Petroleum Act

Principal Act

Act. No. 1931-10

Commencement	18.1.1932
Assent	28.12.1931

Amending Enactment	Relevant current provisions	Commencement date
Act. 1935-08	–	
1954-16	ss. 2, 5, 8-9	
Order of 14.10.1969	s. 5(1)	
Act. 1991-21	s. 9	18.7.1991
1997-23	ss. 2-3, 5(1)-(2), 7(1), (d), (l), 7A, 8, 11-16	21.8.1997
2007-17	s. 10(1)	14.6.2007
LN. 2011/150	s. 16A	22.9.2011
Act. 2014-04	s. 2	27.2.2014
2021-10	ss. 7(1)(m), 9(1)(a)-(b)	26.2.2021
2021-25	ss. 7(1)(m)-(n), (1A), 9(1)	27.9.2021
LN. 2026/173	s. 9(1)(b)	15.7.2026

Transposing:
Directive 68/414/EEC
Directive 2008/99/EC

English sources:
Petroleum (Consolidation) Act 1928 (18 & 19 Geo.5 c.32)

© Government of Gibraltar (www.gibraltarlaws.gov.gi)

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Restriction on importation, trade in and keeping of petroleum.
4. Licence.
5. Licensing authority.
6. *Repealed.*
7. Rules.
7A. Rules of Court
8. Directions when rules not applicable.
9. Offences.
10. Minister's power to apply Act to other substances.
11. *Revoked.*
12. Bulk stocks of petroleum, etc.
13. Fuel stock at power stations.
14. Order and directions.
15. Administration, enforcement and offences.
16. Penal.
16A. Liability of bodies corporate - general.

© Government of Gibraltar (www.gibraltarlaws.gov.gi)

AN ACT TO REGULATE THE IMPORTATION, STORAGE AND HANDLING OF PETROLEUM.

Short title.

1. This Act may be cited as the Petroleum Act.

Interpretation.

2. In this Act, unless the context otherwise requires,–

"licensing authority" means the authority or person appointed under section 5 below;

"Minister" means the Minister with responsibility for the environment;

"motor fuel" means any petroleum derivative, with or without additives, having a reid vapour pressure of 27.6 kilopascals or more, which is intended for use as a fuel for motor vehicles, except liquefied petroleum pas (LPG);

"petroleum" includes crude petroleum, oil made from petroleum, or from coal, shale, peat or other bituminous substances and other products of petroleum and also includes petroleum spirit as hereinafter defined and (in so far as it would not otherwise do so) motor fuel as defined above and white oils as defined below ;

"petroleum spirit" means such petroleum as when tested in the manner set forth in Part II of the Second Schedule to the Petroleum (Consolidation) Act, 1928, gives off an inflammable vapour at a temperature of less than 73 degrees Fahrenheit;

"ship" includes every description of vessel used in navigation whether propelled by oars or otherwise, and also includes a lighter and a hulk ;

"storehouse" means any room, building, coach-house, lean-to, or other place on land in which petroleum is kept, or intended to be kept and also includes any place in which any motor car is kept with petroleum in the tank thereof;

"storage in bulk" or "stored in bulk" means storage of any quantity of petroleum exceeding 100 litres and including any tank or other vessel used in connection with a roadside pump or supply of petroleum.

"white oils": means the following classes of fuels-

(a) gasoline (volatile liquid hydrocarbon fuels used in spark ignition engines);

(b) aviation fuels; and

© Government of Gibraltar (www.gibraltarlaws.gov.gi)

(c) automotive gas oil (the petroleum fraction used in diesel engines) and all types of gas oil capable of industrial use on shore.

Restriction on importation, trade in and keeping of petroleum.

3. No person shall import, keep or trade in, or attempt to import, keep or trade in petroleum except in accordance with the provisions of this Act and any rules made hereunder.

Licence

4. No petroleum shall be kept in any place wholly or partly for sale unless such place is licensed in accordance with rules made under this Act.

