

TRINIDAD AND TOBAGO.

No. 19.—1911.

31st May.

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

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

12th June, 1911.

*Order 277 of 1915
In laying of pipes
under the
Act*

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, 1911.
- Repeal. 2. The Petroleum (pipe-lines) Ordinance, 1910 (15—1910) is hereby repealed.
- Interpretation. 3. In this Ordinance the term "person" includes a corporation, whether aggregate or sole.
- Permission to lay pipe-lines necessary. 4. It shall not be lawful for any person to use or to lay and connect on any land in this Colony (whether such land is or is not the property of any such person) any pipes for

the purpose of or capable of being used for conveying oil (hereinafter called pipe-lines) without permission first had and obtained.

Every person desirous of obtaining permission to use or to lay and connect any such pipe-line shall petition the Governor in Executive Council for leave to do so.

Such petition shall be accompanied by a plan of the lands showing, as nearly as may be, the names of the owners and occupiers thereof, and also the course and direction of the pipe-line and the position of any pumping stations, tanks or other works in connection with such pipe-line.

The Governor in Executive Council may thereupon, in his absolute discretion and upon such terms and conditions as he may think fit, grant permission to such petitioner—

- (a.) To use any pipe-line ;
- (b.) To lay and connect any pipe-line over such lands as may be the property of the petitioner or over which he may have obtained way leave, and as to such lands, if any, as are not his property or over which he has not obtained way leave, to proceed under Section 8 hereof.

5. If any pipe-line shall be used or laid and connected in contravention of the provisions of Section 4 hereof, it shall be lawful for the Governor in Executive Council by notice in writing to be served upon the owner or occupier of any lands whereon such pipe-line may be laid or through which it may pass, to require that such pipe-line be immediately disconnected and rendered useless for the purpose of conveying oil.

Notice to
disconnect
pipe-line
laid without
permission.

In any case in which the owner or occupier of any such land is not known or cannot be found, such notice may be served by affixing the same in some conspicuous place in such lands.

Should the requirements of any such notice not be complied with within forty-eight hours of the service or affixing thereof, it shall be lawful for any person authorized in writing by the Governor in Executive Council with such workmen and assistants as may be necessary to enter upon

any land and carry out the requirements of such notice, and thereafter to re-enter from time to time to enforce and keep enforced such requirements without other or further authority.

Production of such written authority shall be sufficient evidence of the issue thereof, and no proof of the signatures thereon shall be necessary.

Any person obstructing the execution by any person so authorised, his workmen or assistants of anything required to be done to give effect to the requirements of any such notice so long as the same shall be in operation is on conviction before any Stipendiary Justice of the Peace liable to a fine not exceeding twenty pounds.

Penalty for reconnecting without permission.

6. If any person shall, after any pipe-line has been disconnected in accordance with the provisions of the last preceding section, reconnect the same, without having petitioned and received permission under Section 4 hereof, such person shall be liable to a penalty of fifty pounds, and to a further penalty of ten pounds for each day during which such pipe-line continues so re-connected.

Recovery of penalties.

7. All penalties under the last preceding section shall be sued for and recovered by action of debt as between subject and subject in any competent Court of civil jurisdiction in the name of the Attorney-General.

Notice to and owner of desire to lay pipe-line.

8. Every person desirous of laying pipe-lines on the lands of other persons who has obtained permission to proceed as mentioned in (b) of Section 4 hereof, shall give notice in writing to the owners of such lands of his desire to lay down such pipe-lines, 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 pipe-lines, 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 pipe-lines.

Assent to proposal.

9. Any such owner after receipt of such notice and statement of particulars may by deed assent to the laying down of such pipe-lines 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 :—

- (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 pipe-lines, so that the claim therefor be made within twelve months after the laying of such pipe-lines, the amount of such compensation to be determined in the case of dispute in the manner in which disputed compensation for land is required to be determined by the Land Acquisition Ordinance No. 42.

