

TRINIDAD AND TOBAGO.

No. 29—1930.

I ASSENT,

[L.S.]

A. C. HOLLIS,

Governor.

20th December, 1930.

AN ORDINANCE to control the flow of water into oil-bearing sands.

[20th December, 1930.]

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 Water Control (Oil-bearing Sands) Ordinance, 1930.

Interpretation.

2. In this Ordinance—

“ Manager ” means the person nominated as manager of borings under the Mines, Borings and Quarries Ordinance.

Cap. 142.

“ Oil ” means mineral oil.

“ Operator ” means a person drilling or sinking wells or borings for the purpose of producing oil, gas or any other substance, and includes any person who employs others to drill or sink such wells or borings.

“ Well ” means a well or boring drilled or sunk for the purpose of producing oil, gas or any other substance and all works connected with adjacent to and belonging to the well.

3.—(1) Whenever a well is found to be making water, or is producing water with the oil, or is in such a condition that, in the opinion of the Governor, water may have access to commercial oil-bearing sands, and the Manager does not, in the opinion of the Governor, take adequate measures to protect commercial oil-bearing sands from injurious access of water, the Governor may by notice in writing to be served upon the Manager require him to take measures to protect such oil-bearing sands within a time to be specified in such notice.

Notice to manager to protect oil-bearing sands.

(2) Should the requirements of any such notice not be complied with, any person authorised in writing by the Governor (in this Ordinance referred to as “ the authorised person ”) may, with such workmen and assistants as may be necessary, enter upon such well and carry out the requirements of such notice and may thereafter 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.

(3) Service of such notice may be effected either personally on the Manager or on him by registered post.

4. On entering upon any well under the provisions of this Ordinance the authorised person shall have sole direction of all water control operations and may take such measures as may be necessary for properly and effectively protecting commercial oil-bearing sands from injurious access of water.

Powers of authorised person.

5. Every person who assaults impedes or obstructs, or who aids or abets any other person in assaulting, impeding or obstructing the authorised person in the exercise of his powers under this Ordinance, or any person employed by, or acting under the directions of, the authorised person, shall be guilty of an offence and on summary conviction thereof by a Magistrate shall be liable to a penalty not exceeding twenty pounds.

Assault or obstruction.

Costs and expenses.

6.—(1) All costs and expenses incurred by the authorised person in carrying into effect the provisions of this Ordinance shall be paid by the operator, or his personal representatives or assigns, and in default of payment thereof shall be recovered from him, or his personal representatives or assigns, by action in the Supreme Court at the suit of the Attorney-General.

(2) Such costs and expenses, together with costs of suit (if any) shall be a charge on the property, of whatsoever nature or kind, of the operator and shall rank in priority to any other charge mortgage or encumbrance affecting the same.

Authorised person not liable in trespass.

7. The authorised person or any person employed by, or acting under the directions of, the authorised person shall not be deemed a trespasser by reason of any entry, or action taken, or thing done, under this Ordinance or be liable for any damages occasioned by carrying out any of the provisions of this Ordinance, unless the same were occasioned by acts done solely from malicious motives.

Liability of operator not affected.

8. Nothing in this Ordinance contained shall take away or diminish the liability of any operator for damage to property of another occasioned by injurious access of water to the oil-bearing sands of another caused by the operator or by measures taken by him, his manager, agents or servants, to protect commercial oil-bearing sands from injurious access of water, and he shall also be liable to the person injured for all damage caused by measures taken by the authorised person under the provisions of this Ordinance, or by any person employed by, or acting under directions of, the authorised person, unless the same were occasioned by acts done solely from malicious motives.

Passed in Council this twelfth day of December, in the year of Our Lord one thousand nine hundred and thirty.

J. W. DAY,
Acting Clerk of the Council.