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PERTH: FRIDAY, 22nd MARCH

[1957.

ROAD DISTRICTS ACT, 1919.

Crown Law Department,
Perth, 13th March, 1957.

THE undermentioned by-laws made under the provisions of the Road Districts Act, 1919, and amended from time to time prior to the 27th September, 1956, are reprinted, as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

R. C. GREEN,
Under Secretary for Law.

[Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister dated 13th March, 1957.]

ROAD DISTRICTS ACT, 1919.

Road Districts (Petrol Pump) By-laws.

[Published in the *Government Gazette* on the 12th April, 1935, and incorporating the amendments thereto published in the gazette on the 19th June, 1942; 6th June, 1947; 27th May, 1955; 9th August, 1955; 14th September, 1955; 4th November, 1955 and 2nd March, 1956; and reprinted pursuant to the Reprinting of Regulations Act, 1954.]

Added by
G.G. 27/5/55,
p. 1214.

Part I of these by-laws have the force of law in all districts in the State and Part II of these by-laws have the force of law only in the districts named in the Appendix to these by-laws.

The Road Districts (Petrol Pump) By-laws published in *Government Gazette* on the 9th day of February, 1934, are hereby repealed.

PART I.

Amended
G.G. 27/5/55,
p. 1214.

By-laws for the Erection and Use of Petrol Pumps in or near any Street or Way.

These Regulations shall apply to any petrol pump which is placed so that the point of delivery of petrol from the pump is situate within or is extended for delivery to within ten feet of a street or way.

Applications for Licenses to Erect and Use Petrol Pumps for the Delivery of Petrol in or near any Street or Way.

1. No petrol pump used or intended to be used for the delivery of petrol in or near any street or way shall be erected or used by any person before a license is obtained from the Board under these by-laws.

Subject to compliance with these by-laws, such licenses may be granted on payment of the prescribed fee.

2. Any person desirous of obtaining a license for the erection and use of any petrol pump in or near any street or way shall make application to the Board in Form No. 1 in the Schedule of these by-laws, and will submit with such application a plan showing the location of the pump.

No pump shall be erected or used unless it is of a type approved by the Board.

A license shall be in Form No. 2 in the Schedule.

3. The Board may, in its absolute discretion, and on the written application of the licensee, transfer a license to the person named in such application, on payment of a fee of two shillings and sixpence.

Construction and Maintenance, etc., of such Pumps.

4. All fittings and pipes connecting such petrol pump with the supply tank, and all other pipes or fittings through which the petrol flows, shall be constructed and maintained in such a manner that there shall be no escape of petrol in the form of liquid or vapour therefrom.

5. All tanks used to supply petrol to pumps shall be fitted with a ventilating pipe, which shall be carried to an approved position in the open air not less than 12 feet above the ground, and shall there terminate in one or more bends, the opening in the end of the vent pipe to be covered with brass wire gauze of not less than 28 meshes to the lineal inch, secured in such manner that the gauze may be removed for examination and cleaning.

6. Petrol pumps shall be erected only in such positions in or near any street or way as may be approved by the Board.

By-laws for Safe Working.

7. All petrol delivered to a tank serving a petrol pump, the intake of which is in or near any street or way, shall be delivered through an approved pipe designed and sufficient to prevent the escape of petrol or vapour.

8. No petrol shall be allowed to remain in the visible (or measuring) container of any petrol pump, except at such times as the container is in actual operation of being filled or discharged.

9. No person shall deliver petrol, or permit petrol to be delivered from any pump to the fuel tank of any motor vehicle when the engine of such motor vehicle is running.

10. No person shall use any petrol pump whilst there is any light capable of igniting petrol vapour within ten feet of any container while the same is being filled with petrol from any pump.

11. No person shall negligently permit any petrol to escape from the discharge or delivery pipes attached to a petrol pump into any street or other public place.

12. The operator of any petrol pump shall at all times take all reasonable precautions to protect all persons and property from injury or damage.

13. All petrol pumps erected before gazettal of these by-laws shall conform to the Board's requirements under these by-laws within six months of notice of such requirements being served upon the owner or user of such pumps. Where such owner or user fails to comply with such requirements of the Board, the pump may be removed by the Board at the expense of such owner or user.

14. An Inspector appointed by the Board shall have the right at all reasonable times to make an inspection of pumps licensed by the Board, to ascertain if these by-laws are being observed.

15. The fee payable under these by-laws shall be ten shillings per annum for each service station, irrespective of the number of pumps licensed.

16. Any person who by act or omission commits a breach of these by-laws shall be liable upon conviction to a penalty not exceeding £20.

By-law 15
amended
G.G. 19/6/42,
p. 682; and
G.G. 6/6/47,
p. 1034.

PART II.

