

LAWS OF TRINIDAD AND TOBAGO

PETROLEUM ACT

CHAPTER 62:01

Act

46 of 1969

Amended by

4 of 1970

16 of 1974

38 of 1974

34 of 1975

27 of 1976

9 of 1979

45 of 1979

47 of 1980

29 of 1988

14 of 1990

34 of 1995

8 of 1996

79 of 2000

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Note on Subsidiary Legislation

The following Subsidiary Legislation have been omitted:

- (a) Notices of Application for Licences made under section 7 of the Act;
- (b) Notices of Grant of Licences etc., made under section 9 of the Act;
- (c) Exploration Licence made under section 9 of the Act;
- (d) Production Sharing Contracts made under section 9 of the Act;
- (e) Competitive Bidding (Determination) Notice made under section 10 of the Act;
- (f) Competitive Bidding Orders made under regulation 4 of the Petroleum Regulations;
- (g) Surrender of Licensed Areas Notice made under regulation 21 of the Petroleum Regulations;
- (h) Renewal of Licence Notice made under regulation 21 of the Petroleum Regulations;
- (i) Petroleum Impost Rating Orders made under regulation 72 of the Petroleum Regulations.

N.B. For references with respect to omissions of Subsidiary Legislation, in addition to those mentioned above, see (a) the Consolidated Index of Subsidiary Legislation to 1st January 1994 and (b) the Consolidated Index of Subsidiary Legislation to 1st January 2005.

Note on section 39

The former section 38(2) of this Act (replaced by the present section 39) provided for the Ordinances mentioned in that section to continue to operate in relation to petroleum “until regulations are made under section 29 with respect to any matter contained” in these Ordinances. Regulations (GN 5/1970) were made under section 29. Therefore “for the avoidance of doubt” section 9 of the Law Revision (Miscellaneous Provisions) Act No. 47 of 1980, declared that “the Petroleum Regulations 1970 (5/1970) shall not be deemed to have had the effect” of repealing any of these Ordinances.

N.B. With respect to the above see LN 185/1998.

CHAPTER 62:01

PETROLEUM ACT

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CHAPTER 62:01

PETROLEUM ACT

46 of 1969. **An Act to consolidate and amend the law relating to petroleum so as to make better provision for the exploration for, and the development and production of, petroleum, and for matters consequential or incidental thereto.**

Commencement. [30TH DECEMBER 1969]
177/1969.

Short title. **1.** This Act may be cited as the Petroleum Act.

PRELIMINARY

Interpretation. **2.** (1) In this Act—
[29 of 1988
8 of 1996].

“company” means any body corporate or unincorporated association, including a partnership;

“licence” means a licence to engage in petroleum operations granted in accordance with this Act and of any Regulations;

“licensed area” means, subject to subsection (2), the area (whether a submarine area or on land) that is described by any Exploration Licence or any Exploration and Production Licence;

“licensee” means any person to whom a licence is granted, and includes his agents, representatives and assignees;

“natural gas” means petroleum in the gaseous state;

“non-resident company”, subject to the above definition of “company”, has the meaning assigned to that expression in the Corporation Tax Act;

Ch. 75:02. “Order” means an Order made by the Minister under the authority of this Act or the Regulations;

“petrochemical” means such a chemical compound or a mixture of such compounds manufactured from petroleum or petroleum products as is prescribed by Order made by the Minister;

“petroleum” means any mixture of naturally occurring hydrocarbons and hydrocarbon compounds;

“petroleum operations” means the operations related to the various phases of the petroleum industry, and includes natural gas processing, exploring for, producing, refining, transporting and marketing petroleum or petroleum products or both, and manufacturing and marketing of petrochemicals; but does not include mining operations involving the extraction of petroleum from bituminous shales, tar sands, asphalt or other like deposits;

“petroleum product” means any finished or partly finished product derived from petroleum by any refining process;

“private petroleum rights” means rights to petroleum that are not public petroleum rights;

“public petroleum rights” means rights to petroleum in its natural condition in strata existing in—

- (i) State Lands;
- (ii) submarine areas;

“Regulations” mean Regulations made under this Act;

“Rules” mean Rules made by the Minister under this Act or the Regulations;

“sub-licence” means a sub-licence to engage in specified petroleum operations on land issued in accordance with this Act and the Regulations;

“sub-licensee” means a person to whom a sub-licence is issued;

“submarine area” means land underlying the sea waters surrounding the coast of Trinidad and Tobago below the high water mark of the sea at ordinary spring tides, including the seabed and subsoil situated beneath the territorial waters and the continental shelf of Trinidad and Tobago (“continental shelf” here having the same meaning as in the Continental Shelf Act). Ch. 1:52.

(2) A reference to a licensed area shall be read and construed, where such is the case, so as to refer to such part or parts thereof as remain at the disposal of the licensee from time to time in accordance with the terms of such licence.

(3) In this Act a reference to State Lands shall be read and construed as including a reference to the mineral rights in all lands by whomsoever possessed, the subject of a grant by the State after 30th January 1902.

(4) Any coastal marine swamp lands or marshes shall in no case be deemed to form part of the submarine area; except that where there are such swamp lands or marshes, a line fixed by the Director of Surveys shall be the high water mark line.

Public
petroleum
rights.

3. Public petroleum rights are hereby vested in the State and are exercisable by the President.

Private
petroleum
rights.

4. Private petroleum rights are exercisable by the owner thereof, subject to this Act and any Regulations, or Rules and Orders made under this Act or the Regulations, as relate thereto.

Responsibility
of Minister and
delegation
by him.

5. (1) Subject to this Act, the Minister is charged with the general administration of this Act, and in the exercise of his powers and the performance of his duties he shall conform with any general or special directions given to him by the Cabinet. Any decision made or action taken by the Minister in the exercise of his powers and the performance of his duties in accordance with this Act and the Regulations shall be deemed to be made or taken by the Government and shall be binding thereon.

(2) The Minister may, in relation to any particular matter or class of matters by writing under his hand delegate to any public officer or Agency of the Government any of his powers or functions under this Act, except this power of delegation, so that the delegated powers or functions may be exercised by such officer or Agency with respect to the matters or class of matters specified in the instrument of delegation.

(3) Every delegation under this section shall be revocable at will, but any delegation shall not prevent the exercise of any power or function by the Minister.

(4) Any delegation under this section and any act done in pursuance of a delegation, may be made subject to a power of review and alteration by the Minister, and the decision given upon such review or alteration shall be deemed to be that of the Minister.

PART I

PETROLEUM OPERATIONS

LICENCES

6. (1) Subject to this Act, no person shall engage in petroleum operations on land or in a submarine area, unless he first obtains a licence as provided for in this Act or the Regulations. Licences. [38 of 1974 9 of 1979].

(2) A person who contravenes this section is liable on summary conviction to a fine of thirty thousand dollars and in the case of a continuing offence, to a further fine of one thousand five hundred dollars for every day during which the offence continues.

(3) Notwithstanding anything in this Act or the Regulations or any rule of law to the contrary, instead of granting an Exploration and Production (Public Petroleum Rights) Licence under this Act and the Regulations the Minister may enter into and sign an agreement (in this section referred to as “a production sharing contract”) with any person other than a person referred to in section 13 for the carrying out of petroleum operations relating to the exploration, production and disposition of petroleum in accordance with such agreement, upon such terms and conditions as the Cabinet may approve.

(4) Where a production sharing contract is entered into under subsection (3), so much only of this Act and the Regulations as are not excluded by the contract shall apply to any person carrying on petroleum operations under such contract, and where any provision of this Act or the Regulations is modified by the contract for the purposes of such contract, this Act and the Regulations shall be read and construed accordingly, and where there is any conflict or variance with reference to any matter between the provisions of the contract and this Act or the Regulations, the provisions of the contract shall prevail.

7. (1) Subject to section 10, applications for licences shall be made to the Minister in accordance with the Regulations and notice thereof shall be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago. Applications for licences.

(2) An application for a licence may be made by two or more persons jointly, if the agreement between the parties thereto as to the proposed joint operation is submitted with such application to the Minister.

Objections to licences.

8. (1) Any person may object to the issue of a licence on the ground that it is inconsistent with, or would interfere with, rights held by him under this Act.

(2) All objections shall be lodged with the Minister within thirty days of the publication of the notice referred to in section 7(1).

(3) Objections shall be made in the form prescribed by Order made by the Minister and shall be considered and dealt with by the Minister in accordance with the Regulations.

Grant of licences.

9. (1) Where the Minister, after considering any objections, decides to grant a licence, he shall grant the licence in accordance with this Act and the Regulations and upon such terms and conditions as he considers appropriate.

(2) Upon granting a licence the Minister shall as soon as possible cause notice thereof to be published in the *Gazette*, stating the name of the licensee, the general nature of the licence and the location of the area concerned.

Competitive bidding.
[9 of 1979].

10. The President may determine that the grant of licences respecting any public petroleum rights, or the entry into production sharing contracts within the meaning of section 6, shall be subject to a procedure of competitive bidding in accordance with the Regulations.

Certain conditions to be included in licences.

11. Without prejudice to any other terms and conditions upon which a licence may be granted by the Minister, the financial obligations to which licensees are to be committed by the terms of licences shall include—

- (a) royalties in respect of any petroleum won and saved;

- (b) minimum payment in respect of the exclusive right to explore for and produce petroleum from the licensed area;
- (c) petroleum impost as a levy intended to cover the expenses of the public administration of the petroleum industry;
- (d) the payment of surface rent in respect of the lease of any part of the licensed area which the licensee may require for exclusive occupation;
- (e) the payment, in accordance with any law, of—
 - (i) import duties;
 - (ii) other payments, including income tax, corporation tax, excise duties, charges and fees for services rendered and fees of general application,

as may be appropriate to the licence.

12. (1) Without prejudice to any other conditions upon which a licence may be granted by the Minister, it shall be a condition inserted in each licence for the licensee to furnish to the Minister, at such times and in such manner as the Minister may require, full information concerning his operations. Provision shall also be made for the inspection of the plant, operations, records and accounts of the licensee by persons authorised in that behalf by the Minister.

Conditions as to furnishing returns.

(2) In relation to information to be submitted to the Minister under subsection (1), such information as may be agreed shall be treated as confidential for such period as may be specified in the licence.

13. A licence shall not, either directly or indirectly, be granted to a member of Parliament or to a public officer while holding office, or within three years of such person ceasing to be such member of Parliament or to hold such office.

Special restrictions on grant of licences.

14. The grant of an Exploration Licence confers upon the licensee the non-exclusive right in respect of the licensed area to carry out the operations provided for by the licence.

Exploration Licence confers non-exclusive rights.

Rights under an exploration and production licence.

15. The grant of an Exploration and Production (Public Petroleum Rights) Licence confers upon the licensee the exclusive right in respect of the licensed area to search for, drill and get petroleum therein and to dispose of petroleum so obtained, in accordance with the terms of the licence, but nothing in this section shall be taken to confer ownership of any petroleum in strata or to confer any other rights in land within the licensed area.

Duty of licensee to deliver up facilities upon determination of licence.

16. Within two months after the expiration or sooner determination of any Exploration and Production (Public Petroleum Rights) Licence, as provided for in the Regulations or the surrender of any part of the licensed area, whichever event first occurs, and without payment of any compensation in respect thereof, the licensee shall—

- (a) deliver up to the Minister in good order, repair and condition, and fit for further utilisation (fair wear and tear excepted) all buildings, works, pipelines, other articles used in the licensed area, productive boreholes or wells (unless ordered by the Minister to plug them) together with all casings, engines, tubings and fixtures below surface level;
- (b) fill up or fence all holes and excavations made in the licensed area or the surrendered part thereof to such extent, if any, as the Minister may require; and
- (c) to the like extent restore, so far as may be possible, to their natural and original condition the surface of the licensed area or the surrendered part thereof and all buildings and structures thereon that the licensee may have damaged in the course of prospecting or producing,

and for such purposes the licensee shall have power during that period to enter on such area subject to the rights of the surface owners or other persons.

DEFAULT AND DISPUTES

17. (1) A licence shall contain appropriate sanctions including the revocation of the licence, in case of failure by a licensee to fulfil the obligations undertaken by him.

Failure to fulfil obligations, etc., consequences of.

(2) The cases in which revocation of a licence are to be provided for therein in accordance with subsection (1) may include cases in which—

- (a) there is failure on the part of an Exploration and Production Licensee to fulfil the work obligations concerning commencement of exploration operations and drilling as specified in the Regulations or failure to meet expense obligations within two consecutive three-year periods;
- (b) there is failure on the part of an Exploration and Production Refining, Pipeline, Marketing or Petrochemical Licensee to execute such work obligations as shall have been undertaken by him, under the terms of his licence, within the time limits prescribed therein;
- (c) there is breach of other terms and conditions contained in the licence in a material particular, the Minister being sole judge of such materiality;
- (d) there is failure on the part of the licensee to make the payments stipulated as Minimum Payment, Rent, Royalty, Petroleum Impost or Taxes within three calendar months of the date on which such payments fall due;
- (e) there is failure on the part of the licensee to pay any sum which may have been awarded against him in arbitration proceedings carried out in accordance with this Act within three months of the date fixed in the award, provided that notice shall have been duly given to him of his obligation to make such payment;
- (f) the licensee becomes bankrupt or goes into voluntary or involuntary liquidation; or

(g) there is wilful misrepresentation by a licensee in any material particular in the process of applying for the licence.

(3) In cases falling under subsection (2)(c) the licence may provide that, if in the opinion of the Minister the breach committed is capable of remedy, the Minister shall, in giving notice require the licensee to remedy the breach and pay compensation therefor, within such time as the Minister may specify.

(4) Subject to subsection (5), where a licence is revoked under any provision contained therein, all rights, licences, privileges and powers conferred upon the licensee by that licence, and all grants and leases of State Lands held for the purpose of carrying out petroleum operations under that licence shall determine, if in each case other than that at subsection (2)(f) the Minister has given notice of non-compliance to the licensee reasonably in advance of such revocation specifying the particular ground of the exercise of the right of revocation.

(5) Such determination shall not affect any obligation or liability that may have been incurred by the terms of the licence.

(6) In the case of serious and repeated violations of any of the terms and the conditions of his licence or of any law or directions of the Minister, the President may order such of the operations provided for in the licence as he may think fit to be temporarily discontinued.

(7) For the purposes of this section, the Minister may authorise public officers and other persons to inspect and carry out studies regarding the manner in which operations provided for in any licence are being carried out, and to report to him thereon.

Arbitration in certain cases of revocation of licences.

18. (1) Where in the case of revocation under a provision in the licence made in accordance with section 17(2)(c) or (g) but no other, a licensee is aggrieved by the decision of the Minister to revoke the licence, he may have recourse to arbitration in accordance with this Act.

(2) The licence may provide that in any particular case where it may be revoked and recourse to arbitration is had under subsection (1), revocation of the licence shall be of no effect, unless confirmed by the award of such arbitration, except that where it does not so provide the revocation shall take effect and all petroleum operations authorised by the licence shall cease, subject to the award.

19. (1) Where a licensee fails to fulfil an obligation undertaken by him because of *force majeure*, such failure shall not be treated as a failure to comply with the provisions of the licence, if it is proved to be the necessary consequence of such *force majeure*.

Force majeure —
Effect of.

(2) In this section *force majeure* means any event beyond the licensee's reasonable control and includes war, insurrection, civil commotion, strike, storm, tidal wave, flood, epidemic, explosion, fire, lightning, or earthquake or any written law.

(3) Subject to subsection (4), where failure to fulfil an obligation under a licence is proved to have been the necessary consequence of *force majeure*, the period during which the fulfilment of such obligation is rendered impossible shall be added to the period fixed by the licence for the fulfilment of such obligation.

(4) Nothing in subsection (3) shall apply if the period during which the fulfilment of the obligation is rendered impossible exceeds the period, if any, stipulated in the licence as the period that is to be agreed as reasonable in all the circumstances.

20. (1) Any difference or dispute between licensees or between a licensee and the Minister that under any provision of this Act or the Regulations is required to be settled by arbitration (not being a difference or dispute concerning any matter the settlement of which is by some other provision of this Act or the Regulations otherwise provided for) shall be determined and assessed by arbitration and in no other way.

General
provision as to
arbitration of
differences.

(2) Where a licensee proceeds otherwise than is in this Act provided, the Minister or a licensee may, at any time after

appearance and before delivering any pleadings or taking any other steps in the proceedings, apply to a Judge of the High Court to stay the proceedings, and such Judge shall thereupon stay such proceedings.

(3) Arbitration shall be conducted by two arbitrators, one to be chosen by the Minister and the other by the licensee, save that in case of disagreement, an umpire shall be appointed by the Chief Justice on application to him by either party. In the case of a dispute or difference between licensees, the provisions of this section shall apply *mutatis mutandis*.

Conduct of
arbitration.

Ch. 5:01.

21. Arbitration resorted to as provided for in the preceding section shall be held in Trinidad and Tobago and shall be deemed a submission to arbitration under the provisions of the Arbitration Act.

Cesser of
operations
during
arbitration.

22. (1) Except with the consent of the President the activities which have given rise to arbitration shall be discontinued, until the issue of any award.

(2) If the award recognises that the complaint was justified, provision shall be made therein for any necessary reparation in favour of the complainant.

(3) In section 12 and sections 17 to 20, "obligation" includes undertakings by a licence as to terms, periods, years or the manner or circumstances in which the operations provided for in his licence is to be carried out by him.

NON-RESIDENT COMPANIES

Licensing of
non-resident
companies.

23. (1) Where a non-resident company is an applicant for a licence, it shall be a condition precedent to the grant of such licence and thereafter a condition for its continuance that the company establishes and maintains during the existence of such licence an office, place of business, branch or agency in Trinidad and Tobago for the purpose of conducting such petroleum operations as are authorised by the licence.

(2) The business of a non-resident company to which a licence is granted shall be conducted through its office, place of business, branch or agency which shall be in the charge of an

individual who is resident and ordinarily resident in Trinidad and Tobago and such individual is hereby authorised to accept on behalf of the licensee service of process and any notices required to be served on the licensee under or in accordance with the laws of Trinidad and Tobago. The name and address of such person, shall be communicated in writing to the Minister.

(3) Where such individual is for any reason unable to act as such representative or is absent from Trinidad and Tobago, the licensee shall forthwith appoint another such person as his representative and notify the Minister of his name and address.

24. Any document may be served on such non-resident company either personally upon such individual or by leaving it at or by sending the same by registered post to the address of the office place of business, branch or agency or of the said individual.

Service of documents.

SUB-LICENCES

24A. (1) Subject to subsection (2) a licensee may, with the written approval of the Minister, issue to any person a sub-licence to engage in specified petroleum operations on land within the licensed area of the licensee.

Licensee may issue sub-licence. [29 of 1988].

(2) A sub-licence may not be issued to a person who is a licensee or a person referred to in section 13.

24B. Application for the approval of the Minister shall be made in the prescribed form by the licensee to the Minister and shall be accompanied by such fee as may be prescribed.

Application for Minister's approval to issue sub-licence. [29 of 1988].

24C. The issue of a sub-licence in no way relieves the licensee from the obligations and duties imposed on him by this Act or the Regulations or the Petroleum Taxes Act or the Petroleum Production Levy and Subsidy Act save that—

Effect of sub-licence. [29 of 1988]. Ch. 75:04. Ch. 62:02.

(a) royalty;

(b) petroleum impost;

(c) taxes as imposed under the Petroleum Taxes Act,

are required to be paid by the sub-licensee in respect of crude oil and natural gas produced from the petroleum operations to which the sub-licence relates.

Penalties.
[29 of 1988].

24D. A sub-licensee who fails to meet the requirements of this Act or the Petroleum Taxes Act or who fails to comply with any condition of his sub-licence is liable to the same sanctions and penalties as is a licensee.

PART II

ANCILLARY RIGHTS

Licensee to
negotiate for
ancillary rights.

25. Where a licence is granted and ancillary rights are required by the licensee, he shall, in accordance with any other written law relating to landholding, negotiate with—

- (a) in the case of State Lands [other than State Lands that consist only of mineral rights in lands referred to in section 2(3)], the Minister who is hereby authorised to act on behalf of the President for such purpose;
- (b) in any other case, the person entitled to grant the rights for a grant of such rights.

Power to grant
ancillary rights.

26. (1) Where any facility, right, or privilege is required in order that petroleum operations may be properly and conveniently carried out by a licensee, and the proper and efficient carrying out of petroleum operations is unduly hampered by the inability or failure of the licensee to obtain such right, facility, or privilege (in this Part referred to as an ancillary right), such ancillary right may, in the manner and subject to the provisions hereinafter appearing, be conferred on the licensee who is working or desirous of working them either by himself or through his lessees or assignees.

(2) In particular, but without prejudice to the generality of the foregoing provision, such ancillary rights include—

- (a) a right to cut timber, rights of way and other easements including a right to get gravel, sand, limestone and other building materials;
- (b) a right to use and occupy the surface for exploration, drilling, erecting, installations and constructing buildings for the purpose of petroleum operations, including dwellings for

- persons employed in connection with the working of petroleum or with any such works as aforesaid;
- (c) a right to obtain a supply of water or other substances in connection with the working of petroleum;
 - (d) a right to dispose of water or other liquid matter obtained from petroleum operations or any by-product works,

as well as all such ancillary rights in any State Land or land in respect of which there are public petroleum rights by virtue of section 2 (3).

(3) Without prejudice to the generality of subsection (2), the ancillary rights therein mentioned shall include a right to enter upon land and to sink boreholes therein for the purpose of searching for and getting petroleum, and a right to use and occupy land for the erection of such buildings, the laying and maintenance of such pipes, and the construction of such other works as may be required for the purpose of searching and boring for and getting, carrying away and processing petroleum; save that, where a right to lay and maintain pipes under a highway is granted by virtue of this subsection, paragraphs 10 to 16 and paragraph 21 of the Third Schedule, and paragraph 20 of the Fourth Schedule, of the Water and Sewerage Act, shall be deemed to be incorporated in the Order granting the right, subject to any modifications or adaptations specified in the Order.

Ch. 54:40.

27. (1) No ancillary right shall be granted or acquired by a compulsory purchase Order under this Act unless it is shown that it is not reasonably practicable to obtain the right in question by private arrangement for any of the following reasons:

Limitation on power of granting rights.

- (a) that the persons with power to grant the right are numerous or have conflicting interests;
- (b) that the persons with power to grant the right, or any of them cannot be ascertained or cannot be found;
- (c) that the persons from whom the right must be obtained, or any of them, have not the necessary

powers of disposition, whether by reason of defect in title, legal disability or otherwise;

- (d) that the person with power to grant the right unreasonably refuses to grant it or demands terms which, having regard to the circumstances, are unreasonable.

(2) For the purposes of this Part, a person whose concurrence is necessary for the exercise of an ancillary right shall be deemed to be a person having power to grant the right or a person from whom the right must be obtained, as the case may be.

Applications
for rights.

28. (1) A licensee who is desirous of carrying out petroleum operations, and who considers that the circumstances are such that an ancillary right can be granted under this Part, may deliver to the Minister an application for the grant of such a right.

(2) A licensee who, for the purpose of or in connection with the better carrying out of petroleum operations already carried on by him, is desirous of obtaining an ancillary right, and who considers that the circumstances are such that such an ancillary right can be granted under this Part, may deliver to the Minister an application for the grant of such a right.

(3) An application under this section shall set forth the circumstances alleged to justify the grant of the right, and shall be in such form, and accompanied by such information verified in such manner, as the Minister may direct.

(4) When the application relates to a right to obtain a supply of water, or a right to dispose of water or other liquid matter, or any other right which appears to the Minister to affect the Water and Sewerage Authority, the Minister shall send a copy thereof to the Water and Sewerage Authority in order to enable them to take such steps as they think fit for placing their views before the Minister.

(5) The Minister shall consider the application and, if satisfied that the requirements of this Part are complied with in the case of the applicant and that it is expedient in the public interest

that the right applied for should be granted to him, may, by means of a compulsory purchase Order, grant the right on such terms and subject to such conditions and for such period as the Minister may think fit; and, upon such an Order being made, the right specified in the Order shall, subject to the provisions hereinafter contained, vest in the applicant.

(6) The provisions of the Second Schedule to the Water and Sewerage Act, with such modifications and adaptations as are necessary or expedient, shall have effect with respect to compulsory purchase Orders made under this section. Ch. 54:40.

(7) For the purposes of this Part the acquisition of ancillary rights is hereby declared to be a public purpose.

PART III

MISCELLANEOUS AND GENERAL

29. (1) The President may make any such Regulations as he considers necessary or expedient for carrying out the purposes of this Act, and in particular— Regulations. [79 of 2000].

