

CAYMAN ISLANDS



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THE DANGEROUS SUBSTANCES LAW, 2003

(LAW 21 OF 2003)

THE DANGEROUS SUBSTANCES REGULATIONS, 2017

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CAYMAN ISLANDS

THE DANGEROUS SUBSTANCES LAW, 2003

(LAW 21 OF 2003)

THE DANGEROUS SUBSTANCES REGULATIONS, 2017

PART 1 - PRELIMINARY

In exercise of the powers conferred by section 24 of the Dangerous Substances Law, 2003, the Cabinet makes the following Regulations -

1. These Regulations may be cited as the Dangerous Substances Regulations, 2017. Citation

2. In these Regulations - Definitions

“bottom loading method” means the method of loading dangerous substances as cargo into a tank truck through a connection which is located at the bottom of the tank truck;

“calibration technician” means a person who has one or more of the qualifications set out in Schedule 1 and who tests, adjusts, documents and records flow meter performance to ensure accuracy and compliance with regulatory guidelines; Schedule 1

“calibrator” means an instrument which is used for calibration where its indication or registration is in satisfactorily close agreement with a reference standard;

“custody transfer meter” means a device which measures the quantity of a dangerous substance upon transfer of the dangerous substance from one storage area to another;

“Director of Planning” means the person appointed as such under the Development and Planning Law, (2015 Revision); (2015 Revision)

“fuel” includes -

- (a) petrol;
- (b) diesel;
- (c) kerosene;
- (d) aviation fuels;
- (e) liquefied petroleum gas;
- (f) liquefied natural gas;
- (g) compressed natural gas;
- (h) biodiesel (that is, a diesel fuel obtained by esterification of oil derived from plants or animals);
- (i) ethanol;
- (j) any substance that is used as a substitute for a fuel mentioned in paragraphs (a) to (i);
- (k) any other petroleum or non-petroleum fuel; and
- (l) any substance that is supplied or represented as -
 - (i) a fuel mentioned in paragraphs (a) to (i); or
 - (ii) a substitute substance under paragraph (j).

“gross volume” or “quantity” means the volume of product, measured at ambient temperature, by a calibrated meter, dipstick or other instrument approved by the Chief Fuels Inspector;

“hazard classification” means a classification as established under the United Nations Globally Harmonized System of Classification and Labelling of Chemical Hazards;

“Law” means the Dangerous Substances Law, 2003;

“liquid” includes a mixture of liquids;

“loading rack” means a structure that provides for the loading of dangerous substances as cargo into tank trucks or containers or both;

“major accident” means death or serious injury involving a dangerous substance;

“Master Meter Method” means a method of calibrating a meter by placing the meter in series with a Master Meter and comparing the results;

“Office” means the Utility Regulation and Competition Office established by the Utility Regulation and Competition Law, 2016;

“permit holder” means the person to whom an operating permit or an import permit has been granted;

“pipeline” has the meaning assigned by regulation 38;

“positive displacement meter” means a type of meter that requires the fluid being measured to mechanically displace components in the meter in order for any fluid flow to occur;

“storage tank” means a container, whether above ground or underground, used for the storage of dangerous substances in a particular location;

“tank truck” means a permitted vehicle used for the transportation of dangerous substances;

“top loading method” means the method of loading dangerous substances as cargo into a tank truck through the dome covers on top of the tank; and

“Volumetric Prover Method” means a method of calibrating a meter by proving it against another device which uses a fixed volume traceable to international standards.

PART 2 - LOADING, MEASUREMENT AND CALIBRATION

3. In this Part “dangerous substance” means fuel.

Definition of “dangerous substance” for this Part

4. A person shall not load a dangerous substance at a loading rack using the top loading method but may use the bottom loading method or such other method as is approved in writing by the Chief Fuels Inspector.

Loading of dangerous substance

5. (1) Subject to paragraph (4), where a dangerous substance is dispensed from a permitted vehicle or transferred from regulated premises it shall be measured by using a meter.

Measurement of dangerous substance

(2) The meter used pursuant to paragraph (1) shall have its accuracy determined by the use of one of the following calibration methods -

- (a) mechanically;
- (b) electronically; or
- (c) any other method approved by the Chief Fuels Inspector.

(3) Where a dangerous substance is loaded into a compartment of a tank truck at a loading rack, the dangerous substance shall be measured by a custody transfer meter certified by a calibration technician.

(4) Paragraph (1) shall not apply where all of the dangerous substances contained in a permitted vehicle or a compartment of a permitted vehicle is

transferred from that permitted vehicle or that compartment to a permitted premises, to another permitted vehicle or to a compartment of another permitted vehicle.

Calibration of meter

6. (1) A calibration technician shall use a test meter or test measure when calibrating a meter of regulated premises or of a permitted vehicle.

(2) A test meter or test measure to be used under subparagraph (1) shall be approved in writing by the Chief Fuels Inspector.

Positive displacement meter

7. (1) A positive displacement meter shall be of a type which is affected only minimally by disturbances upstream and shall be equipped with a calibrator.

(2) A calibration technician shall calibrate a positive displacement meter in accordance with the Volumetric Prover Method or the Master Meter Method, or both.

Adjustments to a positive displacement meter

8. (1) Where the Volumetric Prover Method is used to test a positive displacement meter, the meter shall be tested by dispensing a quantity of dangerous substance at given rates of flow into a test measure of known quantity and accuracy.

(2) If, under paragraph (1) the difference between the quantity collected in the container and the quantity registered on a wholesale or retail meter exceeds the predetermined tolerance established by the Chief Fuels Inspector, the meter under test shall be adjusted so that the difference is brought within the established tolerance.

(3) The calibration technician shall perform a wetting run in addition to two consecutive runs within tolerance before the meter may be sealed and certified as calibrated.

(4) Where the Master Meter Method is used to test a positive displacement meter, if the difference between the readings of the master meter and the reading of the meter under test exceeds the predetermined tolerance as specified in paragraph (1), then the meter shall be adjusted so that the difference is either less than that tolerance or zero.

(5) The wetting and calibration runs performed by the calibration technician under this section shall be supervised and approved at the site where the meter is located by the Chief Fuels Inspector.

9. (1) A calibration technician shall, after adjustment of a meter under test is completed, place a tamper detectable seal in the meter calibrator.

Seal

(2) The calibration technician shall, where the meter is a retail pump or dispenser, place on the pump cover a tamper detectable sticker bearing the date on which the pump was calibrated and the calibration technician's signature.

10. The calibration technician shall, on completion of a test, issue a certificate confirming the calibration to the Office in the same month that the calibration was conducted.

