

Certificate to accompany the Kerosene Bill.

THE enactments here dealt with have been so strangely drawn that it has been found impossible to discover their real meaning with certainty, and many doubtful points are, therefore, of necessity left as they were.

I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the enactments thereby consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Kerosene Bill.

TABLE showing how the enactments consolidated have been dealt with.

Section of Repealed Act.	Section of Consolidated Act.	Remarks.
35 VICTORIA No. 1.		
1	3	
2	4	
3	5, 6	
4	7, 8	
5	9, 10, 11	
6	12	
7	13, 14, 15, 16	
8	17	
9	Short title.

Legislative Council.

No. , 1901.

A BILL

To consolidate the enactments relating to the placing of certain restrictions on storage and sale of Kerosene as used for illuminating purposes.

[Mr. WISE ;—21 August, 1901.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Kerosene Act, 1901." Short title.
2. (1) The Act thirty-five Victoria number one is hereby Repeal.
repealed.
- (2) All persons appointed under the Act hereby repealed, Saving.
and holding office at the time of the passing of this Act, shall be deemed to have been appointed hereunder.

Interpretation.
35 Vic. No. 1, s. 1.

3. In this Act, unless the context or subject-matter otherwise indicates or requires—

“Kerosene” includes all such Rock oil, Burmah oil, Rangoon oil, and any product thereof, and any oil made from petroleum, kerosene, coal, schist, shale, peat, or other bituminous substance, or any product thereof, as gives off an inflammable vapour at a temperature of less than one hundred and ten degrees of *Fahrenheit's* thermometer.

Prohibition of sale
&c. of kerosene under
certain circum-
stances.
Ibid. s. 2.

4. Whosoever sells, or exposes for sale, or keeps in store for the purposes of sale any description of kerosene which gives off an inflammable vapour at a temperature of less than one hundred and ten degrees of *Fahrenheit's* thermometer shall, unless there is attached to the bottle or vessel containing such kerosene a label in legible characters stating as follows—“Dangerous—Great care must be taken in bringing any light near the contents of this vessel, as they give off an inflammable vapour at a temperature of less than one hundred and ten degrees of *Fahrenheit's* thermometer,” for each offence be liable to a penalty not exceeding twenty-five pounds.

Importer and refiner
to give notice to
inspector.
Ibid. s. 3.

5. (1) Every importer or refiner of kerosene shall, previous to delivery to any purchaser, give notice to the inspector of kerosene hereinafter mentioned that such kerosene is ready for inspection.

(2) The inspector shall thereupon within three days proceed to inspect and test such kerosene in the manner hereinafter provided, and in case of approval shall testify the same by a certificate under his hand.

No oil to be delivered
without certificate of
inspector.
Ibid. s. 3.

6. Every importer or refiner of kerosene who delivers any kerosene to a purchaser without having given such notice and obtained such certificate as aforesaid shall be liable for each case of kerosene so delivered to a penalty not exceeding twenty-five pounds, and such kerosene may be seized, and, upon conviction of the offender, may be forfeited.

Storage of kerosene.
Ibid. s. 4.

7. No person shall have or keep in any house, store-house, warehouse, shop, cellar, yard, wharf, or any other building or place occupied by him within the boundaries of any town or municipality more than two hundred gallons of kerosene at any one time, unless such house, storehouse, warehouse, shop, cellar, yard, wharf, or other building or place is situate more than fifty yards from a dwelling-house or from any building or place belonging to any other person in which goods are stored :

Provided that nothing in this section shall prevent the storage of kerosene in any quantity on the premises where it is manufactured.

Penalty for storing
in excess.
Ibid. s. 4.

8. Whosoever acts in contravention of the next preceding section shall forfeit all the kerosene so kept in excess of the said quantity, together with the cases or tins containing the same, and be liable to a penalty not exceeding two shillings for every gallon of kerosene so kept in excess.

9.

9. The Governor may appoint one or more inspectors of kerosene for the whole or any part of this State, whose duty it shall be at all reasonable times to inspect and test all kerosene offered or exposed for sale and retain a parcel thereof as a sample.

Inspector to test
kerosene.
35 Vic. No. 1, s. 5.

10. If, upon such inspection and test, any description of kerosene is found kept or offered or exposed for sale as aforesaid contrary to the provisions of this Act, the same may be seized and, upon conviction of the offender, may be forfeited, and the person so offending shall be liable for any such offence to a penalty not exceeding twenty-five pounds.

