

OIL MINING (HIGH WATER MARK) ACT

CHAPTER 62:03

Act
45 of 1952
Amended by
45 of 1979

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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ARRANGEMENT OF SECTIONS

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CHAPTER 62:03

OIL MINING (HIGH WATER MARK) ACT

45 of 1952. **An Act relating to Oil Mining within Five Hundred Feet of High Water Mark.**

Commencement. [26TH JUNE 1952]

Short title. **1.** This Act may be cited as the Oil Mining (High Water Mark) Act.

Interpretation.
[45 of 1979). **2.** In this Act—
“adjacent owner” means the person or persons, other than the State, who has or have any estate or interest in land adjoining or situated within five hundred feet of high water mark;
“high water mark” means high water mark of the sea at ordinary spring tides;
“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” means an owner of oil mining rights, or a lessee or licensee under an oil mining lease or licence, or an assignee of any such owner, lessee or licensee, or a person otherwise deriving title through any such owner, lessee or licensee, who by virtue of his ownership, lease, licence, assignment, or title, drills for or wins oil or performs any work on any well drilled for oil, or employs others to drill for or win oil or perform any work in or upon any well drilled for oil; and references to oil mining operations carried on by any person shall be construed accordingly;
“submarine area” has the same meaning assigned to it by section 2 of the Petroleum Act.

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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.

4. After such high water mark has been determined in manner provided by this Act 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 the 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.

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

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

Saving of rights of State and of adjacent owners.

6. Before causing a survey to be made as provided in section 3, the oil operator shall give to the Chief Petroleum Engineer, the Commissioner of State Lands and to at least one adjacent owner of each parcel of land whereof any portion is situated 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 the survey to be made and of the date on which the same is to be made and notifying the Chief Petroleum Engineer, the Commissioner of State Lands and the adjacent owners that they are entitled to be present at the survey and if dissatisfied with the high water mark defined thereby to object to the same.

Notice of intended survey.

7. Within twenty-one days of the completion of a survey referred to in section 3, the original plan of the survey shall be submitted for approval by the Director of Surveys and one copy thereof shall be served upon the Chief Petroleum Engineer, the Commissioner of State Lands and each adjacent owner referred to in section 6 and the high water mark shown on any such plan shall

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

be binding upon the oil operator, the Chief Petroleum Engineer, the Commissioner of State Lands and every adjacent owner unless the same is altered by order of the Court or a Judge under section 8.

Objections to high water mark as defined by a survey.

8. The Chief Petroleum Engineer, the Commissioner of State Lands 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 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. An appeal from the order of a Judge under this section shall be to the Court of Appeal whose decision shall be final.

Service notices.

9. Any notice referred to in section 6 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 is not 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 that 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.