



TRINIDAD AND TOBAGO

No. 45—1952

[L.S.]

I ASSENT,

P. M. RENISON
Acting Governor.

17th June, 1952.

AN ORDINANCE relating to oil mining within five hundred feet of high water mark.

[26th June, 1952.]

Commence-
ment

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

1. This Ordinance may be cited as the Oil Mining (High Short title. Water Mark) Ordinance, 1952.

Interpretation.

2. In this Ordinance—

“high water mark” means high water mark of the sea at ordinary spring tides;

“adjacent owner” means the person or persons, other than Her Majesty, who has or have any estate or interest in land adjoining or situate within five hundred feet of high water mark;

“submarine area” means land underlying the sea waters surrounding the coast of the Colony below high water mark;

“oil operator” means any person operating for oil who is entitled to win oil from land of an adjacent owner or from a submarine area;

“person operating for oil” shall bear the same meaning as that expression bears in section 2 of the Petroleum Office and Conservation Board Ordinance.

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Survey defining high water mark to be made before certain oil wells are drilled.

3. Any oil operator who intends to drill an oil well within five hundred feet of high water mark shall, before commencing the drilling of such oil well and not earlier than twelve months therefrom, cause a survey to be made defining the then existing high water mark for a distance of at least five hundred feet on each side of the point on such high water mark which is nearest to the site of the proposed oil well.

Alteration of defined high water mark by erosion, &c. not to affect rights, &c. of oil operators.

4. After such high water mark has been determined in manner provided by this Ordinance no alteration from time to time by erosion, accretion or otherwise of the actual high water mark shall alter or affect either the rights, liberties, powers or privileges of the oil operator who drilled such well or his successors in title to work and operate such oil well and for his or their own use and benefit to win and dispose of the production obtained therefrom, or the rights of any person to royalty on such production.

Saving of rights of Her Majesty and of adjacent owners.

5. Save as hereinbefore expressly provided nothing herein contained shall affect the rights under the laws of this Colony of Her Majesty or of any adjacent owner to any land lost by erosion or gained by accretion as the case may be.

Notice of intended survey.

6. Before causing a survey to be made as provided in section 3 of this Ordinance the oil operator shall give to the Petroleum Technologist, the Sub-Intendant and to at least one adjacent owner of each parcel of land whereof any portion is situate within five hundred feet of the point on the high water

mark which is nearest to the site of the proposed well fourteen days' notice in writing of his intention to cause such survey to be made and of the date on which the same is to be made and notifying the Petroleum Technologist, the Sub-Intendant and such adjacent owners that they are entitled to be present at such survey and if dissatisfied with the high water mark defined thereby to object to the same.

7. Within twenty-one days of the completion of a survey referred to in section 3 hereof the original plan of such survey shall be submitted for approval by the Director of Surveys and one copy thereof shall be served upon the Petroleum Technologist, the Sub-Intendant and each adjacent owner referred to in section 6 hereof and the high water mark shown on any such plan shall be binding upon the oil operator, the Petroleum Technologist, the Sub-Intendant and every adjacent owner unless the same be altered by order of the Court or a Judge under the provisions of section 8 hereof.

Original plan of survey to be approve. by Director of Surveys and filed in his office and to be binding unless altered by order of Court.

8. The Petroleum Technologist, the Sub-Intendant and any adjacent owner who objects to the high water mark as defined by a survey may within fourteen days of the service upon him of a copy of the survey as prescribed by section 7 hereof apply to a Judge in Chambers to declare what is the high water mark, and the Judge, if satisfied that justice so requires, may make an order directing what alterations are to be made in the plan referred to in section 7 hereof. An appeal from the order of a Judge under this section shall be to the Full Court whose decision shall be final.

Objections to high water mark as defined by a survey.

9. Any notice referred to in section 6 of this Ordinance shall be deemed to be duly served upon an adjacent owner if forwarded by post by prepaid letter addressed to him or his authorised agent at his abode or place of business; and if the address of the abode or place of business of any adjacent owner or his authorised agent shall not be known any such notice shall be deemed to be duly served if the same is delivered to an occupier of the land of the adjacent owner or affixed to some conspicuous place upon such land. A letter sent by post shall be deemed to be delivered at the time when in due course of post it would be delivered at the address to which it was sent.

Service notices.

Passed in Council this twenty-third day of May in the year of Our Lord one thousand nine hundred and fifty-two.

T. F. FARRELL

Clerk of the Council