Certification

11. (1) Subject to subparagraph (2), the quantity of dangerous substance in a tank truck shall, upon arrival at a point of delivery, be verified by the operator of the permitted vehicle and the operator of the permitted premises to which the dangerous substance has been delivered.

Verification of quantity
at point of delivery

(2) The operator of the permitted vehicle and the operator of the permitted premises shall verify the quantity of the dangerous substance in accordance with guidelines published by the Office.

(3) A dipstick or probe shall be used to establish the quantity of dangerous substance in the storage tank so as to verify that the quantity to be delivered will not exceed the gross volume of the storage tank.

(4) After verification of the quantity in both the tank truck and the storage tank, the dangerous substance in the tank truck shall be deposited into the storage tank.

12. (1) Where a dangerous substance is dispensed to a retail customer, it shall be dispensed from a pump or dispenser that -

Dispensing to retail
customer

- (a) has a meter certified by a calibration technician; and
- (b) clearly displays the quantity that is being dispensed.

(2) The operator of a fuel pump or dispenser shall, at periods not exceeding twelve months, have that pump or dispenser properly serviced, calibrated and tested by an independent calibration technician.

13. (1) Where a dangerous substance is delivered to an industrial or wholesale customer, other than a marina, it shall be delivered by the gallon.

Delivery to industrial
and wholesale customer
other than a marina

(2) A tank truck meter which makes a delivery of dangerous substance to an industrial or wholesale customer shall have the quantity delivered clearly displayed.

(3) The owner or operator of the meter shall, at periods to be determined by the Chief Fuels Inspector, which periods shall not exceed twelve months, have that meter properly serviced, calibrated and tested by an independent calibration technician.

Delivery to marina

14. (1) Notwithstanding Part 6, where a dangerous substance is being sold at a marina, that dangerous substance may be sold in U.S. gallons.

(2) Where a person supplies a dangerous substance in U.S. gallons, that person shall -

- (a) conspicuously display that the dangerous substance is being sold in U.S. gallons; and
- (b) state the price per U.S. gallon and the price per imperial gallon.

(3) A tank truck meter which delivers a dangerous substance to a marina shall have the quantity delivered clearly displayed.

(4) The owner or operator of the meter shall, at periods to be determined by the Chief Fuels Inspector, which periods shall not exceed twelve months, have that meter properly serviced, calibrated and tested by an independent calibration technician.

Penalty under this Part

15. A person who contravenes any provision of this Part commits an offence and is liable to an administrative penalty.

PART 3 - OPERATING PERMITS

Application for
operating permit

16. (1) An operating permit, an application for an operating permit and for the renewal of an operating permit shall be in such form as provided by the Board.

(2) The Board shall require an applicant for an operating permit or for the renewal of an operating permit to provide a report from the Chief Fuels Inspector that the regulated premises or the permitted vehicle is constructed and maintained in a manner that will ensure the safe handling and storage of dangerous substances.

(3) In order to obtain a report specified in paragraph (2) the applicant shall permit the Chief Fuels Inspector to carry out such examinations of the regulated premises or the permitted vehicle as the Chief Fuels Inspector considers necessary.

(4) An applicant shall provide the Board with any further information that the Board requires in the particular case.

17. (1) The Board may, upon payment of the relevant annual fee set out in Schedule 2, grant an operating permit subject to such terms and conditions as it considers appropriate.

Grant of operating
permit
Schedule 2

(2) The Board shall, where necessary, before granting or renewing an operating permit under these Regulations, take into account matters which include the following -

- (a) whether the applicant possesses the technical qualifications necessary to fully perform the obligations attached to the operating permit for which the applicant is applying;
- (b) whether the applicant satisfies the requirements of these regulations;
- (c) whether the applicant is a fit and proper person to be granted an operating permit; and
- (d) whether the safety of persons in the Islands will be safe guarded.

(3) In determining for the purposes of these Regulations whether an applicant is a fit and proper person, regard shall be had to all circumstances, including evidence of that person's -

- (a) honesty, integrity and reputation;
- (b) competence and capability; and
- (c) financial soundness.

(4) Any terms and conditions attached to an operating permit by the Board under subsection (1) shall be set out in the operating permit.

(5) The duration of the operating permit shall be stated in the operating permit.

(6) If the Board decides not to grant an operating permit, the Board shall give to the permit holder a written notice stating why the operating permit has not been granted, the reasons for the refusal to grant the operating permit and that the applicant may seek a review of the decision in accordance with regulation 25 within fourteen days of receiving the notice.

18. (1) A permit holder shall display his operating permit in a prominent part of the regulated premises or permitted vehicle to which the permit relates.

Display of operating
permit

(2) Where a permit holder fails to display the operating permit in accordance with subparagraph (1) the permit holder commits an offence and is liable to an administrative penalty.

Operating permit not transferable	19. (1) A permit holder shall not transfer, sell or otherwise dispose of an operating permit to another person. (2) A permit holder who contravenes paragraph (1) commits an offence and is liable to an administrative penalty.
Fraudulent imitation etc. of permit	20. A person who fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently lends or allows to be used by any other person, an operating permit commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of one year or to both.
Renewal of operating permit	21. (1) Where an application for renewal of an operating permit is made, it shall be accompanied by the prescribed fee. (2) If the Board is satisfied that the applicant continues to meet the requirements for the issue of an operating permit the Board shall renew the operating permit. (3) An operating permit will continue uninterrupted once the application for renewal is received prior to the expiration date but where the permit has expired and no application for renewal is submitted within two months of the date of expiration, the permit holder shall cease operations and shall wait for three months before consideration may be given to his new application for an operating permit. (4) A permit holder who submits an application within two months of the date of expiration of the operating permit is liable, in addition to the prescribed fee, to pay a late fee as follows - (a) one third of the annual fee specified in Schedule 2 if the fee and penalty are paid within one month of the date of the expiration of the operating permit; or (b) two thirds of the annual fee specified in Schedule 2 if the fee and penalty are paid within two months of the date of the expiration of the operating permit. (5) The Board may refuse to renew a permit if it has reasonable grounds to believe that the permit holder no longer satisfies the requirements for an operating permit and, in such a case, the Board shall inform the permit holder by written notice as soon as practicable of its intention not to renew the operating permit. (6) A permit holder referred to under paragraph (5) shall have thirty days from the date of service of the said notice to make written submissions to the Board in respect of the refusal.

Schedule 2

(7) The Board shall consider any written submissions made under paragraph (3) and shall inform the permit holder within seven days of the receipt of the submission, of its decision on the matter.

