

TRINIDAD AND TOBAGO.

No. 31.—1908.

11th May.

AN ORDINANCE relating to Petroleum.

[L.S.]

S. W. KNAGGS,

ACTING GOVERNOR.

11th June 1908.

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

1. This Ordinance may be cited as the Petroleum Short title Ordinance, 1908.

2. In this Ordinance the term:—

Interpretation.

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

“Licensed” means licensed pursuant to this Ordinance.

“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 regulations under 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.

3. Every vessel carrying a cargo consisting wholly or in part of petroleum or dangerous petroleum and entering any Harbour within this Colony, 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 so 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 incurred in such removal may be recovered in the same manner as penalties are hereinafter made recoverable.

Governor may appoint places for storage.

4. It shall be lawful for the Governor from time to time as occasion may require, by Proclamation to appoint magazines for the storage of petroleum or dangerous petroleum and to make all such regulations respecting the landing, receiving, depositing, guarding, delivering and removing of petroleum and dangerous petroleum as to him shall from time to time seem fit, and save in the case of private premises to appoint some fit and proper person or persons to have the charge and custody of such magazines, and to fix the storage rent payable on goods kept therein.

Delivery from Warehouse.

5. No petroleum or dangerous petroleum shall be delivered from or received into any such place so appointed except between the hours of seven in the forenoon and six in the afternoon of any day.

Storage of petroleum and dangerous petroleum.

6. It shall not be lawful for any person within the Towns, Boroughs or other places proclaimed under the next succeeding section to keep petroleum in any quantity exceeding

one hundred imperial gallons or dangerous petroleum in any quantity exceeding one imperial gallon unless such petroleum or dangerous petroleum shall be stored in a magazine duly appointed under this Ordinance.

All dangerous petroleum kept in pursuance of this section on any premises other than a magazine duly appointed under this Ordinance shall be kept in some vessel made of glass, earthenware or metal and shall be securely stoppered.

7. No petroleum shall be sold or kept for sale within the limits of the town of Port-of-Spain and the Boroughs of San Fernando and Arima, and such other places as the Governor in Council may from time to time by proclamation direct, except in pursuance of a license given by the Inspector-General of Constabulary, who is hereby authorized in his discretion to grant the same. 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.

8. No dangerous petroleum shall be sold or kept for sale, except in pursuance of a license given by the Inspector-General of Constabulary who is hereby authorized in his discretion to grant the same. Sale of dangerous petroleum.

9. No dangerous petroleum shall be sold or delivered from a magazine except to a licensed user, and no dangerous petroleum shall be used except by a licensed user.

Licenses to use dangerous petroleum shall be issued by the Inspector-General at his discretion and subject to the conditions prescribed by the regulations.

10. No quantity of petroleum exceeding ten imperial gallons shall be kept in any unlicensed place in the town or boroughs aforesaid. Quantity in unlicensed place.

11. If any unlicensed person shall sell or keep or expose for sale in any place any petroleum, or dangerous petroleum and if in any place whether licensed or not licensed there shall be any excess of petroleum or dangerous petroleum over the quantity permitted by this Ordinance or the regula- Selling or keeping excess and keeping in inflammable receptacles.

tions thereunder to be kept in that place, the whole of such petroleum or dangerous petroleum in that place shall be forfeited to His Majesty, and the person occupying or using the place shall be guilty of an offence against this section.

If in any licensed place dangerous petroleum is found in a receptacle not in accordance with, or being kept or used contrary to the provisions of this Ordinance, or the regulations made thereunder, or petroleum is found in a receptacle not being unflammable as prescribed by Section 7 of this Ordinance, such dangerous petroleum and such receptacles and their contents shall be forfeited to His Majesty, and the person occupying or using the place in which the dangerous petroleum or 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 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
delivery.

12. 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 summary conviction 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.

Licenses.

13. Every license granted under Sections 7, 8 and 9 of this Ordinance shall be signed by the Inspector-General, and shall specify the place in which petroleum or dangerous petroleum shall be kept under such license, and shall expire on the 31st December next after it is granted.

There may be annexed to any such license any conditions as to renewal or otherwise which the Inspector-General 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.

14. 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 Inspector-General 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.

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 conditions as he may deem fit, or to alter or modify the conditions imposed by the Inspector-General; 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 Inspector-General.

Governor may
grant license
refused by
Inspector-
General.

15. It shall be lawful for any Justice of the Peace 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 or the regulations made thereunder.

Search
warrant.

All petroleum or dangerous 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 or dangerous petroleum and the vessels or receptacles containing it to some place

appointed by the Governor for the storage of petroleum, or dangerous petroleum as the case may be, and may detain such petroleum or dangerous petroleum and such vessels or receptacles till it shall be adjudged on a hearing before a Stipendiary Justice of the Peace 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 dangerous 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 petroleum or dangerous petroleum shall be found upon search under this section to be kept contrary to the provisions of this Ordinance or of the regulations hereunder shall be deemed guilty of an offence against this Ordinance, and shall be dealt with accordingly.