- (a) for determining the types of licences and the procedure for issuing those licences;
- (b) for fixing the fees chargeable in respect of licences and the amount to be deposited by the licensee as a guarantee of due performance;
- (c) for laying down the conditions to be observed by licensees;
- (d) for regulating the assignment or transfer of licences;
- (e) for licensing the transport, discharging and landing of petroleum and petroleum products by aircraft, vessels, other vehicles and pipelines;
- (f) for regulating and licensing the construction and operation of warehouses and tanks for the storage of petroleum and petroleum products;
- (g) for prescribing the manner in which tests and measurements may be applied to petroleum and petroleum products for any purposes;

- (h) for ordering safety measures to be adopted, including measures for the prevention and extinction of fires, avoidance of accidents, and protection of premises adjacent to the sites of authorised operations;
- (i) for fixing petroleum conservation rules;
- (j) for the prevention of pollution of land, water or air and for compensation therefor;
- (k) for prescribing standards with respect to the erection of installations required for the purpose of carrying out petroleum operations;
- (l) for determining the manner in which inspection on behalf of the Government shall be made of petroleum operations;
- (m) for ensuring that a Register of all licences issued and any orders, judgments or awards relating thereto, is maintained in the appropriate Department or Departments;
- (n) for fixing the royalty, minimum payment, surface rents and petroleum impost;
- (na) for regulating the conditions to be observed by contractors and agents of licensees;
- (o) for the making of Rules and Orders by the Minister respecting matters not otherwise provided for by this Act or the Regulations; and
- (p) for prescribing anything by this Act required to be prescribed (other than things required to be prescribed by the Minister).

(2) Regulations may provide for the grant of licences to persons for engaging in one or more of the petroleum operations either as general contractors or as agents. Such licences shall contain such terms and conditions as the Minister shall consider appropriate in each case, including the licensee's financial, technical, working and general obligations, the manner in which such obligations are to be carried out and the supervision and

control thereof by the Minister, the description and the extent of the area of operations, and the period for which the licence is granted.

(3) The rights and duties pertaining to each kind of petroleum operation shall be determined by Regulations and each licence shall specify such particular rights, in conformity with this Act and the Regulations, as relate to that licence.

(4) Regulations may be made so as to determine the procedure whereby the several items mentioned in section 16(a) shall, at the time of the termination or expiry of a licence, revert gratuitously to the State.

(5) Regulations may provide for the safety and health of persons engaged on installations concerned with petroleum operations in submarine areas and in particular may provide for—

- (a) the registration and certification of such installations;
- (b) the imposition of duties on owners and licensees to ensure *inter alia* that there is in respect of such installations—
 - (i) a valid certificate of insurance;
 - (ii) a duly appointed master;
 - (iii) equipment prescribed by such Regulations.

(6) Regulations made by the President under this section shall be subject to negative resolution of Parliament.

(7) Such Regulations may contain provisions for imposing on any person contravening the Regulations or the Rules made thereunder, a fine recoverable on summary conviction of fifteen thousand dollars in respect of each offence and, in the case of a continuing offence, a further fine of three hundred dollars for each day during which the offence continues after conviction therefor.

30. The Minister may make Orders for the purpose of prescribing anything by this Act required to be prescribed by Order made by the Minister.

Power of
Minister to
make Orders.

Power of
Minister to
fix prices
of petroleum
products.
[16 of 1974
34 of 1975].

31. (1) The Minister, after consultation with the Minister of Finance, is hereby authorised and required by Order to fix the prices or the basis for determining the price at which petroleum products may be disposed of or are to be deemed to have been disposed of by the refining business of any person to the marketing business of such person or any other person for disposal and use in Trinidad and Tobago.

(2) The disposal shall be deemed to have taken place even though the same person carries on both the refining business and the marketing business.

(3) In addition to the duty imposed on the Minister by subsection (1), the Minister may by Order fix the price or the basis for determining the price at which petroleum products may be sold by a person carrying on marketing business or by a marketing licensee or by any other person carrying on a business of dealing in petroleum products for use in Trinidad and Tobago.

(4) An Order made under this section may be expressed to relate to a particular person or to a particular class or classes of persons, whether by way of the exclusion of any transactions of that person or between any class or classes of persons therefrom, or otherwise.

(5) Where an Order is made relating to the sale of petroleum products to any person for use as bunkers for fishing or shrimping trawlers, every such sale shall, for the purposes of this Act and the Petroleum Production Levy and Subsidy Act, be deemed to have been a disposal for use in Trinidad and Tobago.

(6) In this section—

“marketing business” means the business of dealing in petroleum products by way of the purchase thereof from a refining business for sale and use in Trinidad and Tobago;

“marketing licensee” means a person to whom a marketing licence, within the meaning of regulation 3(1)(h)(iii) of the Petroleum Regulations, is issued under and in accordance with this Act and those Regulations;

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Sub. Leg.

“refining business” means the manufacture from petroleum of finished and partly finished petroleum products by a refining process and the disposal of such products from the refinery.

31A. (1) The Minister, after consultation with the Minister of Finance, may by Order, fix the price at which compressed natural gas may be sold by a Compressed Natural Gas Marketing Licensee. Power of the Minister to fix price of C.N.G. [34 of 1995].

(2) In this section, “Compressed Natural Gas Marketing Licensee” means a person to whom a Compressed Natural Gas Licence is issued under regulation 3(1)(j)(ii) of the Petroleum Regulations.

32. A person who contravenes any of the provisions of this Act, except where the provision by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine of fifteen thousand dollars and, in the case of a continuing offence, to a further fine of three hundred dollars for each day during which the offence continues after conviction. Offence and penalties.

33. (1) Except as may be otherwise provided for by the licence, any permission, consent or authority granted under this Act and the Regulations or any Rules or Orders made thereunder— Other powers.

- (a) may be either general or specific;
- (b) may be revoked or varied by the Minister;
- (c) may be absolute or conditional;
- (d) may be limited so as to expire on a specified date, unless renewed; and
- (e) shall, except as otherwise provided in this Act or the Regulations, be published in such a way as in the opinion of the Minister to give any person entitled to the benefit of it an adequate opportunity of getting to know of it, unless in his opinion publication is not necessary for that purpose.

(2) Any specific directions given under any provision of this Act or the Regulations, or any Rules or Orders made thereunder, shall be given to such persons and in such manner as the Minister

thinks appropriate, and where so given shall be valid for all purposes, and any directions—

- (a) may be either general or specific;
- (b) may be revoked or varied by subsequent directions.

(3) Notwithstanding anything contained in subsection (2), a person shall not by virtue of any direction given by the Minister under this Act (not being a direction published by Order or Notice in the *Gazette*) be convicted of an offence against this Act or the Regulations unless the direction was served on him or he knew, or avoided getting to know, of the giving thereof, except that where reasonable steps were taken for the purpose of bringing the purport of the direction to his notice, it shall be for him to show that he neither knew nor avoided getting to know of the giving thereof.

(4) Any document stating that any permission, consent, authority or direction is given under any of the provisions of this Act or the Regulations by the Minister, and purporting to be signed by him or, where section 5(2) applies, by his delegate, shall be evidence of the facts stated in the document.

Financial provisions.

34. Any expense incurred under or by virtue of this Act by the Minister or any Government department shall be a charge on the Consolidated Fund and any sums received under or by virtue of this Act by the Minister or any Government department including the petroleum impost levied under the Regulations shall be paid into the Exchequer Account and shall form part of the Consolidated Fund.

Restriction on disclosure on information.

35. (1) No person who obtains information by virtue of the provisions of this Act shall disclose that information otherwise than in the discharge of his functions under this Act or for the purposes of any criminal proceedings.

(2) Any person who contravenes this section is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for one year.

36. In the event of a war or emergency involving Trinidad and Tobago (of the existence of which the President shall be the sole judge)—

Special provisions for emergencies.

- (a) the President shall have the right of pre-emption of all petroleum, petroleum products and petrochemicals produced under the licence and shall have the right to require the licensee to manufacture petroleum products and petrochemicals, for the duration of the decreed emergency;
- (b) the licensee shall use his utmost endeavour to increase the supply of petroleum, petroleum products and petrochemicals for the Government to the extent required by the President;
- (c) the licensee shall with every reasonable expedition convey the petroleum, petroleum products or petrochemicals purchased by the President under this section to such point of shipment or place of storage in Trinidad and Tobago as the President shall determine;
- (d) the price to be paid by the President for the petroleum, petroleum products or petrochemicals taken as provided for in this section shall be the fair market price at the time and at the point of delivery;
- (e) the President shall be at liberty to take control of the works, plants and premises of the licensee, who shall conform to and obey all directions issued by or on behalf of the President; provided that compensation shall be paid to the licensee for any loss or damage sustained by him by reason of the exercise of the powers conferred by this subsection, the amount of such compensation to be fixed by agreement between the parties, or failing agreement by arbitration as is provided for herein.

37. This Act binds the State.

Act binds the State.

TRANSITIONAL PROVISIONS

Licences of
existing
petroleum
licensees.
[4 of 1970
14 of 1990].

38. (1) Where at the commencement of this Act a person is carrying on petroleum operations —

- (a) under or by virtue of a licence, grant or lease to carry on such petroleum operations; or
- (b) in respect of which he was not required by any law to be licensed or to hold a grant or lease to do so, but in respect of which a licence is required under this Act or the Regulations,

such person shall be deemed to be a licensee in respect of such petroleum operations for the purposes of this Act, until he is licensed as such under this Act or the Regulations.

(2) Upon an application made by a person referred to in subsection (1), the Minister shall issue a licence to carry on petroleum operations under this Act, upon terms and conditions appropriate to and as reasonably close as possible to those contained in the licence, grant or lease, if any, under or by virtue of which he previously carried on or was entitled to carry on the petroleum operations, or appropriate to and as reasonably close as possible to those terms and conditions applicable to the circumstances referred to in subsection (1)(b), respectively.

(3) All existing grants or leases held for the purpose of carrying out petroleum operations by a person to whom a licence is issued under subsection (2) shall be deemed to have been granted or made for the purposes of this Act and shall continue to have full force and effect until lawfully determined.

(4) Where ancillary rights are held under licence that by virtue of subsection (1) ceases to have effect by reason of the issue of a licence under subsection (2), but for no other reason, such rights shall be deemed to have been granted by the Minister under section 25(a) or, in the cases referred to in section 25(b), by the person entitled to grant the rights or the Minister in accordance with the other provisions of Part II, as the case may be, without any charge or fee.

***39.** Notwithstanding the repeal by this Act of the Pipelines Ordinance, the Oil and Water Board Ordinance and the Oilfields Fires Control Ordinance, the provisions of these enactments shall continue to operate in relation to petroleum until repealed by Regulations made under section 29.

Savings.
[45 of 1979].
Ch. 26 No. 9.
(1950 Ed.).
Ch. 26 No. 6.
(1950 Ed.).
Ch. 26 No. 8.
(1950 Ed.)

* Note—Section 38(2) of Act No. 46 of 1969 provided that the Pipelines Ordinance (Ch. 26 No. 9), the Oil and Water Board Ordinance (Ch. 26 No.6) and the Oilfields Fires Control Ordinance (Ch. 26 No. 8) (despite the repeal of these Ordinances in the Schedule to the said Act No. 46 of 1969) shall continue to operate in relation to petroleum operations until Regulations are made under section 29 of Act No. 46 of 1969.

In fact Regulations were made subsequently (GN 5/1970) and as this seemed to have had the effect of repealing these Ordinances (once and for all)—which was not intended—Act No. 45 of 1979 preserved these Ordinances and made provision for them to be expressly repealed. Section 9 of Act 47 of 1980 is in essence *ex abundanti cautela*.

N.B. See LN 185/1998 with respect to the above.

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[100/1974
113/1974
46/1981
6 of 1989
137/1989
190/1989
81/1994
264/1998
129/2001].

1. These Regulations may be cited as the Petroleum Regulations. Citation.

2. In these Regulations—

Interpretation.
[100/1974].

“barrel” means a unit of volume equal to forty-two United States gallons;

“bunkering” means the supply of petroleum products for use as fuel by a ship or aircraft;

“crude oil” means petroleum in the liquid state;

“effective date” means the date on which a licence comes into force;

“peddling”, or “peddling operations” means small wholesale transactions of less than 600 Imperial gallons of refined petroleum products other than gasoline;

“well” means any borehole drilled or sunk for any purpose and all works connected with, adjacent to, and belonging to the borehole.

LICENCES FOR PETROLEUM OPERATIONS

3. (1) Subject to subregulation (2), the licences that may be issued to persons to engage in petroleum operations shall be—

Licences for petroleum operations.
[100/1974
81/1994].

(a) an Exploration Licence;

(b) an Exploration and Production (Public Petroleum Rights) Licence;

(c) an Exploration and Production (Private Petroleum Rights) Licence;

(d) a Refining Licence;

(e) a Liquefaction of Natural Gas Licence;

(f) a Pipeline Licence;

(g) Transportation (other than by pipeline) Licence;

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- (h) a Marketing Licence, in respect of any one of the following operations, that is to say:
 - (i) wholesale;
 - (ii) peddling;
 - (iii) retail transactions at petrol filling stations; or
 - (iv) bunkering (including the supply of petroleum products to a marketing licensee's own ship or aircraft);
- (i) a Petrochemical Licence;
- (j) a Compressed Natural Gas Licence in respect of any one of the following:
 - (i) service;
 - (ii) marketing; or
 - (iii) consumer refuelling.

(2) A person who desires to operate as a contractor or agent of a licensee for the purpose of carrying out activities prescribed by Order made by the Minister directly connected with petroleum operations carried out by such licensee, shall himself obtain a licence for such purpose.

Orders as to competitive bidding.

4. (1) Where the President has under section 10 of the Act determined that an area shall be subject to competitive bidding, the Minister shall make an Order to that effect and such Order shall be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago.

(2) The Order shall, in respect of each area declared by the President to be open for competitive bidding, specify the geographical description, the period during which the bids may be presented and any other conditions and details which the Minister may consider proper for the purpose.

(3) The Minister may, at his discretion, make a charge for any relevant information supplied by him.

Procedure on competitive bidding.

5. (1) A person wishing to participate in bidding shall submit his proposals to the Minister in the form and within the period provided for by the Order.

(2) The Minister after examining the proposals received shall, after consulting with the Minister of Finance, select therefrom the proposals he considers to be in conformity with the interests of the country having due regard to all relevant factors, save that the Minister may where he thinks fit reject all proposals.

FORM OF APPLICATION FOR LICENCES

6. Every application for a licence shall be made in writing addressed to the Minister, and shall contain the following particulars:

Form and contents of application for licences.

- (a) the name, nationality, place of business and nature of business of the applicant and, if the place of business is outside Trinidad and Tobago, the name, nationality and residence of a duly authorised agent in Trinidad and Tobago;
- (b) type of licence for which application is made;
- (c) in relation to applications for a Refining Licence, the project of all the refining installations proposed with all necessary supporting plans and exhibits, including a site plan in respect of the refining and auxiliary installations, together with evidence that such planning permission as may be necessary under the Town and Country Planning Act has been granted;
- (d) in relation to—
 - (i) the construction of new retail marketing stations; or
 - (ii) any substantial modifications to an existing station,

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that prior permission has been obtained from the appropriate authorities and submitted to the Minister, ensuring compliance with all the statutory provisions in respect of traffic, town and country planning, public health and other relevant written laws;

- (e) where applicable, a description of the site or project, as the case may be, illustrated by a plan or map to be prepared to such scale as the Minister may require, of the situation, boundaries and area of the parcels of land with respect to which the application is submitted and in the case of any land referred to in section 2(3) of the Act such other particulars as may be required in order to identify them;
- (f) where applicable, a description of the operation intended to be carried out including the methods to be used, the capacity of the plant and nature of products produced, and a copy of the relevant feasibility study and a statement indicating the source or sources from which the petroleum or products, or both, will be obtained and analyses of these substances;
- (g) a statement of the capital investment involved and evidence, in such detail as the Minister may require, as to the applicant's financial and technical competence for undertaking the operation applied for, and his ability to obtain the requisite personnel and equipment;
- (h) in relation to applications for a licence under regulation 3(1)(h)(iii), any relevant agreement between the applicant and the Marketing Licensee for wholesale operations;
- (i) in relation to applications for a Pipeline Licence for the installation and operation of a new trunk pipeline, the route, the length, the diameter and other particulars (to be shown on a map) of the proposed pipeline, its boundary lines, the names of the owners of the land over which it would pass, the location of pumping and terminal stations and their capacities, the estimated cost

of construction and such other information as may be necessary in order to make clear the purpose and the nature and specifications of the pipeline.

7. If before the application is granted or refused, a change occurs in respect of any of the particulars contained in the application, such change shall forthwith be brought to the notice of the Minister by the applicant.

Notice of change of particulars in application.

8. An application for an Exploration and Production (Private Petroleum Rights) Licence shall contain the registered numbers of the documents evidencing title to the Private Petroleum Rights concerned.

Documents as to title required for certain licences.

9. Except in the case of an application for a licence in accordance with section 38 of the Act, and any application for the renewal of any licence there shall be sent with each application a fee of five hundred dollars. If the application is refused, the Minister shall refund to the applicant one-half of the fees thus paid.

Fee on application. [6 of 1989].

10. (1) The holder of an Exploration and Production Licence or a Refining Licence is required to apply for a Pipeline Licence only if the pipeline which he proposes to lay extends beyond the area covered by his licence.

Pipeline Licence.

(2) Where any length of a pipeline is to be laid along or across a road, waterway or railway, or upon or under the surface of the sea or in the vicinity of a harbour, the Minister shall consult with the appropriate Government Ministry or Department or Statutory Authority with a view to ensuring that the road, waterway, railway, sea or harbour is not thereby rendered unsafe, contaminated or polluted.

(3) Where, in the case of an application for a licence under regulation 3(1)(h)(iii), the Minister or any other Government Ministry or Department or a Statutory Authority has objection to a proposed station site forming the subject of the application, the Minister shall reject it.

Limitations as to size and position of areas.

11. In relation to Exploration and Production (Public Petroleum Rights) Licences, except where special exemption is granted by the Minister—

- (a) no application shall be considered in respect of an area less than five hundred acres in extent;
- (b) in no case shall an area in excess of five blocks of eighty-five thousand acres each be granted under one licence;
- (c) every grant of such licence shall be in respect of contiguous blocks.

PIPELINES

Permission to survey for laying pipelines.

12. Any person desiring to construct a pipeline for the purpose of conveying petroleum or petroleum products or other substances prescribed by Order shall apply to the Minister for permission to carry out a topographical or other survey with a view to selecting the route of the proposed pipeline.

DURATION

Term of certain licences. [190/1989].

13. (1) The term for which an Exploration Licence shall be granted shall not exceed three years, but may be renewed from time to time for any one period not exceeding three years at the discretion of the Minister as to the whole or part of the area included in the licence.

(2) The term for which an Exploration and Production (Private Petroleum Rights) Licence may be granted shall be twenty years, subject to renewals for successive periods of twenty years.

(3) The initial term for which an Exploration and Production (Public Petroleum Rights) Licence is granted shall be six years.

(4) The Minister, on being satisfied that continued exploration will enhance the identification and evaluation of the country's petroleum reserves and on considering it to be in the public interest may extend the initial term granted under subregulation (3) for such period as he considers necessary.

(5) The licence may be renewed for a term which, in the discretion of the Minister, may not exceed twenty-five years in the light of the circumstances then prevailing, as to a part of the original area as hereinafter provided on application by the licensee not less than one hundred and eighty days before the expiry of the term referred to in subregulation (3) or (4) as the case may be.

(6) Subject to regulation 87, during the first three years of the six-year period referred to in regulation 13(3), exploration operations shall not be suspended for any reason except *force majeure* as defined in section 19 of the Act.

14. (1) Where a licensee notifies the Minister at least two years before the end of the term provided under regulation 13(5), of his desire further to renew the licence, it shall be extended for five years in accordance with the terms which shall be laid down by the President, in the light of the circumstances then prevailing.

Further renewals.
[190/1989].

(2) The Minister may grant further five-year extensions from the end of each renewal period in the same manner as has been laid down in subregulation (1).

15. (1) In the case of licences granted for refining, pipeline or petrochemical operations, the original period shall be twenty years, but such period shall be renewed, at the licensee's request, for successive periods each not exceeding ten years.

Special cases of renewals.
[100/1974
264/1998
129/2001].

(2) In the case of marketing licences granted in respect of wholesale transactions, the original period shall be ten years in the case of peddling and retail transactions one year, and in the case of bunkering ten years. The licences shall be renewed for successive periods each of ten years, one year and ten years, respectively.

(3) Notwithstanding regulations 13 and 14, in the case of an Exploration and Production (Public Petroleum Rights) Licence granted in respect of exploration and production operations —

- (a) where, before the expiration of the original period, the licensee notifies the Minister of his intention to continue to undertake offshore petroleum

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operations, such period shall be renewed at the licensee's request—

- (i) for a period of twenty-five years, from the date on which the request is made to the Minister; and
 - (ii) for a successive period not exceeding ten years at the discretion of the Minister;
- (b) the renewal period of twenty-five years shall be counted from the day after the expiration of the original period.

Conditions of renewal. [129/2001].

16. For the purpose of regulation 15, all renewals therein provided for shall notwithstanding regulation 17 (1) be upon such terms and conditions as may be agreed at the time of the renewal.

Duty to reduce by half the extent of licensed areas after six years. [190/1989].

17. (1) Subject to regulation 18, in the case of an Exploration and Production (Public Petroleum Rights) Licence, the licensed area shall be reduced to fifty per cent, not later than the end of the sixth year from the effective date, in accordance with this regulation and the part of the original area not surrendered may be further reduced in the manner specified in the licence.

(2) Unless the licence is earlier surrendered, the licensee shall furnish the Minister with a description of the boundaries of the part to be surrendered not less than three months in advance of the due date of the surrender provided for in subregulation (1).

(3) The area to be surrendered shall consist as far as practicable of rectangular blocks bounded by lines running either due North and South or due East and West in a manner to be specified in the licence.

(4) Subregulation (3) shall apply where a licensee voluntarily surrenders a part of the area of his operation in the exercise of his rights of partial determination of his licence.

Saving as to surrender provisions.

18. (1) The Minister may, where he considers it to be in the public interest, allow the surrender of a lesser portion of the original area than the area specified in regulation 17.

(2) Where the original area does not exceed five thousand acres, no reduction of the area shall take place.

APPLICATIONS FOR LICENSES, ETC.

19. On receipt of an application for a licence in respect of any petroleum operation, the Minister shall cause notice of such application when published in the *Gazette* to be sent to the District Revenue Officer of such Ward or Wards to which the application relates. The notice shall be exhibited for three weeks in a conspicuous place at the office of the District Revenue Officer.

Publication of application.

20. (1) The Minister shall cause a petroleum register to be instituted and maintained in the Ministry for the registration of all applications for, and the grant, assignment, renewal, surrender, termination and revocation of licences and other particulars relating thereto.

Petroleum register.

(2) The petroleum register shall contain a record of any Court decisions, arbitration awards, deeds or instruments of any kind relating to petroleum rights.

21. The Minister shall as soon as possible after the grant, assignment, renewal, surrender, termination, or revocation of any licence cause to be published notice of the fact in the *Gazette* stating the name of the holder of the licence, or of the assignee, and location of the area.

Notification of grant, renewal, surrender, etc., of licences.

GRANT AND FORM OF LICENCES

22. (1) Subject to subregulations (2) and (3), upon the issue or renewal of any licence [other than a licence under regulation 3(1)(g)] a fee of four thousand dollars shall be payable, except that in the case of an application for a licence in accordance with section 38 of the Act, no fee shall be payable.

Fees. [6 of 1989].

(2) In the case of a licence under regulation 3(1)(h)(iii) the fee shall be based on the annual total sales of all grades of gasoline for the immediately preceding year and shall be as follows:

- (a) for sales in excess of 1,000,000 litres ...\$400.00
- (b) for sales between 500,000 and 1,000,000 litres ... \$200.00
- (c) for sales less than 500,000 litres ... \$100.00

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(3) In the case of a marketing licence for peddling operations, the fee shall be fifty dollars.

Terms of
licences.
[100/1974
113/1974
Ch. 3:03, s. 21].

23. (1) Each licence shall contain such terms and conditions as the Minister may, subject to the provisions of the Act and these Regulations, consider necessary.

232/1973.

(2) There shall be deemed to be incorporated in every marketing licence issued under regulation 3(1)(h)(iv) a provision that requires the Minister to revoke the licence on conviction of the licensee for a contravention of regulation 3 of the Aviation Fuel (Sale) Regulations.

(3) Where a company is convicted of an offence under regulation 3 of the Aviation Fuel (Sale) Regulations, nothing in subregulation (2) shall apply if it is shown to the satisfaction of the Minister that the offence was committed without the consent or connivance of the Directors, or General Manager, Secretary or any other employee of the company and that they exercised all such diligence to prevent the commission of the offence as they ought to have exercised having regard to the nature of their functions in that capacity and to all the circumstances.

(4) There shall be deemed to be incorporated in every licence issued to a person under regulation 3(1)(d) and (h)(iii) the following provisions as to the conduct of his business:

- (a) in the case of a refining licence, that the refining licensee shall dispose of petroleum products for disposal and use in Trinidad and Tobago only to a marketing licensee [not being a person to whom a licence is issued under regulation 3(1)(h)(ii) or (iii)];
- (b) in the case of a marketing licence issued under regulation 3(1)(h)(iii), that the marketing licensee shall dispose of petroleum products only for use in Trinidad and Tobago and in accordance with any Orders made by the Minister under section 31(3) of the Act.

24. If a licence is not executed within one hundred and eighty days of the approval of the application, the right of the applicant to such licence shall be deemed to have lapsed, unless the delay is not due to the fault of the applicant.

Time limit for issue of licences.

