



ST. CHRISTOPHER AND NEVIS

CHAPTER 23.21

PETROLEUM ACT and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

	Page
PETROLEUM ACT	3
Act 10 of 1951 ... in force 6th November 1951	
Amended by: Act 7 of 1976	
REGULATIONS FOR THE USE AND MANAGEMENT OF GOVERNMENT PETROLEUM WAREHOUSES, AND TO FIX CHARGES IN RESPECT OF PETROLEUM STORED THEREIN – Section 16(1)	9
REGULATIONS FOR TESTING PETROLEUM – Sections 2 and 16(1)	10
REGULATIONS FOR THE CONSTRUCTION, USE AND MANAGEMENT OF LICENSED PETROLEUM WAREHOUSES – Section 16(1)	11
REGULATIONS FOR GRANTING LICENCES TO DEAL IN OR SELL PETROLEUM OTHER THAN IN A LICENSED SUPPLY PUMP – Section 16(1)	13
REGULATIONS FOR THE ERECTION AND CONSTRUCTION OF PUMPS FOR THE STORAGE OF PETROLEUM – Section 16(1)	14
REGULATIONS FOR THE STORAGE OF PETROLEUM IN GARAGES AND SERVICE STATIONS – Section 16(1)	17
REGULATIONS FOR PETROLEUM KEPT FOR SALE OTHERWISE THAN IN PUMPS, GARAGES, OR IN SERVICE STATIONS – Sections 11(2)(e), 16(1)	18
REGULATIONS FOR THE BULK STORAGE OF PETROLEUM PRODUCTS – Sections 11(2)(g), 16(1)	18
REGULATIONS FOR THE TRANSPORT OF PETROLEUM – Section 16(1)	22

CHAPTER 23.21
PETROLEUM ACT

ARRANGEMENT OF SECTIONS

1. Short title
 2. Interpretation
 3. Importation of volatile petroleum
 4. Petroleum to be imported and exported in accordance with Act
 5. Mooring of vessels having petroleum on board
 6. Provision of warehouse for storage of petroleum
 7. Notice of arrival of vessel to be given
 8. Landing of petroleum
 9. Smoking prohibited
 10. Licence to store petroleum
 11. Storage of petroleum
 12. Licence to deal in or sell petroleum
 13. Application of Act to substances other than petroleum
 14. Power of entry
 15. Search
 16. Power to make regulations
 17. Penalty
 18. Forfeiture of petroleum
 19. Forfeiture of licence
- FIRST SCHEDULE: Regulations for the use and management of government petroleum warehouses, and to fix charges in respect of petroleum stored therein
- SECOND SCHEDULE: Regulations for testing petroleum
- THIRD SCHEDULE: Regulations for the construction, use and management of licensed petroleum warehouses
- FOURTH SCHEDULE: Regulations for granting licences to deal in or sell petroleum other than in a licensed supply pump
- FIFTH SCHEDULE: Regulations for the erection and construction of pumps for the storage of petroleum
- SIXTH SCHEDULE: Regulations for the storage of petroleum in garages and service stations
- SEVENTH SCHEDULE: Regulations for petroleum kept for sale otherwise than in pumps, garages, or in service stations
- EIGHTH SCHEDULE: Regulations for the bulk storage of petroleum products
- NINTH SCHEDULE: Regulations for the transport of petroleum

CHAPTER 23.21
PETROLEUM ACT

AN ACT TO REGULATE THE IMPORTATION AND SALE OF PETROLEUM IN THE STATE; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Petroleum Act.

Interpretation.

2. In this Act—

“Government petroleum Warehouse” means any place provided by the Minister for the storage of petroleum;

“licensed petroleum warehouse” means a warehouse in respect of which a licence to store petroleum therein has been granted under the provisions of this Act;

“petroleum” means any volatile petroleum, kerosene, diesel oil, gas oil;

“volatile petroleum” means petroleum which, when tested in the manner set forth in the Second Schedule, gives off an inflammable vapour at a lower temperature than seventy-three degrees Fahrenheit;

“prescribed” means prescribed by the Minister by regulations made under the provisions of this Act;

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

Importation of volatile petroleum.

3. It shall be lawful for the Minister, by Notice, to prohibit the importation of volatile petroleum or any particular variety thereof from and after a date to be specified in the Notice.

(Amended by Act 6 of 1976)

Petroleum to be imported and exported in accordance with Act.

