

TRINIDAD AND TOBAGO.

No. 20.—1915.

9th August.

AN ORDINANCE to amend and consolidate the law relating to the carriage, storage and use of Petroleum.

[L.S.]

S. W. KNAGGS,

DEPUTY GOVERNOR.

25th August, 1915.

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 Ordinance, 1915.

Interpre-
tation.

2. In this Ordinance, and in any regulations made thereunder, unless the context otherwise requires:—

“Petroleum” means and includes any kind of mineral oil, and any oil or product made from crude petroleum, asphalt, coal, schist, shale, peat, lignite or any other similar substances, 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. Provided that the Governor may from time to time by proclamation exclude from this definition such products of petroleum as he may deem expedient.

“Dangerous petroleum” means petroleum which when tested in manner prescribed by regulations under this Ordinance gives forth an inflammable vapour at or below a temperature of 95 degrees Fahrenheit.

“Crude petroleum” means the natural product of the wells, springs, pits or seepages before the same has been refined or otherwise treated, whether or not the same be dangerous petroleum;

“Petroleum in bulk” means crude petroleum, petroleum or dangerous petroleum in any vessel or receptacle having a capacity of 300 gallons or more;

“Place” means and includes any house, storehouse, warehouse, shop, cellar, yard or wharf;

“Vessel” includes every kind of steam or sailing vessel, hulk, lighter, flat, boat or any kind of craft used for the conveyance of persons or things by water or for storage;

“Master” includes any person in charge of a vessel;

“Inspector-General” means the Inspector-General of Constabulary;

“Inspector” means the Inspector of Mines;

“Case” means a receptacle containing not more than ten imperial gallons, and when used of petroleum in bulk means ten imperial gallons;

“Harbour” means a harbour as declared or proclaimed under the provisions of the Harbours Ordinance, (No. 181);

“Import” with its grammatical variations and cognate expressions means to bring or cause to be brought into the Colony, and shall include importation from Trinidad into Tobago and *vice versa*;

“Export” with its grammatical variations and cognate expressions means to take or cause to be taken out of the Colony, and shall include exportation from Trinidad for the purpose of importation into Tobago and *vice versa*;

“Transport” means to remove from any place or vessel to any other place or vessel within either Trinidad or Tobago, respectively, but shall not include removing from Trinidad to Tobago and *vice versa*;

“Prescribed” means prescribed by regulations made under this Ordinance.

“Princes Town” means Princes Town as defined in Schedule I of the Liquor Licenses Ordinance, (No. 177).

Import and Export.

Importation of dangerous petroleum.

3. It shall be lawful for the Governor from time to time to make, vary or revoke Proclamations which shall be published in the *Royal Gazette* prohibiting the importation of dangerous petroleum or any particular products 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.

Petroleum, &c., to be imported or exported at appointed places,

4. No crude petroleum, petroleum or dangerous petroleum shall be imported or exported except at or from a port declared under the provisions of Section 3 of the Customs Ordinance, (No. 178,) or at or from such other places as may be appointed for that purpose by the Governor in Executive Council by notification in the *Royal Gazette* under this Ordinance, or as may be appointed or declared by the Governor under powers conferred upon him by any other Ordinance.

And in accordance with this Ordinance.

5. No person shall import or export crude petroleum, petroleum or dangerous petroleum except under and in accordance with the provisions of this Ordinance or any regulations to be made thereunder; provided that no crude or dangerous petroleum contained on board any vessel in properly constructed bunkers or receptacles and used solely as the propelling power of such vessel shall be deemed to have been imported or exported contrary to the provisions of this Ordinance.

6.—(1.) Every vessel carrying a cargo consisting wholly or in part of crude petroleum, petroleum or dangerous petroleum and entering or being in any harbour within the Colony shall conform to all the regulations as to the mooring of such vessels made as hereinafter provided.

Mooring of vessels having crude petroleum, &c., on board.

(2.) It shall be lawful for the Harbour Master or any other person acting under his orders to cause any vessel acting in contravention of any such regulations to be removed at the expense of the owner or master thereof to such place as may be prescribed, and all expenses incurred in such removal may be recovered by the Harbour Master or any person authorised by him in writing in the same manner as penalties are hereinafter made recoverable.