(8) If the Board decides not to renew an operating permit, the Board shall include in the notice under paragraph (7), the reasons for the decision not to renew the operating permit and a statement advising the permit holder that the permit holder may seek a review of the decision in accordance with regulation 25 within fourteen days of receiving the notice.

22. (1) An operating permit may be modified where the Board and the permit holder, by agreement in writing, agree to modify the permit.

Modification of
operating permit

(2) Notwithstanding the provisions of paragraph (1) and subject to any special conditions concerning modification in the relevant permit, the Board may, on the recommendation of the Minister and without the agreement of the permit holder, modify a permit for reasons of security of the Islands.

(3) Where the Board, on the recommendation of the Minister, considers that a permit should be modified in the public interest, the Board shall give to the permit holder a written notice that -

- (a) sets out the proposed modification;
- (b) states the reasons for the proposed modification; and
- (c) invites the permit holder to show within seven days why the permit should not be modified.

(4) The Board may modify the permit if, after considering and having regard to all representations made within seven days, it considers the permit should be modified in the manner set out in the notice or in some other manner.

(5) If the Board decides to modify the operating permit, the Board shall give to the permit holder a written notice stating how the permit has been amended, the reasons for the modification and that the permit holder may seek a review of the decision in accordance with regulation 25 within fourteen days of receiving the notice.

23. (1) The Board may issue to a permit holder a replacement permit upon payment of the fee set out in the Schedule 2.

Lost and surrendered
operating permits

Schedule 2

(2) A permit holder may surrender his operating permit to the Board at any time during the duration of the permit.

Suspension or
revocation of operating
permit

24. (1) Subject to any special conditions in the relevant operating permit concerning suspension or revocation, the Board may suspend or revoke an operating permit on any of the following grounds -

- (a) where the permit holder is in fundamental breach of any condition attached to the permit;
- (b) where the permit holder persistently breaches a condition attached to the permit;
- (c) where the permit holder has been convicted of an offence against the Law or these Regulations;
- (d) where the permit holder is in breach of any other Law relating to his operations including a failure to hold any relevant licence relating to his operations;
- (e) where the permit holder is dissolved;
- (f) where the permit holder is wound up or declared bankrupt; or
- (g) where a permit holder obtained the operating permit by a fraudulent, false or misleading representation or in some other illegal manner.

(2) Notwithstanding the provisions of paragraph (1), the Board, on the order of the Cabinet, shall, without notice, suspend or revoke an operating permit if the suspension or revocation is necessary for reasons of security of the Islands.

(3) The Board shall, before suspending or revoking an operating permit under paragraph (1), give written notice to the permit holder, in which notice the Board shall draw to the attention of the permit holder the grounds on which the Board intends to suspend or revoke the permit.

(4) The Board shall, in the case of a fundamental breach by a permit holder of a condition attached to the operating permit or regulations made under the Law, give an opportunity to the permit holder to remedy the breach, if capable of remedy, within a reasonable time.

Review of
administrative decision
by the Board

25. (1) This regulation shall apply to the following decisions of the Board -

- (a) a decision not to grant or renew an operating permit;
- (b) a decision to suspend or revoke an operating permit; or
- (c) a decision to modify an operating permit.

(2) A permit holder or an applicant for a permit aggrieved by a decision specified in paragraph (1) may, within fourteen days of the receipt of the notice of the decision and any written reasons therefor, apply in writing to the Board for a reconsideration of that decision.

(3) The Board shall, pursuant to paragraph (2), confirm, modify or reverse the decision, or any part thereof, specified in paragraph (1), and render its determination within a reasonable period of time not to exceed twenty-eight days.

(4) Where the decision is confirmed, the confirmation shall be deemed to take effect from the date on which the decision was made.

(5) Where an application is made under paragraph (2) -

- (a) the Board may, on application by the aggrieved person, order that the decision shall not take effect until a determination is made under paragraph (3); and
- (b) the court shall not hear an appeal under regulation 26 in relation to a reconsideration under paragraph (3) until the Board has made a determination pursuant to paragraph (3).

26. (1) An appeal lies to the court from any decision of the Board specified in regulation 25 on one or more of the following grounds that the decision is - Appeals to the court

- (a) erroneous in law;
- (b) unreasonable;
- (c) contrary to the principles of natural justice; or
- (d) not proportionate.

(2) An appeal against the decision of the Board shall be to the court by motion.

(3) The appellant, within twenty-eight days after the day on which the Board has delivered its decision, shall serve a notice in writing signed by the appellant or his attorney-at-law on the Board of his intention to appeal and of the grounds of his appeal.

(4) Any person aggrieved by a decision of the Board may, upon notice to the Board, apply to the court for leave to extend the time within which the notice of appeal prescribed by this regulation may be served and the court, upon the hearing of such application, may extend the time prescribed by this regulation as it considers fit.

(5) The Board shall, upon receiving the notice of appeal, transmit to the court without delay a copy of the decision and all papers relating to the appeal provided that the Board may seek an order from the court directing the Board to file under seal any information if it is considered that the public interest would suffer by disclosure of such information.

(6) At the hearing of the appeal the appellant shall, before going into the case, state all the grounds of appeal on which the appellant intends to rely and

shall not, unless by leave of the court, go into any matters not touching upon such grounds of appeal.

(7) The court may adjourn the hearing of an appeal and may, upon the hearing thereof confirm, reverse, vary or modify the decision of the Board or remit the matter with the opinion of the court thereon to the Board.

(8) The court may dismiss an appeal if it is of the opinion that the appeal is frivolous or vexatious or not made in good faith.

(9) An appeal to the court against a decision of the Board shall not have the effect of suspending the execution of the decision unless the court so orders.

Register of applications
and operating permits

27. (1) The Board shall cause to be kept a register of all applications for operating permits received by it and all such operating permits granted pursuant to these Regulations and such register may be kept in electronic form or in such other form as the Board determines.

(2) The Board -

- (a) shall make available for public inspection during its business hours, applications and operating permits granted pursuant to these Regulations; and
- (b) may permit any person to make copies of any entry in the register and may charge such fees as it considers reasonable for such copies.

Offences by permits
holders

28. Where it appears to the Board when dealing with an application, renewal, suspension or revocation of, or any matter in relation to, an operating permit, that a permit holder has committed an offence against the Law or these Regulations, the Board shall, subject to these Regulations, refer the matter to the Commissioner of Police.

Fees
Schedule 2

29. (1) Fees payable under this Part are set out in Schedule 2 and are annual fees.

(2) Where a fee is paid by cheque, draft or money order, such cheque, draft or money order shall be drawn in favour of the "Utility Regulation and Competition Office".