4. No person shall import or export petroleum except under and in accordance with the provisions of this Act and of any regulations made thereunder:

Provided that petroleum contained on board any vessel or aircraft in properly constructed bunkers and receptacles and used solely as the propelling power of such vessel or aircraft shall not be deemed to have been imported or exported contrary to the provisions of this Act.

Mooring of vessels having petroleum on board.

5. (1) Every vessel carrying a cargo consisting wholly or in part of petroleum and entering or being in any port in the State shall conform to all regulations made under this Act in relation to the mooring of such vessels.

(2) It shall be lawful for the Harbour Master or any other person acting under his or her orders to cause any vessel acting in contravention of any such regulations to be removed at the expense of the owner or master thereof to such place as may be prescribed, and all expenses incurred in such removal may be recovered by the Harbour Master as a civil debt in a court of competent jurisdiction.

Provision of warehouse for storage of petroleum.

6. (1) The Minister shall provide a place or places for the storage of petroleum imported into the State.

(Amended by Act 6 of 1976)

(2) The owner of petroleum stored in a Government petroleum warehouse shall pay to the Comptroller of Inland Revenue such charges as may from time to time be prescribed.

Notice of arrival of vessel to be given.

7. (1) The master, owner or agent of any vessel carrying petroleum as cargo shall, on the arrival of such vessel in any port in the State and before landing any such cargo, notify the Harbour Master of the name of the vessel and furnish the following particulars—

- (a) the quantity of such petroleum;
- (b) what quantity (if any) of such petroleum is volatile petroleum;
- (c) the brands and marks of such petroleum.

(2) If any petroleum is landed in contravention of this section the master, owner and agent of such vessel each commits an offence against this Act.

Landing of petroleum.

8. (1) All petroleum imported into the State shall be landed under the supervision of a Quality Control Officer and shall be immediately stored in a Government petroleum warehouse or in a licensed petroleum warehouse or in a bulk storage installation approved by the Minister or in a tank specially licensed in that behalf.

(2) Any person who contravenes the provisions of this section commits an offence against this Act.

Smoking prohibited.

9. Any person who smokes or has any naked light in any place where petroleum is stored or within fifty feet of any place where petroleum is being landed commits an offence against this Act.

Licence to store petroleum.

10. (1) The Comptroller of Inland Revenue may, in accordance with the prescribed regulations, issue a licence for any warehouse to be used for the storage of petroleum.

(2) The Comptroller of Inland Revenue may, at his or her discretion, issue a special licence for any tank to be used for the storage of petroleum.

(3) Any person to whom a licence to store petroleum is granted under the provisions of subsections (1) and (2) who stores petroleum otherwise than in accordance with the terms of such licence commits an offence against this Act.

Storage of petroleum.

11. (1) Save as expressly provided in subsection (2), all petroleum shall be stored in a Government petroleum warehouse or in a licensed petroleum warehouse or in a specially licensed tank.

(2) The provisions of subsection (1) shall not apply to petroleum kept and stored—

- (a) in supply pumps constructed in accordance with the prescribed regulations;
- (b) in the fuel tank of any internal combustion engine, including motor vehicles;
- (c) in garages and service stations in accordance with prescribed regulations;
- (d) in sealed tins or in stoppered bottles or in lamps for private use where the quantity so kept does not exceed eight imperial gallons;
- (e) for sale or private use where the quantity of petroleum kept and stored does not exceed fifty imperial gallons and such petroleum is kept and stored in accordance with the regulations contained in the Seventh Schedule;
- (f) in any place approved by the Comptroller of Inland Revenue, which is not less than half a mile from any city, town, village or settlement in the State;
- (g) in any bulk storage installation approved by the Minister and in accordance with the regulations contained in the Eighth Schedule;
- (h) in receptacles for transport in accordance with the prescribed regulations;
- (i) in any other place specially approved by the Comptroller of Inland Revenue.

(3) If any petroleum is kept or stored in contravention of the provisions of this section the owner of such petroleum commits an offence against this Act.

Licence to deal in or sell petroleum.

12. (1) The Comptroller of Inland Revenue may grant a licence to any person to deal in or sell petroleum in accordance with the prescribed regulations.