25. Unless the President otherwise determines, where petroleum rights which form the subject of an application are private petroleum rights, the Minister shall, subject to any other written law, issue an Exploration and Production (Private Petroleum Rights) Licence.

Issue of licences in private petroleum rights.

26. (1) A pipeline constructed in exercise of rights granted under an Exploration and Production or a Refining Licence that extends beyond the licensed area, or any pipeline constructed outside the area provided for by an Exploration and Production or a Refining Licence may, in the discretion of the Minister, be declared a common carrier pipeline.

Common carrier pipelines.

(2) In the case of pipelines declared to be common carriers, the Minister shall by Order provide for the manner in which, and the terms and conditions subject to which, such pipelines may be utilised for the conveyance of suitable substances by the general public.

27. (1) Where a pipeline, not being one declared a common carrier pipeline, has surplus capacity available and a licensee other than the owner thereof desires to utilise such surplus capacity, the owner shall enter into negotiations with such licensee with a view to permitting such utilisation upon terms and conditions agreed upon.

Joint use of certain pipelines.

(2) In the absence of agreement, the matter shall be referred to the Minister. If the Minister is satisfied that the pipeline can, without prejudicing its proper and efficient operation for the purposes of meeting the owner's requirements for which the pipeline was designed, transport the requirements of the other licensee, then the Minister shall determine by Order the terms and conditions under which such other licensee may utilise the pipeline.

ASSIGNMENT

Provisions as to assignments.

28. (1) Unless the licence otherwise provides, an assignment or transfer to another person of the rights acquired and the obligations undertaken shall not be valid without the previous consent in writing of the Minister, and any assignment or transfer made without such previous consent shall be null and void and may result in forfeiture of the licence.

(2) An application by a licensee for consent to assign or transfer shall be made in writing to the Minister and shall be accompanied by a fee of one hundred dollars. The applicant shall furnish together with the application the same information in respect of the proposed assignee as is required to be furnished in the case of applications for a licence.

Additional provisions as to assignments.

29. (1) Where a licensee applies for the Minister's consent to the assignment of a licence to a non-resident company the Minister shall make it a condition that the said company shall observe these Regulations concerning the establishment of a branch or agency in Trinidad and Tobago.

(2) The Minister may in his discretion approve or refuse the application for assignment or transfer.

(3) The assignment or transfer of a licence shall not in any way absolve the assignor or transferor from the obligations undertaken by him under the licence except to the extent to which such obligations are in fact performed by the assignee or transferee.

OPERATORS RIGHTS

Exclusion of certain areas from exploration.

30. No exploration operations shall be carried out in the areas mentioned below —

- (a) areas in which operations shall be prohibited by the Government for reasons of public interest or security. The Minister shall cause to be published in the *Gazette* from time to time the necessary notice for the identification of such areas;
- (b) areas occupied by towns, buildings, roads, cemeteries and other public purpose installations.

31. There shall be specified in every licence such of the following acts and other things that a licensee may do in connection with the petroleum operations carried on by him in submarine areas or on land that he has acquired within the licensed area, as are appropriate to such licence:

Acts and things which may be done by a licensee.

bore, dig, sink, drive, construct, make, use, maintain, operate and administer all such boreholes, pits, shafts, drifts, levels, excavations, dams, drains, watercourses, plants, tanks, reservoirs and other storage facilities, gas-oil separators, refineries, topping plants, casing head gasoline plants, sulphur plants and other facilities for searching for, producing, refining and otherwise treating crude oil and natural gas, pipelines, pumping stations, power houses, power stations, power lines, telegraph, telephone, radio and other communication facilities, factories, warehouses, offices, houses, buildings, ports, docks, harbours, piers, jetties, dredgers, breakwaters, submarine loading lines, and terminal facilities, vessels, conveyances, railways, tramways, roads, bridges, ferries, airways, airports and other transport facilities, distribution and marketing facilities, garages, hangars, workshops, foundries and repair shops and all ancillary services required for the purposes of or in connection with authorised operations and all such further and other rights and powers as are or may become necessary or reasonably incidental to the carrying out of operations, it being understood that the erection of any railway lines, ports, aviation and telecommunication facilities, and power stations shall require the previous consent in writing of the authorities concerned.

32. Subject to the limitations provided for in the Act and these Regulations, a licensee shall have the right to export all petroleum, petroleum products and petrochemicals won, saved or manufactured from the licensed area and to sell the same, whether in Trinidad and Tobago or abroad.

Right of licensee to petroleum won.

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Use of water on State Land.

33. The licensee may, for the purposes of his operations, appropriate and use free of charge, with the approval of the Water and Sewerage Authority but subject to third party rights, any water which he may find on or within State Lands and submarine areas situated in the area covered by his licence.

Power of licensee to enclose leased land.

34. Where the licensee obtains a lease for the purpose of occupying for his exclusive use parts of the licensed area, parcels of land so acquired may be enclosed with a fence, but nothing in these Regulations shall affect the right of entry by the Minister for any of the purposes of the Act and these Regulations.

Notice as to cutting and felling trees.

35. Before occupying any land as prescribed in the preceding regulation or clearing any land as prescribed in regulation 36, the licensee shall give at least one month's notice to the Commissioner of State Lands. If the latter has a valid objection to the proposed occupation or clearing, such objection shall be notified to the licensee in writing not later than twenty-one days from the date of receipt of the notice. If the licensee disputes the objection, this shall constitute a dispute which shall be referred to arbitration as provided for in the Act.

Cutting or felling timber.

36. Where a licensee exercises any right, power or privilege to clear any State Land by cutting or felling any undergrowth or timber for the purpose of carrying out petroleum operations he shall comply with the State Lands Forest Produce Rules.

1950 Ed. vol. IX p. 851.

Surrender of portion of licensed area for public purposes.

37. The licensee shall, if requested to do so by the Minister, relinquish without compensation any rights he may hold with respect to a part of the surface of the licensed area, not exceeding in the aggregate one-tenth of the licensed area, required reasonably for public purposes, provided that if he proves to the Minister's satisfaction that the relinquishment of such lands would seriously interfere with his actual or proposed operations, the request for relinquishment shall be withdrawn.

Sale or lease of portion of licensed area.

38. (1) Where the Commissioner of State Lands considers it expedient at any time to sell or lease the surface of any portion of

State Lands included in a licensed area, notice in writing of such intention shall be given to the licensee.

(2) Where the licensee considers that his rights under the licence would be prejudicially affected by the proposed sale or lease, he shall so inform the Commissioner, and in the absence of agreement the dispute shall be submitted to arbitration as provided for in the Act.

39. (1) In the case of a licence relating to submarine areas, if the licensee reasonably needs to occupy a parcel of State Lands for the purpose of carrying out his submarine operations, the Minister shall, on receiving an application therefor from the licensee, cause a lease to be granted in consideration of a surface rent.

Land leases to enable conduct of submarine operations.

(2) Where such parcel of land is privately owned and Part II of the Act is applicable the licensee shall take such steps thereunder to secure the grant of the lease.

40. A licensee shall be entitled, subject to the payment of any customary and non-discriminatory dues, charges or fees, to use Government ports, harbours, piers, docks and other facilities, where such utilisation is necessary for the purpose of carrying out his operations.

Use of ports and other facilities.

41. Natural gas produced and utilised by an Exploration and Production (Public Petroleum Rights) Licensee in refining or petrochemical operations, shall be deemed gas sold by the licence for the purpose of royalty assessment at a price which shall be determined in accordance with regulation 69.

Natural gas used in refining by the producer

GENERAL OBLIGATIONS

42. (1) A licensee shall perform such of the general obligations specified in subregulation (2) in his licence.

General obligations of licensees.

(2) A licensee shall—

(a) in land areas, erect forthwith and at his own expense, and at all times maintain in repair visible

- boundary marks and pillars according to the description of the licensed area;
- (b) carry out his operations with due diligence and act in accordance with sound petroleum industry practice in the conduct of all operations and ensure that all installations, apparatus, boreholes and wells are maintained in good condition;
 - (c) ensure that operations do not unreasonably interfere with other activities in the area and, in the case of operations in submarine areas, care shall be taken to avoid pollution of the seas, beaches or tidal rivers to ensure that navigation, agriculture, fishing, authorised scientific researches, and conservation of the living resources of the sea are not unjustifiably hindered, and likewise that no damage is caused to submarine cables and pipelines;
 - (d) maintain appropriate and proper records containing full data of all operations;
 - (e) keep in Trinidad and Tobago correct and intelligible books and accounts in a form from time to time approved by the Minister of—
 - (i) the quantities of petroleum won and saved from the licensed area;
 - (ii) the quantity of petroleum acquired otherwise than in circumstances described in paragraph(e)(i) above;
 - (iii) the disposal of petroleum, including—
 - (A) petroleum used for the purposes of carrying on drilling and production operations and pumping to field storage within the licensed area;
 - (B) petroleum exported with the name and address of the buyer, the quantity supplied to each buyer, the price or other consideration and the destination thereof;

- (C) petroleum delivered to each local refinery and the price therefor;
- (D) petroleum delivered to natural gasoline plants and the products recovered therefrom;
- (E) petroleum otherwise disposed of and the manner of its disposal;
- (iv) the methods and results of tests made on petroleum and petroleum products;
- (v) such other particulars as the Minister may from time to time direct;
- (f) minimise the employment of foreign personnel, ensure that such employees are engaged only in positions for which the operator cannot, after reasonable advertisement in at least one daily newspaper circulating in Trinidad and Tobago, find available nationals of Trinidad and Tobago having the necessary qualifications and experience; determine the rules of employment including salary scales in such manner as to ensure that all employees in the same category enjoy equal conditions irrespective of nationality;
- (g) prepare, in consultation with the Minister, programmes for industrial and technical education and training, including the grant of scholarships, and carry such programmes out diligently with a view to training nationals of Trinidad and Tobago to replace foreign personnel as soon as reasonably practicable and to affording nationals of Trinidad and Tobago every possible opportunity for occupying senior positions in the operations of the licensee;
- (h) exercise all possible care in order to avoid causing any unnecessary damage to the surface of the licensed area or to trees, crops, buildings, structures and property thereon;

- (i) pay reasonable compensation for any loss, damage or injury which may be caused by him, or by his agents or servants, to any other person in respect of such person's rights of any description;
- (j) keep the Minister indemnified at all times against any action, claim or demands of whatever nature which may be brought against the Minister by any third party in relation to any matter arising out of the exercise of the rights granted by the licence;
- (k) comply with all instructions issued from time to time by the Minister that are reasonably necessary for securing the health, safety and welfare of persons employed for the purpose of operations;
- (l) enable authorised representatives of the Minister at all reasonable times to inspect the operations carried out under the licence and to execute any works which the Minister may be entitled to execute in accordance with the provisions of the licence. Such authorised person may make abstracts or copies of any records, maps, accounts and other documents which the licensee is required to keep in accordance with the provisions of his licence. Such inspections shall not be carried out in such manner as unduly to hinder or affect adversely the operations being conducted by the licensee;
- (m) have regard at all times in the conduct of operations to the public interest and to the rights and interests of Trinidad and Tobago.

TECHNICAL OBLIGATIONS

Technical obligations of licensees.

43. A licensee shall observe the following requirements where applicable:

- (a) no geophysical activity, drilling, re-drilling, deepening or plugging of a borehole or well or

- any perforation of the casing shall be commenced unless notice is given to the Minister specifying the location of the survey area, borehole or well and his prior approval obtained;
- (b) no fixed installation such as gathering stations, tanks, steam generating equipment and meters shall be erected unless prior notice thereof is given to the Minister and his approval obtained;
 - (c) the notice specified under paragraphs (a) and (b) shall be given at least twenty-one days before the commencement of such activities. Where no reply to such notice has been given by the Minister during the twenty-one-day period, the application shall be deemed to have been approved;
 - (d) in granting his approval as required by paragraphs (a) and (b), the Minister shall have regard to public and other reasonable requirements arising out of the existence of any street, square, road, beach, pipelines or other right of way, dwelling, industrial plant, public buildings, church or other place of worship;
 - (e) in the case of lands the surface of which is not occupied or which is not required for public purposes all boreholes shall be so drilled as to be substantially vertical; any material deviation from the vertical shall require the prior written approval of the Minister;
 - (f) in the case of lands the surface of which is occupied or required for public purposes, directional drilling from adjoining lands within the licensed area shall be authorised by the Minister on such conditions as he considers appropriate;
 - (g) except with the previous consent in writing of the Minister, no borehole or well shall be drilled so that any part thereof is within a distance of three

- hundred feet from the boundaries of the licensed area on land and six hundred feet from the boundaries of the licensed area in submarine area;
- (h) the licensee shall exert his utmost efforts to develop any discovered fields to the maximum extent consistent with good petroleum industry practice and in particular observe sound technical and engineering principles regulating the conservation of the deposits of hydrocarbons, in preventing damage to adjoining petroleum bearing strata, in controlling the flow, in preventing the escape or waste of petroleum discovered, in preventing the entrance of fluids through wells into petroleum bearing strata except in approved fluid injection operations and in protecting water bearing strata encountered in the course of drilling;
 - (i) all petroleum processing arrangements and contracts shall be reported to the Minister, who may, upon examining such arrangements and contracts and inspecting the related plants and analyses, call upon the licensee to alter any practices which he considers to be contrary to the public interest;
 - (j) all petroleum won and saved from the licensed area shall be measured or weighed by a method or methods customarily used in good oilfield practice and from time to time approved by the Minister;
 - (k) the licensee shall not make any alteration in the method or methods of measurement or weighing used by him or to any appliances used for the purpose without the consent in writing of the Minister, and the Minister may in any case require that no alteration shall be made save in the presence of a person authorised by the Minister;

- (l) the Minister may from time to time direct that any weighing or measuring appliance shall be tested or examined in such manner, upon such occasions or at such intervals and by such persons as may be specified by the Minister's direction and the licensee shall pay to any such person or to the Minister such fees and expenses for the test or examination as the Minister may specify;
- (m) where any measuring or weighing appliance is upon any such test or examination as is mentioned in the last foregoing paragraph, found to be false or unjust, the same shall, if the Minister so determines after considering any representations in writing made by the licensee, be deemed to have existed in that condition during the period since the last occasion upon which the same was tested or examined pursuant to paragraph (l);
- (n) where any mineral not specified in the licence is discovered on or within any of the lands described in the licence, the licensee shall report the same to the Minister without delay;
- (o) representative samples of the seabed, strata, petroleum, water or other minerals encountered in any borehole or well in the licensed area shall be correctly labelled and preserved for reference and testing, and where required by the Minister, representative specimens not exceeding one-half of any such samples shall be delivered to the Minister who may retain any specimen so delivered;
- (p) no borehole or well shall be abandoned and no cemented string or other permanent form of casing shall be withdrawn from any borehole or well which it is proposed to abandon without the prior consent in writing of the Minister;

- (q) before the expiry or determination of a licence, the licensee shall, unless the Minister otherwise determines, plug all wells drilled by him. Such plugging shall be done in accordance with specifications from time to time approved by the Minister;
- (r) the Minister may require in every case where the licensee intends to abandon a borehole or well from which potable water can be produced or which may be used for any public purpose that such borehole or well be transferred in ownership to the Water and Sewerage Authority without the payment of any compensation. The licensee shall be relieved of all liability in respect of such borehole or well and the supply thereof as from the date of such transfer, without prejudice to any rights or obligations which may have arisen before such date;
- (s) the licensee shall take all reasonable precautions and safety measures to prevent the occurrence of blowout and fire, to ensure that water resources are not damaged or contaminated by the escape of petroleum or other material used in the course of operations, to take care that gas is not liberated in such manner as to cause pollution of the surrounding air, and to prevent all waste. Without prejudice to the generality of the foregoing he shall strictly observe such Orders and directions thereon as are promulgated by the Minister from time to time;
- (t) where at any time during the currency of a licence the Minister finds that the strata in the licensed area, in whole or in part, form part of a single reservoir in respect of which other licences are in force, and the Minister considers that it is in the public interest, in order to secure the maximum

ultimate recovery of petroleum and to avoid unnecessary competitive drilling, that the reservoir should be worked as a unit with the co-operation of all concerned, the following shall apply:

- (i) the licensees concerned, who shall be determined by the Minister, shall, upon being so required in writing by the Minister, cooperate in order to prepare a programme for the working of the reservoir as a unit, and shall jointly submit such programme to the Minister for approval;
- (ii) where a programme is not submitted to the Minister within the time which the Minister has fixed, or a programme is submitted to, but is not approved by, the Minister, the Minister shall himself prepare a programme and shall communicate it to the licensees to be put into effect;
- (iii) where one or more of the licensees object to the programme prepared by the Minister, he or they may, within twenty-eight days of receipt of the programme, submit the matter to arbitration in accordance with the procedure prescribed in the Act,

and this paragraph shall apply where relevant also in the case of Exploration and Production (Private Petroleum Rights) Licences;

- (u) a Refining Licence or Petrochemical Licence shall contain a condition to the effect that the licensee shall give preference in his operations to the processing of indigenous petroleum and (where it is shown to be in the public interest and economically feasible) to the manufacturing of such petroleum products or petrochemical products or both as are required for domestic consumption;

- (v) the Minister may require a Refining Licensee to undertake to deliver to the Government at current wholesale prices such reasonable part of any particular product manufactured by him as may be required for domestic consumption, save that no licensee shall be required to supply such product in quantities exceeding ten per cent of the total quantity manufactured by him.

WORK OBLIGATIONS

EXPLORATION AND PRODUCTION (PUBLIC PETROLEUM RIGHTS) LICENCE

Expenditure obligation.

44. The licensee shall be required to spend on exploration operations during the first three years a minimum sum annually (hereinafter referred to as “the expenditure obligation”) to be determined in the case of each licence by agreement between the Minister and the licensee, and to be specified in the licence.

Guarantee as to expenditure obligation. [190/1989].

45. (1) The licensee shall be required to deliver to the Minister on the effective date a guarantee, in the form of a bond or banker’s guarantee or in such other form acceptable to the Minister, for the total amount of the expenditure obligation stipulated.

(2) The amount of such bond or guarantee shall be reduced at the end of each twelve-month period by the actual exploration expenditure of the period upon presentation of all technical data obtained from the surveys made and the interpretation thereof as well as data and results from any other work performed thereon.

Report of expenditure to be made to the Minister.

46. (1) Within sixty days after the end of each twelve-month period, the licensee shall report to the Minister his actual expenditure during the said period, in such detail and together with such supporting evidence as the Minister may require.

(2) Sums overspent in any annual period may be carried forward for the purpose of set-off against what would otherwise have been the annual expense obligation for succeeding years.

47. At the end of the first three-year period and of any other subsequent period there shall be determined the sums which the licensee has spent up to that date and one-half of any amount by which the said sum may fall short of the relevant expenditure obligation shall be forfeited to the Government and is recoverable summarily as a civil debt.

Shortfall in expenditure obligations.

48. (1) Exploration operations on a scale that has been agreed between the Minister and the licensee and specified in the licence shall be commenced by the licensee not later than one year from the effective date.

Time limit for commencement of exploration.

(2) A licensee who fails to comply with the requirements of subregulation (1) is liable to the termination of his licence at the discretion of the Minister.

49. (1) Within such maximum period from the effective date as is determined as appropriate and specified in the licence, the licensee shall commence the drilling of at least one well.

Maximum period for commencing drilling.

(2) A licensee who fails to comply with the requirements of subregulation (1) is liable to the termination of his licence at the discretion of the Minister.

50. Where a person who is the holder of an Exploration and Production Licence finds petroleum in commercial quantities, it shall be produced without unreasonable delay, and production shall continue without interruption, unless the Minister is satisfied that the interruption is justified for technical or other reasons.

Duty to produce petroleum on discovery in commercial quantities.

51. (1) Subject to regulation 52, an Exploration and Production Licensee shall obtain a Refining Licence and commence the erection in Trinidad and Tobago of a refinery with a minimum crude oil through-put capacity of at least fifty per cent of the aggregate average daily production where the aggregate average daily production of crude oil from all licensed areas held by such licensee—

Refining Licence and erection of refinery.

- (a) amounts to one hundred thousand barrels per day (such amounts of crude being assessed in the manner determined by the Minister by Order); or

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(b) exceeds fifty thousand barrels per day and the aggregate proven reserves underlying all licensed areas held by the said licensee are sufficient to support continuation of aggregate average daily production of one hundred thousand barrels per day for a future continuous period of seven and one-half years (such proven reserves and forecasts of future aggregate average daily production to be estimated in the manner determined by the Minister by Order).

(2) The licensee shall complete the refinery and put it into efficient working order with due diligence and dispatch, but in any event within three years from the date on which the site of such refinery was finally approved.

(3) When there occurs, subsequent to the granting of a refining licence as provided in subregulation (1), an increase in aggregate average daily production of one hundred thousand barrels per day [all as contemplated by and determined in the manner provided in subregulation (1)], the licensee shall make approved additions to refinery capacity adequate to deal with at least fifty per cent of such increase in aggregate average daily production.

Saving as to regulation 51. [190/1989].

52. The Minister may, on application by a licensee, permit him, in lieu of acting as required by regulation 51, to make such other arrangements for the refining and disposal of the oil as may be considered appropriate by the Minister.

Duty to refine locally.

53. (1) A licensee whose total production does not reach the levels provided for by regulation 51(1)(a) or in the case of regulation 51(1)(b) the levels and the person receiving therein specified may be required to deliver his production to refineries in Trinidad.

(2) In case the producer and refiner cannot agree as to the terms and conditions of supply and processing crude oil, the matter shall be referred to arbitration as provided for in the Act.

54. The President may require a licensee to refine, or have refined in Trinidad and Tobago up to one hundred per cent of the crude oil produced by him, if the refineries in Trinidad and Tobago have available refining capacity.

Power to require refining as to whole of production.

FINANCIAL OBLIGATIONS

55. The licensee's financial obligations towards the Treasury shall consist, where applicable, of minimum payment, rent, royalty, petroleum impost, corporation tax and other payments and each licence shall contain the specified obligations pertaining thereto.

Financial obligations specified.

MINIMUM PAYMENTS AND RENTAL ON EACH LICENCE

56. Subject to regulation 58, every Exploration and Production (Public Petroleum Rights) Licensee shall pay in respect of each acre of State Land and Submarine Area held by him from time to time throughout the period of the licence, such minimum payment at such rates as are fixed by the Minister and specified in the licence.

Minimum payment to be specified.

57. (1) Minimum payments shall be payable quarterly in advance within the first ten days of January, April, July and October.

Payable quarterly.

(2) No refund shall become due if before the end of a quarterly period a part of the area has been surrendered.

58. In respect of any quarterly period for which royalties become payable on a licence, where the sum of such royalties is equal to or exceeds the amount already paid as minimum payment for the same period, then the amount of minimum payment so paid shall be deducted from the royalties payable in respect of such quarterly period.

Minimum payment where less deductible from royalties.

59. It shall be a condition specified in an Exploration and Production Licence that—

Distrain by Minister.

- (a) if the minimum payment, rents or royalties payable by a licensee, or any part thereof, remain unpaid for the period of thirty days next after the due date of payment, the Minister may enter on

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the lands and premises occupied by the licensee and distraint on all or any of the stock of petroleum and petroleum products and all things found in or upon the premises;

- (b) if within fourteen days after the date of the distraint, the sums due still remain unpaid, the Minister may sell all or any part of the goods so distrained, recovering therefrom the amounts due and paying the surplus, if any, to the licensee;
- (c) if the Minister acts under the foregoing provisions of this regulation he shall be indemnified by the licensee against all actions, claims, liabilities and other obligations to such licensee arising directly or indirectly from such action, notwithstanding that by any rule of law the licensee would not be so liable.

Surface rents for leases of State Lands.

60. The licensee shall pay for all State Lands which he may take up on lease, use or occupy for the purpose of the licence an annual surface rent and any other payment usually applicable to such grants at such rate per acre as the Minister may fix and specify in the licence, or in the case of land that is State Land by reason only of section 2(3) of the Act, at such rate per acre as may be agreed between the parties.

ROYALTY

Royalty payable at stipulated rate. [190/1989].

61. (1) Every Exploration and Production (Public Petroleum Rights) Licensee shall pay a royalty at a rate to be stipulated in the licence on the net petroleum won and saved from the licensed area.

(2) The basis for determining the value of petroleum for the purposes of calculating royalty payments in cash shall be arrived at by agreement between the Minister and the licensee on terms specified in the licence by adopting the criteria specified in regulations 66 to 69 inclusive.

Petroleum used in petroleum operations of licensee, exempted.

62. All petroleum that is proved to the satisfaction of the Minister to have been used by the licensee within the licensed area

for the carrying out of petroleum operations including gas injection and other approved field operations shall be free of royalty.

63. The Minister, upon the prior approval of the Cabinet, may reduce the rate of royalty specified in the licence for any period if such reduction is found necessary in the public interest.

Power of Minister to reduce royalty.

64. (1) The Minister may, by notice in writing of not less than ninety days, elect to take petroleum in kind in lieu of the whole or part of the royalty due.

Election to take petroleum instead of royalty. [190/1989].

(2) Such petroleum as the Minister elects to take in kind shall be delivered by the licensee free of all transportation or handling charges at any established receiving installation along the route over which petroleum is conducted from the place of production to the refinery or seaboard terminal as the Minister may direct.

(3) The Minister may require a licensee to hold such petroleum as he elects to take in kind in storage at the field or at the terminal, free of any storage charge, but not for a period exceeding thirty days.