**PART 4 - IMPORTATION AND LANDING OF DANGEROUS
SUBSTANCES; IMPORT PERMITS**

30. (1) The form of application for an import permit for dangerous substances, for the renewal of an import permit and for an import permit shall be as provided by the Office. Import permit

(2) An application under this regulation shall state -

- (a) the estimated annual quantity;
- (b) the flash point;
- (c) specific gravity;
- (d) grade;
- (e) type; and
- (f) hazard classification,

of the dangerous substances to be landed and the regulated premises to which it is to be discharged.

(3) A person who does not hold a valid import permit shall not import -

- (a) more than thirty five gallons of fuel in any one day or in an aggregate period of one week or more; or
- (b) more than thirty five liquid gallons of gas stored at one hundred pounds per square inch or more in any one day or in an aggregate period of one week or more.

(4) Where the Chief Fuels Inspector receives an application under this Part he may, if the dangerous substances are to be discharged to a regulated premises, notify the applicant that the regulated premises must be inspected by him or by a fuel inspector designated by him to verify that the regulated premises continues to be maintained in a manner that will ensure the safe handling and storage of the dangerous substances; but may only make such inspection if the regulated premises have not been inspected pursuant to section 14 of the Law at least six months before the date of the application.

(5) If the Chief Fuels Inspector determines in accordance with paragraph (3) that an inspection of the regulated premises is required and so notifies the applicant, the applicant shall permit the Chief Fuels Inspector or the fuel inspector designated by the Chief Fuels Inspector to carry out such inspection of the regulated premises as the Chief Fuels Inspector considers necessary.

(6) An applicant shall provide the Chief Fuels Inspector with any further information that the Chief Fuels Inspector requires in the particular case.

Standard of dangerous substances to be imported

31. The standards applicable to dangerous substances imported into the Islands shall be the standards set by the Fuel Standards Committee in accordance with the Law and every person to whom an import permit is granted shall ensure that the dangerous substance imported by him accords with such standards.

Method of testing

32. (1) Any dangerous substance, which is imported into the Islands shall, if so required by the Collector of Customs at the port of entry, for the purposes of these Regulations, be tested by the Collector of Customs -

- (a) by apparatus approved by the Fuel Standards Committee pursuant to the Law; and
- (b) by tests approved by the Fuel Quality Committee, which tests shall accord with standards set by the American Society for Testing and Materials.

(2) The Collector of Customs shall on each importation of a dangerous substance record in writing the result of the test ascertained in accordance with the test specified in paragraph (1) and shall provide the Office with such information within forty-eight hours of the importation of the dangerous substance.

Procedure relating to import permit

33. The regulations under Part 3 which apply to -

- (a) the grant of an operating permit;
- (b) the renewal of an operating permit;
- (c) the transferability of an operating permit;
- (d) the modification of an operating permit;
- (e) the lost and surrender of an operating permit;
- (f) the suspension or revocation of an operating permit; and
- (g) the review of an administrative decision relating to an operating permit,

shall apply, with necessary changes, to import permits and to the exercise of the functions of the Chief Fuels Inspector in dealing with such import permits.

Appeal of decisions of the Chief Fuels Inspector under this Part

34. (1) A person aggrieved by a decision of the Chief Fuels Inspector -

- (a) not to grant or renew an import permit;
- (b) to suspend or revoke an import permit; or
- (c) to modify an import permit,

may, within twenty-one days of the decision, appeal to the Board.

(2) A person aggrieved by a decision of the Board under this regulation may, within twenty-one days of the date on which notice of the written reasons for the decision was received, appeal to the court against the decision.

- (3) An appeal under paragraph (1) shall be by notice in writing setting out-
- (a) the original application;
 - (b) the decision against which the appeal is made; and
 - (c) the grounds of the appeal.

(4) On receipt of the notice of appeal, the Board shall decide if there is just cause for the appellant or the appellant's representative to be heard and if it is so decided, notify the appellant or the appellant's representative and the Chief Fuels Inspector of the date and time of the hearing.

(5) The decision of the Board shall be communicated to the appellant as soon as is reasonably practicable.

35. (1) The Office shall cause to be kept a register of all applications for import permits received by him and all such import permits granted pursuant to these Regulations and such register may be kept in electronic form.

Register of applications
and import permits

(2) The Office -

- (a) shall make available for public inspection during its business hours, applications and operating permits granted pursuant to these Regulations; and
- (b) may permit any person to make copies of any entry in the register and may charge such fees as it considers reasonable for such copies.

36. Where it appears to the Chief Fuels Inspector when dealing with an application, renewal, suspension or revocation of, or any matter in relation to, an import permit, that a permit holder has committed an offence against the Law these Regulations or any other Law, the Chief Fuels Inspector shall, subject to these Regulations, refer the matter to the Commissioner of Police.

Offences by permits
holders

37. (1) Fees payable under this Part are set out in Schedule 3.

Fees

Schedule 3

(2) Where a fee is paid by cheque, draft or money order, such cheque, draft or money order shall be drawn in favour of the "Utility Regulation and Competition Office".

PART 5 – PIPELINES

38. (1) Subject to the provisions of this regulation, in these Regulations "pipeline" means a pipe or system of pipes, together with any apparatus and works, of a kind described in paragraph (2), associated with it, for the conveyance of any dangerous substance between two or more regulated premises.

Meaning of "pipeline"

(2) The apparatus and works referred to in paragraph (1) are -

- (a) any apparatus for inducing or facilitating the flow of any dangerous substance through, or through a part of, the pipe or system;
- (b) any apparatus for treating or cooling any dangerous substance which is to flow through, or through part of, the pipe or system;
- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in the preceding subparagraphs;
- (e) apparatus for the transmission of information for the operation of the pipe or system;
- (f) apparatus for the cathodic or other protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system.

(3) For the purpose of paragraph (2)(c), a valve, valve chamber or similar work shall be deemed to be annexed to, or incorporated in the course of, a pipe or system where it connects the pipe or system to plant, an offshore installation, or a well.

(4) A pipeline for supplying dangerous substances to premises shall be deemed not to include anything downstream of an emergency control.

(5) In this regulation “emergency control” means a valve for shutting off the supply of dangerous substances in an emergency, being a valve intended for use by a consumer of dangerous substances.

Application of this Part

39. This Part does not apply to the following -

- (a) a pipeline or part of a pipeline for the conveyance of air, water vapour or steam; or
- (b) a pipeline for the conveyance of water, other than for the purpose of injecting water into an underwater well or reservoir containing mineral resources.