Execution
of search
warrant.

16. The Inspector-General of Constabulary, or any person authorized in writing by him, may at any time between the hours of seven in the forenoon and six in the afternoon enter any place in which petroleum or dangerous petroleum is kept or suspected to be kept, 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.

Any 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 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 authorized by him as aforesaid while acting under this section, every such person as aforesaid shall be guilty of an offence against this Ordinance, and on summary conviction thereof 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.

17. Where it appears to the Governor that any machine for the manufacture of gas from petroleum or dangerous petroleum is so constructed that the use thereof for such manufacture is unattended with material risk or danger and that a license under this 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 or dangerous petroleum not exceeding a limit to be specified in such license.

Machines for making gas.

18. In any proceedings under this Ordinance against any person having a license under Section 17 of this Ordinance, in computing the quantity of petroleum or dangerous petroleum which by such license the licensee is authorized 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.

Oil in machine not to be computed.

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

19. The Inspector-General or any person authorized 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 17, of this Ordinance has been granted, for the purpose of ascertaining the dimensions of any machine in respect of which a license under the said section has been granted and the quantity of petroleum or dangerous petroleum contained or capable of being contained therein.

Right of entry and search in regard to machines.

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

If any person assaults or obstructs the Inspector-General or any person authorized 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 summary conviction 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 without the option of a fine, be imprisoned either with or without hard labour for any term not exceeding three months.

Importation of
dangerous
petroleum.

20. It shall be lawful for the Governor by Proclamation absolutely to prohibit the importation into the Colony of all dangerous Petroleum or any particular variety or varieties thereof 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 No. 178 relating to goods absolutely prohibited to be imported shall apply to such dangerous petroleum as effectually as if such dangerous petroleum were included in the Table of Prohibitions and Restrictions contained in the said Ordinance.

Provided however that the Governor may from time to time by proclamation exempt from such prohibition any dangerous petroleum, products of petroleum or any inflammable liquid, not to be used for illuminating purposes, which to him may seem fit.

Regulations as
to dangerous
petroleum.

21. It shall be lawful for the Governor to make regulations with regard to the application for and issue of licenses under Sections 7 and 8 hereof, and the conditions of issue of such licenses, and also with regard to the keeping, storing and conveyance of dangerous petroleum.

Regulations as
to examining
and testing.

22. It shall be lawful for the Governor to make regulations for the proper testing and examination of all petroleum imported into the Colony, 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 Colony 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 His Majesty the King, and shall be applied as the Governor may direct.

23. Notwithstanding anything in this Ordinance, it shall be lawful for the Governor from time to time to empower the Inspector-General to grant to any person named by the Governor a license to sell or expose or keep for sale or have in possession on premises to be approved by the Governor, any crude petroleum, whether or not the same be dangerous petroleum.

License to sell or keep crude petroleum.

24. It shall be lawful for the Governor under the provisions of Section 4 hereof to prescribe special conditions as to any license, respecting the places where and the manner in which any such crude petroleum may be shipped landed received deposited guarded delivered or removed, as distinguished from petroleum which is not dangerous; and also to make regulations respecting the storage, treatment refining and manufacture from such crude petroleum of refined petroleum oil for illuminating and other purposes.

Shipping storage and manufacture.

25. The provisions of Section 3 of this Ordinance shall be deemed to apply to every vessel carrying a cargo of crude petroleum and loaded in any harbour within the Colony for carriage either coastwise or for exportation.

Regulation of vessels.

26. In any proceeding before any Stipendiary Justice under this Ordinance, such Justice, if required so to do by the person in whose possession any petroleum or dangerous or crude 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.

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 Public Funds.

Publication
and effect of
regulations.

27. All regulations made under this Ordinance shall be published in the *Royal Gazette*, and shall have legal force and effect in the same manner and to all intents and purposes as if they had been enacted by and formed part of this Ordinance.

Evidence.

28. Production of a copy of the *Royal Gazette* purporting to contain any proclamation or regulations issued or made under this Ordinance shall in all legal proceedings be sufficient evidence of the tenor and due issuing or making thereof.

Penalties in
certain cases.

29. Any person who shall contravene any proclamation or any regulation issued or made under 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 summary conviction 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.

Procedure.

30. Any forfeiture or penalty for an offence under this Ordinance may be enforced upon summary conviction before any Stipendiary Justice of the Peace and according to the procedure prescribed by the Summary Conviction Offences (Procedure) Ordinance No. 1.

Appropriation
of penalties.

31. One moiety of all forfeitures or penalties made or received under this Ordinance or any regulation thereunder shall be paid into the Treasury for the use and benefit of His Majesty the King and the other moiety shall be paid 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 His Majesty the King.

32. The Petroleum Ordinance (No. 148) is hereby ^{Repeal.} repealed.

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

Passed in Council this eleventh day of May, in the year of Our Lord one thousand nine hundred and eight.

ALFRED TAITT,
Acting Clerk of the Council.