(4) Any petroleum of which the Minister does not dispose within the period mentioned in subregulation (3) or for which further terms of disposal have not been agreed upon shall be deemed to have been sold to the licensee at the same prices as apply in the calculation of royalty paid in cash and the sums payable in respect thereof shall be a debt due and payable to the Treasury.

65. The methods of sampling crude oil, analysing and determining the percentage content of each component fraction contained therein shall be agreed upon between the licensee and the Minister.

Method of sampling crude.

66. (1) Subject to regulation 68, the value of crude oil for the purpose of payment of royalties shall be the field storage value.

Value of crude—field storage value.

(2) The field storage value shall be calculated by aggregating the values of the volume of the component fractions

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in the crude oil and deducting therefrom a refining and handling allowance equal to nine per cent of such aggregate of values.

(3) The value of each fraction contained in the crude oil shall be determined by reference to the average for the quarterly period of the daily mean of the high and low prices as quoted in *Platt's Oilgram Price Service* for Gulf Coast cargo lots for refined products.

Value of natural gasoline—field storage value.

67. (1) Subject to regulation 68, the value of natural gasoline for the purpose of payment of royalties shall be its field storage value.

(2) The field storage value shall be calculated by multiplying the net volume produced by the price of natural gasoline.

(3) The price of natural gasoline shall be determined by reference to the average for the quarterly period of the daily mean of the high and low postings as quoted in *Platt's Oilgram Price Service* for Gulf Coast cargo lots for 94 octane, regular motor gasoline, and by deducting therefrom the appropriate discount to be agreed between the Minister and the licensee.

Calculation of field storage value. [190/1989].

67A. (1) For licences to be issued after the commencement of the Petroleum (Amendment) Regulations, 1989, the field storage value of crude oil and natural gasoline to be fixed respectively under regulation 66(1) and 67(1) shall be calculated by using international market prices of selected reference crudes which are similar in quality and which are widely traded at an arms length basis.

(2) In determining the field storage value under subregulation (1) consideration shall be given to the following:

- (a) the transportation differential between the cost of transporting to the price-setting market, the reference crudes and the crude to be valued;
- (b) interest charges on the value of the inventory in transit, in determining the transportation costs;
- (c) such other circumstances prevailing at the time of issue of the licence.

68. Where the price basis for any of the component fractions or natural gasoline is not published in *Platt's Oilgram* or in any other publication acceptable to the Minister and the licensee, an equitable price shall be determined by agreement between the Minister and the licensee.

Agreement as to prices in certain cases.

69. (1) The value of natural gas for the purposes of payment of royalties shall be calculated, in the case of transactions between different petroleum operations of a licensee, by multiplying the volume required to be assessed by the weighted average of the actual price.

Value of natural gas—how determined.

(2) For the purposes of subregulation (1), the actual price shall be based on the total gas sales to companies outside the petroleum producing and refining industries during the previous year, at the point of utilisation or export.

70. (1) Subject to this regulation, on or before the twenty-first day after the end of each quarterly period of the year, the licensee shall estimate the royalty to be paid on each licence in respect of that period and shall pay the amount thereof to the Minister after deducting the value of any petroleum taken in kind.

Quarterly instalments of royalty payable.

(2) The Minister may estimate the amount of royalty payable where—

- (a) the licensee fails to make the estimate required by subregulation (1); or
- (b) the Minister considers that the estimate made by the licensee is less than a proper estimate,

and upon making demand therefor in writing, of such licensee, subregulation (1) shall apply accordingly, as if the Minister's estimate was the estimate of such licensee.

(3) Where the sum of royalties payable in respect of any quarterly period on each licence is less than the amount already paid as minimum payments for that period, no royalty shall be payable on that licence in respect of that period.

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Petroleum

[Subsidiary]

Petroleum Regulations

Annual statement of royalties calculated and assessed on accounting period.

71. (1) Within ninety days following the end of each year the licensee shall calculate for each licence, the total amount of royalty in respect of that year after deducting the value of any petroleum taken in kind and submit to the Minister a statement thereof together with any balance of royalties shown thereby to be due, or a claim for refund of any royalties shown thereby to have been overpaid.

(2) The Minister shall assess the royalties payable, and any adjustment found necessary in respect of the aggregate royalty payments already made for the year in question, on the basis of quarterly estimates, shall be made forthwith.

(3) In this regulation and in regulation 70, “year” means the period of twelve months commencing on the 1st January in each year.

PETROLEUM IMPOST

Petroleum impost charged.

72. (1) Every licensee shall pay a petroleum impost in respect of all petroleum won and saved, at such rates as the Minister may determine by the issue of a Rating Order, which shall be published in the *Gazette* at least thirty days prior to the date on which the petroleum impost becomes payable.

(2) The Rating Order shall specify the rates of petroleum impost payable in respect of crude oil and natural gas won and saved during the year ended on the 31st December preceding the date on which the petroleum impost becomes payable.

Petroleum impost to cover expenses of administration.

73. The rates specified in the Rating Order shall be so calculated and determined as to provide in the aggregate the funds necessary to cover all the annual expenses of the Ministry, including salaries, pension contributions, maintenance and other expenses of or incidental to, the due administration of the petroleum industry.

Impost on cessation of petroleum operations.

74. Where a licensee ceases operations before the issue of a Rating Order relating to the year in which he so ceases to operate he shall pay petroleum imposts at the rates specified in the Rating Order of the preceding year.

OTHER PAYMENTS

75. Every licensee shall be subject in respect of his income derived from petroleum operations to income tax or corporation tax or both in accordance with the rates and rules of assessment prescribed from time to time by the law relating thereto.

Licensees liable to income tax and corporation tax.

76. Subject to any exemptions granted by or under any written law licensees shall be liable to the payment of import duties and excise duties.

Import and export duties payable but subject to exemptions.

77. Licensees shall pay current charges and fees for any services rendered by the Government or statutory authorities to them including tolls and water and sewerage rates, and fees of general application including property taxes, documentary stamp taxes and registry, patent and copyright fees.

Usual rates and charges payable by licensees.

78. (1) In addition to the deposit relating to the expense obligation as set out in an Exploration and Production (Public Petroleum Rights) Licence, the licensee shall, immediately upon the grant of a licence, deposit with the Treasury, in the case of—

Additional deposits. [190/1989].

- (a) an Exploration, Pipeline, Refining and Petrochemical Licence, the sum of twenty thousand dollars; and
- (b) an Exploration and Production (Public Petroleum Rights) Licence, the sum of two hundred thousand dollars,

in cash, securities or other form of guarantee acceptable to the Treasury.

(2) A deposit required by subregulation (1) shall during the continuance of operations be maintained at the full amount until such time as the Minister issues a certificate to the effect that the licensee has ceased to engage in petroleum operations and has completely discharged his obligations under the licence, whereupon the deposit or the part thereof remaining at such date plus any interest that may have accrued thereon shall be returned to the licensee.

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Petroleum

[Subsidiary]

Petroleum Regulations

Orders as to forfeiture of deposits.

79. The Minister may by Order determine the circumstances in which the deposit provided for in the preceding regulation may be drawn up in satisfaction of obligations and duties imposed on the licensee and the procedure by which the Treasury shall make the necessary payment out of the deposit.

Currency payable in respect of financial obligations.

80. Minimum payments, royalties and rents becoming due by the licensees shall be paid in Trinidad and Tobago or United States currency at the option of the Government or in any other currency acceptable to the Government.

INFORMATION

Licensees to furnish data.

81. Licensees shall at their own expense prepare and furnish to the Minister, information, returns and data concerning their operations in such manner and detail as the Minister shall by Order prescribe from time to time.

Licensees to supply maps, etc.

82. Exploration and Production Licensees shall submit within a reasonable time accurate copies of all maps, sections and reports which have been prepared, and of all electric and other logs taken during the course of operations, together with reservoir rock and fluid analyses, pressure survey data as well as all important scientific and technical data and interpretations thereof resulting from the conduct of their operations.

Annual report by Petrochemical Licensee.

83. Within sixty days after the end of each calendar year a Petrochemical Licensee shall furnish to the Minister a report, in such form as the Minister shall by Order prescribe, containing the information listed hereunder, in respect of the preceding year—

- (a) the quantity, source and price of indigenous and foreign hydrocarbon raw materials received in the licensed area;
- (b) the output of each licensed petrochemical product;
- (c) the quantity, destination and price of licensed petrochemical products sold in Trinidad and Tobago and exported;

- (d) the number, nationality, duties and remuneration of persons employed;
- (e) such other particulars as the Minister may from time to time require.

84. A Petrochemical Licensee shall furnish in duplicate to the Minister on or before the fifteenth of each month, in a form from time to time approved by the Minister, a report on the progress of his manufacturing operations during the previous month. Such report shall contain statements showing—

Monthly report of Petrochemical Licensee.

- (a) the quantity, source and price of indigenous and foreign hydrocarbon raw materials received in the licensed area;
- (b) the output of each licensed petrochemical product;
- (c) the quantity, destination and price of licensed petrochemical products sold in Trinidad and Tobago and exported;
- (d) such other particulars as the Minister may from time to time require.

85. Within sixty days after the end of each calendar year, a Petrochemical Licensee shall furnish in duplicate to the Minister a return, in such form as the Minister shall require, showing the accounts of the operations carried out during the previous year.

Annual return as to accounts of Petrochemical Licensee.

86. Within ninety days after the date on which production in marketable quantities commences in relation to each plant specified in a Petrochemical Licence, the licensee shall deliver to the Minister in duplicate—

Initial return on commencement of production by Petrochemical Licensee.

- (a) the final plans of the plant with all the necessary statements and exhibits so as to give a clear and precise idea of the process units, buildings, tanks and auxiliary installations which comprise such a plant; and
- (b) a statement showing the final extent of the investment in fixed and other capital involved in the Construction and equipment of the plant.

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Petroleum

[Subsidiary]

Petroleum Regulations

DETERMINATION

Voluntary determination of licence.

87. The licensee shall be at liberty to determine his licence in whole or in part, on giving to the Minister not less than one hundred and eighty days notice in writing. Such determination shall not affect any obligations or liability imposed on or incurred by the licensee under the licence that have not been performed or discharged prior to the date of determination.

MISCELLANEOUS PROVISIONS

Power to permit mining for other minerals in licensed areas.

88. (1) The Minister may grant permits for searching, digging for and mining of minerals or substances other than petroleum within licensed areas subject to the undertaking by the person so permitted that exploration or mining will not endanger or encumber or add to the cost of petroleum operations.

(2) A licensee affected by the grant of a permit under subregulation (1) shall afford the opportunity for acquiring reasonable means of access and safe and convenient passage for the conduct of mining operations.

Petroleum operations in submarine areas—rights to foreshore.

89. A licence for operations in submarine areas shall not confer any surface rights to the foreshore lying between high water and low water marks at ordinary spring tides, and no use shall be made thereof by the licensee, unless the authority of the Minister is obtained.

Price Orders—petrochemicals.

90. The Minister may by Order fix the maximum prices that may be charged by a licensee for the sale of petrochemicals within Trinidad and Tobago.

Minister may remedy default of licensee.

91. Where a licensee fails to execute any works required to be carried out under the terms of his licence including the measurement of petroleum, the plugging of wells, the adoption of safety health and welfare measures and the prevention of pollution, the Minister may, if he considers it expedient, cause such works to be executed and the Minister shall in such case recover the costs and expenses incurred from the licensee, save that before so acting and where no emergency exists, the Minister shall give the licensee fourteen days notice to afford him a final opportunity of remedying his default.

92. A pipeline, refinery, petrochemical plant, well, marketing station or any similar installation used for petroleum operations may not be enlarged or substantially altered without the prior written consent of the Minister.

No alteration to plant, etc., without permission.

93. The Minister may at any time call upon an Exploration and Production Licensee to deliver to him without compensation any quantity of natural gas, produced in association with crude oil, not being required by the licensee for his operations or for sale, which may be needed in the public interest, except that where the recovery, delivery or storage of such natural gas requires the construction of any new facilities, such facilities shall be provided by Government. Such natural gas shall be free of royalty.

Unused natural gas.

94. A person who contravenes any of the provisions of these Regulations, except where the provision by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine of one thousand dollars, and in the case of a continuing offence to a further fine of one hundred dollars for each day during which the offence continues after conviction.

Offences and penalties.

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Petroleum

[Subsidiary]

110/1974.

***PRICE OF PETROLEUM PRODUCTS ORDER**

made under section 31

Citation.

1. This Order may be cited as the Price of Petroleum Products Order.

Interpretation.

2. In this Order—

“ex-refinery price” means the price at which petroleum products may be disposed of or are to be deemed to have been disposed of by the refining business of any person to the marketing business of such person or any other person for disposal and use in Trinidad and Tobago;

“retail price” means the price at which petroleum products may be sold to consumers in Trinidad and Tobago;

“wholesale price” means the price at which petroleum products may be sold by a person carrying on marketing business to any person who carries on the business of selling those petroleum products.

Prices of products determined by Schedule.

3. The Schedules shall have effect for the purpose of determining the prices of the petroleum products to which the Schedules respectively relate.

*This Order has been amended by the following:

GNs 115/1974; 109/1976; 153/1976; 114/1979; 126/1979; 172/1979; 173/1979; 199/1979; 200/1979; 207/1979.

LNs 189/1980; 51/1981; 52/1981; 5/1982; 6/1982; 21/1982; 22/1982; 144/1982; 145/1982; 1/1983; 2/1983; 3/1984; 7/1984; 8/1984; and 195/1985; 19/1987; 27/1987; 10/1988; 30/1988; 65/1988; 144/1988; 222/1989; 9/1992; 178/1992; 109/1993; 168/1993; 62/1995; 214/1996; 174/2003; 250/2004.

FIRST SCHEDULE

1. (1) The ex-refinery price of each of the petroleum products set out in the First Schedule is determined by applying the formula PP+ED+HC, where— Ex-refinery price. [28/1987].

PP = the market-related prices for each of the corresponding products in the First Schedule appropriately adjusted by a factor as determined by the Minister of Energy after consultation with the Minister of Finance and the Economy;

ED = the rate of excise duty in force at the date of sale of such petroleum products; and

HC = a handling charge allowed by the Minister after consultation with persons carrying on refining business.

(2) When the price of a petroleum product is in United States currency per U.S. gallon it shall be multiplied by 0.26417 in order to arrive at the price per litre. Formula for arriving at price of petroleum product.

(3) When converting from United States currency to Trinidad and Tobago currency, the rate of exchange shall be the average of the commercial bank selling rate quoted by the Central Bank of Trinidad and Tobago for Sight Drafts on New York for the corresponding calendar month. Rate of exchange.

(4) If on account of Sundays, holidays or any other reason the price of any of the petroleum products set out in the First Schedule or the rate of exchange is not ascertainable for any day then the price or rate of exchange for the last preceding day for which such price or rate of exchange is ascertainable shall be used. Price of last preceding day to be taken into account in certain circumstances.

2. The wholesale price of petroleum products listed hereunder is as follows: Wholesale price of petroleum products. [250/2004].

<i>Petroleum Products</i>	<i>Trinidad and Tobago cents per litre</i>		
	Exclusive of Vat	Inclusive of Vat	Inclusive of Vat and Road Improvement Tax
Unleaded Premium			
Gasolene 95 RON 237.174	272.750	282.750
Unleaded Super			
Gasolene 92 RON 211.087	242.750	252.750
Unleaded Regular Gasolene 83 RON 205.761	236.625	245.625
Domestic Kerosene 122.435	140.800	140.800
Auto Diesel 116.087	133.500	138.500

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[Subsidiary]

Price of Petroleum Products Order

Retail price of petroleum products. [250/2004].

3. Except as provided in paragraph 4 below, the retail price of the petroleum products listed hereunder shall be as follows:

<i>Petroleum Products</i>	<i>Trinidad and Tobago cents per litre</i>		
	Exclusive of Vat	Inclusive of Vat	Inclusive of Vat and Road Improvement Tax
Unleaded Premium			
Gasolene 95 RON	252.174 290.000 300.000
Unleaded Super			
Gasolene 92 RON	226.087 260.000 270.000
Unleaded Regular			
Gasolene 83 RON	218.261 251.000 260.000
Domestic Kerosene	130.435 150.000 150.000
Auto Diesel	126.087 145.000 150.000

Retail price of petroleum products in certain cases. Appendix A. Appendix B. [174/2003 250/2004].

4. The retail price of the petroleum products listed in Appendix A and sold by a person carrying on marketing business—

- (a) to an associated person (this expression here including one company that exercises or is entitled to exercise control directly or indirectly over the affairs of another and any company the majority of the shareholding of which is held by more than one other company similarly so controlled);
- (b) to a person carrying on production business or refining business or both,

shall be at a price equal to the ex-refinery price plus the sum specified in Appendix B for each such petroleum product.

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Price of Petroleum Products Order

[Subsidiary]

APPENDIX A

<i>Petroleum Products</i>	<i>Corresponding Products in Platt's Oilgram Price Service</i>
Diesel Oil	The equivalent of 85 per cent of 45 Cetane gas oil (45-52 d.i.) and 15 per cent Bunker "C" Fuel.
Domestic Gasoline	83 Octane Regular.
Domestic Kerosene	Either Dual Purpose Kerosene or Kerosene/Premium Kerosene, whichever carries a lower price quotation.
Gas Oil	48—52 d.i. or Cetane.
Industrial Kerosene	Either Dual Purpose Kerosene or Kerosene/Premium Kerosene, whichever carries a lower price quotation.
Unleaded Premium Gasolene 95 RON	Unleaded 95 Octane.
Unleaded Super Gasolene 92 RON	Unleaded 92 Octane.
Unleaded Regular Gasolene 83 RON	Unleaded 83 Octane.

APPENDIX B

<i>Petroleum Products</i>	<i>Cents per litre in Trinidad and Tobago</i>
Marine Diesel	8.0
Domestic Gasolene	8.0
Kerosene	8.0
Auto Diesel	8.0
Premium Gasolene	8.0
Regular Gasolene	8.0

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Petroleum

[Subsidiary]

Price of Petroleum Products Order

115/1974.

SECOND SCHEDULE

AVGAS, MOGAS, "C" FUEL

Ex-refinery price.

Appendix.

Appendix.

Daily low price defined.

Conversion from United States currency to Trinidad and Tobago currency. Appendix.

Price per Imperial Gallon.

Price of last preceding day to be taken into account in certain circumstances Appendix.

Products not listed in Schedule. Appendix.

1. (1) The ex-refinery price, in Trinidad and Tobago currency per Imperial Gallon of each of the petroleum products set out in the First Column of the Appendix for any month shall be the equivalent of the average of the daily low price, in United States currency per United States gallon for the corresponding month, as quoted in *Platt's OILGRAM Price Service* for "CARIBBEAN, MIDDLE EAST and FAR EAST PRODUCTS" for each of the corresponding products listed in the Second Column of the Appendix; where the daily low price of a petroleum product is quoted in United States currency per barrel, such price shall be divided by 42 in order to determine the price in United States currency per United States gallon.

(2) In subparagraph (1) the expression "daily low price" means the lowest of the daily quotations by Creole Amuay, Exxon Aruba, Shell Cardon and Shell Curacao.

(3) The average price in United States currency per United States gallon for a month, determined in accordance with subparagraphs (1) and (2), for each of the petroleum products listed in the Second Column of the Appendix shall be converted from United States currency to Trinidad and Tobago currency at the average of the commercial bank selling rate quoted by the Central Bank of Trinidad and Tobago for sight Drafts on New York for the corresponding month.

(4) The average price in Trinidad and Tobago currency per United States gallon determined in accordance with the preceding subparagraph shall be multiplied by 1.20094 in order to arrive at the price per Imperial Gallon.

(5) If on account of Sundays, holidays or any other reason the price of any of the petroleum products set out in the Second Column of the Appendix or the rate of exchange is not ascertainable for any day then the price or rate of exchange for the last preceding day for which such price or rate of exchange is ascertainable shall be used.

2. The ex-refinery price of any petroleum product which is not listed in the Appendix and is sold by a person carrying on refining business shall be determined by the Minister after consultation with the Minister of Finance and persons carrying on refining business.

APPENDIX

FIRST COLUMN <i>Petroleum Products</i>	SECOND COLUMN <i>Corresponding Products in Platt's Oilgram Price Service</i>
115/145 Avgas	Avgas Grade 115/145
100/130 Avgas	Avgas Grade 100/130
80 Avgas	Avgas Grade 80/87
100 ON. Mogas	100 Octane Premium
93 ON. Mogas	93 Octane Premium
87 ON. Mogas	87 Octane Regular
"C" Fuel	Bunker"C" Fuel

THIRD SCHEDULE

DIESEL AND GAS OIL (FISHERIES COMPANY)

109/1976.
[173/1979
200/1979
201/1979
52/1981
22/1982
8/1984
178/1992].
Interpretation.

1. In this Schedule—

"Fisheries Company" means the National Fisheries Company Limited, a company registered under the Companies Act whose registered place of business is at Production Avenue, Sea Lots, Port-of-Spain; Ch. 81:01.

"marketing business" has the same meaning as in the Petroleum Production Levy and Subsidy Act; Ch. 62:02.

"national control and ownership" means, in relation to a trawler, that the trawler—

- (a) is owned by nationals or by a company in which nationals beneficially own shares carrying between them, directly or indirectly—
 - (i) the right to exercise more than one-half of the voting power in that company;
 - (ii) the right to receive more than one-half of any dividends that might be paid by that company; and
 - (iii) the right to receive more than one-half of any capital distribution in the event of the winding up or of a reduction in the share capital of that company, or otherwise;
- (b) however owned, is under the control of the Fisheries Company by way of lease, charter or management contract;

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[Subsidiary]

Price of Petroleum Products Order

“nationals” means citizens of Trinidad and Tobago and persons who under any law relating to immigration are regarded as belonging thereto or having the status of residents, and includes companies controlled by such persons or by companies so controlled and partnerships the majority share in which and the management of which are owned and performed by such persons;

“retail price” means the price at which petroleum products may be sold to consumers in Trinidad and Tobago;

Ch. 62:02.

“sales by retail” and “sales by wholesale” have the same meanings, respectively as in section 8 of the Petroleum Production Levy and Subsidy Act;

“trawler” means a trawler used for the purpose of shrimping or fishing;

“wholesale price” means the price at which petroleum products may be sold by a person carrying on marketing business to any person who carries on the business of selling those petroleum products.

Wholesale price of gas oil and diesel oil sold to Fisheries Company. [16/1988 178/1992].

2. (1) The wholesale price of gas oil and diesel oil sold by a person carrying on marketing business to the Fisheries Company for use as bunkers for trawlers shall be—

- (a) 82 cents per litre where the disposal is for sale by retail at the retail price fixed by paragraph 3(1)(a);
- (b) 82 cents per litre where the disposal is for sale by retail at the retail price fixed by paragraph 3(1)(b).

(2) Sales by wholesale at the prices fixed by subparagraph (1) shall be made by persons carrying on marketing business to the Fisheries Company only for such use as is specified in paragraph 3(2)(b).

Retail price of gas oil and diesel oil sold to Fisheries Company. [16/1988 178/1992].

3. (1) The retail price of diesel oil and gas oil sold by the Fisheries Company for use as bunker for trawlers in accordance with this paragraph shall be—

- (a) in the case of sales for use in trawlers under national control and ownership—85 cents per litre;
- (b) in any other case—85 cents per litre.

(2) Sales by retail at the prices fixed by subparagraph (1) shall be made—

- (a) by persons carrying on marketing business, only to the Fisheries Company; and
- (b) by the Fisheries Company to a person only for use in—
 - (i) trawlers under national control and ownership, the total catch of fish and shrimp of which is to be sold or otherwise disposed of in Trinidad and Tobago;
 - (ii) not more than 99 trawlers not under national control and ownership, the total catch of fish and shrimp of which is to be supplied under contract to the plants operated by the Fisheries Company.

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Price of Petroleum Products Order

[Subsidiary]

4. The Fisheries Company shall in each month deliver at the place of business of the person carrying on marketing business with whom it has dealt, a statement of the volume and value of all sales of diesel oil and gas oil for the preceding month, at the retail price fixed by paragraph 3 together with a statement of the volume and value of all sales made by it for that month.

Fisheries Company to make monthly statements.

5. (1) For the purposes of this Order, the Fisheries Company shall keep proper records of accounts and of the volume and value of petroleum products sold by it during each month.

Fisheries Company to keep records.

(2) The Minister may authorise any employee of his Ministry to inspect the records of the Fisheries Company in order to verify the accuracy of the statement made pursuant to paragraph 4.

6. This Schedule is deemed to have come into operation on 1st January 1976.

Commencement.

FOURTH SCHEDULE

1. In this Schedule, "L.P.G." means Liquefied Petroleum Gas.

2. The *ex* refinery price of L.P.G. shall be 30.75 T.T. cents per pound.

153/1976.
[200/1979
117/1980
5/1982
144/1982
1/1983
3/1984
178/1992
62/1995
119/1998
120/1998
251/2004].

3. The wholesale price of L.P.G. shall be as follows:

Wholesale price of L.P.G.

PETROLEUM PRODUCT	TRINIDAD AND TOBAGO CENTS PER LB.	
	<i>Exclusive of Vat</i>	<i>Inclusive of Vat</i>
L.P.G. 	49.554	56.987

4. The retail price of L.P.G. shall be as follows:

Retail price of L.P.G.