Forfeiture and
penalty.
Ibid. s. 5.

11. If the person in whose possession such kerosene is found as aforesaid claims to have a further test made in his behalf, the justices of the peace before whom complaint of the said offence is laid shall call before them some person having competent chemical knowledge who shall test a portion of the sample so retained as aforesaid in the manner hereinafter provided, and shall give evidence of the result of such test; and the said justices shall direct payment to be made to the person making such test of a sum not less than two shillings and sixpence and not more than ten shillings and sixpence, to be paid in any case by the person claiming such further test.

Further test may be
claimed.
Ibid. s. 5.

12. The temperature at which kerosene gives off an inflammable vapour shall for the purposes of this Act be ascertained in manner set forth in the Schedule hereto.

Mode of testing
kerosene.
Schedule.
Ibid. s. 6.

13. Any justice of the peace on demand made and a reasonable cause assigned upon oath by any person may issue a warrant under his hand and seal for searching in the day time any house, storehouse, warehouse, shop, cellar, yard, wharf, or other building or place in which kerosene is suspected to be kept contrary to this Act.

Search warrant
35 Vic. No. 1, s. 7.
7 Wm. IV No. 7,
s. 11.

14. All kerosene found upon search to be kept contrary to this Act, and also the bottles, vessels, cases, or tins containing the same shall be immediately seized by the searchers, who shall with all convenient speed after the seizure remove the same to such proper places as they, subject to the provisions of this Act, think fit.

Seizure.
35 Vic. No. 1, s. 7.
7 Wm. IV No. 7,
s. 11.

15. Such searchers may detain such kerosene and the bottles, vessels, cases, or tins containing the same until it is adjudged on a hearing before any two or more justices of the peace whether the same are to be forfeited.

Detainer till
adjudication.
35 Vic. No. 1, s. 7.
7 Wm. IV No. 7,
s. 11.

16. Such searchers or seizers shall not be liable to any suit for such detainer or for any loss or damage which happens to the said kerosene, bottles, vessels, cases, or tins, other than by wilful acts or neglect of them or the persons with whom they trust the keeping thereof.

No action for damage
to kerosene, &c.
35 Vic. No. 1, s. 7.
7 Wm. IV No. 7,
s. 11.

17. (1) All offences under this Act may be tried, and all forfeitures and penalties incurred thereunder may be disposed of, recovered, and applied in the manner provided by the Distillation Act,

Trial of offences, &c.
35 Vic. No. 1, s. 8.

Act, 1897, as amended by the Act number seventy-one of one thousand nine hundred, or by any Act for the time being in force with regard to illicit distillation.

Rights of inspector.
35 Vi. No. 1, s. 8.

(2) Every inspector of kerosene shall have all the rights as to forfeitures and otherwise as by the Distillation Act, 1897, or any Act for the time being in force with regard to illicit distillation, are vested in the inspector of distilleries.

Section 12.

SCHEDULE.

Directions for applying the flashing test to samples of kerosene oil.

THE instrument to be employed must be similar in construction to that adopted by the Metropolitan Board of Works for London for similar purposes and registered W. C. Miles, 36 Great Pearl-street, London, and commonly called the Metropolitan Petroleum Oil-tester, and the test shall be conducted in a closed room free from current of air.

Sixteen ounces *by measure* of water shall be placed in the water-bath of a temperature not less than seventy degrees of *Fahrenheit's* thermometer.

The oil vessel containing two ounces *by measure* of the oil to be tested shall then be placed in the water-bath and the temperature raised by the means provided in the apparatus. A small jet of flame shall be brought to the prescribed distance from the surface of the oil, as indicated by a wire across the mouth of the oil vessel, as frequently as may be deemed necessary by the operator, but not less frequently than once for every five degrees of heat as shown by the thermometer until a temperature of ninety degrees is reached and then once for every two degrees until a temperature of one hundred degrees is reached and then the test shall be applied for every degree until the flashing point is reached, that is to say, the temperature at which a flame, or flicker of flame, first passes from the testing jet to the oil.

The time occupied in performing the test shall in no case exceed *fifteen minutes*, reckoning from the time the oil vessel containing the oil is placed in the water-bath.

The bulb of the thermometer shall be immersed half an inch in the oil and the temperature or flashing point to be adopted shall be not less than one hundred and ten degrees of *Fahrenheit's* thermometer.