

TRINIDAD AND TOBAGO.

No. 29.—1895.

*1st July.*

AN ORDINANCE to consolidate and amend the Law relating to Petroleum.

[L.S.]

C. C. KNOLLYS,

ACTING GOVERNOR.

*4th September, 1895.*

**B**E it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

PART I.

1. This Ordinance may be cited for all purposes as Short title.  
“The Petroleum Ordinance, 1895.”

2. In this Ordinance the term :—

Interpretation.

“Justice” means Stipendiary Justice of the Peace.

“Licensee” means a person licensed to sell or keep for sale Petroleum pursuant to this Ordinance.

“Licensed” means licensed pursuant to this Ordinance.

“Inspector-General” includes the Chief Officer of Police in each District of this Island.

“Petroleum” means and includes any product of Petroleum, Rock oil, Rangoon oil, Burmah oil, and any product of them and any oil made from Petroleum, coal, schist, shale, peat, or other bituminous substance, or any product of them, and which when tested in manner prescribed by this Ordinance do not give forth an inflammable vapour at a temperature of 95 degrees Fahrenheit.

“Dangerous petroleum” means petroleum which when tested in manner prescribed by regulations under this Ordinance gives forth an inflammable vapour at a temperature below 95 degrees Fahrenheit.

“Place” means and includes any house, storehouse, shop, cellar, yard, or wharf.

Vessels having Petroleum on board to be moored in place mentioned in Regulations issued by Harbour Master.

3. Every vessel carrying a cargo consisting wholly or in part of Petroleum and entering the Harbour of Port-of-Spain or San Fernando, or any other Harbour within this Island, shall conform to such regulations in respect to the place at which she is to be moored as may from time to time be issued by the Harbour Master.

If any vessel is moored in any place in contravention of such regulations, the owner or master of such vessel shall incur a penalty not exceeding Twenty Pounds for each day during which the vessel remains moored; and it shall be lawful for the Harbour Master or any other person acting under his orders to cause such vessel to be removed at the expense of the owner or master thereof to such place as may be prescribed by the said regulations, and all expenses

No. 29.

1895.

incurred in such removal may be recovered in the same manner as penalties are hereinafter made recoverable.

4. It shall be lawful for the Governor, from time to time as occasion may require, by Proclamation under his hand and the seal of the Colony to appoint proper places for the storage of Petroleum, and to make all such regulations respecting the landing, receiving, depositing, guarding, delivering and removing such Petroleum as to him shall from time to time seem fit, and also to appoint some fit and proper person or persons to have the charge and custody of such Petroleum.

Power to Governor to appoint places for storage of Petroleum.

5. No Petroleum shall be delivered from any such place so appointed except between the hours of seven in the forenoon and four in the afternoon of any day.

Delivery from Warehouse.

6. From and after the commencement of this Ordinance no Petroleum shall be sold or kept for sale within the limits of the Towns of Port-of-Spain, San Fernando and Arima, except in pursuance of the license given by a Justice, who is hereby authorized in his discretion to grant the same; and not more than one hundred imperial gallons of Petroleum shall be kept at one time in any place although duly licensed.

Regulations as to sale of Petroleum.

All Petroleum kept for sale in any place so licensed shall be kept in a tank or other vessel made of iron, zinc, tin, or other unflammable material.

7. From and after the commencement of this Ordinance no quantity of Petroleum exceeding ten imperial gallons shall be kept in any unlicensed place in any of the towns aforesaid.

More than ten gallons of Petroleum not to be kept in unlicensed place.

Selling or  
keeping excess  
of Petroleum  
and keeping in  
inflammable  
receptacles.

8. If any unlicensed person shall sell or keep or expose for sale in any place any Petroleum, and if in any place whether licensed or not licensed there shall be any excess of Petroleum over the quantity permitted by this Ordinance to be kept in that place, the whole of the Petroleum in that place shall be forfeited to Her Majesty, and the person occupying or using the place shall be guilty of an offence against this Section.