Design of a pipeline

40. An operator shall ensure that no dangerous substance is conveyed in a pipeline unless the pipeline has been so designed that, so far as is reasonably practicable, it can withstand -

- (a) forces arising from its operation;
- (b) the dangerous substances that may be conveyed in it; and

- (c) the external forces and the chemical processes to which it may be subjected.

- | | |
|--|--|
| 41. An operator shall ensure that no dangerous substance is conveyed in a pipeline unless the pipeline has been provided with such safety systems as are necessary for securing that, so far as is reasonably practicable, persons are protected from risk to their health or safety. | Safety systems |
| 42. An operator shall ensure that no dangerous substance is conveyed in a pipeline unless the pipeline has been so designed that, so far as is reasonably practicable, it may be examined and maintenance work may be carried out safely. | Access for examination and maintenance |
| 43. An operator shall ensure that no dangerous substance is conveyed in a pipeline unless the pipeline is composed of materials which are appropriate for the conveyance of the particular dangerous substance. | Materials |
| 44. An operator shall ensure that no dangerous substance is conveyed in a pipeline, except for the purpose of testing it, unless it has been so constructed and installed that, so far as is reasonably practicable, it is sound and fit for the purpose for which it has been designed. | Construction and installation |
| 45. An operator shall ensure that modification, maintenance or other work on a pipeline is carried out in such a way that its soundness and fitness for the purpose for which it has been designed will not be prejudiced. | Work on a pipeline |
| 46. An operator shall ensure that - | Operation of a pipeline |
| <ul style="list-style-type: none"> (a) no dangerous substance is conveyed in a pipeline unless the safe operating limits of the pipeline have been established; and (b) a pipeline is not operated beyond its safe operating limits, except for the purpose of testing it. | |
| 47. An operator shall ensure that no dangerous substance is conveyed in a pipeline unless adequate arrangements have been made for dealing with - | Arrangements for incidents and emergencies |
| <ul style="list-style-type: none"> (a) an accidental loss of dangerous substance from; (b) discovery of a defect in or damage to; or (c) other emergency affecting, | |
| the pipeline. | |
| 48. An operator shall ensure that a pipeline is maintained in an efficient state, in efficient working order and in good repair. | Maintenance |
| 49. (1) An operator shall, as soon as reasonably possible, notify the Chief Fuels Inspector that the operator intends to cease using a pipeline for the | Decommissioning |

conveyance of any dangerous substance; and, in such case, the operator shall comply with any condition the Chief Fuels Inspector imposes for the cessation of use of the pipeline including the conditions that -

- (a) the pipeline be demolished within a period specified by the Chief Fuels Inspector and that the pipeline be maintained in a safe condition until it is demolished; or
- (b) the pipeline be safely abandoned-in-place.

(2) An operator of a pipeline shall ensure that any work done in discharge of any duty contained in paragraph (1) is performed safely.

Prevention of damage to pipelines

50. For the purpose of ensuring that no damage is caused to a pipeline, an operator shall take such steps to inform persons of its existence and whereabouts as are reasonable.

Co-operation

51. Where there are different operators for different parts of a pipeline, each operator shall co-operate with the other so far as is necessary to enable the operators to comply with the requirements of these Regulations.

Emergency shut-down valves

52. (1) The operator of a pipeline which -

- (a) is connected to an offshore installation; and
- (b) has an internal diameter of one and half inches or more,

shall ensure that the requirements contained in Schedule 4 are complied with in relation to the pipeline.

Schedule 4

(2) The operator of an offshore installation to which a pipeline described in paragraph (1) is connected shall afford, or cause to be afforded, to the operator of the pipeline such facilities as the operator of the pipeline may reasonably require for the purpose of securing that the requirements contained in Schedule 4 are complied with in relation to the pipeline.

Notification before construction

Schedule 5

53. An operator shall ensure that the construction of a pipeline is not commenced unless he has notified the Director of Planning of the particulars specified in Schedule 5 at least six months, or such shorter time as the Director of Planning may approve, before such commencement.

Notification before use

54. An operator shall ensure that no liquid is conveyed in a pipeline, or conveyed following a period in which it has been out of commission, other than for routine maintenance, until the expiration of fourteen days, or of such shorter period as the Chief Fuels Inspector may, in that case, approve, from the receipt by it of a notification of the date on which it is intended to convey or, as the case may be, resume the conveyance of liquid in the pipeline.

55. (1) Where there is a change of operator of a pipeline, or of his address, the operator shall notify the Chief Fuels Inspector of such change within fourteen days thereafter.

Notification in other cases

(2) Subject to paragraph (3), in the case of a pipeline the construction of which has commenced, or has been completed, the operator shall ensure that no event of a kind described in Schedule 5 takes place until the expiration of three months, or such shorter time as the Chief Fuels Inspector may in that case approve, from the receipt by the Chief Fuels Inspector of the particulars specified in that Schedule in relation to such event.

Schedule 5

(3) Where an event of a kind described in Schedule 5 takes place in an emergency, the operator shall notify the Chief Fuels Inspector of the particulars specified in that Schedule as soon as is reasonably practicable.

56. (1) An operator shall, before the design of a pipeline is completed, prepare and thereafter revise or replace as often as may be appropriate, a document relating to the pipeline containing, subject to paragraph (2), sufficient particulars to demonstrate that -

Accident prevention document

- (a) all hazards relating to the pipeline with the potential to cause a major accident have been identified;
- (b) the risks arising from those hazards have been evaluated;
- (c) the safety management system is adequate; and
- (d) he has established adequate arrangements for audit and for the making of reports thereof.

(2) Paragraph (1) shall only require the particulars in the document referred to in paragraph (1) to demonstrate the matters referred to in that paragraph to the extent that it is reasonable to expect the operator to address them at the time the document is prepared or revised.

(3) Where the document referred to in paragraph (1) describes any health and safety arrangements or procedures to be followed, the operator shall ensure that those arrangements or procedures are followed unless in the particular circumstances of the case it is not in the best interests of the health and safety of persons to follow them, and there has been insufficient time to revise or replace the document to take account of those circumstances.

(4) In this regulation -

“audit” means systematic assessment of the adequacy of the safety management system, carried out by persons who are sufficiently independent of the system

(but who may be employed by the operator) to ensure that such assessment is objective; and

“safety management system” means the organisation, arrangements and procedures established by the operator for ensuring that the risk of a major accident is as low as is reasonably practicable.

Emergency procedures

57. (1) An operator shall ensure that no liquid is conveyed in a pipeline unless-

- (a) such appropriate organisation and arrangements as shall have effect; and
- (b) the procedures which shall be followed in different circumstances,

in the event of an emergency relating to the pipeline, have been established and recorded.