(2) Any person—

- (a) dealing in or selling petroleum who shall not be the holder of a licence issued under the provision of subsection (1); or
- (b) who being the holder of a licence issued under the provisions of subsection (1), deals in or sells petroleum otherwise than in accordance with the terms of such licence,

commits an offence against this Act.

Application of Act to substances other than petroleum.

13. The Minister may, by Notice, direct that this Act or any part thereof shall apply to any substance or mixture, and the Act or the part thereof specified in the Notice shall, during the time mentioned therein, apply to such substance or mixture and shall be construed and have effect as if such substance or mixture had been included in the definition of petroleum as given in section 2.

(Amended by Act 6 of 1976)

Power of entry.

14. It shall be lawful for the Comptroller of Inland Revenue or any police officer at all reasonable times and without notice to enter any place in which petroleum is kept or stored for the purpose of ascertaining whether the provisions of this Act and the regulations made thereunder are being complied with.

Search.

15. (1) It shall be lawful for the Comptroller of Inland Revenue or any Magistrate on reasonable cause assigned upon oath to issue a warrant under his or her hand for searching any place in which petroleum is suspected to be kept contrary to the provisions of this Act or of any regulations made thereunder.

(2) A sample not exceeding 26 fluid ounces of any petroleum or other liquid found in such place may be taken by the person executing the search.

Power to make regulations.

16. (1) It shall be lawful for the Minister to make and, when made, vary and revoke regulations for the management, safety and control of any Government or licensed petroleum warehouse or bulk storage installation and generally for carrying out the provisions of this Act, and to attach to any breach of any such regulation a penalty not exceeding ten thousand dollars, with or without a term of imprisonment not exceeding six months.

(Amended by Acts 7 of 1976 and 9 of 1986)

(2) Until amended, added to, varied or revoked by the Minister the regulations in the Schedules shall have the force of law:

Provided that all such regulations shall be submitted to the National Assembly for approval.

Penalty.

17. Any person found guilty of an offence against this Act shall be liable on summary conviction to a fine not exceeding ten thousand dollars, with or without a term of imprisonment not exceeding six months.

(Amended by Acts 7 of 1976 and 9 of 1986)

Forfeiture of petroleum.

18. All petroleum kept or stored in contravention of the provisions of this Act or of any regulations made thereunder shall be forfeited to the Crown.

Forfeiture of licence.

19. If any person to whom a licence may be granted under the provisions of this Act or any regulations made thereunder is convicted of any offence against this Act, such licence shall upon such conviction become void.

FIRST SCHEDULE

(Section 16)

REGULATIONS FOR THE USE AND MANAGEMENT OF GOVERNMENT PETROLEUM WAREHOUSES, AND TO FIX CHARGES IN RESPECT OF PETROLEUM STORED THEREIN.

Control and Management.

1. Government petroleum warehouses shall be under the control and management of the Comptroller of Inland Revenue.

Storage of Petroleum.

2. All petroleum shall be stored under the supervision and in accordance with the instructions of, a Quality Control Officer, and volatile petroleum shall be stored separately from petroleum which is not volatile.

Leaking Containers.

3. (1) No leaking containers shall be stored in a Government warehouse.

(2) If any containers in a Government warehouse are found to be leaking, the owner thereof shall at once be notified and he or she shall be required to deal immediately with such containers in accordance with the instructions of the Comptroller of Inland Revenue and if the owner fails to comply with such instructions he or she commits an offence.

Deliveries.

4. All deliveries from a Government warehouse shall be made under the supervision of a Treasury officer.

Notice and Barriers.

5. (1) The Comptroller of Inland Revenue may by appropriate notice erected on or near a Government warehouse prohibit any person not having *bona fide* business thereat from approaching such warehouse within the limits set out in such notice.

(2) Any person not having *bona fide* business at a Government warehouse and approaching within a limit so prohibited shall be guilty of an offence.

(3) The Comptroller of Inland Revenue may erect such barrier or barriers near thereto or around a Government warehouse as he or she shall think fit.

Precautions Against Fire.

6. (1) No person shall smoke or have any naked flame in or within a distance of fifty feet of any Government warehouse.

(2) No person in a Government warehouse shall have on or about his or her person any matches or implements for producing flame or fire or any materials for smoking.

(3) No person shall bring into, or use in any Government warehouse any artificial light of any description except a light incapable of igniting any inflammable vapour outside of the lamp itself.

(4) Any person who contravenes sub-regulations (1), (2) or (3) of this regulation commits an offence.

