

STATES OF JERSEY



DRAFT PETROLEUM (AMENDMENT No. 3) (JERSEY) LAW 201-

**Lodged au Greffe on 29th May 2012
by the Minister for Home Affairs**

STATES GREFFE



Jersey

DRAFT PETROLEUM (AMENDMENT No. 3) (JERSEY) LAW 201-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Minister for Home Affairs has made the following statement –

In the view of the Minister for Home Affairs the provisions of the Draft Petroleum (Amendment No. 3) (Jersey) Law 201- are compatible with the Convention Rights.

(Signed) **Senator B.I. Le Marquand**

REPORT

This draft Law amends the Petroleum (Jersey) Law 1984 ('the 1984 Law'), by substituting the definition of "petroleum spirit" that is currently contained within Article 1 of the 1984 Law.

The current definition, which had been imported from the UK legislation, reads:

"petroleum-spirit" means such petroleum as when tested in the manner for the time being set out in the Second Schedule to the Petroleum (Consolidation) Act 1928 of the United Kingdom gives off a flammable vapour at a temperature of less than 23 degrees Celsius.

However, since 1984, the technical definition used in the UK has changed in line with EEC directives, along with the technical method for testing of petroleum spirit. This, therefore, has rendered the current definition outdated.

The definition introduced by the draft Law simply reflects the definition used in the UK Petroleum (Consolidation) Act 1928, rather than providing any technical detail. This will ensure that the Jersey definition is kept current and will not become outdated as a result of any changes in EEC and UK definitions.

The draft Law will also enable the States to make Regulations to amend the definition "petroleum spirit".

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this Draft Law.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 28th May 2012 the Minister for Home Affairs made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Home Affairs the provisions of the Draft Petroleum (Amendment No. 3) (Jersey) Law 201- are compatible with the Convention Rights.

Explanatory Note

This Law amends the Petroleum (Jersey) Law 1984 by substituting the definition “petroleum-spirit”. The effect of the amendment is that the testing method for ascertaining whether a substance is a petroleum-spirit will be the method used in the United Kingdom under Section 23 of the Petroleum (Consolidation) Act 1928. By that Act petroleum-spirit is petroleum which, when tested in accordance with Part A.9 of the Annex to Commission Directive 92/69 EEC adapting to technical progress for the seventeenth time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ L 251, 19.09.84, p. 1), has a flash point (as defined in that Part) of less than 21°C. This Law also enables the States to amend by Regulations the definition “petroleum spirit” in the future.



Jersey

DRAFT PETROLEUM (AMENDMENT No. 3) (JERSEY) LAW 201-

A LAW to amend the Petroleum (Jersey) Law 1984.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Article 1 of the Petroleum (Jersey) Law 1984 amended

In Article 1 of the Petroleum (Jersey) Law 1984¹ –

(a) in paragraph (1), for the definition “petroleum-spirit” there shall be substituted the following definition –

“ ‘petroleum-spirit’ has the same meaning as in Section 23 of the Petroleum (Consolidation) Act 1928 of the United Kingdom;”;

(b) after paragraph (2) there shall be added the following paragraph –

“(3) The States may by Regulations amend the definition ‘petroleum spirit’.”.

2 Citation and commencement

This Law may be cited as the Petroleum (Amendment No. 3) (Jersey) Law 201- and shall come into force 7 days after it is registered.

¹ *chapter 27.400*