(2) An operator shall revise or replace the record of the organisation, arrangements and procedures referred to in paragraph (1) as often as may be appropriate.

(3) An operator shall ensure that the organisation, arrangements and procedures referred to in paragraph (1) are tested, by practice or otherwise, as often as may be appropriate.

Emergency plans in case of major accidents

58. (1) The Chief Fuels Inspector when he has been notified by an operator of a pipeline, that there is, or is to be a pipeline, shall before the pipeline is first used or within nine months of such notification, whichever is later, and subject to paragraph (5), prepare a plan detailing how an emergency relating to a possible major accident will be dealt with.

(2) In preparing the plan pursuant to paragraph (1) the Chief Fuels Inspector shall consult with the Ministry, the operator of the pipeline and any other persons as the Ministry may direct.

(3) The Chief Fuels Inspector shall, after consultation with the Ministry, as often as is appropriate and, in any case, at least every three years, review the plan and make such revision as the Ministry and the Chief Fuels Inspector consider appropriate.

(4) An operator of a pipeline shall ensure that the Chief Fuels Inspector is furnished promptly with such information as the Chief Fuels Inspector may reasonably require in preparing the plan referred to in paragraph (1).

(5) It shall be deemed to be sufficient compliance with the requirement in paragraph (1) as to the time by which a plan is to be prepared, where such time is exceeded by reason of waiting for information referred to in paragraph (4) which has been promptly required.

59. (1) The Office upon the preparation, review or revision of a plan by the Chief Fuels Inspector pursuant to regulation 58(1) or (3) shall charge a fee of five thousand dollars to the operator of the pipeline to which the plan relates.

Charge by the Office
for a plan

(2) The Office shall send or give to the operator of the pipeline a detailed statement of the work done and costs incurred including the date of any visit to any place and the period to which the statement relates; and the fee, which shall be recoverable as a civil debt to the Office, shall become payable one month after the statement has been sent or given.

60. In the case of a pipeline, the construction of which was commenced (and whether or not completed) before the coming into force of these Regulations the particulars specified in Schedule 6 shall be notified to the Chief Fuels Inspector within six months after the commencement of the Regulations.

Transitional provision
for this Part
Schedule 6

61. (1) In any proceedings for an offence for a contravention of any of the provisions of this Part it shall, subject to paragraph (2), be a defence for the person charged to prove -

Defence

- (a) that the commission of the offence was due to the act or default of another person not being one of his employees referred to in this paragraph as “the other person”; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) The person charged shall not, without leave of the court, be entitled to rely on the defence in paragraph (1) unless, within a period ending seven days before the hearing to determine mode of trial he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of the other person as was then in his possession.

PART 6 - FUEL SIGNS AND PRICES

62. (1) Subject to paragraph (2), the operator of a regulated premises who is licensed under the Law to sell fuel to the public shall at such regulated premises -

Operator of regulated
premises to display retail
prices

- (a) where the operator sells fuel at a pump on the regulated premises dispensing by only full serve or by both full serve and self-serve, display on the premises near to the pump a sign that shows the regulated premises' current full serve retail price (in Cayman

Islands dollars) per imperial gallon of each type and grade of fuel; and

- (b) where the operator sells fuel at a pump on the regulated premises dispensing by only self-serve, display on the premises near to the pump a sign that shows the regulated premises' current self-serve price (in Cayman Islands dollars) per imperial gallon of fuel,

and, in each case, the sign shall be set up in such a manner and be so lit that the price and any other matter that it displays can be readily seen by motorists approaching the regulated premises from all directions at any time the regulated premises is open for business for the sale of fuel.

(2) A sign under this regulation shall be set up in such a manner and shall be of such dimensions as accord with any requirements under the Development and Planning Law (2015 Revision) and general or specific directives issued by the Office.

(2015 Revision)

(3) Where the operator of a regulated premises has decided to change the retail price dispensed on the regulated premises, he shall, before charging the new price, adjust the price displayed on the sign as well as the actual price displayed on the regulated premises.

(4) For the purpose of this Part -

- (a) "full serve retail price", in relation to fuel, means the retail price of fuel which is dispensed at the pump to a customer by the operator of a regulated premises, or by his employee, and not by the customer himself; and
- (b) "self-serve price", in relation to fuel, means the retail price of fuel which is dispensed at the pump by the customer himself.

Duty to inform Office of price

63. (1) An importer of fuel shall, within forty-eight hours of notifying an operator of a change in the wholesale price of fuel, by notice in writing inform the Chief Fuels Inspector or an inspector authorised by him of the wholesale price at which the importer is selling an imperial gallon of fuel.

(2) The operator of a regulated premises to which this Part applies shall, after compliance with regulation 62(3) and upon each change of price, by notice in writing within forty-eight hours, inform the Office or an inspector authorised by him of the price at which he is selling an imperial gallon of full serve and self-serve fuel.

Offences and penalties

64. A person who contravenes regulation 62 or 63 commits an offence and is liable to an administrative penalty.

PART 7 - ADMINISTRATIVE PENALTIES

65. (1) The Chief Petroleum Officer and a fuel officer, referred to in this Part as the “relevant officer” have the power to issue tickets in accordance with this Part. Administrative penalties

(2) The offences set out in Schedule 7 are designated as ticketable offences for the purposes of the Law. Schedule 7

(3) The payment of the administrative penalty stated on the ticket up to twenty-eight days after being served is an option to discharge liability to conviction for the offence set out on the ticket.

(4) Where a person is served with a ticket by the Chief Fuels Inspector or a petroleum officer under this paragraph in respect of an offence set out in Schedule 7, criminal proceedings in respect of the act that constitutes the offence specified on the ticket, shall not commence except where the administrative penalty remains unpaid after twenty-eight days of the service of the ticket.

(5) Payment of an administrative penalty under this section shall be made to the Office and all administrative penalties paid under these Regulations shall, unless otherwise expressly stated, form part of the revenue of the Office.

(6) In any proceedings, a certificate that payment of the administrative penalty was or was not made to the Chief Fuels Inspector by the date specified in the certificate shall, where the certificate is signed by the Chief Fuels Inspector, be sufficient evidence of the facts stated unless the contrary is proved.

66. (1) A ticket shall be in the form set out in Schedule 7 and shall - Form of ticket, etc.