Provision of Sand or Extinguisher.

7. The Comptroller of Inland Revenue shall maintain in every Government warehouse an adequate quantity of sand in suitable receptacles to be used in case of fire or some efficient type of foam extinguisher.

Charges.

8. Warehouse rent for any petroleum stored in a Government warehouse shall be as follows:

For every eight imperial gallons of petroleum for each week or part thereof the sum of two cents, and so on in proportion for any greater or lesser quantity:

Provided that no rent shall be charged for the first forty-eight hours.

Copy of Regulations to be Displayed.

9. A copy of these regulations shall be displayed in a conspicuous place in every Government petroleum warehouse, at the place or places where petroleum is usually landed, and in the Treasury.

Penalty.

10. Any person found guilty of an offence against these Regulations shall be liable, on summary conviction, to a fine not exceeding ten thousand dollars with or without a term of imprisonment not exceeding six months.

SECOND SCHEDULE

(Section 2 and 16)

REGULATIONS FOR TESTING PETROLEUM

Persons Qualified to Test.

1. All tests of petroleum shall be carried out by such person as the Minister shall appoint in that behalf.

Method of Test.

2. All tests shall be carried out by the method known as the "Abel Petroleum Test".

Time in which Test to be made.

3. The test provided for by these Regulations shall be carried out within twenty-four hours of the receipt of the samples to be tested by the person authorised to make the test.

Certificate.

4. A certificate in the form set out in the Schedule to these Regulations shall be given in respect of all petroleum tested under these Regulations.

Fees.

5. The following fees shall be paid out of the general revenue to persons authorised under these regulations to test petroleum:

For testing each set of two samples seventy-two cents:

Provided that no fee shall be payable hereunder to any Government officer unless expressly authorised by the Minister.

SCHEDULE TO THE REGULATIONS

(Regulation 4)

CERTIFICATE OF TEST OF PETROLEUM.

I hereby certify that I have tested in accordance with the prescribed regulations the samples of petroleum marked.....forwarded to me to be tested on the day of 20 and that such samples consist of within the meaning of the Petroleum Act.

Signed

Date

THIRD SCHEDULE

(Section 16)

REGULATIONS FOR THE CONSTRUCTION, USE AND MANAGEMENT OF LICENSED PETROLEUM WAREHOUSES.

Licensing of Warehouses.

1. No warehouse shall be licensed under these regulations unless—

- (a) the position thereof has been approved by the Comptroller of Inland Revenue.
- (b) the Surveyor of Works has certified that such warehouse is constructed in accordance with regulation 4 of this Schedule.

Form of Licence.

2. A licence to store petroleum in a warehouse shall be in the form set out in the Schedule to these Regulations.

Fee.

3. The fee for any licence granted under these Regulations shall be \$4.80 per annum or any part thereof and shall be paid in stamps to be affixed to the licence.

Construction.

4. (1) Warehouses shall be constructed to a design approved by the Director of Public Works.

(2) Such warehouses shall be of reinforced concrete or of stone or brick, and shall have a roof of non-inflammable material, and shall have double iron doors with slots or recesses therein arranged as far as possible to prevent leakage of gas or air, and shall have floors of sand or earth.

(3) There shall be exhibited on every warehouse so as to be clearly visible from every side thereof a permanent notice or notices bearing the words, "Danger". "Petroleum".

(4) Any person who contravenes this regulation commits an offence.

Position.

5. No warehouse shall be licensed for the storage of petroleum unless such warehouse is not less than thirty feet from the nearest building:

Provided that the Director of Public Works may specially approve of the licensing of a warehouse which is less than thirty feet from the nearest building if the exterior of such nearest building is constructed of non-inflammable material.

Storage of Petroleum.

6. (1) All petroleum shall be stored under the supervision and in accordance with the instructions of a Treasury officer.

(2) Volatile petroleum shall be stored separately from petroleum which is not volatile.

Leaking Containers.

7. Any containers in a licensed warehouse found to be in a leaking condition shall be dealt with in accordance with the instructions of the Comptroller of Inland Revenue, and if the licensee of such warehouse fails to comply with such instructions he or she commits an offence.

Precaution Against Fire.

8. (1) No person in a warehouse shall—

- (a) smoke or have any naked light therein;
- (b) have on or about his or her person any matches or implements for producing flame or fire; or
- (c) bring thereinto or use any artificial light of any description except a light incapable of igniting any inflammable vapour outside of the lamp itself.