10. An owner shall be deemed to have dissented from the proposal to lay pipe-lines on his land if he fail to express his assent thereto within one month after the service of the notice on him under Section 8 hereof; and in the event of such dissent there shall be decided by the ^{Dissent from proposal.}

Stipendiary Justice of the Peace of the district on the application of the person desiring to lay pipe-lines, 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 pipe-lines 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 pipe-line;
- (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 12 hereof; and on payment of the sum so assessed the person giving notice may proceed to lay the proposed pipe-line;
- (c.) if the decision is that injury will be caused to the owner occupier or other party interested in the land, 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 pipe-line.

Procedure.

11. 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 cost of every such enquiry shall be at his discretion and he shall settle the amount thereof. Such costs shall be recoverable in manner provided by Sections 45 and 46 of the Ordinance No. 9-1911 or any Ordinance repealing or amending the same.

12. 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.

13. 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.

14. 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 8 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.

15. After pipe-lines have been laid in accordance with the provisions of this Ordinance, it shall be lawful for the owner

Power to enter land to inspect and repair pipes.

or person in charge of such pipe-lines or any person authorized in writing by either of them from time to time as it becomes necessary, to enter upon the lands through which such pipe-lines have been laid for the purpose of inspecting and with such assistance as may be necessary repairing the same, or in case such pipe-lines shall no longer be required, for the purpose of removing the same. Where pipe-lines 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.

Obstructing
owners of
pipe-lines and
other persons
interested.

16. Any person hindering, obstructing or interfering with the exercise by any owner or person in charge of a pipe-line; or by any other person, or by the servants or agents duly authorised in writing of any such owner or person of any right of entry upon lands conferred by this Ordinance for the purpose of laying and connecting or repairing, inspecting or removing any pipe-line is on conviction before any Stipendiary Justice of the Peace liable to a fine not exceeding twenty pounds.

Liability of
owner of pipes
to make
compensation
for damage.

17. The provisions of this Ordinance shall not relieve any owner of a pipe-line 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 pipe-lines make tender of sufficient amends to the party injured, such last mentioned party shall not recover in any action.

Owners of pipe
line to be
common
carriers.

18. It shall be lawful for the Governor in Executive Council to declare that any pipe-line or system of pipe-lines shall be deemed to be and be common carriers; and from and after the publication of such declaration in the *Royal Gazette* the owners or operators of every such pipe-line or

system of pipe-lines shall at all times in accordance with such rules and regulations as may from time to time be made by the Governor in Executive Council and published in the *Royal Gazette* make full and adequate provision in regard to the carriage of crude oil, as such common carriers, and shall if required so to do by the Governor in Executive Council increase the carrying capacity of any such pipe-line or system of pipe-lines and the capacity of their pumping stations, tanks and other appliances.

Provided always that such owners or operators shall not be bound to increase the capacity of their pipe-lines, tanks, pumping stations and other appliances save upon the requisition of producers of crude oil, who have given guarantees satisfactory to the Governor in Executive Council of the permanence of the supply of crude oil to be carried by such owners or operators, and that such owners or operators shall not be bound to carry crude oil below a flash point which may from time to time be fixed by the Governor in Executive Council, or otherwise than in accordance with rules and regulations to be made as aforesaid.

Provided also that such owners or operators shall not be obliged to place at any one time at the disposal of the public more than twenty per cent. of the full carrying capacity of their pipes-line as then constituted.

19. The rules and regulations in the last preceding section mentioned may among other things fix a limit to the rates which the owners or operators of pipe-lines may charge for the carriage of oil, and the terms and conditions upon which such owners or operators shall be bound to carry oil, and may attach a penalty not exceeding twenty pounds to the breach by such owners or operators of any such rule or regulation, and provide a method for deciding all questions as to the performance of their obligations towards the public; including questions as to the damages payable by such owners or operators or other their liabilities for failure to perform such obligations. Such owners and operators shall execute in favour of the Colonial Secretary and his successors a bond with two or more sufficient sure-

Rules and regulations.

Bond.

ties, to be approved by the Governor, in the sum of one thousand pounds, conditioned for the payment by them of any penalty or payment of any sum to which they may have become liable under such rules or regulations and for compliance with any such decision as aforesaid.

Passed in Council this Thirty-first day of May, in the year of Our Lord one thousand nine hundred and eleven.

ALFRED TAITT,
Acting Clerk of the Council.