Licensing authority

5.(1) The licensing authority shall have the power to issue, grant, refuse, revoke, renew, amend or cancel licences and permits for the purposes of this Act and of any rules made hereunder.

(2) The licensing authority shall be the Minister or such person or persons as the Minister shall, from time to time, appoint by notice in the Gazette.

6**.** *Repealed.*

Rules

7.(1) The Minister may make rules in respect of any or all of the following matters–

(a) the mooring in the Bay of Gibraltar of ships or vessels carrying petroleum, or lighters or hulks in which petroleum maybe stored;

(b) the lading or unlading of vessels with petroleum including the necessary supervision of such lading or unlading and the fees to be charged for such supervision;

(c) the regulation of the storage of petroleum whether by the owners of motor cars or by persons storing such petroleum for the purpose of sale;

(d) the inspection of and licensing of premises in which petroleum is stored ;

(e) the conditions necessary to render premises fit for the storage of petroleum whether stored in bulk or otherwise ;

© Government of Gibraltar (www.gibraltarlaws.gov.gi)

(f) the quantity of petroleum which may be kept in storehouses whether in motor cars or otherwise;

(g) the number of motor cars which may be kept in a storehouse or other building with or without licences or permits under this Act;

(h) the keeping of petroleum on board of motor boats and aircraft both in the harbour and on land and the manner and conditions in which petroleum may be supplied to motor boats and aircraft;

(i) the conditions under which petroleum may be kept, used or conveyed including the introduction into Gibraltar of petroleum by land ;

(j) the fees to be paid for any licence or permit under this Act and the duration of such licence or permit;

(k) generally for giving effect to the objects and intentions of this Act.

(l) the licensing and regulation of the importation, trade in, and keeping of petroleum in Gibraltar and any matter incidental thereto.

(m) the licensing and regulation of the storage, transportation and possession of petroleum;

(n) create offences in connection with the breach of any rule or other matter provided for therein and provide for the penalties in relation to any such breach.

(1A) Section 23(b) and (e) of the Interpretation and General Clauses Act does not apply to rules made under this section.

(2) Any such rules may relate to any or all of the substances comprised in the term "petroleum".

Rules of Court

7A. The Chief Justice may, from time to time, make such rules of procedure applicable to appeals from decisions of the licensing authority.

Directions when rules not applicable..

8. In the absence of any particular rules relating to the introduction, storage or handling of any petroleum to which this Act relates such petroleum shall be introduced, stored or handled in accordance with such general or special directions as the licensing authority may give, or may be entirely exempted from any licensing or control but, in the case of motor fuel, such directions may be given or such exemptions granted only in accordance with European

© Government of Gibraltar (www.gibraltarlaws.gov.gi)

Parliament and Council Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations.

Offences.

9.(1) A person who contravenes any of the provisions of this Act or any special or general directions given by the licensing authority under this Act is guilty of an offence and is liable–

(a) on summary conviction to a fine at level 5 on the standard scale or a term of imprisonment of six months or to both;

(b) on conviction on indictment to a fine of ten times the amount at level 5 on the standard scale or a term of imprisonment of 10 years or to both.

(2) Where the effect of a contravention of the Act in respect of which a person is convicted of an offence under subsection (1) has resulted in the leakage, spillage or escape of petroleum, the court by which he is convicted, in addition to dealing with him in any way permissible under this or any other Act, may make an order requiring him to carry out, or cause to be carried out, within such period as may be specified in the order, such operations for the purpose of removing any leaked, spilled or escaped petroleum and remedying the damage caused by such leakage, spillage or escape as may be so specified.

(3) In the case of an order under subsection (2) made by the Magistrates Court, the period specified in the order shall not begin to run –

(a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against the decision of the Magistrates Court;

(b) when notice of appeal is given within the period so prescribed, until the determination of the appeal.

