

Repealed 12/1911

TRINIDAD AND TOBAGO.

Petroleum (Pipe lines).

No. 15.—1910.

6th June.

AN ORDINANCE relating to the laying of pipes for the purpose of conveying oil.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

17th June, 1910.

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

Short title.

1. This Ordinance may be cited as the Petroleum (pipe lines) Ordinance 1910.

Notice of desire to lay pipes.

2. Every person desirous of conveying oil by means of pipes to be laid across the lands of other persons (whether above on or below the surface of such lands) shall give notice in writing to each of the owners of such lands of his desire to lay down such pipes and of his intention after the expiration of fourteen days from the date of such notice on a specified day to enter upon such lands for the purpose of fixing the location of such pipes, and within fourteen days of such entry shall serve each of such owners with a statement in writing containing full particulars of the description and proposed location of such pipes.

3. Any such owner after receipt of such notice and statement of particulars may by deed assent to the laying down of such pipes upon payment of such compensation as may be agreed upon, and any assent so given shall be binding on all parties having any estate or interest in the land, subject to the following provisions:—

Assent to
Proposal.

- (1.) that any arrangement entered into by any owner under any disability or incapacity, or not having power to give such assent, except under the provisions of this Ordinance, shall not be valid unless the same is approved by two valuers, one of whom is to be nominated by the person giving notice and the other by the owner; and each of such valuers, if they approve of the arrangement, shall annex to the document containing the same a declaration to that effect subscribed by them.
- (2.) that any compensation to be paid by the person giving notice to the owner, in cases where such owner is under any disability or incapacity or has not power to assent to such application, except under the provisions of this Ordinance, shall be applied in manner in which the compensation coming to parties having limited interests or prevented from treating and not making title is applicable under the Land Acquisition Ordinance No. 42.
- (3.) that any occupier or person other than the owner interested in the lands shall be entitled to compensation for any injury he may sustain by the laying of such pipes, so that the claim therefor be made within twelve months after the laying of such pipes, the amount of such compensation to be determined in case of dispute in the manner in which disputed compensation for land is required to be determined by the Land Acquisition Ordinance No. 42.

4. An owner shall be deemed to have dissented from the proposal to lay pipes on his land if he fail to express his assent thereto within one month after the service of the

Dissent from
proposal.

notice on him under Section 2 hereof; and in the event of such dissent there shall be decided by the Stipendiary Justice of the Peace of the district on the application of the person desiring to lay pipes, unless such owner require the same within such period of one month to be decided by arbitration, the questions following, that is to say:—

- (1.) whether the proposed pipes will cause any injury to such owner, or to the occupier or other person interested in the lands;
- (2.) whether any injury that may be caused is or is not of a nature to admit of being fully compensated for by money.

The result of any such decision shall be as follows, that is to say:—

- (a.) if the decision is that no injury will be caused to the owner occupier or other parties interested in the lands, the person giving notice may proceed forthwith to lay the pipes.
- (b.) if the decision is that injury will be caused to the owner occupier or other party interested in the lands, but that such injury is of a nature to admit of being fully compensated by money, the Stipendiary Justice of the Peace or arbitrators shall proceed to assess such compensation and to apportion the same amongst the parties in his or their judgment entitled thereto subject to the provisions contained in Section 6 hereof; and on payment of the sum so assessed the person giving notice may proceed to lay the proposed pipes.
- (c.) if the decision is that injury will be caused to the owner occupier or other party interested in the lands, and that such injury is not of a nature to admit of being fully compensated by money, the person giving notice shall not be entitled to lay the proposed pipes.

Procedure.

5. Where any application is made under the last preceding section, the Stipendiary Justice of the Peace may summon the parties to appear before him at a time and place to be

named in the summons, and upon the appearance of such parties, or in the absence of any of them, upon proof of the due service of the summons, it shall be lawful for such Justice to hear and determine the question and amount of the compensation and for that purpose to examine such parties or any of them and their witnesses upon oath, and the costs of every such enquiry shall be in his discretion and he shall settle the amount thereof. Such costs shall be recoverable in manner provided by Sections 42 and 43 of the Ordinance No. 54 or any Ordinance repealing or amending the same.

6. Where the compensation assessed by the Stipendiary Justice of the Peace or arbitrators under the last preceding section is payable to any owner or other person who is under any disability or incapacity, or is not entitled to receive the same for his own benefit, or is absent from the Colony, such compensation shall be applied in the manner in which the compensation coming to parties having limited interests or prevented from treating and not making title is applicable under the Land Acquisition Ordinance No. 42.

Compensation to owners under disability.

7. If any difficulty or question shall arise as to the person entitled to the compensation under this Ordinance, the Stipendiary Justice of the Peace shall deposit the compensation payable in such case in the name and with the privity of the Registrar of the Supreme Court with the Receiver-General, to be placed to the credit of the persons interested.

Where title disputed.

8. Upon the application by petition of any person making claim to any moneys deposited under the last preceding section, the Supreme Court may in a summary way at the cost of the person giving notice under Section 2 hereof, and after such notice as the Court may deem fit and to such person or persons as the Court shall direct, order distribution and payment of such moneys according to the respective rights and interests of the persons making claim to such moneys or any part thereof and may make such other order in the premises as to the Court shall seem fit.

Money deposited to be paid out on Order of Supreme Court.

9. After pipes have been laid in pursuance of this Ordinance, it shall be lawful for the owner or person in charge of such pipes or any person authorized in writing by them from time to time as it becomes necessary, to enter upon

Power to enter land to inspect and repair pipes.

the lands through which such pipes have been laid for the purpose of inspecting and with such assistance as may be necessary repairing the same, or in case such pipes shall no longer be required, for the purpose of removing the same. Where pipes are removed the surface of the land shall forthwith be restored to its former condition. In default thereof such restoration may be carried out by the owner of the land, and the costs thereof shall be recoverable from the person liable therefor in the Petty Civil Court of the district without limit of amount.

Liability of owner of pipes to make compensation for damage.

10. The provisions of this Ordinance shall not relieve any owner of pipes of the liability to make compensation to the owner or occupier of the land or the agents workmen or servants of such owner or occupier for any damage or injury done or caused by the exercise or use of any power or authority hereby conferred or by any irregularity trespass or other wrongful proceeding in the execution of this Ordinance, or by the breaking or bursting of any pipe, or by reason of any defect in any pipe: Provided that if before action brought in respect thereof such owner of pipes make tender of sufficient amends to the party injured, such last mentioned party shall not recover in any action.

Where pipes cross Crown land, railways or roads.

11. Where it is proposed that any such pipe shall cross any Crown lands or cross or run along any Government railway or public road, notice of such proposed occupation shall be served on the Sub-Intendant of Crown Lands, the General Manager of Railways or the Director of Public Works as the case may be, or if the road is under the control of a Local Road Board, on the Chairman of such Board; and such proposed occupations shall not be carried out except with the consent of and subject to the conditions prescribed by such Sub-Intendant, General Manager, Director of Public Works or Board as the case may be.

Passed in Council this Sixth day of June, in the year of Our Lord one thousand nine hundred and ten.

HARRY L. KNAGGS,
Clerk of the Council.