PETROLEUM PRODUCT	TRINIDAD AND TOBAGO CENTS PER LB.	
	<i>Exclusive of Vat</i>	<i>Inclusive of Vat</i>
L.P.G. 	91.304	105.000

[Subsidiary]

83/1960.

**PETROLEUM (PROTECTION AGAINST FIRE)
REGULATIONS**

**deemed to be made under section 29*

Citation.

1. These Regulations may be cited as the Petroleum (Protection Against Fire) Regulations.

Interpretation.

Ch. 48:50.

2. In these Regulations, “motor vehicle” has the meaning assigned to it by the Motor Vehicles and Road Traffic Act.

Offences.

3. (1) Subject to the provisions of these Regulations, no person shall—

- (a) fill dangerous petroleum into any receptacle in, on or adjacent to any motor vehicle or into the tank of a motor vehicle while the engine of such vehicle is running or while any light is alight on any such vehicle;
- (b) smoke or light a match or expose a naked light in or on any premises where the business of selling dangerous petroleum for use in motor vehicles is carried on or where dangerous petroleum is kept or stored.

(2) The Chief Fire Officer may, if he is satisfied that the application of the provisions of subregulation (1)(b) may be suspended in relation to any part of premises which is at a safe distance from that part of the premises in or on which dangerous petroleum is kept or stored without risk of such dangerous petroleum being ignited, by certificate in writing suspend the application thereof for such period and subject to such conditions as he may think fit; any such certificate may at any time be varied or revoked by the Chief Fire Officer acting in his discretion.

(3) The occupier of any premises where dangerous petroleum is sold or stored for use in motor vehicles shall keep

* These Regulations were made under section 28 of the Petroleum Ordinance (Ch. 26 No. 2—1950 Ed.) (now repealed) and continue in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

affixed in conspicuous positions on such premises notices in red lettering at least 6" in height prohibiting smoking, and in addition shall display portable and fixed notices bearing the words "No smoking, no naked lights; when filling switch off engine", and shall keep on such premises such number and types of appliances for extinguishing fires as the Chief Fire Officer may require.

(4) Any person who contravenes subregulation (1) or (3) is liable on summary conviction to a fine of one thousand five hundred dollars or in the case of a continuing offence to a fine of three hundred dollars for each day during which such offence continues.

OIL TANKS REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Construction of oil tanks.
4. Access to roof of oil tank.
5. Fires.
6. Work on or in an oil tank.
7. Use of gas separator.
8. Precautions when using electricity.
9. Consent of Engineer.
10. Prohibitions.
11. Rules.
12. Regulations shall be displayed.
13. Offence.
14. Construction of Regulations.

APPENDIX A.

APPENDIX B.

OIL TANKS REGULATIONS

19/1949.

**deemed to be made under section 29*

1. (1) These Regulations may be cited as the Oil Tanks Regulations. Citation.

(2) These Regulations shall apply to all oil tanks and gas separators whether they were installed before the date on which these Regulations come into force or after that date.

2. In these Regulations—

Interpretation.

“Engineer” means Chief Petroleum Engineer;

“flash point below 150°F.” shall be as determined by the Pensky Martens Closed Cup test. (The standard method of test designated I.P. 34/47 in the eighth edition of the Publication “Standard Methods for testing Petroleum and its Products” published by the Institute of Petroleum);

“gas separator” means any vessel or container used for separating oil from gas, but shall not include bubble towers, dephlegmators or similar refining equipment;

“Manager” means the owner of any oil tank or of any gas separator or some responsible person appointed by the owner to act as his agent;

“oil tank” means any tank or receptacle containing “petroleum in bulk” as defined† in section 2 of the Petroleum Ordinance (now repealed) and/or gas and shall include gas separators; Ch. 26 No. 2. (1950 Ed.).

“process vessel” means any receptacle or container which is an integral part of the equipment or installation used in a refining process and through which crude oil and/or its products circulate.

* These Regulations were made under section 28 of the Petroleum Ordinance (Ch. 26 No. 2 — 1950 Ed.) (now repealed) and continue in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

† Defined as follows: “petroleum in bulk” means crude petroleum, petroleum or dangerous petroleum in any vessel or receptacle having a capacity of 300 gallons or more.

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Oil Tanks Regulations

Construction of oil tanks.

3. (1) Oil tanks shall be of sound construction and shall not be constructed of inflammable material except with the permission of the Engineer.

(2) All oil tanks whose contents have a flash point below 150°F. and which have a capacity of more than 500 barrels shall be fitted with relief valves of a type approved by the Engineer.

Access to roof of oil tank.

4. (1) Access to the roof of an oil tank exceeding 12 feet in height or to a walkway giving access to the roof of any such tank shall be by means of a gently sloping stairway placed wherever possible on the side of the prevailing wind. Such stairway and/or walkway shall be provided with substantial guard rails on each side.

(2) The roof of an oil tank exceeding 20 feet in height shall be provided with a substantial metal guard so placed that there will always be a guard between persons carrying out their ordinary duties of dipping or sampling the tank and the nearest perimeter of the tank.

(3) The Engineer may in his discretion grant general or special exemption from or modification of any or all the requirements of this regulation if he is satisfied that owing to equipment supply difficulties or other causes it is not practicable to comply with such requirements. Any such exemption and/or modifications granted shall be for a period not exceeding three years and may be renewable from time to time.

Fires.

5. (1) Effective means of extinguishing or controlling fires shall be provided in respect of each oil tank to the satisfaction of the Engineer.

(2) Wherever a fire or explosion occurs in the immediate vicinity of or in any oil tank the Manager shall advise the Engineer within 48 hours and shall forward to the Engineer a report of the circumstances and probable cause of the fire as soon as these have been ascertained.

Work on or in an oil tank.

6. (1) No person under the age of 18 years shall work on or in an oil tank.

(2) Before any person works, or is permitted to work with a welding apparatus or any other form of fire on a gas or oil line which is in the vicinity of or directly connected to an oil tank, the Manager or a responsible member of his staff shall certify, that it is safe for such work to be commenced.

(3) Before work is undertaken inside any oil tank, the Manager, or a responsible member of his staff appointed by him, shall first take all possible precautions to clear the tank of gas and shall also, whenever he is able to do so, certify the oil tank has been certified as “gas free” and safe.

(4) Unless such oil tank has been certified as gas free and safe, any person who shall enter an oil tank which has been used for the storage of oil and/or gas shall wear a gas mask and shall also wear a life-line, one end of which shall remain outside the tank and be held by another person who must constantly watch the person inside the tank; there shall also be at least two other persons outside the tank in the immediate vicinity to render assistance if required.

7. Save when specially exempted by the Engineer, no gas separator shall be used at any pressure above atmospheric unless— Use of gas separator.

- (a) it is regularly inspected to ensure that it is in safe condition to work at the required pressure;
- (b) it is fitted with a pressure gauge to show the working pressure of the separator and with a safety valve set to work at a safe margin of pressure: the safety valve shall be tested at intervals not exceeding one month to ensure that it will act at the required pressure;
- (c) all glass liquid gauges are fitted with a cover or guard so as to protect persons present should the glass break unless the gauges are so constructed as to be equally safe to persons present whether so protected or not.

The inspections and tests required under paragraph (a) or (b) of this regulation shall be carried out by the Manager or a

responsible member of his staff appointed by him and the details of such inspections and tests shall be entered in books kept for the purpose and which shall be open to inspection by the Engineer. These books shall comply with the specimen Forms A and B in Appendix "A".

Precautions
when using
electricity.

8. (1) When electricity is used proper precautions shall be taken as regards installation, operation, and maintenance to prevent fire or other hazards to the satisfaction of the Engineer.

(2) All conductors, switch gear and apparatus on an oil tank whose contents have a flash point below 150°F. shall conform to the Regulations as to the installation and use of electricity made under the Imperial Coal Mines Act, 1911,* Part I (1 Below Ground) as set out in Appendix "B".

(3) No bare conductors shall be used within 50 feet of any oil tank whose contents have a Flash Point below 150°F. and all other apparatus within 100 feet of such tanks shall be so protected that open sparking (as defined in Appendix "B" hereto) is prevented.

Consent of
Engineer.

9. Without the consent of the Engineer no oil tank whose contents have a Flash Point less than 150°F. shall be within 100 feet of—

- (a) a Public Road or State Trace Reserve;
- (b) any building in which fire and/or lights other than enclosed electric lights are used;
- (c) any building used or intended to be used for human habitation;
- (d) any boiler excepting that for oil tanks of a capacity of less than 100 barrels storing oil for use as fuel in such boiler, the above distance of 100 feet may be reduced to 50 feet provided they are placed on the side of the boiler away from the prevailing wind;

* Repealed and Replaced by the Mines and Quarries Act 1954 (2 & 3 Eliz. 2 c.70) one of the Acts comprised in the Mines and Quarries Acts 1954 to 1971.

- (e) any works, plant or machinery provided that for such works, plant or machinery as utilise firing or fire in any form and/or lights other than enclosed electric lights the above distance of 100 feet shall be increased to 150 feet.

Process vessels are exempted from the provisions of paragraphs (d) and (e) above provided that they and the boiler, works, plant and/or machinery form part of the same installation.

10. (1) Smoking, the use of firearms, explosives or naked lights, the ignition of any material or the bringing of any material liable to spontaneous combustion within 100 feet of an oil tank whose contents have a Flash Point below 150°F. is prohibited. Prohibitions.

(2) The use of internal combustion engines, stationary or otherwise, within 100 feet of an oil tank whose contents have a Flash Point of less than 150°F. is only permitted where every precaution is taken to prevent the escape of fire from such engines.

(3) Exhaust gases from internal combustion engines shall not be released into the atmosphere within 100 feet of any oil tank whose contents have a Flash Point below 150°F. provided that this regulation shall not apply to compression ignition engines, engines of automobiles nor to other internal combustion engines, the exhausts of which are fitted with adequate flame-proof attachments.

11. (1) Every oil tank with a capacity of more than 500 barrels or group of such tanks whose contents have a Flash Point of less than 150°F. shall lie within an enclosure formed by a wall or bank of substantial construction and shall be subject to the following rules: Rules.

- (a) The maximum number of oil tanks permitted to lie inside the same enclosure to be 4—if the capacity of any tank is greater than 40,000 barrels, provided also that the total capacity of the group shall not exceed 600,000 barrels.

- (b) The maximum number of oil tanks permitted to lie inside the same enclosure to be 10—if the capacity of each tank is less than 40,000 barrels and more than 5,000 barrels, provided also that the total capacity of the group shall not exceed 300,000 barrels.
- (c) The maximum number of oil tanks permitted to lie inside the same enclosure to be 20—if the capacity of each tank is not more than 5,000 barrels.
- (d) The minimum distance between any two oil tanks in the same enclosure measured from tank wall to tank wall shall be half the diameter of the larger. The Engineer may, however, give permission for any smaller distance between two tanks provided that such tanks were erected before the coming into force of these Regulations.

(2) The dimensions of the enclosure shall be so sufficient as to be capable of holding—

for 1 tank not less than 100 per cent of the capacity of the tank;

for 2 tanks not less than 70 per cent of the capacity of the tanks;

for 3 or more tanks not less than 60 per cent of the capacity of the tanks.

(3) Subregulations (1) and (2) shall not apply to process vessels or to oil tanks containing gas and/or petroleum products which are in gaseous form at normal temperature and pressure.

Regulations shall be displayed.

12. A copy of or extracts from these Regulations shall be displayed in a conspicuous place, where they may be conveniently read, near each oil tank or group of oil tanks; such extracts shall include regulations 5, 6 and 10.

Offence.

13. Any person acting in contravention of these Regulations is liable on summary conviction to a fine of one thousand five

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hundred dollars or in the event of a continuing breach to a fine of seven hundred and fifty dollars for each day that such breach continues.

14. Nothing in these Regulations shall be construed to affect tanks at petrol filling stations, tanks on vehicles, or drums used for transporting petroleum products or tanks otherwise specially licensed by the Engineer. Construction of Regulations.

APPENDIX A

OIL TANKS REGULATIONS

FORM A

Regulation 7.

INSPECTION OF GAS SEPARATOR

Maker's name and number

Local Number

Name of Owner

Field

Details of Inspection

Date of Inspection	Location of Separator	State condition of separator and what tests were made. Was pressure guage tested	Signature of Inspecting Officer

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Regulation 7.

FORM B

TESTING OF GAS SEPARATOR SAFETY VALVES

Maker's name and number

Local Number

Name of Owner

Field

Date of Test	Working pressure of Gas Separator pounds per sq. inch	Safety valve lifted at pounds per sq. inch	Signature of testing Officer	Date of Test	Working pressure of Gas Separator pounds per sq. inch	Safety valve lifted at pounds per sq. inch	Signature of testing Officer

APPENDIX B

OIL TANKS REGULATIONS

**GENERAL REGULATIONS AS TO INSTALLATION
AND USE OF ELECTRICITY AT OR NEAR OIL
TANKS AND GAS SEPARATORS.** Regulation 8.

*NOTE—The following Regulations are taken from the Regulations made under the Coal Mines Act, 1911 of the United Kingdom, Part I (1 below ground), with necessary modifications to meet local conditions. The number in brackets thus (117) are the corresponding numbers in the United Kingdom Regulations.

Words and terms to which specific meanings have been assigned in the definitions are printed in Italics.

1. (117) It shall be the duty of every owner, agent or manager to comply with and enforce the following Regulations, and it shall be the duty of all workmen and persons employed to conduct their work in accordance with the Regulations.

2. (118) *Pressure* means the difference of electrical potential between any two conductors or between a conductor and earth as read by a hot wire or electro-static volt-meter.

Low Pressure means a *pressure* in a *system* normally not exceeding 250 volts where the electrical energy is *used*.

Medium Pressure means a *pressure* in a *system* normally above 250 volts but not exceeding 650 volts, where the electrical energy is *used*.

High Pressure means a *pressure* in a *system* normally above 650 volts but not exceeding 3,000 volts, where the electrical energy is *used* or supplied.

Extra-high Pressure means a *pressure* in a *system* normally exceeding 3,000 volts, where the electrical energy is *used* or supplied.

* Repealed and Replaced by the Mines and Quarries Act 1954 (2 & 3 Eliz. 2 c.70) one of the Acts comprised in the Mines and Quarries Acts 1954 to 1971.

System means an electrical system in which all the *conductors* and *apparatus* are electrically connected to a common source of electro-motive force.

Concentric System means a *system* in which the *circuit* in a *conductor* or *conductors*, called the inner *conductor*, is completed through one or more *conductors* called the outer *conductor*, arranged so that the inner *conductor* is insulated, and the outer *conductor* is disposed over the insulation of, and more or less completely around, the inner *conductor*.

Conductor means an electrical *conductor* arranged to be electrically connected to a *system*.

Apparatus means electrical apparatus, and includes all apparatus, machines, and fittings, in which *conductors* are used, or of which they form a part.

Circuit means an electrical circuit forming a *system* or branch of a *system*.

Covered with insulating material means adequately covered with insulating material of such quality and thickness that there is no *danger*.

Metallic Covering means iron or steel armouring, with or without a lead or other metallic sheath as the conditions of the case may require, or an iron or steel pipe surrounding two or more *conductors*.

Bare means *not covered with insulating material*.

Live means electrically charged.

Dead means at, or about, zero potential, and disconnected from any *live system*.

Open sparking means sparking which owing to the lack of adequate provisions for preventing the ignition of inflammable gas external to *apparatus* would ignite such inflammable gas.

Earthed means connected to the general mass of earth in such manner as will ensure at all times an immediate discharge of electrical energy without *danger*.

Earthing system means an electrical system in which all the *conductors* are *earthed*.

Switchgear means switches or fuses, conductors and other *apparatus* in connection therewith, used for the purpose of controlling the current or *pressure* in any system or part of a *system*.

Danger means danger to health or danger to life or limb from shock, burn or other injury to persons employed, or from fire or explosion attendant upon the generation, transformation, distribution, or *use* of electrical energy.

Use of electricity means the conversion of electricity into mechanical energy, heat or light, for the purpose of providing mechanical energy, heat or light.

3. (123)(c) Adequate working space and means of access clear of obstruction and free from *danger* shall be provided for all *apparatus* that has to be worked or attended to by any person, and all handles intended to be operated shall be conveniently placed for that purpose.
4. (124)(a) All *apparatus* and *conductors* shall be sufficient in size and power for the work they may be called upon to do, and so constructed, installed, protected, worked and maintained as to prevent *danger* so far as is reasonably practicable.
 - (b) All insulating material shall be chosen with special regard to the circumstances of its proposed use. It shall be of mechanical strength sufficient for its purpose, and so far as is practicable, it shall be of such a character or so protected as fully to maintain its insulating properties under working conditions of temperature and moisture.
 - (c) Every part of a *system* shall be kept efficiently insulated from earth, except that—
 - (i) the neutral point of a polyphase *system* may be *earthed* at one point only;
 - (ii) the mid-voltage point of any *system*, other than a *concentric system*, may be *earthed* at one point only; and

- (iii) the outer *conductor* of a *concentric system* shall be *earthed*.
 - (d) Efficient means shall be provided for indicating any defect in the insulation of a *system*.
5. (125)(a) All metallic sheaths, coverings, handles, jointboxes, switchgear frames, instrument covers, switch and fuse covers and boxes, and all lampholders, unless efficiently protected by an *earthed* or insulating covering made of fire resisting material and the frames and bedplates of generators, transformers, and motors (including portable motors) shall be *earthed*.
- (b) Where the cables are provided with metallic covering constructed and installed in accordance with regulation 9(e), such metallic covering may be used as a means of connection to the *earthing system*. All the conductors of an *earthing system* shall have a conductivity at all parts and at all joints at least equal to 50 per cent of that of the largest *conductor* used solely to supply the apparatus a part of which it is desired to earth. Provided that no *conductor* of an *earthing system* shall have a cross-sectional area of less than .022 of a square inch.
 - (c) All joints in earth *conductors* and all joints to the metallic covering of the cables shall be properly soldered or otherwise efficiently made, and every earth conductor shall be soldered into a lug for each of its terminal connections. No switch, fuse, or circuit breaker shall be placed in any earth *conductor*.

This rule shall not apply (except in the case of portable *apparatus*) to any *system* in which the *pressure* does not exceed *low pressure* direct current or 125 volts alternating current.

6. (126)(a) Where electricity is distributed at a *pressure* higher than *medium pressure*—
- (i) it shall not be *used* without transformation to *medium* or *low pressure* except in fixed machines in which the *high* or *extra high pressure* parts are stationary; and
 - (ii) motors under 20 h.p. shall be supplied with current through a transformer stepping down or *medium* or *low pressure*.
- (b) Where energy is transformed, suitable provision shall be made to guard against *danger* by reason of the lower *pressure apparatus* becoming accidentally charged above its normal *pressure* by leakage from or contact with the *higher pressure apparatus*.
7. (127) Switchgear and all terminals, cable ends, cable joints, and connections of *apparatus* shall be constructed and installed so that—
- (i) All parts shall be of mechanical strength sufficient to resist rough usage.
 - (ii) All *conductors* and contact areas shall be of ample current carrying capacity and all joints in *conductors* shall be properly soldered or otherwise efficiently made.
 - (iii) The lodgment of any matter likely to diminish the insulation on or close to *live* parts shall be prevented.
 - (iv) All *live* parts shall be so protected or enclosed as to prevent accidental contact by persons and *danger* from arcs or short circuits, fire or water.
 - (v) Where there may be risk of igniting gas, or other inflammable material, all parts shall be so protected as to prevent open sparking.

8. (128)(a) Lightning Arresters, properly adjusted and maintained shall be provided where necessary to prevent *danger*.
- (b) Efficient means suitably placed, shall be provided for cutting off all *pressure* from every part of a *system* as may be necessary to prevent *danger*.
- (c) Such efficient means shall be provided in respect of each separate *circuit* for cutting off all *pressure* automatically from the *circuit* or part or parts of the *circuit* affected in the event of a fault as may be necessary to prevent *danger*.
- (d) Every motor shall be controlled by *switchgear* for starting and stopping, so arranged as to cut off all *pressure* from the motor and from all *apparatus* in connection therewith, and so placed as to be easily worked by the person appointed to work the motor.
- (e) If a *concentric system* is used no switch, fuse, or circuit breaker shall be placed in the outer *conductor*, or in any *conductor* connected thereto, except that, if required, a reversing switch may be inserted in the outer *conductor* at the place where the current is being used. Nevertheless, switches, fuses, or circuit breakers may be used to break the connection with the generators or transformers supplying the electricity; provided that the connection of the outer *conductor* with the *earthing system* shall not thereby be broken.
9. (129) All cables, other than the flexible cables for portable apparatus and signalling wires shall comply with the following requirements:
- (a) They shall be *covered* with *insulating material* (except that the outer *conductor* of a *concentric system* may be *bare*). The lead sheath of lead-sheathed cables and the iron or steel

armouring of armoured cables shall be of not less thickness respectively than is recommended by the Engineering Standards Committee.

- (b) They shall be efficiently protected from mechanical damage and supported at sufficiently frequent intervals and in such a manner as adequately to prevent *danger* and damage to the cables.
- (c) Concentric cables, or two-core or multi-core cables protected by a *metallic covering*, or single-core cables protected by a *metallic covering* which shall contain all the *conductors* of the *circuit*, shall be used—
 - (i) where the *pressure* exceeds *low pressure*, and
 - (ii) where there may be risk of igniting gas or other inflammable material.

Provided that if the *medium pressure* direct current system is used—

- (i) two single-core cables protected by *metallic coverings* may be used for any *circuit* if the said metallic coverings are bonded together by earth *conductors* so placed that the distance between any two consecutive bonds is not greater than 100 feet measured along either cable, and
 - (ii) two single-core cables *covered with insulating material* efficiently protected otherwise than by a *metallic covering* may be used (except where there may be risk of igniting gas or other inflammable material) for purposes of supplying portable *apparatus*.
- (d) Cables unprotected by a *metallic covering* shall be properly secured by some non-conducting and readily breakable material to efficient insulators.

- (e) The *metallic covering* of every cable shall be—
- (i) electrically continuous throughout;
 - (ii) *earthed*, if it is required by regulation 5(a) to be earthed by a connection to the earthing system of not less conductivity than the same length of the said *metallic covering*;
 - (iii) efficiently protected against corrosion where necessary;
 - (iv) of a conductivity at all parts and at all joints at least equal to 50 per cent of the conductivity of the largest *conductor* enclosed by the said *metallic covering*; and
 - (v) where there may be risk of igniting gas or other inflammable material, so constructed as to prevent as far as is practicable any fault or leakage of current from the *live conductors* from causing *open sparking*.

Provided that where two single-core cables protected by *metallic coverings* bonded together in accordance with paragraph (c) of this regulation are used for a circuit, the conductivity of each of the said *metallic coverings* at all parts and at all joints shall be at least equal to 25 per cent of the conductivity of the *conductor* enclosed thereby.

- (f) Cables and *conductors* where joined up to motors, transformers, *switchgear* and other *apparatus*, shall be installed so that—
- (i) they are mechanically protected by securely attaching the *metallic covering* (if any) to the *apparatus*; and
 - (ii) the insulating material at each cable end is efficiently sealed so as to prevent the diminution of its insulating properties. Where necessary to prevent abrasion or to secure gas-tightness there shall be properly constructed bushes.

10. (130)(a) Flexible cables, for portable *apparatus* shall be two-core or multi-core and *covered with insulating material* which shall be efficiently protected from mechanical damage. If a flexible *metallic covering* be used either as to the outer *conductor* of a *concentric system* or as a means of protection from mechanical damage the same shall not alone be used to form an earth *conductor* for the portable *apparatus*.
- (b) Every flexible cable for portable *apparatus* shall be connected to the *system* and to the portable *apparatus* itself by a properly constructed connector.
- (c) At every point where flexible cables are joined to main cables a switch capable of entirely cutting off the *pressure* from the flexible cables shall be provided.
- (d) No lampholder shall be in metallic connection with the guard or other metal work of a portable lamp.
11. (131)(a) Should there be a fault in any *circuit* the part affected shall be made *dead* without delay, and shall remain so until the fault has been remedied.
- (b) All *apparatus* shall be kept clear of obstruction and free from dust, dirt, and moisture as may be necessary to prevent *danger*.
- Inflammable or explosive material shall not be stored in any rooms, compartment, or box containing *apparatus* or in the vicinity of *apparatus*.
- (c) Adequate precautions shall be taken by *earthing* or other suitable means to discharge electrically any *conductor* or *apparatus*, or any adjacent *apparatus*, if there is *danger* therefrom, before it is handled, and to prevent any *conductor* or

apparatus from being accidentally or inadvertently electrically charged when persons are working thereon. While lamps are being changed the *pressure* shall be cut off.

Provided that this paragraph shall not apply to the cleaning of commutators and slip rings working at *low* or *medium pressure*.

- (d) Every flexible cable shall be examined periodically and if found damaged or defective it shall forthwith be replaced by a spare cable in good and substantial repair. Such damaged or defective cable shall not be further used until after it has been properly repaired.

