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THE PETROLEUM HANDLING AND STORAGE LAW (1 OF 1978)

(1996 Revision)

Consolidated with Law 23 of 1978.

Revised under the authority of the Law Revision Law (19 of 1975).

Originally enacted-

Law 1 of 1978-31st March, 1978

Law 23 of 1978-28th November, 1978.

Consolidated and revised this 19th day of November, 1996.

PETROLEUM HANDLING AND STORAGE LAW

(1996 Revision)

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PETROLEUM HANDLING AND STORAGE LAW

(1996 Revision)

1. This Law may be cited as the Petroleum Handling and Storage Law (1996 Revision). Short title

2. In this Law- Definitions

“concession” includes any instrument whereby the Governor grants a right or privilege enabling a person, exclusively or subject to restriction, to handle and transport petroleum in the Islands or the territorial waters thereof or both upon and subject to such terms and conditions as may be expressed or implied in such instrument or provided for under this or any other law;

“concessionaire” means a person to whom a right or privilege has been granted under a concession;

“gallon” means an imperial gallon;

“Governor” means the Governor in Council;

“handling” includes storing, refining and processing;

“licence” means a licence issued under section 7(h);

“natural gas” means any gas derived from natural strata;

“petroleum” includes crude liquid petroleum, natural gas and petroleum products;

“petroleum products” means any of the following substances produced directly or indirectly from crude petroleum, that is to say, any fuel, lubricant, bitumen, wax, industrial spirit and any wide-range substance (meaning a substance whose final boiling point at normal atmospheric pressure is more than 50° centigrade higher than its initial boiling point); and

“transportation” includes shipment, transshipment, landing, loading and movement by any means whatsoever including pipe-line.

3. The Governor may grant concessions under this Law.

Governor may grant
concessions

4. A concessionaire under this Law is deemed-

Application to Local
Companies (Control)
Law (1995 Revision) and
the Immigration Law(13
of 1992)

- (a) if a company, to be the holder of a franchise for the purpose of section 4(1)(d) of the Local Companies (Control) Law (1995 Revision); or
 - (b) if an individual, to be employed by the Government of the Islands for the purpose of section 26(a)(i) of the Immigration Law.

- Crown not bound 5. This Law does not bind the Crown.

- Implementation 6. The Governor may employ a Chief Petroleum Inspector and subordinates having responsibility for the administration of this Law who shall be remunerated from funds voted by the Legislative Assembly.

- Regulations 7. The Governor may make regulations for carrying this Law into effect including regulations for-
 - (a) safety standards and precautions in relation to the storage and transportation of petroleum and petroleum products;
 - (b) safeguards against pollution by petroleum;
 - (c) rates of compensation for damage to third parties or the general public arising from the handling or transportation of petroleum;
 - (d) compulsory insurance cover to be taken out by persons engaged in the handling or transportation of petroleum against claims for damages by third parties or the general public;
 - (e) procedures to be followed in handling and transportation of petroleum;
 - (f) the establishment, management and payment of compensation for wayleaves;
 - (g) the responsibilities, powers and administration of the Chief Petroleum Inspector and other officers appointed under this Law;
 - (h) the granting of licences authorising the handling and transportation of petroleum under this Law;
 - (i) the establishment of a Compensation Assessment Tribunal for the assessment of compensation claims arising from the handling or transportation of petroleum;
 - (j) provision for appeals against the decisions of the Compensation Assessment Tribunal;
 - (k) enabling the Attorney-General on behalf of the public to claim damages for pollution or other injury to public amenities arising from the handling or transportation of petroleum;
 - (l) penalties for contravention of such regulations; and
 - (m) any matters required by this Law to be prescribed.

- Penalties 8. Whoever-
 - (a) subject to subsection (2), handles or transports petroleum;

- (b) contravenes this Law or any regulations; or
- (c) for any purpose connected with this Law, makes any statement or representation in the truth of which he does not believe, proof of his belief being upon him,

is guilty of an offence and liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for one year and, in the case of a continuing offence, to a fine of ten thousand dollars for each day the offence continues after conviction in the first instance.

(2) Paragraph (a) of subsection (1) does not apply to-

- (a) handling and transportation of petroleum in quantities of one hundred gallons or less;
- (b) fuel carried by ships and aircraft for purposes of their own propulsion;
- (c) persons licensed under section 7(h) acting within the terms of their licences;
- (d) concessionaires operating within the terms of concessions granted under this Law;
- (e) customs officers and constables acting in the course of their duty;
- (f) persons acting for the purpose of averting danger arising from fire, oil spillage or other hazard happening likely to or capable of causing damage to persons or property;
- (g) persons engaged in the fuelling of ships or aircraft;
- (h) mains engineers acting under the Electricity Law and persons under their control when so acting;
- (i) the Port Director acting under the Port Authority Law (1995 Revision) and persons under his control when so acting; or
- (j) any person specifically exempted by the Governor by Order published in the Gazette.

Law 14 of 1974

1995 Revision

Publication in consolidated and revised form authorised by the Governor in Council this 19th day of November, 1996.

Carmena H. Parsons
Clerk of Executive Council