If in any licensed place Petroleum is found in a receptacle not being unflammable as prescribed by Section 6 of this Ordinance, such receptacle and its contents shall be forfeited to Her Majesty, and the person occupying or using the place in which the Petroleum is found shall be guilty of an offence against this Section.

Any person guilty of an offence against this Section shall on summary conviction before a Justice forfeit and pay any sum not exceeding Twenty Pounds for every day on which the offence was committed, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months.

Hours of deli-  
very of Petro-  
leum.

9. No Petroleum shall be delivered from any place licensed under this Ordinance except between the hours of seven in the forenoon and six in the afternoon.

If any Petroleum shall be delivered contrary to this Section the Licensee in respect of such place shall be guilty of an offence under this Ordinance, and on conviction before a Justice shall forfeit and pay any sum not exceeding Five Pounds, and in default of payment shall be imprisoned with or without hard labour for any term not exceeding three months.

No. 29.

1895.

10. Licenses granted in pursuance of this Ordinance shall be signed by the Justice granting the same, and shall specify the place in which Petroleum shall be kept under such license, and the time during which such license shall be in force.

License to specify place of keeping Petroleum

There may be annexed to any such license any conditions as to renewal or otherwise which the Justice may think necessary for diminishing the risk from explosion or fire.

Any Licensee violating any condition of his license shall be deemed to be an unlicensed person, and shall be liable on conviction to the penalties by this Ordinance prescribed for offences committed by unlicensed persons.

11. If on application for a license under this Ordinance such license shall be refused, or if granted shall be granted on conditions with which the applicant is dissatisfied, the Justice granting or refusing the same shall if required by the applicant certify the grounds or conditions upon which he refused the license or annexed conditions to the grant thereof, and shall deliver the certificate to the applicant, who may thereupon within ten days but not later from the time of the delivery thereof to him transmit the same to the Governor with a memorial praying that notwithstanding such refusal a license may be granted, or that such conditions may not be imposed, or that the same may be altered or modified in such manner and to such extent as may be set forth in such memorial.

Magistrate to certify grounds of refusal of license.

It shall be lawful for the Governor if he thinks fit, after consideration of such memorial and certificate, to grant the license prayed for either absolutely or subject to such

Governor may grant license refused by Magistrate.

conditions as he may deem fit, or to alter or modify the conditions imposed by the Justice; and the license so granted or altered and modified as the case may be when certified under the hand of the Governor shall be to all intents valid, as if granted by such Justice.

Warrant of  
search.

12. It shall be lawful for any Justice on reasonable cause assigned upon oath to issue a warrant under his hand for searching in the day time any house, storehouse, warehouse, shop, cellar, yard, wharf, or other place in which Petroleum or dangerous Petroleum is suspected to be kept contrary to the provisions of this Ordinance.

All Petroleum found to be kept contrary to this Ordinance and also the vessels or receptacles in which the same shall be kept shall be immediately seized by the searcher, who shall with all convenient speed after the seizure remove such Petroleum and the vessels or receptacles containing such Petroleum to some place appointed by the Governor for the storage of Petroleum and may detain such Petroleum and such vessels or receptacles till it shall be adjudged on a hearing before a Justice whether the same shall be forfeited; and such searcher or seizer shall not be liable to any action for such detainer or for any loss of or damage which may happen to such Petroleum or vessels or receptacles other than by his wilful act or neglect.

The owner or occupier of any house, storehouse, warehouse, shop, cellar, yard, wharf, or other place on whose premises dangerous Petroleum shall be found upon search under this Section shall be deemed guilty of an offence against the provisions of Section 20 of this Ordinance, and shall be dealt with accordingly.

13. The Inspector-General of Police or any person authorised in writing by him may at any time between the hours of eight in the forenoon and six in the afternoon enter any place used or occupied by any Licensee or any place in which he may have reasonable cause to suspect that dangerous Petroleum is kept contrary to this Ordinance, and he may in any such places respectively examine any receptacle containing oil or other liquid material (capable of being used for illumination or combustion), and may take a sample not exceeding twelve fluid ounces from each such receptacle.