12. (132) In any place where inflammable gas, although not normally present, is likely to occur in quantity sufficient to be indicative of *danger* the following additional requirements shall be observed:

- (i) All cables and *apparatus* signalling wires and signalling instruments shall be constructed, installed, protected, worked and maintained so that in the normal working thereof there shall be no risk of *open sparking*.
- (ii) All motors shall be constructed so that when any part is *live* all rubbing contacts (such as commutators and slip-rings) are so arranged or enclosed as to prevent *open sparking*.
- (iii) The pressure shall be switched off *apparatus* forthwith if *open sparking* occurs, and during the whole time that examination or adjustment disclosing parts liable to *open sparking* is being made. The pressure shall not be switched on again until the *apparatus* has been examined and the defect (if any) has been remedied or the adjustment made.

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- (iv) Every electric lamp shall be enclosed in an air-tight fitting, and the lamp globe itself shall be hermetically sealed.

13. Any of the requirements of these Regulations shall not apply in any case in which exemption is obtained from the Engineer on the ground either of emergency or special circumstances, on such conditions as the Engineer may prescribe.

[Subsidiary]

RG 19.8.43.
[99/1946
188/1948
47/1949].

**PETROLEUM (TESTING, STORAGE, ETC.)
REGULATIONS**

**deemed to be made under section 29*

1. (1) These Regulations may be cited as the Petroleum (Testing, Storage, Etc.) Regulations.

(2) In these Regulations, the expression “mixtures of petroleum” means all mixtures (whether liquid, viscous or solid) of petroleum with any substance except mixtures which, when tested in the manner hereinafter set forth, do not give off an inflammable vapour at a temperature below 95° Fahrenheit.

PART I

**TEST APPARATUS TO BE USED AND MANNER OF
TESTING PETROLEUM THEREWITH SO AS TO
ASCERTAIN THE TEMPERATURE AT WHICH IT
WILL GIVE OFF INFLAMMABLE VAPOUR**

Specification of the Test Apparatus

GENERAL

1. The apparatus to be employed shall be the Abel Petroleum Testing apparatus or the Abel apparatus modified by having an oil cup provided with a stirrer. It shall be constructed to the dimensions herein specified within the limits of accuracy prescribed by the tolerance set forth below.

THE OIL CUP

2. The oil cup consists of a cylindrical vessel open at the top and fitted on the outside with a flat circular flange projecting at right angles.

3. Within the cup, fixed through the wall and silver soldered or brazed in place, there is a gauge consisting of a piece of wire bent upwards and terminating in a point.

* These Regulations were made under section 28 of the Petroleum Ordinance (Ch. 26 No. 2—1950 Ed.) (now repealed) and continue in force by virtue of section 29(3) of the Interpretation Act (Ch. 3:01).

4. Material—brass or gunmetal.

	Dimension	Tolerance
Cup, wall and bottom thickness	17 I.W.G.	—
Cup, internal diameter	2"	± 0.05"
Cup, internal depth	2.2"	± 0.05"
Flange, thickness	17 I.W.G.	—
Flange, width	0.5"	± 0.05"
Flange, distance of upper side from top edge of cup ...	0.375"	± 0.05"
Gauge, thickness, not less than	10 I.W.G.	—
Gauge, distance of point from level of upper edge of cup	0.7"	± 0.005"

THE COVER

5. The cup is provided with a close-fitting cover with a downward projecting rim barely reaching the flange on the cup. The downward projecting rim is made solid with the top or silver soldered or brazed in place. Upon the cover are mounted a thermometer socket, trunnions to support an oil-test lamp, a pair of guides in which a slide moves, and a white bead. The top of the cover is pierced by three rectangular holes symmetrically placed on a diameter, one in the centre and the other two as close as practicable to the inner sides of the cover-rim and opposite each other. These three holes are covered or uncovered by means of a slide moving in suitably disposed guides. The slide has two perforations, one corresponding in all particulars to the centre hole in the cover and the other to one of the holes at the side. The movement of the slide is restricted by suitable stops, and its length and the disposition of the holes are such, that at the outer extremity of the movement of the slide, the holes in the cover are simultaneously just completely opened and at the inner extremity of the movement of the slide they are completely closed.

6. The trunnions supporting the test lamp are fixed on the top of the guides and the lamp is mounted in the trunnions so that it is free to oscillate. The lamp is provided with a jet to contain a wick and is so arranged that when the slide is moved so as to uncover the holes, the oscillating lamp is caught by a pin fixed in

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the slide and tilted over the central hole in such a way that the lower edge of the cover bisects the circle formed by the bore of the jet when in the lowest position. The flame then occupies a central position within the hole in both directions.

7. A suitably mounted gas-jet may be substituted for the lamp.

8. The thermometer socket is in the form of a split tube, mounted on a diameter at right angles to the diameter through the centres of the holes, and fitted at such an angle as to bring the bulb of the thermometer, when in place, vertically below the centre of the cover and at the correct distance from it.

9. A white bead, the dimensions of which represent the size of test flame to be used, is mounted in a visible position on the cover.

10. Materials—all parts excepting bead—brass or gunmetal. Bead—ivory or other suitable material.

	Dimension	Tolerance
Cover, thickness	0.05"	±0.015"
Cover, central hole, length (in direction of slide)	0.5"	±0.005"
Cover, width	0.4"	±0.005"
Cover, peripheral holes length (in direction of slide)	0.2"	±0.005"
Cover, width	0.3"	±0.005"
Slide, thickness	20 I.W.G.	—
Slide, width of upper surface	0.5"	+ 0.01" (excess only)
Lamp. Overall length of jet	Approximately 0.6"	To suit the requirements for the position of jet when tilted
Lamp. Bore of jet at end	0.0625"	± 0.005"
Bead. Diameter	0.15"	± 0.01"
Thermometer Socket:		
Internal diameter	0.6"	± 0.01"
Length of short side measured from under surface of cover	Approximately 0.5"	—
Length of long side measured from under surface of cover	Approximately 0.75"	—
Distance of centre of socket from centre of cover measured on the underside	Approximately 0.7"	—
These dimensions are subject to the correct placing of the thermometer when in position.		
Vertical depth of lowest part of thermometer below centre of underside of cover	1.5"	± 0.1"

COVER FITTED WITH STIRRER

11. Provision may be made in the cover for the reception of a stirrer which projects into the oil cup, for use with viscous materials only.

12. A bush is mounted on the cover in a position diametrically opposite the thermometer mounting and its length is such and it is set at such an angle that the stirrer rod clears the oil-level gauge and the blades operate below the level of and without fouling the thermometer bulb. The bush is placed as near as practicable to the outer edge of the cover.

13. The stirrer consists of a round stem having four blades or vanes silver soldered in place at one end. A collar is fixed on the stem so that when the stem is inserted into the bush from below, it is arrested at a position such that the correct length protrudes into the oil cup. The top end of the stem is reduced and screwed.

14. A long sleeve having an internally screwed, knurled knob soldered to its upper end, is passed over the upper end of the stem and screwed home. The length of the sleeve is such that a flat-faced collar at its lower end just comes into contact with the upper end of the bush, leaving the stirrer free to rotate without appreciable vertical play.

15. A flat-headed cylindrical plug is provided for insertion in the bush when the stirrer is not in use.

16. Material—brass or gunmetal.

	Dimension	Tolerance
Stem, length overall	4"	± 0.1"
Stem, length. Lower end to point of attachment of blades ...	Approximately 0.1"	—
Stem, length. Lower end to upper surface of collar	1.9"	±0.1"
Stem, length. Upper surface of collar to lower end of thread ...	2"	±0.1"
Stem, length. Diameter of stem	Approximately 0.125"	—
Stem, length. Diameter of collar	Approximately 0.25"	—

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	Dimension	Tolerance
Stem, Thread	7 B.A.	—
Blades, thickness	17 I.W.G.	—
Blades, length excluding root	0.5"	± 0.1"
Blades, breadth (all corners of blades rounded)	$\frac{5}{16}$ " (0.3125")	± 0.01"
Blade angle	Approximately 45°	
Sleeve. Length, to suit stem, giving free rotation with no appreciable vertical play when screwed home	—	—
Diameter of bore	Sliding fit on stem	—
Diameter of collar	Approximately 0.25"	—

HEATING VESSEL

17. The heating vessel or bath consists of two flat-bottomed cylindrical copper vessels placed coaxially one inside the other and soldered at their tops to a flat copper ring, greater in outside diameter than the larger vessel and of smaller inside diameter than the smaller vessel. The space between the two vessels is thus totally enclosed and is used as a water jacket.

18. An ebonite or fibre ring of right-angle section is fitted into the hole in the centre of the flat ring forming the top of the bath and, when the apparatus is in use, the oil cup fits into, and its flange rests upon, this ebonite or fibre ring so that the oil cup is centrally disposed within the heating vessel. The ebonite or fibre ring is secured in place by means of six small screws having their heads sunk below the surface of the ring, to avoid metallic contact between the bath and the oil cup.

19. A split socket, similar to that on the cover of the oil cup, but set vertically, allows a thermometer to be inserted into the water-space. A funnel and overflow pipe also communicate with the water-space through the top plate and two loop handles are provided thereon.

	Dimension	Tolerance
Inner vessel:		
Thickness	24 I.W.G.	—
Internal diameter	3"	± 0.05"
Internal depth	2.5"	± 0.05"
Outer vessel:		
Thickness, not less than	24 I.W.G.	—
Internal diameter	5.5"	± 0.01"
Internal depth	5.75"	± 0.1"
Top plate:		
Thickness not less than	20 I.W.G.	—
Outer flange projection	0.375"	± 0.1"
Diameter of central hole	To suit ebonite or fibre ring. Clearance not to exceed 0.1"	—
Ebonite or fibre ring:		
Internal diameter	Easy fit on oil cup	—
External diameter of flange	2.75"	± 0.02"
Overall depth of spigot	0.25"	± 0.02"
Thickness, flange and spigot	0.08"	± 0.005"
Screws, C.S.	8 B.A. x 0.15"	—
Thermometer socket:		
Internal diameter	0.6"	± 0.01"
Height from top of plate	0.75"	± 0.05"

20. The bath rests upon a cast-iron tripod stand, to the ring of which is attached a cylindrical copper jacket not less than 24 I.W.G. flanged inwards at the top, and of such dimensions that the bath, while resting firmly on the iron ring, just touches with its outward projecting flange the inward-turned flange of the jacket. Two handles are provided on the outer jacket.

Diameter of the outer jacket 6.5 inches ± 0.1 inches.

SPIRIT LAMP

21. A spirit lamp is provided for raising the temperature of the water bath.

THERMOMETERS

22. Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point.

OIL CUP THERMOMETER

23. Type—Mercury in glass, nitrogen filled graduated on the stem, enamel back.

Length—Approximately 9 inches.

Stem—Diameter 0.24 inches to 0.28 inches.

Bulb—Spherical: made of a normal glass. Diameter, 0.35 inches \pm 0.05 inches.

Range—50 degrees Fahrenheit to 150 degrees Fahrenheit with expansion chamber. Distance from the bottom of the bulb to the 50 degree line 2.75 inches to 3.15 inches. Distance from the 50 degree line to the 150 degree line not less than 4.75 inches.

Immersion—A swelling is made in the stem to ensure that the thermometer shall be fixed in its brass collar so that the distance from the top of the collar to the bottom of the bulb is 2.4 inches \pm 0.05 inches.

Graduation—Scale graduated in 1 degree Fahrenheit divisions. Every fifth degree and tenth degree to be indicated by longer lines. Figured at every tenth degree in full.

Marking—“Abel Oil Cup”: Identification number: “Fahrenheit” Maker’s or Vendor’s name or trade mark.

WATER BATH THERMOMETER

24. Type—Mercury in glass, nitrogen filled, graduated on the stem, enamel back.

Length—Approximately 9 inches.

Stem—Diameter 0.24 inches to 0.28 inches.

Bulb—Cylindrical: made of a normal glass. Length approximately 0.8 inches. Diameter not to exceed the diameter of the stem.

Range—90 degrees Fahrenheit to 190 degrees Fahrenheit with expansion chamber. Distance from the bottom of the bulb to the 90 degree line 3.95 inches to 4.35 inches. Distance from the 90 degree line to the 190 degree line not less than 3.55 inches.

Immersion—A swelling is made in the stem to ensure that the thermometer shall be fixed in its brass collar so that the distance from the top of the collar to the bottom of the bulb is 3.5 inches \pm 0.1 inches.

Graduation—Scale graduated in 1 degree Fahrenheit divisions. Every fifth degree and tenth degree to be indicated by longer lines. Figured at every tenth degree in full.

Marking—“Abel Water Bath”: Identification number: “Fahrenheit”: Maker’s or Vendor’s name or trade mark.

25. The brass collar of the thermometer is in each case of the following dimensions:

Outside diameter—push fit in socket.

Thickness of tube—22 I.W.G.

Thickness of flange—0.1 inches \pm 0.001 inches.

MANNER OF TESTING LIQUID PETROLEUM

26. Liquid petroleum shall be tested by means of apparatus constructed in accordance with the specification contained in the foregoing regulations of this Part.

27. The test apparatus shall be placed for use in a position where it is not exposed to currents of air or draughts.

28. The heating vessel or water-bath shall be filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the beginning of the test shall be 130 degrees Fahrenheit and no heat shall be applied to the water-bath during the test. When a test has been completed and it is desired to make another test the water-bath shall be again raised to 130 degrees Fahrenheit which may conveniently be done while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The next test is then proceeded with.

29. If an oil test-lamp is being used it shall be prepared by fitting it with a piece of flat plaited candle-wick, and filling it with colza or rapeoil up to the lower edge of the opening of the spout or wick tube. The lamp shall be trimmed so that when lighted it gives a flame of about 0.15 of an inch diameter, and this size of flame, which is represented by the projecting white bead on the cover of the oil-cup, is readily maintained by simple manipulation from time to time with a small wire trimmer. A gas test-lamp may be employed, and if so, the size of the jet of flame shall be adjusted to the size laid down above.

30. The bath having been raised to the proper temperature, the cup shall be placed on a level surface in a good light and the oil to be tested shall be poured into it, until the level of the liquid just reaches the point of the gauge which is fixed in the cup. Before a test is begun the temperature of the oil shall be determined and shall be brought to approximately 60 degrees Fahrenheit. The cover, with the slide closed shall then be put on to the cup and pressed down so that its edge rests on the rim of the cup, and the cup shall be placed into the bath or heating vessel, every care being taken to avoid wetting the sides of the cup with the oil. The thermometer in the lid of the cup has been adjusted so as to have the correct immersion when the brass collar of the thermometer is properly seated, and its position shall not in any circumstances be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

31. The test lamp shall then be placed in position upon the lid of the cup. When the temperature has reached 66 degrees Fahrenheit the operation of testing shall be begun, the test flame being applied once for every rise of one degree, in the following manner:

The slide shall be slowly drawn open while a metronome, set so as to beat at the rate of 75 to 80 beats in the minute, beats three times and shall be closed during the fourth beat. A pendulum of 24 inches effective length may be used in the place of the metronome, counting one beat from one extremity of the swing to the other.

MANNER OF TESTING LIQUID MIXTURES OF PETROLEUM

32. A mixture of petroleum which is wholly liquid, flows quite freely, and does not contain any sediment or thickening ingredient, shall be tested by the method employed to test liquid petroleum.

MANNER OF TESTING SEDIMENTARY AND VISCOUS MIXTURES OF PETROLEUM

33. Where a mixture of petroleum contains an undissolved sediment that can be separated by filtration or by settlement and decantation, the sediment shall be so separated and the filtered or decanted liquid shall be tested by the method employed to test liquid petroleum.

In separating the sediment, care must be taken to minimise the evaporation of the petroleum.

34. Where a mixture of petroleum is such that sediment cannot be separated by filtration or by settlement and decantation, or where it is of a viscous nature, the apparatus to be used for testing the mixture shall be fitted with a stirrer in accordance with the specification hereinbefore contained.

35. In carrying out the test of a viscous petroleum mixture, the stirrer shall, except when the test flame is applied, be constantly revolved at a slow speed with the fingers, the direction of revolution being that of the hands of a clock.

36. Subject to the foregoing provisions, the method of testing a sedimentary or viscous mixture shall be that employed to test liquid petroleum.

MANNER OF TESTING SOLID MIXTURES OF PETROLEUM

37. The apparatus to be used for testing a solid mixture of petroleum shall be that of which a specification is contained in regulations 1 to 25 of this Part, and the method of carrying out the test shall be as follows:

The solid mixture must be cut into cylinders $1\frac{1}{2}$ inches long and $\frac{1}{4}$ inch in diameter by means of a cork borer or other cylindrical cutter having the correct internal diameter.

These cylinders must be placed in the petroleum cup of the testing apparatus in a vertical position in such number as completely to fill the cup, the cylinders being in contact with one another, but not so tightly packed as to be deformed in shape.

Five or six of the cylinders in the centre of the cup must be shortened to $\frac{1}{2}$ inch to allow space for the thermometer bulb.

The air bath of the testing apparatus must be filled with water to a depth of $1\frac{1}{2}$ inches.

The water bath must then be raised to and maintained at a temperature of about 97° Fahrenheit; the cup must then be placed in the air bath, and the temperature of the sample must be allowed to rise until the thermometer in the oil cup shows 94° Fahrenheit, when the test flame must be applied.

If no flash is obtained, this temperature must be maintained constant in the oil cup for one hour, at the expiration of which time the test flame must again be applied:

Provided that in testing samples of petroleum mixtures in a room of which the temperature is below 95° Fahrenheit the test flame may be applied after the sample has been a few minutes in the cup while it is still at the temperature of the room in which the test is being carried out, and if a flash is obtained by this means the test need not be proceeded with at a higher temperature.

PART II

SPECIAL REGULATIONS FOR THE STORAGE AND TRANSPORT OF CRUDE PETROLEUM, PETROLEUM AND DANGEROUS PETROLEUM IN THE CITY OF PORT-OF-SPAIN, PRINCES TOWN, SANGRE GRANDE, THE BOROUGHS OF SAN FERNANDO AND ARIMA AND SUCH OTHER PLACES AS THE PRESIDENT MAY FROM TIME TO TIME PROCLAIM

1. No crude petroleum, petroleum or dangerous petroleum above the quantity of one hundred Imperial gallons shall be stored

in any place save in a warehouse authorised by licence under the Act. No such warehouse shall be of a capacity greater than two hundred tons for dangerous petroleum and eight thousand tons for crude petroleum or petroleum.

2. Any person desiring to erect a warehouse under these Regulations shall forward an application to the Inspector and together with the application shall submit—

- (a) a site plan showing the position of the proposed warehouse and all adjacent warehouses, buildings and roads;
- (b) plans and specifications of the warehouse;
- (c) plans and specifications of the fence around the site of the warehouse.

3. Every licence shall be signed and issued by the Inspector and published in the *Gazette* and shall expire on the 31st day of December next after it is granted.

4. No licence shall be issued for the erection of any warehouse in Port-of-Spain save on a site south of Wrightson Road and west of the Electric Power Station:

Provided however that the President may when satisfied, on the report of the Inspector that the circumstances warrant exceptional treatment, approve of the issue of a licence in respect of any other suitable site.

5. Every application for the renewal of a licence shall be made at a date not less than thirty days before the date on which the original licence expires, and if the application is so made the premises shall be held to be duly licensed until such date as the Inspector issues the renewed licence, or until an intimation that the renewal of the licence is refused is communicated to the applicant.

6. Special licences for the storage of crude petroleum, petroleum or dangerous petroleum in receptacles approved by

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the Inspector and containing not more than twelve tons of crude petroleum, petroleum or dangerous petroleum may be granted on such terms as the Inspector may think proper.

7. The licensee shall conform to these Regulations and to any amendments, additions or alterations that may hereafter be made.

8. Plans and specifications which have been approved by the Inspector shall be signed by the applicant for a licence and filed by the Inspector.

9. No warehouse the plans and specifications of which have been approved shall be licensed until the Inspector has certified in writing that the plans and specifications and the Regulations for its construction and enclosure have been satisfactorily carried out.

10. All warehouses licensed under these Regulations shall conform to the following rules and to such other conditions as may be imposed by the President who may also grant exemption from the operations of any such rules in special cases:

- (a) a distance of not less than thirty-five feet shall be kept clear between any warehouse and all buildings (save approved filling sheds) or public roads, the distances being measured between the perimeter of the warehouse and the perimeters of the buildings of extreme boundaries of the public roads nearest such warehouse;
- (b) no warehouse shall be placed within seventy feet of any other warehouse, the distances being measured between the perimeters of the warehouses;
- (c) every warehouse shall as far as possible be built of unflammable material;
- (d) each warehouse shall either be separately surrounded by a wall or embankment of substantial construction or shall be partly sunk in

an excavation. The enclosure thus formed shall be of dimensions sufficient to contain ten per cent more oil than the warehouse is capable of containing, and shall be so constructed as to prevent the escape therefrom of any oil in the form of liquid. The space enclosed by such wall or excavation and not occupied by the warehouse shall be kept entirely clear and unoccupied;

- (e) the site of every warehouse shall be surrounded by an approved eight-foot galvanised iron fence or fence of other approved unflammable material. The distance of such fence shall not be less than thirty-five feet from the perimeter of the warehouse.

11. No crude petroleum, petroleum or dangerous petroleum stored under these Regulations shall be allowed to leak or escape into an inlet or drain communicating with a public drain or sewer.

12. A sufficient quantity of clean sand shall always be kept at every warehouse for the purpose of absorbing any petroleum which may leak from any receptacle.

13. All pipes or openings for draining out water from the enclosure mentioned in regulation 10(d) of this Part shall be so constructed that they are capable of being closed, and they shall only be kept open when actually necessary for drainage purposes. The nature of such drainage arrangements shall be shown in the specifications which are required under regulation 2(b) of this Part.

14. No engine, dynamo or motor shall be erected within the enclosure fence under regulation 10(e) of this Part save on a spot to be approved of in writing by the Inspector.

15. No work shall be done in connection with any warehouse nor with the storage of crude petroleum, petroleum or dangerous petroleum therein between the hours of 6.00 p.m. and 6.00 a.m.,

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provided that in cases where electric lighting is exclusively used, night working may be permitted by the Inspector.

16. All operations in connection with any warehouse shall be conducted under the supervision of a responsible agent or supervisor.

17. All due precautions shall be taken to prevent unauthorised persons or any person under the age of 18 from having access to any warehouse containing crude petroleum, petroleum or dangerous petroleum.

18. Every person managing or employed in or in connection with any warehouse shall abstain from any act whatsoever which tends to cause fire or explosion and which is not reasonably necessary, and shall prevent any other persons from doing such act.

19. No fire or lights other than safety lamps approved by the Inspector shall be allowed within the fence mentioned at regulation 10(e) of this Part and no person shall enter the enclosure with any matches or with any oiled cotton waste rags or any articles liable to spontaneous combustion.

20. Efficient means of extinguishing fire to the satisfaction of the Inspector shall be provided at each and every warehouse.

21. No crude petroleum, petroleum or dangerous petroleum shall be transported from any warehouse licensed under these Regulations save in air tight receptacles of steel or iron, or wood in the case of crude petroleum, or in tank carts or through a pipeline.

22. Tank carts for the conveyance of crude petroleum, petroleum and dangerous petroleum shall be approved by the Inspector.

23. (1) Receptacles for the conveyance or storage of dangerous petroleum shall have the nature of the contents and the

words “*Highly Inflammable*” distinctly marked on them. Such receptacles shall be painted at both ends thereof with red paint (or with a paint of such other colour as the Inspector may, by notice in the *Gazette*, authorise to be used during any particular period) and shall be of gas tight tinned or galvanised sheet iron or steel containing each not more than one hundred Imperial gallons and fitted with well made filling holes and well fitted screw plugs or fitted with screw cap and under cap. Such receptacles shall be packed in strong wooden cases the thickness of wood to be not less than $\frac{3}{8}$ of an inch:

Provided that wood cases shall not be necessary when the receptacles have the following thicknesses of metal:

	<i>Body</i>	<i>Ends</i>
(i) When the capacity does not exceed two Imperial gallons	27 B.W.G.	27 B.W.G.
(ii) When the capacity exceeds 2 Imperial gallons but does not exceed 4 Imperial gallons	22 "	22 "
(iii) When the capacity exceeds 4 Imperial gallons but does not exceed 8 Imperial gallons	20 "	20 "
(iv) When the capacity exceeds 8 Imperial gallons but does not exceed 20 Imperial gallons ...	16 "	16 "
(v) When the capacity exceeds 20 Imperial gallons but does not exceed 25 Imperial gallons ...	14 "	16 "
(vi) When the capacity exceeds 25 Imperial gallons but does not exceed 35 Imperial gallons ...	12 "	15 "
(vii) When the capacity exceeds 35 Imperial gallons but does not exceed 65 Imperial gallons ...	10 "	14 "
(viii) When the capacity exceeds 65 Imperial gallons but does not exceed 100 Imperial gallons ...	9 "	12 "

An air space of at least $\frac{1}{20}$ of its capacity shall be left in each receptacle at the time of filling.

Receptacles shall be so substantially constructed and secure as not to be liable except under circumstances of grave negligence or extraordinary accident to be broken or become defective, leaky or insecure.

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All due precautions shall be taken to prevent any unauthorised person or persons below the age of 18 years having access to any receptacle which contains or has contained crude or dangerous petroleum or to the contents of such receptacles.