(2) Any person who contravenes this regulation commits an offence.

Provision of Sand or Extinguisher.

9. (1) There shall be maintained in every warehouse to the satisfaction of the Comptroller of Inland Revenue an adequate quantity of sand in suitable receptacles to be used in case of fire or some efficient type of foam extinguisher.

(2) If the licensee of such warehouse fails to comply with this regulation he or she commits an offence.

Copy of Regulations to be Displayed

10. A copy of these Regulations shall be displayed in a conspicuous place in every warehouse and in the Treasury.

Penalty

11. Any person found guilty of an offence against these Regulations shall be liable, on summary conviction, to a fine not exceeding ten thousand dollars, with or without a term of imprisonment not exceeding six months.

(Amended by Acts 7 of 1976 and 9 of 1986)

SCHEDULE TO THE REGULATIONS

(Regulation 2)

LICENCE TO STORE PETROLEUM.

The warehouse known as situate in is hereby licensed as a petroleum warehouse in accordance with the Petroleum Act, and the regulations made thereunder. Not more than imperial gallons of may at any time be stored in this warehouse.

This licence expires on the day of20

Comptroller of Inland Revenue

Dated

FOURTH SCHEDULE

(Section 16)

**REGULATIONS FOR GRANTING LICENCES TO DEAL IN OR SELL
PETROLEUM OTHER THAN IN A LICENSED SUPPLY PUMP.**

Form of Licence.

1. A licence to deal in or sell petroleum may be granted by the Comptroller of Inland Revenue at his discretion and shall be in the form set out in the Schedule to these Regulations:

Adequate Provision for Storage of Petroleum to be made by Applicant.

2. Before granting a licence to deal in or sell volatile petroleum the Comptroller of Inland Revenue shall satisfy himself or herself that the applicant has made adequate provision on the premises on which petroleum is to be sold to enable him or her to comply with the regulations governing the storage of petroleum kept for sale otherwise than in pumps.

Appeal.

3. Any person aggrieved by the grant or refusal of a licence under these Regulations by the Comptroller of Inland Revenue may appeal to the Minister and the decision of the Minister thereon shall be final.

SCHEDULE TO THE REGULATIONS*(Regulation 1)***LICENCE TO DEAL IN AND SELL PETROLEUM**

Licence is hereby granted to of to deal in and sell* in accordance with the provisions of the Petroleum Act, and the regulations made thereunder, in and from his or her premises known as and situated

This licence expires on the day of 20

Dated

Comptroller of Inland Revenue

FIFTH SCHEDULE*(Section 16)***REGULATIONS FOR THE ERECTION AND CONSTRUCTION OF PUMPS
FOR THE STORAGE OF PETROLEUM.****Pumps to be Licensed.**

1. No pump shall be used for the storage of petroleum unless such pump is licensed in accordance with these regulations by the Comptroller of Inland Revenue.

Licensing of Pumps.

2. No fixed pump shall be licensed unless—

- (a) the position of such pump shall have been approved by the Chief of Police; and
- (b) the Director of Public Works shall have certified that such pump is constructed in accordance with these Regulations.

* State whether licence is to sell petroleum, or petroleum other than volatile petroleum only.

Construction and Capacity of Fixed Pumps.

3. (1) Fixed-supply pumps and the storage tank to be used in connection therewith shall be constructed of iron, steel or concrete of a design approved by the Director of Public Works and shall be fitted with hoses and couplings in good condition and without leaks.

(2) The air inlet shall be so arranged that the blast or explosion of any flame which may issue therefrom shall not impinge upon any part of the pump or tank or upon any inflammable substance.

(3) The storage tank in connection with any fixed-supply pump shall be of a capacity not exceeding one thousand imperial gallons and shall be embedded in such a way that the top thereof is at no part thereof above two feet of the level of the surrounding ground:

Provided that where the capacity of the storage tank does not exceed one hundred imperial gallons, such tank may be placed in any building in the construction of which no inflammable material is used and which is approved by the Director of Public Works.

Construction and Storage of Moveable Supply Pumps.

4. (1) Moveable supply pumps, the tanks of which shall not exceed a capacity of one hundred imperial gallons, shall be constructed of iron or steel of a design approved by the Director of Public Works and shall be fitted with hoses and couplings in good condition and without leaks.