Execution of  
Warrant of  
Search.

A Licensee or such other person whose premises may be searched for dangerous Petroleum shall give the Inspector-General or other person authorised by him as aforesaid every assistance and facility.

If any Licensee or other person as aforesaid shall fail to give the Inspector-General or other person authorised as aforesaid while acting under this Section every assistance and facility to search, or shall in any manner obstruct the Inspector-General or other person authorised by him as aforesaid while acting under this Section, every such Licensee or person as aforesaid shall be guilty of an offence against this Ordinance, and on conviction thereof before any Justice shall forfeit and pay any sum not exceeding Twenty Pounds, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months.

14. Where it appears to the Governor that any machine for the manufacture of gas from Petroleum is so constructed that the use of Petroleum for such manufacture is unattended with material risk or danger and that a license under this

Governor may  
license ma-  
chines for  
manufacturing  
gas from Pe-  
troleum.

Ordinance in respect of such machine may be granted consistently with public safety, it shall be lawful for the Governor if he sees fit to grant a license under his hand authorizing the Licensee to have and use upon the premises to be specified in the license for the purpose of manufacturing gas by such machine as aforesaid any quantity of Petroleum not exceeding a limit to be specified in such license.

In proceedings under Sec. 14 quantity of Petroleum in machine not to be computed.

15. In any proceedings under this Ordinance against any person having a license under Section 14 of this Ordinance, in computing the quantity of Petroleum which by such license the Licensee is authorised to have and use upon his premises the quantity contained in the machine in respect of which the license is granted shall be excluded from the computation.

Provided that if the quantity of Petroleum contained in any such machine exceeds the limits specified in the license such license shall be of no effect.

Time of executing warrant of search in regard to machines.

16. The Inspector-General of Police or any person authorised in writing by him whether generally or in any particular case may at any time between seven o'clock in the forenoon and six o'clock in the afternoon enter any premises in respect of which a license under Section 14 of this Ordinance has been granted, for the purpose of ascertaining the dimensions of any machine in respect of which a license under Section 14 aforesaid has been granted and the quantity of Petroleum contained or capable of being contained therein.

The Licensee shall give to the Inspector-General or other person authorised by him as aforesaid every assistance and facility.

If any person assaults or obstructs the Inspector-General or any person authorised as aforesaid whilst in the execution of his or their duty under this Section, such person shall be guilty of an offence against this Ordinance, and on conviction before a Justice shall forfeit and pay any sum not exceeding Twenty Pounds, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months, or such person may in the discretion of the Justice, and without the option of a fine, be imprisoned either with or without hard labour for any term not exceeding three months.

Penalty for obstructing.

17. All Rules and Regulations made by the Governor under the authority of this Ordinance shall have legal force and effect, in the same manner and to all intents and purposes as if such Regulations had been enacted by and formed part of this Ordinance.

Rules under this Ordinance to have the force of Law.

## PART II.

### DANGEROUS PETROLEUM.

18. It shall be lawful for the Governor by Proclamation absolutely to prohibit the importation into the Colony of dangerous Petroleum from and after a date to be specified in such Proclamation; and from and after such date all and every the provisions of "The Customs Ordinance, 1880," relating to goods absolutely prohibited to be imported shall apply to dangerous Petroleum as effectually as if such dangerous Petroleum were included in the Table of Prohibitions and Restrictions contained in Section 8 of "The Customs Ordinance, 1880."

Power of Governor to prohibit importation of dangerous Petroleum.

Provided that the Governor may from time to time by notice published in the *Royal Gazette* exempt from such

No. 29.

1895.

prohibition any products of Petroleum or any inflammable liquid not to be used for illuminating purposes which to him may seem fit.

Power of Governor to make Regulations for examining and testing Petroleum and to appoint examiners.

