



TRINIDAD AND TOBAGO.

No. 26—1945.

[L.S.]

I ASSENT,

B. E. H. CLIFFORD,

*Governor.*

13th November, 1945.

AN ORDINANCE to amend the Petroleum Office and Conservation Board Ordinance, Ch. 26. No. 1.

[15th November, 1945.]

Commence-  
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof. Enactment.

1. This Ordinance may be cited as the Petroleum Office and Conservation Board (Amendment) Ordinance, 1945, and shall be read and construed as one with the Petroleum Office and Conservation Board Ordinance, hereinafter referred to as the Principal Ordinance. Short title and construction.  
Ch. 26, No. 1.

Section 2 of  
the Principal  
Ordinance  
amended.

2. Section 2 of the Principal Ordinance is hereby amended by substituting the following for the definition of " person operating for oil "—

" " person operating for oil " means an owner of oil mining rights, or a lessee or licensee under an oil mining lease or licence, or an assignee of any such owner, lessee or licensee, or a person otherwise deriving title through any such owner, lessee or licensee, who by virtue of his ownership, lease, licence, assignment, or title, drills for or wins oil or performs any work on any well drilled for oil, or employs others to drill for or win oil or perform any work in or upon any well drilled for oil ; and references to oil mining operations carried on by any person shall be construed accordingly ;"

Section 6 of  
the Principal  
Ordinance  
repealed and  
replaced.

3. Section 6 of the Principal Ordinance is hereby repealed and replaced by the following section :—

" Deposit or  
guarantee to  
be made or  
furnished.

6. (1) No person shall operate for oil unless and until he shall either deposit with the Accountant General the sum of ten thousand dollars in cash or securities approved by the Accountant General or shall furnish to the Accountant General a guarantee for the like amount. Such deposit or guarantee shall be kept and maintained by such person to the full amount of ten thousand dollars during the continuance of any oil mining operations carried on by him and until the Technologist has issued his certificate under the provisions of subsection (7) of this section.

(2) Any person who contravenes any of the provisions of the preceding subsection shall be guilty of an offence and shall be liable, on summary conviction, to a fine of five hundred dollars in respect of each day during which such offence continues.

(3) When securities are deposited under this section, the whole or any part of any such securities may, with the consent of the Accountant General, be deposited with the Crown Agents who shall hold the same at the disposal of the Accountant General.

(4) A guarantee under this section may be in the form of the bond in the Schedule hereto or as near thereto as circumstances permit.

(5) The deposit or guarantee shall be held as security for—

- (a) the observance or performance by the person operating for oil of all or any of the obligations or duties imposed upon him in the prescribed circumstances (as hereinafter defined) ; and
- (b) the payment of any sum by way of reimbursement of any expenditure which may be incurred by any other person, or by any officer or authority in the performance of any right conferred or any duty or obligation imposed on such person, officer or authority in the prescribed circumstances ; and
- (c) the payment of any sum which may be ordered to be paid by the person operating for oil under and by virtue of a judgment, decree or order of any court or of the Oil and Water Board constituted under the Oil and Water Board Ordinance or of any other statutory authority with respect to any act or default of the person operating for oil or his servants or agents in respect of oil mining operations.

Ch. 26. No. 8.

(6) Whenever any moneys shall become payable by virtue of subsection (5) of this section, the Accountant General may pay the same from the deposit and, for that purpose, realise any securities constituting or forming part of such deposit, or, in any case where a guarantee has been furnished, the Accountant General may pay the amount of any such moneys to the extent of the guarantee : Provided that this subsection shall not prejudice any other right or remedy for which provision is made in any law.

(7) Subject to the provisions of subsection (5), where the Technologist is satisfied that a person operating for oil has ceased to carry on oil mining operations and certifies that such person has fulfilled all obligations and duties imposed upon him in the prescribed circumstances, the deposit or remainder thereof shall be returned to the person legally entitled thereto, or, as the case may be, the guarantee shall become void,

(8) In this section the expression "in the prescribed circumstances" means under or by virtue of—

- (a) any law (including this Ordinance) from time to time in force regulating or otherwise relating to any oil mining operation ;
- (b) any Crown oil mining exploration licence or lease."

New section  
11A of the  
Principal  
Ordinance.

4. The Principal Ordinance is hereby amended by inserting therein between sections 11 and 12 a new section 11A as follows :—

Provisions as  
to oil wells.

11A. (1) In this section—

"oil well" means a well sunk for the winning of oil or for exploring or testing for oil ;

"owner", in relation to any oil well, means the person for the time being entitled to possession of the well as owner in fee simple or as a lessee or licensee (whether the lessor or licensor is the Crown or any other person), and includes a trustee, personal representative, agent or guardian of the owner.

(2) Whenever the Technologist has reason to believe that any oil well is no longer being used, the Technologist may, by notice in writing served on the owner of such well, direct such owner to put the well in a safe condition to the satisfaction of the Technologist within such time and in such manner as may be specified in the notice.

(3) It shall be the duty of the owner of an oil well to comply with all the directions contained in a notice issued under the provisions of subsection (2) of this section within the time specified in such notice, unless such owner, within fifteen days of the service of such notice on him, objects in writing to all or any of such directions on the ground that he intends to use the oil well again for the winning of oil or the production of

gas or for other purposes and serves notice of such objection on the Technologist. After service upon him of any such objection it shall be the duty of the Technologist to consider it and either to confirm, vary or rescind, all or any of the said directions and to communicate his decision in writing to the owner, who shall either comply with the directions thus confirmed or varied or, within fifteen days of the receipt of the Technologist's decision, notify the Technologist in writing that he requests that the matter be submitted to the Governor.