7.—(1.) The master of any vessel carrying crude petroleum, petroleum or dangerous petroleum as cargo, or the importer, consignee or owner of any crude petroleum, petroleum or dangerous petroleum carried in any vessel as cargo shall, on arrival within any harbour of such vessel, except where the owner or agent of the vessel shall have previously so done, notify the Harbour Master of the name of the vessel, together with such other particulars as may enable the crude petroleum, petroleum or dangerous petroleum to be properly inspected.

Notice of arrival of vessel to be given.

(2.) If any breach of this section is committed, the master, owner and agent of such vessel shall each of them be deemed guilty of an offence, and for each such offence shall be liable to a penalty not exceeding £50.

8.—(1.) Subject to the provisions as to transport and storage in this Ordinance set forth, all crude petroleum, petroleum or dangerous petroleum shall be landed and stored in a warehouse and, in the case of crude or dangerous petroleum, shall be stored immediately after it has been landed.

Petroleum to be landed and stored in warehouses.

(2.) Any person committing a breach of this section shall be guilty of an offence and be liable to a penalty not exceeding £200.

Transport.

Transport of petroleum to be in accordance with this Ordinance.

9. No person shall transport any crude petroleum, petroleum or dangerous petroleum, except in accordance with the provisions of this Ordinance or of any regulations to be made thereunder.

Petroleum not to be transported between 6 p.m. and 7 a.m.

10.—(1.) No person shall transport crude or dangerous petroleum or more than five cases of petroleum between six in the afternoon and seven in the forenoon; provided that nothing in this section shall apply to crude petroleum, petroleum or dangerous petroleum :—

- (a.) Contained in the supply tanks or bunkers of motor vehicles or of vessels, the impelling or propelling power of which is obtained from crude or dangerous petroleum; or
- (b.) Being carried as the cargo or part of the cargo of any vessel; or
- (c.) Being loaded or discharged in bulk into or from tank steamers; or
- (d.) Being conveyed in pipe lines constructed under the provisions of the Petroleum (Pipe Lines) Ordinance, 1911; or
- (e.) Being conveyed by road in tank carts specially approved in writing by the Inspector of Mines, or by rail in tank waggons or trucks approved by the General Manager of Railways from Oil-fields to Refineries or places of storage.

(2.) Any person committing a breach of this section shall be guilty of an offence and be liable to a penalty not exceeding £50.

Petroleum not to be permitted to remain in any public place.

11. No person shall place or permit to remain in any public place any crude petroleum, petroleum or dangerous petroleum for a longer time than may be reasonably necessary for the loading or unloading thereof in connection with its transport, and in no case between six in the afternoon and seven in the forenoon. Any person committing a breach of this section shall be guilty of an offence and be liable to a penalty not exceeding £100.

Storage in Port-of-Spain, etc.

12.—(1.) Subject to the provisions of the three succeeding sections, it shall not be lawful to keep or store crude petroleum, petroleum or dangerous petroleum in the City of Port-of-Spain, the Boroughs of San Fernando and Arima and in Princes Town and such other places as the Governor in Executive Council may from time to time proclaim, except in private warehouses to be licensed and erected in such places and in such manner as shall be laid down in Regulations to be made under this Ordinance.

Storing of petroleum and crude and dangerous petroleum in Port-of-Spain, etc.

(2.) Any person acting in contravention of the provisions of this section or of any regulations made for the purpose of enforcing those provisions is guilty of an offence and is liable to a penalty not exceeding £20 for each day during which such offence continues, or to imprisonment with or without hard labour for a period not exceeding six months.

13.—(1.) It shall be lawful to keep :

(a.) In any place, petroleum in any quantity not exceeding ten imperial gallons and crude or dangerous petroleum in any quantity not exceeding one imperial gallon ; and

(b.) In a place to be approved by the Inspector in writing, crude petroleum, petroleum or dangerous petroleum in any quantity not exceeding 100 imperial gallons.

Storage in Port-of-Spain and certain other places.

(2.) All crude or dangerous petroleum kept under the provisions of the preceding sub-section shall be kept in some receptacle made of glass, earthenware or metal and shall be securely sealed.