- (a) contain a statement signed by the relevant officer certifying that the relevant officer has reason to believe that an offence has been committed under this Law;
 - (b) include a summary of the facts of the offence and the specific section of the Law or regulation that has been contravened;
 - (c) indicate with reasonable precision, having regard to all the circumstances, the time and place at which the offence was committed;
 - (d) set out the administrative penalty for the offence;
 - (e) set out the options that the person served with the ticket has in responding to it and the time within which the person shall respond;
 - (f) state the period of time during which proceedings will not be commenced for the offence;
- Schedule 7

- (g) require the person, in the event that the administrative penalty is not paid nor the plea under paragraph (7) entered within the period specified in the notice, to attend before the summary court to enter a plea on such date as may be specified, the date being not earlier than ten days after the expiration of the period specified in regulation 65(3); and
- (h) state that the ticket may be used as the evidence of the Office.

Schedule 7

(2) The administrative penalty for ticketable offences shall be as specified in Schedule 7.

(3) Service of a ticket on the person whom a relevant officer has reason to believe committed an offence is effected by the relevant officer delivering a copy of the ticket to the person or by leaving it at the last known place of business or abode of the person or by sending it by registered mail to the last known place of business or abode of the person.

(4) A relevant officer who serves a ticket shall complete and sign a certificate of service stating that the ticket was, on the date set out in the certificate, served on the person whom the relevant officer had reason to believe committed the offence and the certificate shall be evidence that, on the date set out in the certificate, a ticket was served on the person whom the relevant officer had reason to believe committed the offence.

(5) A person may pay the total amount set out in the ticket in accordance with paragraph (6), enter a “not guilty” plea in accordance with regulation 65(1) or attend the summary court on the date set out on the ticket and enter a plea.

(6) The payment of the total administrative penalty within twenty-eight days of being served constitutes a discharge from liability for conviction for the offence.

Trial after not paying
ticket or not agreeing to
ticket

67. (1) A person who is served with a ticket who wishes to enter a “not guilty” plea may request a trial by signing the request for trial on the ticket and delivering it to the Clerk of Court within twenty-eight days of being served with the ticket and the Clerk of the Court shall enter the plea of “not guilty”.

(2) As soon as practicable after a person requests a trial under paragraph (1), the Clerk of the Court shall notify the Chief Fuels Inspector of the request, request the duplicate ticket, fix the time and place of the trial and notify the defendant and the prosecution of the time and place of the trial.

(3) A person who has been served with a ticket under this Part and has not exercised any of the options referred to in regulation 66(5) or paragraph (1) shall

attend at the court on the date specified in the ticket which shall be no earlier than thirty-eight days after the date that the ticket was served on the person and the notice of the court date on the ticket shall be notice to the defendant and the prosecution of the same.

(4) The Chief Fuels Inspector shall, within forty-eight hours, file with the Clerk of the Court every ticket that remains unpaid after twenty-eight days of having been served.

(5) A ticket filed with the Clerk of Court is evidence of the facts alleged in the ticket without proof of the signature or official character of the person appearing to have completed the ticket or the person on whom the ticket was served.

(6) Except as otherwise provided, a notice or document required or authorised to be given or delivered under this section may be given or delivered personally by registered mail or by other prescribed means.

(7) Evidence that a notice or document required or authorised to be given or delivered to a person under this regulation was sent by registered mail or any other prescribed means to the person at the last known place of abode or business address appearing on a ticket, certificate of service or other document in the court file, is sufficient evidence that the notice or document was given or delivered to the person, unless the contrary is proved.

(8) A person who is convicted of a ticketable offence in a trial requested under paragraph (1) or in a trial as a result of a failure to exercise the options under regulation 65(5) may be liable to a fine greater than the administrative penalty provided for that ticketable offence but not exceeding the maximum fine provided for that offence under the Law.

(9) The ticket, for the purposes of a trial under this regulation is deemed to be a complaint within the meaning of section 14 of the Criminal Procedure Code (2014 Revision).

(10) Notwithstanding anything in law to the contrary, where the ticket remains unpaid at the expiration of the time specified for the payment of the administrative penalty or where the person served requests a trial the ticket shall be deemed to be a summons issued in accordance with section 15 of the Criminal Procedure Code (2014 Revision). (2014 Revision)

(11) Proceedings in respect of an offence deemed to be instituted by a ticket under this Law shall not be listed for hearing in Court unless -

- (a) the relevant officer delivers the duplicate of the ticket with an endorsement stating that the administrative penalty had not been received within the twenty-eight day period within which it was payable; and
- (b) a period of ten days has elapsed from the last day on which the administrative penalty was payable.

(2014 Revision)

(12) Where the administrative penalty is not paid within the time specified in the ticket or the person served requests a trial, proceedings in respect of the offence specified in the ticket shall be in accordance with the procedure set out for Category C offences under the Criminal Procedure Code (2014 Revision).

SCHEDULE 1

(Regulation 2)

QUALIFICATIONS FOR CALIBRATION TECHNICIAN

1. A person who holds a calibration certification or an affiliated certification from any of the following institutions and organisations eligible to apply to become a calibration technician -

- (a) National Institute of Standards and Technology (NIST);
- (b) American Petroleum Institute;
- (c) International Organization for Standardization - (ISO);
- (d) International Electrotechnical Commission - (IEC);
- (e) American National Standards Institute/American Society of Mechanical Engineers;
- (f) NATA, Australia; and
- (g) any other organization which has aspects of traceability, including traceability through commercial and national laboratories and international metrology organizations.

2. A person with five years or more of documented experience in performing calibration utilising internationally accepted means such as volumetric, gravimetric or other established method is eligible to apply to become a calibration technician.

3. In addition to the above requirements, a paper based exam will be administered by the Office, on a quarterly basis, for candidates who are desirous of becoming an approved calibration technician. A candidate must achieve a 90% pass grade in the exam to become a certified calibration technician in the Cayman Islands.