(2) The air inlet shall be so arranged that the blast or explosion of any flame which may issue therefrom shall not impinge upon any part of the pump or tank or upon any inflammable substance.

Storage of Moveable Supply Pumps.

5. Moveable pumps when not in use shall be stored in a place approved by the Director of Public Works.

Use of Moveable Supply Pumps.

6. Moveable pumps may be placed only in—

- (a) such position on the pavement or sidewalk that they may be clearly seen by the public and by the person in charge thereof; and
- (b) such place or places as shall be approved by the Chief of Police.

Form of Licences.

7. (1) A licence to store petroleum in a fixed pump shall be in the following form set out in Schedule 1 to these Regulations.

(2) A licence to store petroleum in a moveable pump other than a fixed pump shall be in the form set out in Schedule 2 to these Regulations.

Fees.

8. (1) The fee for any licence granted under these regulations shall be as follows—

- (a) for every licence to store \$2.40 per annum or any part thereof

petroleum in a fixed pump

(b) for every licence to store \$1.44 per annum or any part thereof

petroleum in a moveable pump

(2) The fees provided for by this regulation shall be paid in stamps and shall be affixed to the licence.

SCHEDULE 1 TO THE REGULATIONS

(Regulation 7(1))

LICENCE TO STORE PETROLEUM IN FIXED PUMP

Licence is hereby granted to of to store petroleum in accordance with the Petroleum Act, and the regulations made thereunder, in a pump or pumps to be erected and maintained at

This licence expires on the day of 20

Date

Comptroller of Inland Revenue

SCHEDULE 2 TO THE REGULATIONS

(Regulation 7(2))

LICENCE TO STORE PETROLEUM IN A MOVABLE PUMP

Licence is hereby granted to of to store petroleum in accordance with the Petroleum Act, and the regulations made thereunder in a moveable supply pump to be kept and maintained at

This licence expires on the day of 20

Date

Comptroller of Inland Revenue

SIXTH SCHEDULE

(Section 16)

**REGULATIONS FOR THE STORAGE OF PETROLEUM IN GARAGES
AND SERVICE STATIONS.**

Quantity to be Stored.

1. A quantity of petroleum not exceeding fifty imperial gallons, exclusive of petroleum in the fuel tanks of motor vehicles, may be kept in a garage in accordance with these Regulations:

Provided that nothing in this regulation shall be deemed to prevent the storage of petroleum in a pump licensed under the Regulations contained in the Fifth Schedule or any regulations amending the same:

Provided further that there may in addition be kept in a service station a quantity of petroleum other than volatile petroleum not exceeding one hundred imperial gallons.

Method of Storing.

2. All petroleum in garages and service stations, other than petroleum in the fuel tanks of motor vehicles, shall be kept in sound tins or drums, and such tins and drums shall be stored and kept in a non-inflammable chamber, fitted with a non-inflammable door, such chamber and door to be constructed to the satisfaction of the Director of Public Works, in a place approved by him or her.

Storing of Tins or Drums.

3. All tins or drums used for containing petroleum whether containing petroleum or not shall be kept in the chamber provided for in the preceding regulation.

Leaking Tins or Drums.

4. Any tin or drum in any garage or service station containing petroleum found to be in a leaking or damaged condition shall immediately be removed from the garage or service station to a place of safety in the open air, and the petroleum therein contained transferred immediately to a sound tin or drum.

Provision of Sand or Extinguisher.

5. In every garage or service station in which petroleum is stored otherwise than in the fuel tanks of motor vehicles, and in licensed supply pumps, there shall be maintained to the satisfaction of the Comptroller of Inland Revenue an adequate quantity of sand in suitable receptacles to be used in case of fire or some efficient type of foam extinguisher.

SEVENTH SCHEDULE

(Sections 11 (2)(e), 16)

**REGULATIONS FOR PETROLEUM KEPT FOR SALE OTHERWISE THAN
IN PUMPS, GARAGES, OR IN SERVICE STATIONS.****Quantity to be Stored.**

1. A quantity not exceeding fifty imperial gallons of petroleum may be kept for sale in accordance with these regulations.

Method of Storing.

2. All petroleum kept for sale shall be kept in sound tins or drums, and when such tins and drums contain or have contained volatile petroleum, they shall be kept and stored in a non-inflammable chamber, fitted with a non-inflammable door, such chamber and door to be constructed to the satisfaction of the Director of Public Works in a place approved by him or her.