(3.) Notwithstanding anything contained in the two preceding sub-sections, it shall be lawful for the Inspector of Mines to issue a licence permitting of crude petroleum, petroleum, or dangerous petroleum being kept in quantities not exceeding 12 tons, in such place and subject to such conditions as are in such licence specified.

(4.) In the event of the contravention of any provision of the licence mentioned in the preceding sub-section, such licence shall at once become void and of no effect.

Storage of
imported
petroleum in
public ware-
houses.

14.—(1.) All imported petroleum or dangerous petroleum may be stored in such public warehouses as the Governor may by proclamation from time to time appoint.

(2.) The Governor may appoint fit and proper persons to have the charge and custody of such public warehouses and may from time to time fix the storage rent payable on goods kept therein.

Machines for
making gas.

15.—(1.) Where it appears to the Governor that any machine for the manufacture of gas from crude petroleum, petroleum or dangerous petroleum is so constructed that the use thereof for such manufacture is unattended with material risk or danger and that a licence under this Ordinance in respect of such machine may be granted consistently with public safety, then, notwithstanding anything to the contrary contained in this Ordinance, it shall be lawful for the Governor if he sees fit to grant a licence under his hand authorizing the licensee to have and use upon the premises to be specified in the licence, for the purpose of manufacturing gas by such machine as aforesaid, any quantity of crude petroleum, petroleum or dangerous petroleum not exceeding a limit to be specified in such licence.

Oil in machine
not to be
computed.

(2.) In any proceedings under this Ordinance against any person having a licence under this section, in computing the quantity of crude petroleum, petroleum or dangerous petroleum which by such licence the licensee is authorized to have and use upon his premises, the quantity contained in the machine in respect of which the licence is granted shall be excluded from the computation.

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

Sale and Use.

Sale of
petroleum.

16.—(1.) It shall not be lawful to sell or keep for sale any petroleum within the limits of the city of Port-of-Spain

or the Boroughs of San Fernando or Arima or Princes Town or such other places as the Governor in Executive Council may from time to time proclaim except under a licence to be obtained under this Ordinance.

(2.) All petroleum kept for sale shall be kept in a closed tank or other vessel made of iron, zinc, tin or other unflammable material.

17. It shall not be lawful to sell or keep for sale crude or dangerous petroleum except under a licence to be obtained under this Ordinance. Sale of crude or dangerous petroleum.

18.—(1.) It shall not be lawful to use dangerous petroleum for illuminating purposes except in a type of lamp or to operate a system of lighting approved by the Inspector of Mines. Dangerous petroleum for illuminating purposes.

(2.) Such approval as in the preceding sub-section mentioned shall be published in the *Royal Gazette* and may be withdrawn by a notice to be published in such Gazette.

19. Any person acting in contravention of any of the provisions contained in the three preceding sections is liable to a penalty not exceeding £100 or to imprisonment for any period not exceeding six months, and all crude petroleum, petroleum or dangerous petroleum in respect of which any such offence has been committed shall be forfeited to His Majesty. Penalties for breach of sections.

General.

20.—(1.) Subject to the express provisions of this Ordinance every licence under this Ordinance shall be issued and signed by the Inspector and published in the *Royal Gazette*, and shall expire on the 31st day of December next after it is granted. Licences.

(2.) Any licensee violating any condition of his licence 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.

Refusal of
licence.

21. If on application to the Inspector for a licence under this Ordinance such licence shall be refused, or if granted shall be granted on conditions with which the applicant is dissatisfied, the Inspector shall if required by the applicant certify the grounds upon which he refused the licence 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 licence 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.

Governor may
grant licence
refused by
Inspector.

It shall be lawful for the Governor if he thinks fit, after consideration of such memorial and certificate, to grant the licence 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; and the licence 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.

Application of
this Ordinance
to substances
other than
petroleum.

22.—(1.) The Governor in Executive Council may from time to time make revoke and vary proclamations directing this Ordinance or any part thereof to apply to any substance or mixture, and this Ordinance, or the part thereof specified in the proclamation, shall during the time mentioned in the proclamation, apply to such substance or mixture and shall be construed and have effect as if such substance or mixture had been included in the definition of dangerous petroleum given in Section 2 of this Ordinance.