(2) The provisions of subregulation (1) which require that receptacles for the conveyance or storage of dangerous petroleum shall be of tinned or galvanised sheet iron or steel and that such receptacles shall be packed in strong wooden cases, the thickness of wood to be not less than $\frac{3}{8}$ of an inch, shall not apply to metal barrels or metal drums which have been constructed and are maintained in conformity with the legal or recognised standards of the United Kingdom or the United States of America for metal barrels or metal drums intended for the conveyance of dangerous petroleum in those countries on more than one trip or journey.

24. If either during the construction or after the completion of any warehouse the Inspector shall find any thing or practice to be dangerous or defective he may give notice thereof in writing to the applicant for a licence or licensee, as the case may be, and require the same to be remedied within a stated time. If the applicant for a licence or the licensee objects to remedy the matter complained of in the notice he may, within the time specified in the notice, send his objection in writing stating the ground thereof to the President and thereupon the matter shall be determined by the President. The applicant or licensee shall be held responsible for any delay on his part in not complying with the order of the Inspector. If the applicant for a licence or licensee fails when no objection is sent as aforesaid to comply with the requisition of the notice within the time prescribed or when there has been an order to comply with the decision of the President he shall be refused a licence.

25. There shall be kept hung up in a conspicuous place near each warehouse a copy of these Regulations so that they can be conveniently read by all employees.

PART III

**GENERAL REGULATIONS FOR THE SALE, USE,
STORAGE AND TRANSPORT OF CRUDE OR
DANGEROUS PETROLEUM**

1. Every container in which dangerous petroleum is kept shall have the nature of the contents and the words “*Highly Inflammable*” distinctly marked thereon. Such container shall be painted, at both ends thereof, with red paint (or with paint of such other colour as the Inspector may by notice in the *Gazette* authorise to be used during any particular period). Such container shall be properly secured and stored and at all times kept in good order and repair so that no leakage of either spirit or vapour can take place therefrom.

2. A quantity of fine sand shall be kept where dangerous petroleum is stored for the purpose of absorbing leakage and extinguishing fire.

3. The lighting of fires or smoking is strictly prohibited in or near any warehouse used for the storage of dangerous petroleum; and no person shall enter any such warehouse with any lamp or light (other than an approved safety lamp) or with matches or with any oiled cotton waste, rags, or any article liable to spontaneous combustion.

4. It shall not be lawful to transport dangerous petroleum unless such dangerous petroleum is packed as prescribed by these Regulations, or unless it is kept in vessels sanctioned by the Act.

5. Any person removing dangerous petroleum shall take all necessary precautions to protect such petroleum from ignition.

6. The transference of dangerous petroleum from any package to any other receptacle shall be conducted with every reasonable precaution against ignition or explosion or spilling of the dangerous petroleum; and no fire or artificial light (save approved safety lamps) shall be brought within dangerous proximity during this operation.

7. Regulations 1 to 6 of this Part shall not apply to any crude or dangerous petroleum in the tank of any locomotive in use by land or water or in any gas making machine licensed under the Act.

PART IV

DISCHARGING AND LANDING OF PETROLEUM

1. Masters of vessels carrying a cargo consisting wholly or in part of petroleum, crude petroleum or dangerous petroleum on entering *any declared Harbour of Trinidad and Tobago* shall give notice thereof to the visiting Officer when boarding the vessel.

2. Vessels carrying crude petroleum, or dangerous petroleum in bulk shall on entering the Harbour of Port-of-Spain, anchor within the area declared from time to time as an Explosive Anchorage, or in such other place as the Harbour Master or other person authorised by him may direct, and on entering any other declared Harbour of Trinidad and Tobago shall anchor in such place as the Harbour Master of that port, or other person authorised by him, shall direct.

3. (1) Vessels shall be anchored in sufficient water to remain afloat at any time of the tide and be at least $\frac{1}{2}$ cable's length (100 yards) distant from each other and from any other vessel at anchor in the Harbour.

(2) Any vessel carrying crude petroleum or dangerous petroleum when moored alongside an oil jetty shall not, except for the purpose of trans-shipment, be moored within one hundred feet of any other vessel unless it is impracticable to maintain such distance.

4. Masters of Steamers, Barges or other craft carrying petroleum, crude petroleum or dangerous petroleum in bulk shall, on nearing and during such time as the vessel remains in any declared Harbour of Trinidad and Tobago, display by day a red

flag not less than three feet square and by night a red light at the mast-head or, if the said ship has no mast, on a staff.

5. Petroleum, crude petroleum, or dangerous petroleum shall not be landed in or shipped from the Harbour of Port-of-Spain or San Fernando between the hours of 6.00 p.m. and 7.00 a.m., and dangerous petroleum landed or received at any wharf shall be removed without delay to a warehouse for its storage. In cases where electric light or approved safety lamps are exclusively used petroleum in bulk may be loaded on or unloaded from any ship between these hours at the discretion of the Harbour Master. And in cases where petroleum in bulk consists of petroleum with a flash point of not less than 150°F. (Abel test) oil navigating lights may be used.

6. Vessels with part cargoes of petroleum, crude petroleum or dangerous petroleum shall not discharge or ship any merchandise from or into any hold in which petroleum is stored between the hours of 6.00 p.m. and 7.00 a.m. unless the permission of the Harbour Master has first been obtained.

7. All imported petroleum or dangerous petroleum from any vessel shall be landed between the hours of 7.00 a.m. and 3.00 p.m., and when landed shall forthwith be removed to and stored in the Petroleum Warehouse or some warehouse licensed under the Act at the cost of the importer. Except by special permission of the Comptroller of Customs and Excise, no petroleum or dangerous petroleum shall be received in the Petroleum Warehouse before the hour of 7.00 a.m. or after the hour of 4.00 p.m.

8. No dangerous petroleum shall be imported into Trinidad and Tobago unless it is packed in strong iron or steel drums of a capacity and strength approved by the Comptroller of Customs and Excise.

9. The following rules in respect of the unloading or loading or trans-shipment of petroleum, crude petroleum or dangerous

petroleum within any declared Harbour of Trinidad and Tobago or within the territorial waters of Trinidad and Tobago shall be observed:

- (a) Petroleum, crude petroleum and dangerous petroleum shall be landed or shipped only at such quay or landing place as the Harbour Master shall from time to time direct; and in the case of dangerous petroleum so soon as a vessel has completed its loading it must at once leave the wharf.
- (b) No petroleum, crude petroleum or dangerous petroleum shall be discharged or allowed to escape into the waters of any declared Harbour of Trinidad and Tobago or into the territorial waters of Trinidad and Tobago.
- (c) The owner of such petroleum, crude petroleum or dangerous petroleum shall take all due precautions for the prevention of accidents by fire in landing or shipping the same.

10. The Master of any vessel shall, when so required by the Harbour Master or other officer appointed by him, or by any police constable, show to such officer or constable all petroleum, crude petroleum or dangerous petroleum on board his vessel, and shall afford any reasonable facility to enable such officer or constable to inspect the vessel and the petroleum on board.

11. (1) The Master of a vessel carrying crude petroleum or dangerous petroleum shall not permit any fire or artificial light on board—

- (a) whilst such vessel is alongside any oil jetty;
- (b) from the time when the holds or tanks of such vessel are first opened for the purpose of loading or landing crude petroleum or dangerous petroleum until such time as all dangerous petroleum shall have been loaded into

or removed from such holds or tanks, and the holds or tanks shall have been securely closed down and, in the case of landing, rendered free from inflammable vapour:

Provided that nothing contained in this subregulation shall prevent the use of lamps, heaters, cookers, or other similar type of safe apparatus, electric or otherwise, designed, constructed and maintained in accordance with Lloyds or other approved classification society's requirements, or be deemed to prohibit the discharging or loading of a vessel carrying crude petroleum or dangerous petroleum, under conditions approved by the Harbour Master, by means of steam from its own boilers or power supplied from electric motors or internal combustion engines placed in a position away from cargo holds and pump-rooms or alternatively by means of electric motors designed, constructed and maintained in accordance with Lloyds or other approved classification society's requirements.

(2) The Master of a vessel carrying crude petroleum or dangerous petroleum shall take adequate steps to prevent any person from smoking on deck or in any part of the vessel, whilst such vessel is alongside any oil jetty or when crude petroleum or dangerous petroleum is being landed or loaded, and prevent any person on deck or engaged in the landing or loading from carrying fuses, matches or any appliance whatsoever for producing ignition: Provided that this requirement shall not apply to such enclosed space or spaces on board the vessel as may be sanctioned by the Master for the purpose of smoking.

12. When any vessel or cargo is moored, landed or otherwise dealt with in contravention of any of the above regulations, it shall be lawful for the Harbour Master or any other person acting under

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his instructions to cause such ship or cargo to be removed at the expense of the owner thereof to such place as will conform with the Regulations.

13. The importer shall furnish such number of samples as may be required and approved as sufficient by the Comptroller of Customs and Excise, and such samples shall be forwarded to the Government Chemist or other competent examiner authorised under the provisions of the Act who shall test the same as laid down in Part I of these Regulations.

14. A fee of five dollars shall be charged for each sample the flashing point of which falls below 95° Fahrenheit.

15. Any person guilty of an offence against these Regulations is liable to a penalty of three thousand dollars for each offence or, in the case of a continuing offence, seven hundred and fifty dollars for each day during which the offence continues.

**PETROLEUM (COMPRESSED NATURAL GAS)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title.
2. Interpretation.
3. Publication of CNG System.
4. CNG Licences.
5. Prohibition.
6. Applications for licences.
7. Application fee.
8. Approval of application.
9. Change in particulars.
10. Conditions of licence.
11. Special obligations of each licensee.
12. Exhibition of licence.
13. Renewal of licence.
14. Records, etc.
15. Publication of grant or renewal or revocation of licence.
16. Compilation of CNG Register.
17. Alteration of system.
18. Breach of Regulations.
19. Suspension or revocation to be in writing.
20. Accidents.
21. Offences.
22. Appendix.

SCHEDULE.

APPENDIX.

[Subsidiary]

196/1994.
[206/1998
207/1998].
175/1995].**PETROLEUM (COMPRESSED NATURAL GAS)
REGULATIONS***made under section 29*

Short title.

1. These Regulations may be cited as the Petroleum (Compressed Natural Gas) Regulations.

Interpretation.

2. In these Regulations—

“Compressed natural gas” hereafter referred to as “CNG” means petroleum in the form of a mixture of hydrocarbon gases and vapours, consisting principally of methane (CH₄), which have been compressed for use as a vehicular fuel;

“compressed natural gas vehicles” hereafter referred to as “CNGV” means a vehicle which contains systems for use of CNG as a fuel;

“CNG consumer refuelling station” means premises on which CNG is dispensed for use in motor vehicles;

“container” means either a cylinder or pressure vessel used to store CNG;

“cylinder” means a container constructed, inspected and maintained according to the standards issued by the Trinidad and Tobago Bureau of Standards or such other regulatory organisation approved by the Minister;

“licensee” means the holder of a licence in accordance with these Regulations;

“Minister” means the Minister to whom responsibility for the subject of petroleum is assigned, and “Ministry” shall be construed accordingly;

“CNG system” means CNG refuelling station equipment and all components thereto used in the refuelling facility;

“CNGV system” means CNG conversion equipment and all components thereto used in motor vehicles.

Publication of
CNG System.**3.** (1) The Minister shall from time to time approve CNGV and CNG systems and shall, by Notification in the *Gazette* and in

at least one daily newspaper circulating in Trinidad and Tobago, publish the information on the systems that have been approved by him.

(2) No action shall lie against the Minister for any act omitted to be done, or done in pursuance of his functions under this section.

4. The Minister may grant the following types of licences CNG Licences. for the purposes of these Regulations:

- (a) a CNG Service Licence;
- (b) a CNG Marketing Licence;
- (c) a Consumer Refuelling Licence.

5. No person may— Prohibition.

- (a) install, maintain or repair a CNGV system unless the person holds a CNG Service Licence.
- (b) supply CNG to a motor vehicle unless the person holds a CNG marketing Licence; or
- (c) dispense CNG for his use, unless the person holds a CNG Consumer Refuelling Licence.

6. (1) A person may obtain a licence required under regulation 4, by applying in writing to the Minister, and supplying the following particulars: Applications for licences.

- (a) name and nationality;
- (b) the name of the business and the address of the premises to which the application relates;
- (c) a description of the premises to which the application relates, illustrated by a plan or map to be prepared in such scale as the Minister may require, a description of the situation, boundaries and area of the parcel of land, and in the case of any land referred to in section 2(3) of the Act, such other particulars as may be required in order to identify them;

- (d) with regard to the premises, evidence that prior permission has been obtained from the appropriate authorities and submitted to the Minister, ensuring compliance with all the statutory provisions in respect of traffic, town and country planning, public health and other relevant written law;
 - (e) a description of the CNGV or the type of CNG system which is to be installed, maintained or repaired;
 - (f) the manufacturers' specifications, including the codes or standards to which components of the system referred to in paragraph (e) adhere, and those specifications shall conform to standards issued by the Trinidad and Tobago Bureau of Standards or such other regulatory organisation approved by the Minister from time to time;
 - (g) where applicable, the qualifications of the technical members of staff employed in inspection, installation, maintenance and repair of CNGV or CNG systems;
 - (h) a statement of the capital investment involved, and evidence of the applicant's financial and technical resources and capability to function efficiently;
 - (i) evidence of the applicant's ability to obtain the appropriate equipment to ensure safe and efficient operations;
 - (j) such other particulars as the Minister may require.
- (2) In addition, an applicant for a CNG Marketing Licence shall show that—
- (a) the CNG system to be used is of the type and rating approved by the Minister; and
 - (b) he is capable of operating and maintaining the CNG equipment, in accordance with sound industry practice.

7. An application shall be accompanied by an application fee of five hundred dollars, however where the Minister does not approve the application, one half of the fee shall be refunded to the applicant.

Application fee.

8. (1) Where the Minister is satisfied that an applicant for a licence meets the requirements of these Regulations, he shall grant the licence in accordance with the Form set out in the Schedule, upon the applicant paying the licence fee as stipulated in subregulation (2).

Approval of application.

Schedule.

- (2) The fee for each type of licence shall be as follows:
 - (a) CNG Service Licence \$1,000.00
 - (b) CNG Marketing Licence \$1,000.00
 - (c) CNG Consumer Refuelling Licence... \$5,000.00

(3) A licence shall be granted for a period of one year and shall be renewable annually.

9. Where, before the application is granted, a change occurs in respect of any of the particulars contained in the application, the applicant shall inform the Minister forthwith of the relevant change.

Change in particulars.

10. (1) The Minister may include as conditions of the licence, instructions and specifications relating to design and installation, testing, maintenance, repair and storage of CNGV or CNG systems addition to any other conditions that he may be authorised to impose under the Act.

Conditions of licence.

(2) Further to subregulation (1) it shall be a condition of the licence that the licensee shall enable authorised representatives of the Minister at all reasonable times to enter the premises and to inspect the operations carried out under the licence, and such authorised persons may make abstracts or copies of any records, accounts and other documents which the licensee is required to keep in accordance with the provisions of his licence, but the inspection shall not be carried out in such a manner as unduly to hinder or affect adversely the operations being conducted by the licensee.

Special obligations of each licensee.

11. (1) The holder of a CNG Service Licence shall ensure that only CNGV systems approved by the Minister are installed, maintained or repaired by the holder.

(2) The holder of a CNG Marketing Licence shall refuse to refill any type of CNGV system which has not been approved by the Minister.

(3) The holder of a CNG Consumer Refuelling Licence may dispense CNG for his own use, but:

(a) shall not engage in retail operations to the public; and

(b) shall ensure that only CNGV and CNG systems approved by the Minister are used in his operations.

(4) CNGV systems approved by the Minister shall be installed, maintained and repaired according to the standards issued by the Trinidad and Tobago Bureau of Standards or such other regulatory organisation approved by the Minister.

(5) The licensee shall within a period of fourteen days respond to any queries raised by the authorised representatives of the Minister.

(6) The licensee shall take every precaution to ensure safety in operations and shall comply with instructions given by authorised representatives of the Minister from time to time.

(7) The holder of a CNG Service Licence shall provide the customer with written guidelines detailing the periodic inspections that need to be performed on the CNGV system to ensure its integrity.

(8) The holder of a CNG Service Licence shall provide upon request by customers, inspection services for CNGV systems installed by him and shall on satisfactory completion of the inspection, issue to the customer a certificate or statement of inspection for the current period.

(9) The guidelines referred to above shall include all guidelines on the periodic inspection of CNGV systems issued by

the Trinidad and Tobago Bureau of Standards or other regulatory organisation approved by the Minister, and specific guidelines issued by the appropriate CNGV system manufacturers.

12. A licensee shall exhibit a copy of his licence in a conspicuous place on the licensed premises. Exhibition of licence.

13. (1) An application for renewal of a licence shall be made two months before the date of expiry of the licence. Renewal of licence.

(2) Where an application for renewal of a licence has been made within the required time, the applicant may continue in business pending the determination of his application by the Minister.

(3) The Minister in considering an application for renewal of a licence shall be guided by the provisions of these Regulations that relate to an application for a licence, and may renew such licence on receipt of a renewal application fee of five hundred dollars.

14. A licensee shall keep accurate records and accounts of his operations including where applicable, volumes of CNG sold or used and records of the CNG system and the vehicles on which CNGV systems were installed, maintained or repaired, the manufacturers specifications, codes, standards and the nature of the work done, and shall submit such information as the Minister may require from time to time. Records, etc.

15. The Minister shall as soon as possible after the grant, termination or revocation of a licence, cause Notice of that fact to be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago stating— Publication of grant or renewal or revocation of licence.

- (a) the name of the licensee and the address of the licensed premises; and
- (b) the person whose licence was terminated or revoked, and the name and address of the premises to which the termination or revocation relates.

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Petroleum

[Subsidiary]

Petroleum (Compressed Natural Gas) Regulations

Compilation of
CNG Register.

16. The Minister shall cause a CNG register to be compiled by and maintained by the Ministry for the registration of all applications for the grant, renewal, termination and revocation of licences and other particulars relating thereto.

Alteration of
system.

17. A licensee shall not enlarge or substantially alter a CNGV or CNG system without the prior consent of the Minister in writing.

Breach of
Regulations.

18. (1) Where an authorised representative of the Minister discovers that a licensee has committed a breach of these Regulations or the conditions of the licence, he shall inform the Minister forthwith and the Minister may, according to the nature of the breach:

- (a) revoke the licence; or
- (b) suspend it, giving appropriate notice requiring the licensee to remedy the breach within a specified time.

(2) Where the licensee does not remedy the breach within the time specified, the Minister may revoke the licence according to the circumstances.

Suspension or
revocation to be
in writing.

19. Suspension or revocation of a licence under these Regulations shall be communicated in writing.

Accidents.

20. (1) Where an accident occurs on the licensed premises and such accident causes damage to any person, his property or to the licensed premises, the licensee shall notify the Minister about the accident immediately.

(2) Within seven days after the accident occurs, the licensee shall submit a formal report to the Minister who shall take such steps as the circumstances necessitate.

(3) No alteration may be made by a licensee to any CNG system on the licensed premises after an accident or fire without the written permission of the Minister, unless such alteration is necessary to render the CNG system safe.

21. A person who contravenes any of the provisions of these Regulations is guilty of an offence and is liable on summary conviction to a fine of fifteen thousand dollars, and in the case of a continuing offence, to a further fine of one thousand dollars, for every day during the continuation of the offence.

22. Notifications made under these Regulations are contained in the Appendix.

SCHEDULE

Regulation 4.

FORM 1

THE PETROLEUM ACT, CH. 62:01

(CNG REGULATIONS)

SERVICE LICENCE

Fee: \$1,000.00

In respect of Installation, Repair and Maintenance Compressed Natural Gas Vehicles

IN EXERCISE of the powers conferred on me under section 9 of the Petroleum Act, I hereby grant a licence to to engage in offering for sale, maintaining or repairing a CNG system or any of its components in a motor vehicle at subject to the conditions set out hereunder.

CONDITIONS

- 1. The licensee shall comply with the provisions of the Act and the Regulations and any Rules or Orders made thereunder.
2. Technical members of staff must be trained in the installation, maintenance and inspection of CNGV systems and must be competent to carry out such operations.

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3. The following equipment installed on the premises shall be kept in good working conditions at all times:
 - (i) gas leak detection equipment;
 - (ii) vehicle lifting equipment or a suitable ramp;
 - (iii) floor creepers;
 - (iv) gas proof inspection lights.
4. No fire or lights except enclosed electric lamps or such type of lighting as approved by the competent authority shall be allowed on the licensed premises.
5. The licensee shall ensure that only CNGV systems approved by the Minister are installed, maintained or repaired by him.
6. The said premises must provide a well ventilated building with room for working on at least two vehicles under cover at one time.
7. The licensee shall keep accurate records and accounts for a period of five years of the vehicles on which CNGV systems were installed, maintained or repaired including the type of CNGV systems and components, the manufacturers' specifications, codes, standards and the nature of the work done.
8. Personnel authorised by the Minister shall be permitted to enter the licensed premises at any reasonable time, to ascertain whether the conditions of the licence are being adhered to, to examine and if necessary, make abstracts or copies of records and accounts stipulated in paragraph 7 above.
9. This licence shall be prominently displayed at (address).
10. The rights acquired by this licence shall not be assigned.
11. This licence may be revoked for breach of any of the conditions set out above or for any contravention of the Act or the Regulations.
12. This licence expires on the 20.....

Date

.....

*Minister of
Energy and Energy Industries*

FORM 2

Regulation 4.

THE PETROLEUM ACT, CH. 62:01

(CNG REGULATIONS)

MARKETING LICENCE

Fee: \$1,000.00

In respect of Retail Transactions

IN EXERCISE of the powers conferred on me under section 9 of the Petroleum Act Ch. 62:01, I hereby grant a licence toto engage in retail marketing transactions of compressed natural gas at subject to the conditions set out hereunder.

CONDITIONS

- 1. The licensee shall comply with the provisions of the Act and the Regulations and any Rules or Orders made thereunder.
2. The licensee shall keep accurate records and accounts, for a period of three years, of the volumes of natural gas sold.
3. Equipment installed on the premises shall be kept in good working condition at all times including— (i) gas leak detection equipment; and (ii) gas proof inspection lights.
4. CNG shall be dispensed by means of dispensing units at the positions marked "X" on the approved plan.
5. No fire or lights except enclosed electric lamps or such type of lighting as approved by the competent authority shall be allowed on the approved premises.
6. Personnel authorised by the Minister shall be permitted to enter the licensed premises at any reasonable time to ascertain whether the conditions of the licence are being adhered to, to examine and if necessary, make abstracts or copies of records and accounts stipulated in paragraph 2 above.
7. The licensee shall refuse to refill any type of CNGV system which has not been approved by the Minister, or which was not installed or maintained according to the standards issued by the Trinidad and Tobago Bureau of Standards, or such other regulatory organisation approved by the Minister.

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Petroleum

[Subsidiary]

Petroleum (Compressed Natural Gas) Regulations

8. This licence shall be prominently displayed at (address)
.....
9. The rights acquired by this licence shall not be assigned.
10. This licence expires on the day of,
but may be renewed for successive periods of one year.
11. This licence may be revoked for breach of any of the conditions set out
above or for any contravention of the Act or the Regulations.
12. Upon termination of the agreement/agreements between the licensee and
the supplier of natural gas for any cause whatsoever, this licence shall be
determined by the licensee giving notice thereof to the Minister.

Date

.....
*Minister of
Energy and Energy Industries*

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Petroleum

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Petroleum (Compressed Natural Gas) Regulations

[Subsidiary]

FORM 3

Regulation 4.

THE PETROLEUM ACT, CH. 62:01

(CNG REGULATIONS)

CONSUMER REFUELLING LICENCE

Fee: \$5,000.00

In respect of the Refuelling of CNG Fuelled Vehicles (non-retail transactions)

IN EXERCISE of the powers conferred on me under section 9 of the Petroleum Act Ch. 62:01, I hereby grant a licence to to engage in Compressed Natural Gas refuelling operations for his own use subject to the conditions set out hereunder.

CONDITIONS

- 1. The licensee shall comply with the provisions of the Act and the Regulations and any Rules or Orders made thereunder.
2. The licensee shall keep accurate records and accounts of the compressed natural gas dispensed for his own use for a period of three years.
3. Equipment installed on the premises shall be kept in good working condition at all times including— (i) gas leak detection equipment; (ii) gas proof inspection lights.
4. No fire or lights except enclosed electric lamps or such type of lighting as approved by the competent authority shall be allowed on the approved premises.
5. The licensee shall not engage in retail operations to the public and shall ensure that only CNGV and CNG systems approved by the Minister are used in his operations.
6. CNG shall be dispensed by means of dispensing units at the positions marked "X" on the approved plan.
7. Personnel authorised by the Minister shall be permitted to enter the licensed premises at any reasonable time to ascertain whether the conditions of the licence are being adhered to, to examine and if necessary make abstracts or copies of records and accounts stipulated in paragraph 2 above.
8. This licence shall be prominently displayed at (address)

.....

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Petroleum

[Subsidiary]

Petroleum (Compressed Natural Gas) Regulations

9. This licence expires on the day of, but may be renewed for successive periods of one year.
10. The rights acquired by this licence shall not be assigned.
11. This licence may be revoked for breach of any of the conditions set out above or for any contravention of the Act or the Regulations.