Leaking Tins or Drums.

3. Any tin or drum found to be in a leaking or damaged condition shall be immediately removed to a place of safety in the open air, and the petroleum therein contained transferred immediately to a sound tin or drum.

Provision of Sand or Extinguisher.

4. There shall be maintained to the satisfaction of the Comptroller of Inland Revenue in the vicinity of any petroleum stored for sale an adequate quantity of sand in suitable receptacles to be used in case of fire or some efficient type of foam extinguisher.

EIGHTH SCHEDULE

(Sections 11 (2)(g), 16)

**REGULATIONS FOR THE BULK STORAGE OF PETROLEUM
PRODUCTS.****Interpretation.**

1. (1) "Bulk storage installation" hereinafter referred to as "installation" means a place specially prepared for the storage of petroleum products in bulk.

(2) "The storers" means the person or persons, or the agent of the person or persons, storing petroleum in an installation.

Application to Erect Installation.

2. Any person desiring to erect an installation shall forward to the Minister an application and shall submit with such application a site plan drawn to an approved scale.

Avoidance of Dangerous Acts.

3. Every person managing, or employed on, or in connection with, an installation shall abstain from any act whatever which tends to cause fire or explosion and which is not reasonably necessary, and shall in an installation prevent any other person from doing such act.

Smoking.

4. No person shall smoke in any installation.

Supervision.

5. All operations within any installation shall be conducted under the supervision of a responsible agent of the owners of the premises.

Grounds to be Clean.

6. (1) The ground in the interior of an installation shall be kept clean and free from articles of an inflammable nature, waste vegetation and rubbish.

(2) Articles of an inflammable nature shall be stored only under conditions approved by the Superintendent of the Fire and Rescue Services.

Fire Extinguishers.

7. An efficient fire service, or fire extinguishing apparatus, commensurate with the size of the installation and approved by the Superintendent of the Fire and Rescue Services, shall be provided in each installation.

Sand to be kept.

8. An adequate supply of sand and dried earth shall always be kept ready for immediate use in an installation for the purpose of extinguishing fire.

Repairs to Equipment.

9. All leaks in tanks and pipes shall be promptly repaired.

Authority to enter.

10. No person shall enter any tank without the authority of the manager of the installation.

Fire.

11. No fire or naked lights shall be permitted within the installation.

Protection of Lights.

12. (1) Electric lights shall be enclosed in a double glass, the outer one of which shall be gas tight.

(2) All switches and fuses within a radius of 50 feet from any point in the perimeter of storage tanks shall be enclosed in gas tight boxes and all electric wires shall be enclosed in piping.

Ventilating Openings.

13. All ventilating openings on tanks shall be suitably protected, and if not provided with ventilating openings, each tank shall be fitted with a safety pressure vacuum valve of an approved type.

Arrival of Tanker.

14. (1) The storers shall notify the Comptroller of Inland Revenue or the Principal Officer of Customs not less than 24 hours previously of the intended arrival of a vessel bringing petroleum products to be landed at an installation.

(2) The storers shall state at what hour the presence of a Customs officer will be required, and a Customs officer shall attend at the time appointed.

Unloading to be Supervised.

15. No petroleum products shall be pumped from a vessel to shore pipe lines connected to the vessel without the presence of a Customs officer and not until such Customs officer has given permission for the pipe line to be connected to the vessel and for pumping to begin.

No Deliveries during Unloading.

16. No deliveries from any storage tanks shall be made while petroleum products from abroad are being pumped from any vessel into such tank nor until after the petroleum in such tank has been measured by the Customs officer and the quantity landed ascertained.

Measuring Apparatus to be Provided.

17. The storers shall provide all apparatus necessary for ascertaining the quantity of petroleum products from abroad received in their storage tanks, or the Comptroller of Inland Revenue may provide, at the expense of the storers any apparatus of a like nature, and may have all or any such apparatus so secured as he or she may deem fit, so that it cannot be tampered with.

Storers to Facilitate Officers.

18. The storers shall give all reasonable facilities to any Quality Control Officer or Customs Officer supervising the landing of petroleum products from abroad and to any such officer regarding the ascertainment of the quantities landed or in stock at any time and shall open manholes and otherwise do all reasonable things required of them for those purposes and shall provide reasonable shelter for the Treasury or Customs officers on duty there in close proximity to the storage tanks.