(4) At any time before an order under subsection (2) has been complied with or fully complied with, the court by which it was made may, on the application of the person against whom it was made, discharge of vary the order if it appears to the court that a change in circumstance has made compliance or full compliance with the order impracticable or unnecessary.

(5) If, within the period specified in an order under this section, the person against whom it was made fails, without reasonable excuse, to comply with it, he shall be liable on summary conviction –

(a) to a fine at level 5 on the standard scale; and

© Government of Gibraltar (www.gibraltarlaws.gov.gi)

(b) in the case of a continuing offence, to a further fine at level 5 on the standard scale for each day during which the offence continues after conviction.

(6) If, within the period specified in an order under this section, any operations specified in the order have not been carried out, the Licensing Authority may carry out such operations and recover from the person against whom the order was made any expenses reasonably incurred by them in doing so.

(7) Where in the opinion of the Licensing Authority it is unsafe or impracticable or will cause irreparable damage if action to remove leaked, spilled or escaped petroleum and to remedy damage caused by such leak, spill or escape is delayed until such time as an order may be made under subsection (2), the Licensing Authority may take such steps as are reasonably necessary to remove the leaked, spilled or escaped petroleum and to remedy the damage caused by such leak, spill or escape and the court, where a person is convicted of an offence under subsection (1), and in addition to dealing with him in any way permissible under this or any other Act, may order that the costs thereby incurred by the Licensing Authority shall be reimbursed to them by the person convicted.

Minister's power to apply Act to other substances.

10.(1) The Minister responsible for trade may by order published in the Gazette apply to any substance such provisions of this Act or any rules made thereunder as may be specified in such order, with such modifications (if any) as may seem to the Minister responsible for trade to be desirable having regard to the nature of the substance to which the order relates.

(2) While any order relating to any substance is in force under this section, the provisions of this Act thereby applied shall have effect as if the substance were included in the definition of petroleum or petroleum spirit, as the case may be, but subject to such modifications (if any) as may be provided by the order.

11. *Revoked.*

Maintenance of fuel reserves

Bulk stocks of petroleum, etc.

12.(1) Directions under this section may, from time to time, be given to all persons who import white oils.

(2) The Minister shall, by notice in the Gazette, establish the total level of stocks of white oils to be held in Gibraltar.

(3) The Minister shall, in the furtherance of the provisions of subsection (2) above, issue directions to all persons to whom this section applies to maintain such proportion of the total

© Government of Gibraltar (www.gibraltarlaws.gov.gi)

level of stocks referred to in subsection (2) above, as the Minister shall compute in accordance with the provisions of subsection (4) below.

(4) The proportion of the total level of stocks which the Minister may require any person to maintain under subsection (3) above shall be equal to the ratio of the quantities of white oils which that person has imported in the previous twelve months, as against the total quantity of white oils imported into Gibraltar in that same period.

(5) The proportion of the total level of stocks which any person who has not imported white oils into Gibraltar during the preceding twelve months may be required to maintain shall be such as the Minister may, in all the circumstances, reasonably determine.

(6) Before giving a direction under this section the Minister shall notify the substance of the proposed direction to the person to whom he proposes to give it and shall afford the person concerned a reasonable opportunity to make representations.

(7) The Minister may make rules setting out the method by which quantities of white oils are to be measured for different purposes.

Fuel stocks at power stations.

13.(1) Without prejudice to the provisions of section 12, and in addition to any directions made under that section, directions under this section may be given by the Minister to any person who owns, manages or controls an electricity generating station of a capacity of 100 megawatts or more –

(a) to make such arrangements with respect to fuel stocks held at or near that generating station for the purposes of its operation as will –

(i) enable those stocks to be brought within a specified time to, and thereafter maintained at, a specified level, and

(ii) ensure that they do not fall below that level, except as may be permitted by the terms of the direction or by authority of the Minister;

(b) to create such stocks and make such arrangements with respect to them.

(2) The amount of fuel stocks may be specified by reference to the period for which it would enable the generating station to be maintained in operation.

