains valid unless there is a prescribed material change to the dispensing premises, or there is a cessation in the storage of petrol for a continuous period exceeding 12 months.

For the storage of petrol to be legal, R5 stipulates that there must be a valid PSC and the notification requirements set out in R9 and R10 have been complied with.

The PSC will be site specific and contains the following details: -

- name of the petroleum enforcement authority (PEA);
- address of the dispensing premises (site);
- drawing of the layout of the site;
- drawing of the petrol containment system, tanks and pipework etc. and
- drawing of the surface water drainage/spillage system.

There is no threshold quantity of petrol below which the Regulations do not apply,

and they do not stipulate the format (paper or electronic) of drawings, nor their scales. There is also no requirement for sites currently without drawings to provide them unless making a prescribed material change.

There is provision for any person to make an application for a PSC, such as the architect or the developer of a new site. Should this be the case, the person who is to keep the petrol ('the keeper') will need to give the PEA at least 28 days' notice of the proposal to keep petrol in the storage tanks.

Notification must be given to the PEA at least 28 days before commencement of works such as;

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

Where a 'prescribed material change' has taken place, the PEA is duty bound to issue a new PSC, if it is satisfied that the changes do not create an unacceptable risk to the health and safety of any person.

The 'keeper' must give the PEA at least 28 days' written notification of cessation of occupation or before taking up occupation of a site.

## Refusal of Certificate

The grounds for the PEA not to grant a storage certificate has to be that the usage of containment system for the storage petrol would create an unacceptable risk to the health or safety of any person.

## Prohibitions on Dispensing and Age-Restricted Supply of Petrol

Petrol may only be dispensed for use in a motor vehicle or motor boat, or to fill a suitable portable container. It is prohibited to supply/sell petrol to any person under 16 and it's prohibited for any person under 16 to operate a petrol dispenser.

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**PETROLEUM STORAGE CERTIFICATE**  
(A record of the petrol filling station)

**1. 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  
.....Insert address of petrol filling station here.....

**2. STORAGE ARRANGEMENTS**  
The storage arrangements below have been registered with the PEA named in Section 1

| A   | B   | C  |
|---|---|--|
| General site layout                                 | Fuel and vapour containment system, including storage tanks*, pipework and dispensers | Spillage containment/drainage systems        |
| Drawing Reference N<br>place on "licence<br>xx/xx/x | Drawing Reference<br>place on "licen<br>xx/xx/  | Drawing Reference<br>place on "licen<br>xx/x |

\* Table 1 provides a record of those tanks registered to store petrol at the site to store other vehicle fuels.

| TANK / COMPARTMENT No. | MAXIMUM WORKING CAPACITY (M) |
|------------------------|------------------------------|
| 1                      | xxxxx                        |
| 2                      | xxxxx                        |
| 3                      | xxxxx                        |
| 4                      | xxxxx                        |

Responsibility for compliance with the prohibitions rests equally with the site operator, his employees and the customer. An exception is the supply of petrol to a person under 16, where the duty clearly rests with the site operator and his/her employees.

### Prohibition on Direct Filling of Fuel Tanks from Road Tankers

The filling of a motor vehicle fuel tank, or portable container with petrol directly from a road tanker is prohibited.

### Transitional Arrangements

For those sites holding a current petrol licence when PCR comes into force, there are transitional arrangements that allow the site operator to continue to legally store petrol. Existing licences will remain valid until their expiry date when they will be converted to a storage certificate, which should result in a phased introduction of storage certificates for existing sites.

**For the vast majority of sites no action will have been required by the site operator on the implementation of PCR.**

Some PEAs may send out forms to be completed by site operators, giving their contact and storage tank details prior to replacing the expiring licence. PEAs are not empowered to require drawings when replacing a licence with a storage certificate.

### Portable Containers

Schedule 3 introduces basic safety features for the design and manufacture of petrol containers, which must be made

of either metal or plastic, have capacities no greater than 20 litres and 10 litres respectively and must be suitable for the storage of petrol. They are required to be marked with the words “Petrol” and “Highly Flammable” and to display the appropriate hazard warning sign. Site operators can expect to see the use of 10 litre plastic containers.

### Notification of Fires, Spillages and Other Incidents

Under PCR there is no requirement to notify the PEA of any serious spillages or leakages of petrol, nor is there a requirement to notify the PEA of any incidents involving the petrol installation; such as fires, explosions or accidental damage. However, it may still be prudent for site operators to notify the PEA in circumstances where there has been a serious incident.

### Fees for a Storage Certificate

The fees equate to those for petrol licences based on the bands <2,500, <50,000 and >50,000 litres. For the purpose of reducing administration time and costs, there will be opportunities for site operators to apply to make a single payment for a multiple years’ fees.

### Summary:

The changes brought about with the introduction of PCR are superficial, so site operators should not notice any significant differences to the administration they were accustomed to.

**Basically, a renewable petrol storage licence is replaced with a non-renewable petrol storage certificate; granted to the site as opposed to the site operator. The granting of a certificate is subject to an annual fee being applied for the duration**

**of the validity of the certificate; the fee structure being commensurate with that of petrol licensing.**

The transferring of petrol licences is replaced with a duty on both the outgoing and incoming ‘keepers’ (site operators) to give written notice to the PEA or their intended cessation and occupation of a site respectively.

**PCR can be viewed or downloaded at [www.legislation.gov.uk/ukxi/2014/1637/resources](http://www.legislation.gov.uk/ukxi/2014/1637/resources)**

The elements of the new Regulations that are specific to retail filling stations;

- R5 the requirement to hold a valid storage certificate;
- R6 the application for the granting of a storage certificate;
- R7 the validity of a storage certificate;
- R8 (Schedule 1) prescribed material changes;
- R9 notification of cessation of occupation of the dispensing premises;
- R10 notification of the intention to occupy dispensing premises;
- R11 appeals against the decision of the petroleum enforcement authority (PEA) not to grant a storage certificate;
- R12 general prohibitions on the dispensing of petrol;
- R17 (and R2 Interpretation) enforcing authorities;
- R21 prohibition on direct filling of vehicle fuel tanks or portable containers from a road tanker;
- R23 transitional provisions;
- Schedule 3 portable containers; and
- Schedule 4 (Part 4) fees for a storage certificate.

**Table 1**

| Repealed Legislation                                     |   |
|--|---|
| Legislation  | Main Component  |
| Petroleum (Consolidation) Act 1928                       | Renewable licensing and conditions attached to licences   |
| Petroleum-Spirit (Motor Vehicles, etc.) Regulations 1929 | Construction standard and capacities of portable metal containers   |
| Petroleum (Transfer of Licences) Act 1936                | Transfer of petrol licences   |
| Petroleum-Spirit (Plastic Containers) Regulations 1982   | Construction standard and capacities of portable plastic containers   |
| Carriage of Dangerous Goods by Road Regulations 1996     | Prohibition on the direct filling of vehicle fuel tanks from a road tanker<br><i>(This prohibition has been retained in regulation 21 of PCR)</i> |