Storers to pay for Attendance of Officer.

19. (1) The storers shall pay for the attendance of the Customs officer who supervises the landing of petroleum products at an installation before or after the ordinary office hours the overtime fees laid down by the Treasury Regulations.

(2) When the Customs officer is employed at breakfast and dinner hours he or she shall be paid a subsistence allowance for each meal hour during which he or she is on duty at the installation.

Storers to Pay Duty.

20. The storers shall, within 48 hours or as soon as may be directed by the Comptroller of Inland Revenue after the landing of any petroleum products, pass the usual warrant inwards for the cargo landed from such tanker as ascertained by measurement computed by calibration tables and shall, within 30 days, or at such time as may be directed by the Comptroller of Inland Revenue, pay import duty on such petroleum products delivered from the installation for consumption in the State.

Estimation of Quantity.

21. In estimating the quantity of petroleum products landed and stored by the storers at an installation all the petroleum products will be measured to ascertain the actual volume at the time of measurement without alteration to volume at any other temperature, provided that no artificial means are adopted by the storers to lower the volume by reducing the temperature, and the Customs shall be entitled to correct the volume to atmospheric temperature in any case in which they are not satisfied that artificial means have not been used to reduce volume.

Storers to Keep Books.

22. The storers shall keep books showing delivery of petroleum products from tanks storage whether for use in their own works or conveyances or for other disposal and any Treasury or Customs officer shall have access to such books at any reasonable time.

Storers to make Returns.

23. The storers shall make a return to the Comptroller of Inland Revenue before the 5th day of each month of the quantities of the various kinds of petroleum products withdrawn from storage either for their own use or for delivery otherwise during the previous month and a Quality Control Officer or Customs Officer may at any time examine their book of delivery from storage tanks with a view to ascertaining the correctness of such returns.

Notification of Exportation.

24. The storers shall notify the Comptroller of Inland Revenue or the Principal Officer of Customs of the intended exportation of petroleum or petroleum products stored at an installation.

Exportation to be Supervised

25. No delivery of petroleum or petroleum products for exportation from an installation shall be made by pipe line to any ship except in the presence of a customs officer.

Fees.

26. A fee of four dollars and eighty cents per annum shall be paid in respect of each storage tank at any installation by the storers.

Penalties.

27. Any person committing a breach of any of these regulations shall, on summary conviction, be liable to a fine not exceeding ten thousand dollars.

(Amended by Acts 7 of 1976 and 9 of 1986)

NINTH SCHEDULE*(Section 16)***REGULATIONS FOR THE TRANSPORT OF PETROLEUM**

1. No volatile petroleum shall be transported from any Government petroleum warehouse, licensed petroleum warehouse or bulk storage installation approved by the Minister save in air-tight receptacles of steel or iron or in tank carts or trucks or through a pipe line.

2. Tank carts, or trucks for the conveyance of petroleum, shall be approved by the Director of Public Works.

3. (1) Receptacles for the conveyance of volatile petroleum shall have the nature of the contents and the words "Highly Inflammable" distinctly marked on them.

(2) Such receptacles shall be painted at both ends thereof with red paint or with a paint of such other colour as the Director of Public Works may authorise to be used, and shall be of gas tight tinned or galvanized sheet iron or steel, containing each not more than one hundred imperial gallons, and filled with well made filling holes and well fitted screw plugs or fitted with screw cap and under cap.

(3) An air space of at least 1/20 of its capacity shall be left in each receptacle at the time of filling.

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

(5) All due precautions shall be taken to prevent any unauthorised person or persons below eighteen years having access to any receptacle which contains or has contained volatile petroleum or to the contents of such receptacles.

4. (1) Every container in which volatile petroleum is kept shall have the nature of the contents and the words "Highly Inflammable" distinctly marked thereon.

(2) Such container shall be painted at both ends thereof with red paint or with paint of such other colour as the Director of Public Works may authorize to be used; 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.

5. Any person removing volatile petroleum shall take all necessary precautions to prevent such petroleum from ignition.

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

7. Any person found guilty of an offence against these Regulations shall be liable, on summary conviction, to a fine not exceeding ten thousand dollars, with or without a term of imprisonment not exceeding six months.

(Amended by Acts 7 of 1976 and 9 of 1986)