On such request being served upon him, the Technologist shall submit the matter with all relevant information to the Board and shall, as soon as convenient, convene a meeting of the Board for the purpose of considering the matter and reporting thereon to the Governor.

The Governor may confirm, vary or rescind any direction given by the Technologist under the provisions of this section and his decision shall be final. Notice in writing of such decision shall be served upon the owner who, upon receipt thereof, shall comply with the directions, as confirmed or varied by the Governor, within the time specified therein.

(4) Where an owner has objected to any direction given by the Technologist under the provisions of subsection (2) hereof, the period within which compliance therewith has been demanded shall be deemed to have commenced on the date on which the decision of the Technologist, or, where the matter has been submitted to the Governor, the decision of the Governor is communicated to him.

(5) Any notice or other document issued under the provisions of this section shall be deemed to have been duly served on or communicated to the owner of an oil well if delivered to him or sent by post by prepaid letter addressed to him at his usual or last known place of abode or business or by leaving the same at his usual or last known place of abode or business. Service of any notice under this section on the Technologist shall be deemed to have been duly made if delivered or sent by post by prepaid letter to the Technologist at his office at Port-of-Spain.

(6) If any owner fails to comply within the time specified and to the satisfaction of the Technologist with any direction given under this section, then, without prejudice to the operation of any other provision of law (including this Ordinance) the Technologist and persons acting by his written authority may enter upon the land on which the oil well is situate and carry out such operations as may be necessary in order to render the oil well safe to the satisfaction of the Technologist.

The expenses reasonably incurred by the Technologist (of which a certificate purporting to be signed by the Technologist shall be sufficient proof in any court) in the exercise of the powers conferred by this subsection shall be a debt due to the Government by the owner and shall be recoverable by the Government from the said owner unless the Governor in Council otherwise direct; and if the owner is a person operating for oil, the relevant deposit or guarantee under section 6 of this Ordinance shall be security for the payment, in accordance with that section, of the amount recoverable.

If any person obstructs, molests, or hinders the Technologist or any other person acting by the written authority of the Technologist in the exercise of the powers conferred by this subsection, such first mentioned person shall be liable on summary conviction to a fine of two hundred and forty dollars, or to imprisonment for three months or to both such fine and such imprisonment.

(7) When a person operating for oil ceases to carry on oil mining operations, the deposit (if any) made under section 6 of this Ordinance shall be retained, and the guarantee (if any) given under that section shall remain in force, until all oil wells which that person used, or was entitled to use, while he carried on oil mining operations have been put in a safe condition to the satisfaction of the Technologist; and if by reason of any oil well not having been so put in a safe condition, a notice under subsection (2)

of this section is given to the owner in relation to the well, then—

- (a) any expenses incurred by the owner in complying with the notice shall be recoverable by the owner from the person operating for oil aforesaid ;
- (b) any expenses incurred by the Technologist in taking action under subsection (6) of this section in default of compliance with the notice shall, without prejudice to any liability under that subsection, be recoverable by the Government from the person operating for oil aforesaid,

and, in either case, the deposit or guarantee shall be a security for the due payment, in accordance with section 6 of this Ordinance, of the amounts recoverable. ”

5. The Schedule to the Principal Ordinance is hereby repealed and replaced by the following Schedule :—

Schedule to the Principal Ordinance repealed and replaced.

“ SCHEDULE. (Section 6.)

TRINIDAD AND TOBAGO.

PETROLEUM OFFICE AND CONSERVATION BOARD ORDINANCE.

*Bond under section 6.*

KNOW ALL MEN BY THESE PRESENTS THAT WE

.....Principal  
.....Surety

as Principal and as Surety respectively are held and firmly bound unto the Accountant General of the Colony in the sum of ten thousand dollars (\$10,000) in all, to be paid to the said Accountant General for which payment well and truly to be made the said Principal and Surety bind themselves and their heirs, executors, administrators, successors and assigns jointly and severally firmly by these presents.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

WHEREAS the said \_\_\_\_\_ is about to begin or is already conducting oil mining operations :

AND WHEREAS it is required under section 6 of the Petroleum Office and Conservation Board Ordinance that a person desirous of operating for oil shall give security in the sum of ten thousand dollars (\$10,000) for the due compliance with the requirements of that section :

Now, therefore, the condition of this bond is such that if the above bounden..... his heirs, executors, administrators, successors or assigns shall well and truly comply with all and singular the requirements of the said section, then the above written bond shall be void.

Otherwise, the same shall remain in full force and effect.

SCHEDULE.—*Continued.*

Signed and delivered by the said .....  
in the presence of :

Name.....

Address .....

Occupation .....

Signed and delivered by the said .....  
in the presence of :

Name.....

Address .....

Occupation.....

Retrospective  
effect.

6. Any deposit made or guarantee furnished before the commencement of this Ordinance, not being a deposit which has since been refunded or a guarantee which has since become void, shall have effect as though this Ordinance had always been in force and as though, in the case of a bond, the bond had been in terms of the Schedule to the Principal Ordinance, as re-enacted by section 5 of this Ordinance.

Passed in Council this twenty-sixth day of October, in the year of Our Lord one thousand nine hundred and forty-five.

W. J. BOOS,  
*Clerk of the Council.*