(3) In this section "specified" means specified by the Minister's direction and a direction may set out–

(a) the cases and circumstances in which fuel stocks are to be treated as held at or near any generating station;

© Government of Gibraltar (www.gibraltarlaws.gov.gi)

(b) the extent to which the direction may be treated as complied with where access can be had to stocks held for the use of a number of consumers, under arrangements made or approved by the Minister;

(c) the manner in which the period mentioned in subsection (2) above is to be calculated.

Orders and directions.

14.(1) Orders under this Act shall be made by Notice published in the Gazette and be subject to annulment in pursuance of a resolution of the Parliament.

(2) Powers conferred by this Act to make an order or give a direction include power to revoke or vary the order or direction.

(3) Powers conferred by this Act to make an order include power to make any incidental, supplementary or transitional provision which appears to the Minister to be appropriate.

(4) An order under this Act may –

(a) apply to persons, premises or undertakings generally, or to classes of persons, premises or undertakings, or to particular persons, premises or undertakings;

(b) provide for exempting persons, premises or undertakings (or any class of persons, premises or undertakings) from the requirements of the order either unconditionally or subject to conditions and with or without a limit in time, and for any such exemption to be varied or revoked.

(5) Where this Act confers power to give directions for any purpose, there is also power to make provision for that purpose by order applicable to all, or to any class of, persons to whom directions could be given.

Administration, enforcement and offences

15.(1) The Minister may make rules with respect to the administration and enforcement of sections 12 to 14 above and provisions made under those sections, including powers of obtaining information, powers of entry, consents for taking proceedings and other matters.

(2) A person commits an offence if–

(a) without reasonable excuse, he contravenes or fails to comply with any provision made by or under sections 12 to 14 above, or

© Government of Gibraltar (www.gibraltarlaws.gov.gi)

(b) he willfully obstructs any person exercising a power conferred, or performing a duty imposed, by or under sections 12 to 14 above, or

(c) in furnishing any information for the purposes of sections 12 to 14 above, or of an order made or direction given under those sections, or in a notice given for any of those purposes, he makes or causes to be made on his behalf a statement which he knows to be false or does not believe to be true.

Penal

16.(1) Subject to the provisions of this Act–

(a) a person guilty of an offence under sections 12 to 15 above, or

(b) a person who has contravened or failed to comply with any direction made or any order given under sections 12 or 13 above,

shall be liable on summary conviction to imprisonment for a term of not more than three months, or to a fine or both, or on conviction on indictment to imprisonment for a term of not more than two years or to a fine, or both.

(2) Any person convicted for the continuance of any offence contrary to the provisions of this Act shall, on conviction, be liable, to such daily fine, calculated over the period of time which the offence continued, as shall appear reasonable to the court in the circumstances.

Liability of bodies corporate - general.

16A.(1) A corporate body shall be liable for an offence under this Act where that offence is committed for its benefit by a person, acting either individually or as part of an organ of the corporate body, who has a leading position within the corporate body.

(2) For the purposes of subsection (1), a leading position shall be deemed to exist where such a person has–

(a) a power of representation of the corporate body;

(b) an authority to take decisions on behalf of the corporate body; or

(c) an authority to exercise control within the corporate body.

(3) A corporate body shall be liable for an offence under this Act committed by a person referred to in subsection (1) where lack of supervision or control by that person has made possible the commission of the offence for the benefit of the corporate body by a person under its authority.

© Government of Gibraltar (www.gibraltarlaws.gov.gi)

(4) Where a corporate body is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person referred to in subsection (1), or any person who was purporting to act in any such capacity that person, as well as the corporate body, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where the affairs of a corporate body are managed by its members, subsection (4) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the corporate body.

(6) A fine imposed on an unincorporated association on its conviction for an offence shall be paid out of the funds of the association.

(7) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of or to have been attributable to any neglect on the part of a partner he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

© Government of Gibraltar (www.gibraltarlaws.gov.gi)