Provided always that the quantity of any substance or mixture to which this Ordinance is directed by proclamation to apply which may be kept elsewhere than in a private warehouse shall be such quantity as is specified in that behalf in such proclamation, or if no such quantity is specified, no quantity may be kept elsewhere than in a private warehouse.

(2.) All proclamations made under the preceding subsection and all revocations and variations thereof shall be published in the *Royal Gazette*.

23. The Inspector-General or the Inspector or any person authorised in writing by the Inspector-General or Inspector whether generally or in any particular case, may at any time between the hours of seven in the forenoon and six in the afternoon enter any premises in respect of which a licence under Section 15 hereof has been granted, for the purpose of ascertaining the dimensions of any machine in respect of which a licence under the said section has been granted and the quantity of crude petroleum, 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 the Inspector or other person authorised as aforesaid every assistance and facility.

If any person as aforesaid shall fail to give the Inspector-General or Inspector or other person authorised as aforesaid every assistance and facility, or shall in any manner assault or obstruct the Inspector-General or Inspector or any person authorised 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 conviction shall be liable to a penalty not exceeding Twenty Pounds, or to be imprisoned either with or without hard labour for any term not exceeding three months.

24. It shall be lawful for any Magistrate or Justice on reasonable cause assigned upon oath to issue a warrant under his hand for searching in the daytime any place in which crude petroleum, petroleum or dangerous petroleum is suspected to be kept contrary to the provisions of this Ordinance or the regulations made thereunder.

Search
warrant.

All crude petroleum, petroleum or dangerous petroleum found to be kept contrary to the provisions of this Ordinance, or the regulations made thereunder and also the vessels or receptacles in which the same shall be kept may be immediately seized by the searcher, or the searcher may take samples of such crude petroleum, petroleum or dangerous petroleum not exceeding 12 fluid ounces from each receptacle in which the same may be kept for the purpose of being tested in the manner prescribed

by this Ordinance, and in the former event he shall with all convenient speed after the seizure remove such crude petroleum, petroleum or dangerous petroleum and the vessels or receptacles containing it to a public warehouse, and may detain such crude petroleum, petroleum or dangerous petroleum and such vessels or receptacles till it shall be adjudged on a hearing before a Magistrate 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 crude petroleum, petroleum or dangerous petroleum or vessels or receptacles, other than by his wilful-act or neglect.

The owner or occupier of any place on whose premises crude petroleum, 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 thereunder shall be liable to a penalty not exceeding £20 or to imprisonment not exceeding six months with or without hard labour, and all crude petroleum, petroleum or dangerous petroleum in respect of which any such offence has been committed shall be forfeited to His Majesty.

Power of
entry and
inspection.

25. The Inspector-General, the Inspector or any person authorised in writing by the Inspector-General or Inspector may at any time between the hours of seven in the forenoon and six in the afternoon enter any place in which crude petroleum, petroleum or dangerous petroleum is kept or suspected to be kept, and he may in any such place 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 crude petroleum, petroleum or dangerous petroleum shall give the Inspector-General or Inspector or other person authorised as aforesaid every assistance and facility.

If any person as aforesaid shall fail to give the Inspector-General or Inspector 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 Inspector or other person authorised as aforesaid while acting under this section, every such person as aforesaid shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding Twenty Pounds, or to be imprisoned either with or without hard labour for any term not exceeding six months.

26. It shall be lawful for the Governor from time to time to make regulations for the proper testing and examination of all petroleum, crude petroleum or dangerous petroleum imported into or produced in this 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. Regulations as to examining and testing.

When any such appointed examiner shall certify that any petroleum or crude petroleum is dangerous petroleum, such certificate shall be *prima facie* evidence in all Courts of Justice that the petroleum or crude 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 petroleum or crude petroleum and in respect of which such certificate shall have been given, shall be borne by the importer or owner thereof and may be recovered as hereinafter provided by the Receiver-General or by any person authorized by him in writing to sue for the same, for the use of his Majesty the King, and shall be applied as the Governor may direct.

27. In any proceeding under this Ordinance before any Magistrate he shall if required so to do by the person in whose possession any crude petroleum, petroleum or dangerous petroleum may be found, 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. S. J. P. may cause sample to be tested.

It shall be lawful for such Magistrate 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.