Date

.....
*Minister of
Energy and Energy Industries*

APPENDIX

[175/1995].

NOTIFICATION

**ISSUED UNDER REGULATION 3 OF THE PETROLEUM
(COMPRESSED NATURAL GAS) REGULATIONS, 1994**

THE MINISTER with responsibility for Energy and Energy Industries hereby gives notice that in accordance with the power given to him under regulation 3 of the Petroleum (Compressed Natural Gas) Regulations, 1994 he has approved for use in Trinidad and Tobago, the compressed natural gas vehicle systems (hereinafter called “CNGV SYSTEMS”) and the compressed natural gas systems, (hereinafter called the “CNG SYSTEMS”) detailed in the First and Second Schedules respectively.

FIRST SCHEDULE

CNGV SYSTEMS

(A) *Cylinders*

All cylinders must have identifying marks, including the manufacturer’s name and pressure rating and must be marked for CNG usage.

(1) MANUFACTURER	Faber
TYPE	Fuel Cylinders
MANUFACTURING STANDARDS	New Zealand NZS 5454 Specifications
MATERIAL TYPE	Steel
PRESSURE RATING	200 bars (3,000 psi)
TEST PRESSURE	300 bars (4,500 psi)

SIZE AND CAPACITY DESCRIPTION

<i>Diameter/</i>		<i>Length</i>		<i>Water</i>	
<i>mm</i>		<i>mm</i>		<i>Capacity/litres</i>	
267	1100	...	50
316	835	...	50
316	905	...	55
316	975	...	60
316	1115	...	70
356	905	...	70
356	1235	...	100

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Petroleum

[Subsidiary]

Petroleum (Compressed Natural Gas) Regulations

(2) MANUFACTURER	Inflex
TYPE	Fuel Cylinder
MANUFACTURING STANDARDS	DOT
	ISO
MATERIAL TYPE	Steel
PRESSURE RATING	200 bars (3,000 psi)
TEST PRESSURE	300 bars (4,500 psi)

SIZE AND CAPACITY DESCRIPTION

<i>Diameter/</i>		<i>Length</i>		<i>Water</i>	
<i>mm</i>		<i>mm</i>		<i>Capacity/litres</i>	
244	972	...	34
244	1050	...	40
244	1305	...	50
244	1545	...	60
323	774	...	50
323	912	...	60
323	975	...	65
323	1140	...	75
400	950	...	95

(3) MANUFACTURER	Cilbras
TYPE	Fuel Cylinders
MANUFACTURING STANDARDS	ISO 4705
	DOT
MATERIAL TYPE	Steel
PRESSURE RATING	3,000 psi
TEST PRESSURE	4,500 psi

SIZE AND CAPACITY DESCRIPTION

<i>Diameter/</i>		<i>Length</i>		<i>Water</i>	
<i>mm</i>		<i>mm</i>		<i>Capacity/litres</i>	
270	990	...	45
270	1150	...	53
270	1735	...	80
270	820	...	36
270	1435	...	65

LAWS OF TRINIDAD AND TOBAGO

(B) *Pressure Regulators*

All pressure regulators must have identifying marks, including manufacturer's name and model number.

- | | | |
|---------|-------------------------|---|
| (1) (i) | MANUFACTURER | Landi Renzo |
| | MODEL | TN 2/CS |
| | MANUFACTURING STANDARDS | CAN/CGA 12.3-M91 |
| | PRESSURE RATING | 3,000 psi |
| (ii) | MANUFACTURER | Landi Renzo |
| | MODEL | TN1C |
| | MANUFACTURING STANDARDS | CAN/CGA 12.3-M91 |
| | PRESSURE RATING | 3,000 psi |
| (iii) | MANUFACTURER | Landi Renzo |
| | MODEL | TN1B |
| | MANUFACTURING STANDARDS | CAN/CGA 12.3-M91 |
| | PRESSURE RATING | 3,000 psi |
| (2) (i) | MANUFACTURER | Rodagas |
| | MODEL | 72.000 |
| | MANUFACTURING STANDARDS | Brazilian Standard NBR
11353 |
| | PRESSURE RATING | NB 1247
200 bars (3,000 psi) |
| (ii) | MANUFACTURER | Rodagas |
| | MODEL | 50.000 |
| | MANUFACTURING STANDARDS | Brazilian Standard NBR
11353 |
| | PRESSURE RATING | NB 1247
200 bars (3,000 psi) |
| (3) | MANUFACTURER | Ansi |
| | MODEL | RE1000 |
| | MANUFACTURING STANDARDS | NBR 001 |
| | PRESSURE RATING | Gas del Estado-Argentina
3,000 psi |
| (4) (i) | MANUFACTURER | Tartarini |
| | MODEL | RP/76M |
| | MANUFACTURING STANDARDS | CAN/CGA 12.3-M91
Italian Ministry of
Transport Standard 350
Argentine Standards
Malaysian Standards |
| | PRESSURE RATING | 3,000 psi |

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(ii)	MANUFACTURER	Tartarini
	MODEL	RP/76E95
	MANUFACTURING STANDARDS	CAN/CGA 12.3:M91 Italian Ministry of Transport Standard 350 Argentine Standards Malaysian Standards
	PRESSURE RATING	3,000 psi

(C) *Pressure Gauges*

(1)	MANUFACTURER	Wika
	MODEL	111.10
	MANUFACTURING STANDARDS	CAN/CGA 12.3-M91 IR 45
	DIAL RANGE	0-5,800 psi
(2)	MANUFACTURER	Rodagas
	MANUFACTURING STANDARD	EB-1975
	DIAL RANGE	0-400 bars

(D) *Piping*

(1)	MANUFACTURER/SUPPLIER	Swagelok
	MANUFACTURING STANDARDS	ASTM
	MATERIAL TYPE	Stainless Steel
	EXTERNAL DIAMETER	6 mm
	PRESSURE RATING	4,000 psi
	TEST PRESSURE	12,400 psi
(2) (i)	MANUFACTURER/SUPPLIER	Ansi
	MANUFACTURING STANDARDS	NBR.001 Gas del Estado- Argentina
	MATERIAL TYPE	Stainless Steel
	EXTERNAL DIAMETER	4 mm
	PRESSURE RATING	200 bars (3,000 psi)
	TEST PRESSURE	1000 bars (15,000 psi)
(ii)	MANUFACTURER/SUPPLIER	Ansi
	MANUFACTURING STANDARDS	NBR.001 Gas del Estado- Argentina
	MATERIAL TYPE	Stainless Steel
	EXTERNAL DIAMETER	6 mm
	PRESSURE RATING	200 bars (3,000 psi)
	TEST PRESSURE	1000 bars (15,000 psi)

LAWS OF TRINIDAD AND TOBAGO

- | | | |
|-----|-------------------------|--------------------------------------|
| (3) | MANUFACTURER/SUPPLIER | Landi Renzo |
| | MANUFACTURING STANDARDS | CAN/CGA 12.3-M91
IR 45 |
| | MATERIAL TYPE | Steel (with PVC covering) |
| | EXTERNAL DIAMETER | 6 mm |
| | PRESSURE RATING | 200 bars (3,000 psi) |
| | TEST PRESSURE | 800/900 bars (12,000/
13,500 psi) |
| | | |
| (4) | MANUFACTURER/SUPPLIER | Bondy Spa |
| | MANUFACTURING STANDARDS | ASTM A254 |
| | MATERIAL TYPE | Steel with Zinc coating |
| | EXTERNAL DIAMETER | 6 mm |
| | PRESSURE RATING | 3,000 psi |
| | TEST PRESSURE | 12,000 psi |

(E) Cylinder Valves

All cylinder valves must have identifying marks, including manufacturer's name and model number.

- | | |
|-------------------------|---|
| MANUFACTURER | Emer |
| MODEL | 198/1 |
| MANUFACTURING STANDARDS | CAN/CGA 12.3-M91
IR 45 |
| MATERIAL TYPE | Brass |
| PRESSURE RATING | 210 bars (3,150 psi) |
| TEST PRESSURE | 900 bars (13,500 psi) |
| RELIEF DEVICE TYPE | Combination excess flow/
rupture disc/fusible plug
Rupture disc rating: 300
bars
Fusible plug rating: 212°F |

(F) Valves (other than Cylinder Valves)

All valves must have identifying marks, including manufacturer's name and model number.

- | | | |
|-----|-------------------------|--|
| (1) | MANUFACTURER | Emer |
| | MODEL | 198/2B |
| | MANUFACTURING STANDARDS | CAN/CGA 12.3-M91
IR 45
NZSS 5422 |
| | MATERIAL TYPE | Brass |
| | PRESSURE RATING | 210 bars (3,150 psi) |
| | TEST PRESSURE | 900 bars (13,500 psi) |

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Petroleum

[Subsidiary]

Petroleum (Compressed Natural Gas) Regulations

(2)	MANUFACTURER	Tartarini
	MODEL	M2
	MANUFACTURING STANDARDS	CAN/CGA 12.3-M91 Italian Ministry of Transport Standard 350 Argentine Standards Malaysian Standards
	MATERIAL TYPE	Brass
	PRESSURE RATING	220 bars
	TEST PRESSURE	800 bars

SECOND SCHEDULE

CNG SYSTEMS

(A) Compressors

All compressors must have identifying marks, including manufacturer's name and model number.

- | | | |
|---------|-------------------------|--|
| (1) (i) | MANUFACTURER | Norwalk |
| | TYPE | Charger NQ-SV2
Two stage reciprocating/
Quick-fill |
| | MANUFACTURING STANDARDS | ASTM |
| | PRESSURE CAPACITY | 3,600 psi |
| (ii) | MANUFACTURER | Norwalk |
| | TYPE | Three stage reciprocating/
Quick-fill |
| | MANUFACTURING STANDARDS | ASTM |
| | PRESSURE CAPACITY | 3,600 psi |
| (2) | MANUFACTURER | Hamworthy Compressor
Systems |
| | TYPE | Two stage reciprocating |
| | MANUFACTURING STANDARDS | ASTM |
| | PRESSURE CAPACITY | 3,600 psi |

(B) Relief Valves

All relief valves must have identifying marks, including manufacturer's name, model number and set pressure.

- | | | |
|---------|-------------------------|---------------------------------------|
| (1) (i) | MANUFACTURER | Anderson, Greenwood &
Company |
| | TYPE | 83 (Direct acting spring
loaded) |
| | MANUFACTURING STANDARDS | ASME Boiler & Pressure
Vessel Code |
| | SET PRESSURE | 1,015 psi |
| (ii) | MANUFACTURER | Anderson, Greenwood &
Company |
| | TYPE | 83 (Direct acting spring
loaded) |
| | MANUFACTURING STANDARDS | ASME Boiler & Pressure
Vessel Code |
| | SET PRESSURE | 3,900 psi |

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(iii)	MANUFACTURER	Anderson, Greenwood & Company
	TYPE	83 (Direct acting spring loaded)
	MANUFACTURING STANDARDS	ASME Boiler & Pressure Vessel Code
	SET PRESSURE	315 psi
(iv)	MANUFACTURER	Anderson, Greenwood & Company
	TYPE	83 (Direct acting spring loaded)
	MANUFACTURING STANDARDS	ASME Boiler & Pressure Vessel Code
	SET PRESSURE	1,200 psi
(v)	MANUFACTURER	Anderson, Greenwood & Company
	TYPE	83 (Direct acting spring loaded)
	MANUFACTURING STANDARDS	ASME Boiler & Pressure Vessel Code
	SET PRESSURE	3,950 psi
(2) (i)	MANUFACTURER	Hamworthy Compressor Systems
	TYPE	K965/626
	MANUFACTURING STANDARDS	ASTM
	SET PRESSURE	850 psi
(ii)	MANUFACTURER	Hamworthy Compressor Systems
	TYPE	K965/626
	MANUFACTURING STANDARDS	ASTM
	SET PRESSURE	3,950 psi

(C) Pressure Gauges

(1)	MANUFACTURER	Ashcroft & McDaniel
	TYPE	High pressure liquid fill
	MANUFACTURING STANDARDS	ASTM
	DIAL RANGE	0–5,000 psi
(2)	MANUFACTURER	Ashcroft & McDaniel
	TYPE	High pressure liquid fill
	MANUFACTURING STANDARDS	ASTM
	DIAL RANGE	0-2,000 psi

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(D) *Hose and Hose Connections*

MANUFACTURER	Compac
TYPE	Synflex
MANUFACTURING STANDARDS	ASTM
DIAMETER	$\frac{3}{8}$ inch
PRESSURE RATING	300 bars (4,500 psi)

(E) *Piping*

- | | | |
|-----|-------------------------|----------------------------------|
| (1) | MANUFACTURER/SUPPLIER | Norwalk Company Inc. |
| | MANUFACTURING STANDARDS | ASTM A53 |
| | MATERIAL TYPE | Carbon steel XXS/Stainless steel |
| | EXTERNAL DIAMETER | $\frac{1}{2}$ inch |
| | PRESSURE RATING | 8,390 psi |
| | TEST PRESSURE | 6,000 psi |
| (2) | MANUFACTURER/SUPPLIER | Norwalk Company Inc. |
| | MANUFACTURING STANDARDS | ASTM A53 |
| | MATERIAL TYPE | Carbon steel XXS/Stainless steel |
| | EXTERNAL DIAMETER | $\frac{1}{4}$ inch |
| | PRESSURE RATING | 8,390 psi |
| | TEST PRESSURE | 6,000 psi |

(F) *Vehicle Fuelling Connection*

- | | | |
|-----|-------------------------|---------------------|
| (1) | MANUFACTURER | Compac |
| | TYPE | AR |
| | MANUFACTURING STANDARDS | ASTM |
| | SIZE | $\frac{9}{16}$ inch |
| | PRESSURE RATING | 4,000 psi |
| (2) | MANUFACTURER | Compac |
| | TYPE | NZ |
| | MANUFACTURING STANDARDS | ASTM |
| | SIZE | $\frac{7}{16}$ inch |
| | PRESSURE RATING | 4,000 psi |

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Petroleum (Compressed Natural Gas) Regulations

206/1998.

NOTIFICATION

**ISSUED UNDER REGULATION 15 OF THE PETROLEUM
(COMPRESSED NATURAL GAS) REGULATIONS, 1994**

THE MINISTER with responsibility for Energy and Energy Industries hereby gives notice that in accordance with the power given to him under regulation 15 of the Petroleum (Compressed Natural Gas) Regulations, 1994, a CNG Service Licence has been granted for the installation, maintenance or repair of compressed natural gas vehicle systems (“CNGV systems”) in Trinidad and Tobago, as detailed in the Schedule below.

SCHEDULE

CNG SERVICE LICENCE

<i>Name of Licensee</i>	<i>Address of Licensed Premises</i>
1. Automotive Components	S.B. Motors Compound, Main Road, Chaguanas
	Corner of Dumfries Road and South Trunk Road, La Romaine
	Fernandez Industrial Centre, Eastern Main Road, Laventille
	O’Meara Industrial Estate, O’Meara Road, Arima

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Petroleum (Compressed Natural Gas) Regulations

[Subsidiary]

NOTIFICATION

207/1998.

**ISSUED UNDER REGULATION 15 OF THE PETROLEUM
(COMPRESSED NATURAL GAS) REGULATIONS, 1994**

THE MINISTER with responsibility for Energy and Energy Industries hereby gives notice that in accordance with the power given to him under regulation 15 of the Petroleum (Compressed Natural Gas) Regulations, 1994, that CNG Marketing Licences as detailed in the Schedule below have been granted.

SCHEDULE

CNG MARKETING LICENCES

<i>Name of Licensee</i>	<i>Address of Licensed Premises</i>
1. Allan Lee Hueng	Eastern Main Road, Mausica
2. Rafeek Mohammed	Frisco Junction, Point Fortin
3. Pouchet and Co. Ltd.	Beetham Highway, Sea Lots
4. Jai N. Ramcharan	31A, Tenth Street, Barataria
5. Bikhari Ramnarine	158-162, Rushworth Street, San Fernando
6. St. Christopher Taxi Co-op	Wrightson Road, Port-of-Spain
7. Maywah Sant	Corner Eastern Main Road and Maloney Street, Petit Bourg
8. Vishnu Sasenarine	Main Road, Montrose, Chaguanas
9. Sayeed Sattar	Bye Pass, Mon Repos, San Fernando

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[Subsidiary]

100/1989.

PETROLEUM (PRESCRIBED FORM) REGULATIONS

made under section 29

Citation.

1. These Regulations may be cited as the Petroleum (Prescribed Form) Regulations.

Form of application.

2. An application, made under section 24B of the Petroleum Act, by a licensee, for the approval of the Minister to issue a sub-licence, under section 24A of the Act, shall be in duplicate in the form set out in the Schedule.

Schedule.

Application fee.

3. Every application referred to in regulation 2 shall be accompanied by such fee as is prescribed by regulation 9 of the Petroleum Regulations.

SCHEDULE

THE PETROLEUM ACT, CH. 62:01

FORM EXP-4

Regulation 2.

**APPLICATION BY LICENSEE FOR MINISTER'S CONSENT TO ISSUE
A PETROLEUM PRODUCTION SUB-LICENCE**

1. (a) Name of licensee

(b) Address of licensee

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(c) Description of the licensed area and licence No. of the entire area
(Maps to be supplied)

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Petroleum (Prescribed Form) Regulations

[Subsidiary]

2. Particulars of Sub-licensee—

(a) Name of Sub-licensee

(b) Registered Office

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(c) BIR No/Registration

No. of Company

3. Particulars of Directors/Partners of sub -licensee if applicable:

Name and permanent address

Nationality

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4. Brief outline of relevant experience of key personnel in Management, Administration, Technical and Field Supervision. (Indicate where the function is to be acquired on a consultancy basis)

Name

Experience

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Petroleum (Prescribed Form) Regulations

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(Use additional sheets if necessary)

5. Brief statement of sub-licensee's financial status, oilfield equipment and service capability.

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6. Description of the block to be covered by this sub-licence.

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7. Description of petroleum activity to be undertaken by the sub-licensee.

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[Subsidiary]

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8. Brief description of—

(a) terms and obligations of the sub-licence (e.g., overriding royalty, estimated initial capital expenditure, work and expenditure obligations, etc.), direct employment and length of term of sub-licence.

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(b) debt structure

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(c) foreign exchange requirements

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(Use additional sheets if necessary)

Date

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Licensee

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215/1996.

PRICE OF COMPRESSED NATURAL GAS ORDER

made under section 31A

Citation.

1. This Order may be cited as the Price of Compressed Natural Gas Order.

Price of
Compressed
Natural Gas.

2. The price of Compressed Natural Gas is fixed at the following price:

<i>Product</i>	<i>Trinidad and Tobago cents per litre</i>	
	<i>Exclusive of Vat</i>	<i>Inclusive of Vat and Road Improvement Tax</i>
Compressed Natural Gas	102.000	107.000

Commencement.

3. This Order comes into effect on January 1, 1997.

**PETROLEUM (POLLUTION COMPENSATION)
REGULATIONS**

134/1997.
[134/1998
185/1998].

made under section 29(1)(j)

1. These Regulations may be cited as the Petroleum (Pollution Compensation) Regulations. Citation.

2. In these Regulations— Interpretation.

- (a) “Alternative Dispute Resolution” includes the methods of conciliation, negotiation, mediation and arbitration;
- (b) “crude oil” means petroleum in the liquid state;
- (c) “operator” means any person that engages in petroleum operations whether as principal or subsidiary contractor;
- (d) “owner” includes all persons having any estate or interest in land;
- (e) “referee” means the person chosen to conduct the Alternative Dispute Resolution procedure under regulation 7;
- (f) “Valuation of Crop Plant Schedules” means the Schedules of Compensation for Agricultural Crops prepared by the Ministry of Agriculture, Land and Marine Resources that are available for public inspection at the Ministry’s office during office hours;
- (g) “valuator” means a person whose name appears on a list of suitable persons prepared by the Minister and available for public inspection at the Ministry’s office during office hours.

3. For the purposes of these Regulations, land is deemed to be polluted as the result of petroleum operations if it is polluted by — Meaning of pollution.

- (a) the escape of oil or salt water or any solid or liquid matter, whether of a nature similar to oil or water or not, from any—
 - (i) crude oil well;

- (ii) boring or excavation for the purpose of winning crude oil;
 - (iii) natural or artificial pond, reservoir, swamp, tank, watercourse or channel; or
 - (iv) pipe used in connection with petroleum operations;
- (b) the bursting, flooding or overflow (not being due to the negligence of the owner of the land polluted) of any pond, reservoir, sump, channel or watercourse which has been polluted as a result of petroleum operations.

Investigation of complaint.

4. (1) Where a complaint in writing is made to the operator by an owner, that land in which he has an estate or interest has been polluted as a result of petroleum operations, the operator shall within twenty-eight days investigate the complaint with the assistance of a valuator retained by him.

(2) The valuator shall be agreed by both the operator and the owner, and in default of an agreement, shall be nominated by the Minister.

(3) The valuator shall investigate the complaint and assess compensation for the damage done by pollution and prepare a report in writing which shall include details of any compensation assessed.

(4) The owner or his representative and the operator or his representative may accompany the valuator in the investigation.

Calculation of compensation.

5. The valuator shall calculate the compensation for damages based on—

- (a) with respect to agricultural items, the current Valuation of Crop Plant Schedules;
- (b) with respect to non-agricultural items, the cost of cleaning the items or land affected, and the replacement value of destroyed items, as determined by him.

6. The fees and expenses of the valuator shall be treated as part of the cost of the investigation and shall be borne by the operator.

Valuator's fees.

7. (1) At the conclusion of the process under regulation 4(3) the operator shall forthwith file with the Minister the valuator's report and the operator shall at the same time serve a copy of the report on the owner.

Reference to Minister.

(2) Within fourteen days of the filing of the valuator's report the parties shall notify the Minister whether or not the report is accepted.

(3) If the report of the valuator is not accepted by the operator or the owner, the Minister or his representative or agent shall endeavour to assist them in arriving at a settlement.

(4) Where no settlement is arrived at within twenty-eight days of the filing of the valuator's report with the Minister, he shall, for the purpose of resolving the dispute:

- (a) refer the matter to a form of Alternative Dispute Resolution;
- (b) in consultation with the operator and the owner, determine which form of Alternative Dispute Resolution is most appropriate, and the choice of a referee, if required; and
- (c) required the result of the procedure to be reported to him by a time specified in the referral.

8. Pursuant to section 39 of the Act, the Oil and Water Board Ordinance is hereby repealed.

Repeal of the Ordinance. Ch. 26 No. 6. [134/1998 185/1998].

[Subsidiary]

173/1999.

**PETROLEUM (ROYALTIES)
(ONSHORE CRUDE OIL) REGULATIONS**

made under section 29(1)(n)

Citation and
Commencement.

1. These Regulations may be cited as the Petroleum (Royalties) (Onshore Crude Oil) Regulations and shall be deemed to have come into effect on 1st November 1998.

Royalty
formula.

2. (1) The new royalty formula for onshore crude oil production is as follows:

$$\text{Royalty rate} = \frac{(\text{Production} - 5)}{\text{Production}} \times \frac{(\text{Price} - 5)}{5} \times 16\%,$$

where—

- (a) “production” is the production per well for the respective field;
- (b) the production formula $\frac{(\text{Production} - 5)}{\text{Production}}$ would not be less than 0;
and
- (c) the price formula $\frac{(\text{Price} - 5)}{5}$ would not be less than 0.

(2) The total formula would be subject to a cap of 10%.

PETROLEUM (FORM FOR OBJECTION TO ISSUE OF LICENCES FOR PETROLEUM OPERATIONS) ORDER

160/1992.

made under section 8(3)

WHEREAS it is provided by section 8(1) of the Petroleum Act (hereinafter called “the Act”) that certain persons may object to the issue of a licence for engaging in petroleum operations on land or in a submarine area:

And whereas it is provided by section 8(3) of the Act that objections to such issue be made in the form prescribed by Order made by the Minister:

Now, therefore, in exercise of the powers vested in the Minister by section 8(3), the following Order is made:

1. This Order may be cited as the Petroleum (Form for Objection to Issue of Licences for Petroleum Operations) Order. Citation.

2. An objection to the issue of a licence to engage in petroleum operations, made in accordance with section 8(3) of the Act shall be in the form set out in the Schedule. Form of objection.
Schedule.

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Petroleum (Form for Objection to Issue of Licences for Petroleum Operations) Order

SCHEDULE

TAX PETROLEUM ACT, CH. 62:01

OBJECTION TO THE ISSUE OF LICENCES FOR PETROLEUM OPERATIONS

- 1. (a) Name of objector
(b) Address of objector
2. Type of licence being objected to
3. Name of applicant for licence
4. Name of publication and date of edition carrying notice of application
5. Reason for objection
(Use additional sheets if necessary)

Date Signature of Objector

NOTES:

- 1. A person may only object to the issue of a licence to engage in petroleum operations on the ground that it is inconsistent with, or would interfere with, rights held by him under the Petroleum Act, section 8(1).
2. Objection to a licence shall be made in triplicate and lodged with the Minister within thirty days of the publication of the notice of application for the licence.
3. Copies of documentary evidence in support of an objection must accompany this form.