

TRINIDAD AND TOBAGO.

No. 25.—1911.

23rd August.

AN ORDINANCE relating to the Mining and Refining of Oil.

read with 08/19/12

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

29th August, 1911.

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 Oil Mining and Refining Ordinance, 1911.

Interpretation.

2. In this Ordinance the term:

“Crude oil” means the natural produce of the wells or springs of oil before the same has been refined or otherwise treated.

“Products” means the constituents of such crude oil, which are obtained by such separation as is ordinarily

effected in a petroleum refinery, and includes the petroleum spirit and illuminating oils and oil fuel.

“Oil fuel” means

- (a.) the portion of crude oil or distillate thereof which remains after such separation only of petroleum spirit illuminating and intermediate oils and paraffin: or
- (b.) the corresponding portion remaining after the crude oil has been subjected to evaporation, spontaneous or otherwise.

“Refinery” means any building or structure in this Colony used as an oil refinery or where any operations in and about the refining of oil are carried on.

“Person” includes corporation.

“Licensed person” means any person to whom permission has been given under the provisions of this Ordinance to carry on the business of oil refining.

3.—(1.) After the commencement of this Ordinance it shall not be lawful:— Erection of refineries.

(a.) to erect a refinery; or

(b.) to enlarge, make additions to or substantially alter any refinery, whether erected before or after the commencement of this Ordinance;

without the permission in writing of the Governor first had and obtained.

(2.) Any person acting in contravention of any of the provisions of this section is liable to a penalty not exceeding one thousand pounds.

4.—(1.) It shall not be lawful for any person to carry on the business of oil refining in this Colony, whether for profit or otherwise, without the permission in writing of the Governor first had and obtained. Refining oil.

(2.) Such permission may be given in such form, for such period, and subject to such conditions as the Governor

may in his absolute discretion think fit, and may be either general, or limited to oil won from a prescribed area or areas.

(3.) Any person committing a breach of any of the provisions of this section is for every day during which such breach continues liable to a penalty not exceeding one hundred pounds.

Refining to
be carried on
continuously.

5.—(1.) It shall be the duty of every licensed person to carry on the business of oil refining actively, continuously and in a *bona fide* manner.

(2.) Any person acting in contravention of the provisions of this section is liable to a penalty not exceeding fifty pounds for every day during which such contravention continues, unless he proves to the satisfaction of the Court that such contravention is due to causes beyond his control.

(3.) The onus of proving the existence of such causes shall be upon the person alleging the same.

H.M. Govern-
ment to have
right of
pre-emption.

6. His Majesty's Government shall have the right of pre-emption of all crude oil and products thereof, at a price to be agreed upon between the owners or producers of such oil and products and the said Government. In the event of no agreement being come to as to such price, the price shall be the commercial value of such oil or products to be determined by two arbitrators, one to be appointed by the Governor and the other by the owner or producer of such oil or products, and in case of difference, by an umpire to be appointed by the arbitrators before entering upon the consideration of the question.

Export of oil
prohibited
after notice in
Gazette.

7.—(1.) After publication in the *Royal Gazette* of a notice that His Majesty's Government is desirous of purchasing crude oil or products, it shall not be lawful for any person during the next following twelve months to export any crude oil or products unless and until he first offers to sell the same to the Governor on behalf of His Majesty's Government, and the Governor refuses to purchase the same or does not accept the offer within seven clear days from the date of such offer.

(2.) Any person exporting crude oil or products contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding Five hundred pounds.

referred by § 2
1883/1912, vide
same in new
section

8.—(1.) The Governor in Executive Council may make ^{Regulations.} regulations for carrying this Ordinance into effect, and in particular for all or any of the following matters:—

- (a.) For prescribing the sites for the erection of refineries and of stores;
- (b.) For insuring that the business of refining is carried on as required by this Ordinance;
- (c.) For prescribing the place of shipment of crude
- (d.) oil or products;

And may from time to time alter, amend or revoke all or any of such regulations as occasion may require, and may in the case of a continuing breach attach to the breach of any such regulation a penalty not exceeding twenty pounds for every day during which such breach continues, and in respect of any other breach a penalty not exceeding fifty pounds.

(2.) All such regulations shall be published in the *Royal Gazette*, and production of such *Gazette* containing a copy of such regulations shall in all legal proceedings be sufficient evidence of the due making and tenor thereof.

9.—(1.) All penalties under this Ordinance or under any ^{Recovery of penalties.} regulations made under this Ordinance shall be sued for and recovered by action of debt as between subject and subject in the Supreme Court in the name of the Attorney-General.

(2.) The Court, in addition to imposing any penalty as in this section mentioned, may direct that any refinery erected or any enlargement, addition or substantial alteration of to or in any refinery in contravention of the provisions of this Ordinance or of any regulation made thereunder be pulled down or removed.

10. The Oil Mining Ordinance, 1910 (No. 3—1910) is ^{Repeal.} hereby repealed.

Passed in Council this Twenty-third day of August, in the year of Our Lord one thousand nine hundred and eleven.

ALFRED TAFTT,
Acting Clerk of the Council.