17. (1) This part of these by-laws applies to any petrol pump, tank, cistern, pipes and installations which are so placed for the supply of petrol to the public that the point of delivery of petrol from the pump or from any extension is within any street or way or is within fifty (50) feet of any street or way.

(2) By-laws numbered 1 to 16 in Part I of these by-laws apply to any petrol pump, tank, cistern, pipes and installations to which this Part of these by-laws applies.

18. A petrol pump shall not be placed within four (4) feet of the boundary of any adjoining premises unless those premises are occupied by the person who occupies the premises on which the petrol pump is placed.

19. A license shall not be issued for the installation or use of a petrol pump, tank, cistern, pipe or installations for the supply of petrol to the public, if there are premises where petrol is sold to the public within a radius of a half-mile from the location or proposed location of the petrol pump, tank, cistern, pipe or installation.

20. By-law 19 of these by-laws does not apply to any petrol pump, tank, cistern, pipe or installation for the supply of petrol to the public which—

- (a) is installed or built in a district before this part of these by-laws has the force of law in that district; or
- (b) is partly installed or partly built in a district before this part of these by-laws had the force of law in that district.

21. A Board may refuse an application for permission to do all or any of the following:—To instal or use or supply petrol from petrol pumps, tanks, cisterns, pipes or installations if the applicant fails to comply with any of these by-laws and the decision of the Board in this regard is final and binding subject to by-law No. 25 of these by-laws.

Pt. II,
By-laws
17 to 26,
added by
G.G. 27/5/55,
p. 1214.

Para. (2)
inserted by
G.G. 9/8/55,
p. 1887.

By-law 19
amended
G.G. 2/3/56,
p. 638.

22. Subject to by-law 25 of these by-laws, a Board may at any time cancel a license or refuse to issue or renew a license if the holder of the license or the applicant for the license or the renewal fails to comply with any of these by-laws.

23. The holder of license for a petrol pump shall instal and keep in good working order in a convenient position not more than twenty (20) feet from the petrol pump a fire extinguisher which has been approved by the W.A. Fire Brigades Board.

24. If at any time a license is cancelled or not renewed the Board may by notice in writing, order the holder of the license which is cancelled or which is not renewed to remove the pumps, tanks, cisterns, pipes and installations in respect of which the license was issued within seven (7) days of the receipt of the notice by him, and in default the Board or its agents or servants may remove the pumps, tanks, cisterns, pipes and installations and recover in a court of competent jurisdiction the cost of the removal from the licensee.

25. Where a person or company is dissatisfied with the decision of the Board made under the provision of by-laws 21 and 22 of these by-laws, he or it may appeal to the Minister for Local Government in the following manner:—

- (a) The appellant shall give notice of appeal within twenty-one (21) days from the date he or it is advised of the Board's decision.
- (b) The notice of appeal shall be addressed to the Minister for Local Government and may be served by registered post or by leaving same at the office of the Minister for Local Government and at the same time a copy of the notice of appeal shall be served on the Board by registered post or by leaving it at the office of the secretary of the Board.
- (c) The notice of appeal shall clearly set out the grounds of appeal relied on.
- (d) The manner of deciding the appeal is within the Minister's discretion and the Minister's decision is final.

26. These by-laws may be cited as the Road Districts (Petrol Pump) By-laws.

Appendix.

Appendix
added
G.G. 27/5/55,
p. 1214;
amended
G.G. 14/9/55,
p. 2404
G.G. 4/11/55,
p. 2720;
G.G. 2/3/56,
p. 638.

Armadale-Kelmscott Road District, Bassendean Road District, Bayswater Road District, Belmont Park Road District, Canning Road District, Cockburn Road District, Gosnells Road District, Kwinana Road District, Peppermint Grove Road District, Perth Road District, South Perth Road District, Drakesbrook Road District, Mt. Marshall Road District, Rockingham Road District, Wanneroo Road District, Bruce Rock Road District, Nedlands Road District, Denmark Road District.

Schedule.

Form No. 1.

THE ROAD DISTRICTS ACT, 1919-1934.

Form of Application for License to Erect and Use a Petrol Pump for the Delivery of Petrol in or near any Street or Way.

I (name of applicant) of (address) hereby apply under the Road Districts (Petrol Pumps) By-laws, 1934, for a License to erect and use a petrol pump for the delivery of petrol on (location) in accordance with plan submitted.

Signature.....

Form No. 2.

THE ROAD DISTRICTS ACT, 1919-1934.

License for the Erection and Use of (a) Petrol Pump(s) for the Delivery of Petrol in or near any Street or Way.

This License is granted to (name of applicant) of (address) for the erection and use of petrol pump (or of petrol pumps) for the delivery of petrol on (location) in accordance with approved plan. This License is issued subject to the provisions of the Road Districts (Petrol Pumps) By-laws, 1934.

.....Chairman.
.....Secretary.