Power to make
Regulations.

28.—(1.) The Governor in Executive Council may make such regulations as are authorized by this Ordinance or as may seem necessary or expedient for the purpose of carrying out the provisions of this Ordinance.

(2.) Such regulations may (amongst other things) be in respect of the following purposes :

- (a.) The test to be applied to all petroleum, crude petroleum or dangerous petroleum to ascertain its flashing point and the methods of applying the same.
- (b.) To determine the standard of crude petroleum, petroleum or dangerous petroleum or any of the various liquids referred to in Section 2.
- (c.) To provide for the issue and renewal of licences and for the conditions to be set out in such licences.
- (d.) To provide for the licensing of vessels to transport petroleum and dangerous petroleum and for the proper construction of bunkers and receptacles on vessels used for the purpose of storing crude or dangerous petroleum to be employed as fuel on such vessels.
- (e.) To regulate the licensing and management of warehouses and tanks for storing crude petroleum, petroleum and dangerous petroleum, and the manner in which the same shall be put into receptacles for the purpose of use or transport.
- (f.) To regulate the discharging and landing of crude petroleum, petroleum and dangerous petroleum.
- (g.) To regulate the transport of crude petroleum, petroleum and dangerous petroleum.
- (h.) To determine the receptacles in which crude petroleum, petroleum or dangerous petroleum may be carried in any vessel, and in any cart or other vehicle, and the quantities to be contained in such receptacles, and the mode of storage therein and manner of the carrying of crude petroleum by means of pipe lines.

- (i.) To determine the situation, size, construction and materials of any warehouses or tanks in which crude petroleum, petroleum or dangerous petroleum may be stored, and the manner of obtaining leave to construct the same and of entry by the Inspector or any person authorized by him in writing either generally or in a particular case for purposes of inspection during construction.
- (j.) To regulate the method in which crude petroleum, petroleum or dangerous petroleum shall be stored in any place.
- (k.) To determine the materials and appliances to be used for preventing or extinguishing fire in any such place.
- (l.) To make provision for protection of premises adjacent to licensed or approved places.
- (m.) To determine the conditions and restrictions to be imposed upon vessels arriving at a port after having carried crude petroleum, petroleum or dangerous petroleum as part or whole of their cargo.
- (n.) To fix fees for the licences issuable under this Ordinance.

(3.) By any regulations made in pursuance of this section a penalty may be imposed for the breach of any such Regulations not exceeding £100 for each offence, or in the case of a continuing offence £20 for each day during which the offence continues, and in default of payment imprisonment for any term not exceeding six months with or without hard labour.

(4.) Provided always that nothing in Sub-section (2) hereof shall in any way restrict or be construed to restrict the generality of the powers conferred on the Governor in Executive Council by Sub-section (1) hereof, but such powers shall extend to all matters whether similar or not to those mentioned in Sub-section (2) as to which it may be

expedient or as to which power is given to make regulations for the better carrying into effect the objects of this Ordinance.

(5.) Such Regulations shall be published in the *Royal Gazette*.

Procedure. 29. Subject to the express provisions of this Ordinance all amounts, costs, charges and expenses made payable or recoverable under this Ordinance or any regulations thereunder and any forfeiture or penalty for an offence under this Ordinance or any regulations made thereunder may be recovered or enforced by the Inspector or any person authorized in writing by him before any Magistrate and according to the procedure prescribed by the Summary Conviction Offences (Procedure) Ordinance, No. 1.

Appropriation of penalties. 30. The Governor may order such reward, not exceeding one half of the amount of any forfeiture or penalty made or recovered under this Ordinance or any regulations thereunder, to be paid to any person, not being the servant of the person informed against, who has given information leading to the making of the forfeiture or recovery of the penalty; and to the extent to which no such reward is given, the amount of such forfeitures or penalties shall be paid into the Colonial Treasury.

Repeal. 31. The Petroleum Ordinance, 1909 is hereby repealed.

Commencement. 32. This Ordinance shall commence on a day to be fixed by the Governor by Proclamation in the *Royal Gazette*.

Passed in Council this Ninth day of August, in the year of Our Lord one thousand nine hundred and fifteen.

HARRY L. KNAGGS,
Clerk of the Council.