19. It shall be lawful for the Governor to make Regulations for the proper testing and examination of all Petroleum imported into this Island, and to appoint competent examiners of the same, and by such Regulations to fix the fees to be paid on the testing or examination of the same.

When any such appointed examiner shall certify that any Petroleum brought into this Island is dangerous Petroleum, such certificate shall be *prima facie* evidence in all Courts of Justice that the Petroleum therein mentioned is dangerous within the meaning of this Ordinance, and in the absence of proof that such certificate is wrong, the cost of examining such imported Petroleum, and in respect of which such certificate shall have been given, shall be borne by the importer thereof and may be recovered in any Court of competent jurisdiction by the Receiver-General or by any person authorised by him to sue for the same, for the use of Her Majesty the Queen, and shall be applied as the Governor may direct.

Prohibition of sale of dangerous Petroleum.

20. From and after the 1st day of January, 1896, it shall not be lawful to sell or keep or expose for sale or have in possession in this Island any dangerous Petroleum, and any person thereafter selling such Petroleum or keeping or exposing the same for sale or having the same in his possession shall be guilty of an offence against this Ordinance, and on conviction thereof before any Justice shall forfeit and pay any sum not exceeding Twenty

Pounds, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months.

### PART III.

#### PROCEDURE, &c.

21. In any proceeding before any Justice under this Ordinance such Justice, if required so to do by the person in whose possession any Petroleum may be found, shall cause a sample of the same to be tested in manner prescribed by this Ordinance by some person having competent chemical knowledge, who shall give evidence as to the result of such test.

In proceedings under this Ordinance Justice may cause sample to be tested.

It shall be lawful for such Justice to direct payment of the sum of One Pound to be made to such person for the making of such test; and in case of conviction the person convicted shall pay the cost of such test, and in case of acquittal such cost shall be paid from the Public Funds of the Colony.

Justice to direct payment to be made to examiner.

22. Any forfeiture or penalty for an offence under this Ordinance may be enforced upon Summary Conviction before any Justice and according to the procedure prescribed by the Ordinance No. 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice," or according to the procedure of any future Ordinance regulating such Summary Administration of Justice.

Penalties under this Ordinance Justice may be enforced upon Summary Conviction.

One moiety of the forfeiture or penalty shall be paid into the Treasury for the use and benefit of Her Majesty the Queen and the other moiety to the informer.

Provided that if the informer be the servant of the person informed against, then and in such case the moiety of the forfeiture or penalty which would otherwise belong to such informer shall not be paid to him but shall be paid into the Treasury for the use of Her Majesty the Queen.

Penalty for  
breach of  
Regulations,  
&c.

23. Any person who shall contravene any Proclamation or any Regulation made under the authority of this Ordinance or who shall be guilty of any breach of the provisions of this Ordinance for which no penalty is specified shall be guilty of an offence against this Ordinance and on conviction before any Justice shall forfeit and pay any sum not exceeding Ten Pounds and in default of payment shall be imprisoned with or without hard labour for any term not exceeding three months.

Repeal.

24. The Ordinances specified in the Schedule to this Ordinance are hereby repealed to the extent mentioned in the third column of such Schedule.

Provided that this repeal shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before the commencement of this Ordinance or any proceeding pending at the commencement of this Ordinance.

25. This Ordinance shall not apply to Tobago.

Passed in Council this First day of July, in the year of Our Lord one thousand eight hundred and ninety-five.

CHAS. J. ROOKS,  
*Actg. Clerk of the Council.*

No. 29.

1895.

## THE SCHEDULE.

No. of Ordinance.	Short Title.	Extent of Repeal.
6 of 1872 ...	An Ordinance for the prevention of danger from Petroleum.	The whole.
13 of 1874 ...	An Ordinance to amend "The Petroleum Ordinance, 1872."	The whole.
32 of 1875 ...	An Ordinance to amend "The Petroleum Ordinances, 1872 and 1874."	The whole.