SCHEDULE 2**FEES FOR OPERATING PERMIT AND RENEWAL OF OPERATING PERMITS**

(Regulations 17(1), 21(4)(a),(b), 23(1) and 29(1))

	Fee
Regulated premises with gross installed capacity in excess of 3,500,000 imperial gallons for storage and handling of dangerous substances	\$4,500
Regulated premises with gross installed capacity within the range of 350,001 to 3,500,000 imperial gallons for storage and handling of dangerous substances	\$3,500
Regulated premises with gross installed capacity within the range of 40,000 to 350,000 imperial gallons for storage and handling of dangerous substances	\$2,500
Regulated premises with gross installed capacity not exceeding 39,999 imperial gallons for storage and handling of dangerous substances, excluding residential premises with aggregate storage up to 500 imperial gallons	\$200
Regulated premises which only have 1 installed Generator Base Tank of 250 imperial gallons or greater capacity	\$125
Regulated premises which are residential and which are permitted and having installed storage capacity up to a maximum of 500 imperial gallons of dangerous substances for onsite consumption	\$50
Regulated premises operated as a Gas Station, Marina or facility approved to retail dangerous substances to the general public	\$200
Permitted vehicles	\$150
Regulated premises where a pipeline is operated	\$1000
Replacement of lost, destroyed or damaged permit	One third of the annual fee of the relevant permit

SCHEDULE 3**FEES FOR IMPORT PERMITS**

(Regulation 37(1))

Fee for application for import permit and for renewal of an import permit	\$75
Fee for import permit	\$1000

Replacement of lost, destroyed or damaged permit	One third of the annual fee of the permit
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SCHEDULE 4

(Regulation 52 (1))

REQUIREMENTS FOR EMERGENCY SHUT-DOWN VALVES ON DANGEROUS SUBSTANCES PIPELINES CONNECTED TO OFFSHORE FACILITIES AND INSTALLATIONS

1. An emergency shut-down valve shall be incorporated in the riser of a pipeline -

- (a) in a position in which it can be safely inspected, maintained and tested; and
- (b) so far as this is consistent with sub-paragraph (a), as far down the riser as is reasonably practicable,

and such valve shall comply with the remaining paragraphs of this Schedule.

2. An emergency shut-down valve shall be held open by an electrical, hydraulic or other signal to the mechanism for actuating the valve on the failure of which signal the valve shall automatically close.

3. An emergency shut-down valve shall also be capable of being closed -

- (a) by a person positioned by it; and
- (b) automatically by the operation of the emergency shut-down system of the offshore installation to which the pipeline is connected, or while relevant work of examination or maintenance is being carried out, by one of those means.

4. If the pipeline is designed to allow for the passage of equipment for inspecting, maintaining or testing the pipeline, the emergency shut-down valve shall also be designed to allow for such passage.

5. An emergency shut-down valve and its actuating mechanism shall, so far as is reasonably practicable, be protected from damage arising from fire, explosion or impact.

6. An emergency shut-down valve shall be maintained in an efficient state, in efficient working order and in good repair.

7. After an emergency shut-down valve has operated so as to block the flow of fluid within the pipeline it shall not be re-opened so as to permit the flow of fluid until steps have been taken to ensure that it is safe to do so.

8. In this Schedule “emergency shut-down system” means the system comprising mechanical, electrical, electronic, pneumatic, hydraulic or other arrangements by which the plant on an offshore equipment or installation is automatically shut down in the event of an emergency.

SCHEDULE 5

PARTICULARS TO BE INCLUDED IN NOTIFICATION RELATING TO CONSTRUCTION OF A PIPELINE

(Regulations 53 and
55(2) and (3))

1. The name and address of the operator of the pipeline.
2. The proposed route of the pipeline in the form of maps or drawings.
3. The proposed route of the riser on any offshore installation, in the form of drawings.
4. The length, diameter and wall thickness of the pipeline.
5. The materials to be used in the construction of the pipeline.
6. The liquid to be conveyed and such of its properties as are relevant to health and safety.
7. The safe operating limits of the pipeline.
8. The intended temperature, pressure, and maximum rate of flow of the liquid to be conveyed.

SCHEDULE 6

PARTICULARS TO BE NOTIFIED BEFORE CERTAIN EVENTS RELATING TO PIPELINES

(Regulation 60)

1. In relation to a change to the route or position of a pipeline, particulars in the form of maps or drawings of the new route or position.
2. In relation to a change to the safe operating limits of a pipeline, particulars of such change.

3. In relation to the start of major modification or major remedial work to the pipeline, particulars of such work.
4. In relation to the conveyance of a new liquid, particulars of -
 - (a) such of its properties as are relevant to the health or safety of persons; and
 - (b) the intended or (if, in a case to which regulation 8(3) applies, conveyance has started) actual temperature, pressure and maximum rate of flow in the pipeline.
5. In relation to the start of decommissioning or dismantlement of the pipeline, particulars of the steps to be taken or (if, in a case to which regulation 8(3) applies, decommissioning or dismantlement has started) taken in connection with such decommissioning or dismantlement.

(Regulations 65 (2) and 66 (1) and (2))

SCHEDULE 7

TICKETABLE OFFENCES

Description of ticketable offence		Section	Fixed Penalty
1.	Importing more than the prescribed amount of dangerous substances without an import permit (first offence only). Any further contravention of this provision shall not be considered as a ticketable offence.	Section 3	\$2000
2.	Failing to comply with a direction of the Chief Fuels Inspector relating to the distribution of fuel which does not comply with published standards.	Section 9D (2)	\$2500
3.	Importing and distributing fuel, more than once in any one year, which does not comply with published standards.	Section 9D (3)	\$5000
4.	Failing to provide information on importation of fuel- (continuing offence).	Section 10G(1)	\$5,000 per day or part of a day
5.	Contravening any provision under Part 2 of	Regulation	\$500

	the Regulations.	15	
6.	Failure to display operating permit prominently.	Regulation 18	\$100
7.	Transferring, selling or otherwise disposing of an operating permit.	Regulation 19	Double the relevant permit fee
8.	Failure to comply with regulation 50 or 51 (first offence only). Any further contravention of this provision shall not be considered as a ticketable offence.	Regulation 52	\$1000

FORM OF TICKET

THE DANGEROUS SUBSTANCES HANDLING AND STORAGE LAW, 2003

FRONT OF TICKET

TICKET NUMBER	TIME:
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DATE:	OPERATING LICENCE/IMPORT LICENCE No.: _____
LOCATION:	NAME OF PERSON : _____

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LIST OF TICKETABLE OFFENCES

No.	Description of ticketable offence.	Section/Regulation	Fixed penalty	Tick relevant box
1.	Importing more than the prescribed amount of dangerous substances without an import permit (first	Section 3	\$2000	☐

	offence only). Any further contravention of this provision shall not be considered as a ticketable offence.			
2.	Failing to comply with a direction of the Chief Fuels Inspector relating to the distribution of fuel which does not comply with published standards.	Section 9D (2)	\$2500	
3.	Importing and distributing fuel, more than once in any one year, which does not comply with published standards.	Section 9D(3)	\$5000	☐
4.	Failing to provide information on importation of fuel-(continuing offence).	Section 10G(1)	\$10,000 per day or part of a day	
5.	Contravening any provision under Part 2 of the Regulations.	Regulation 15	\$500	
6.	Failure to display operating permit prominently.	Regulation 18	\$100	
7.	Transferring, selling or otherwise disposing of an operating permit.	Regulation 19	Double the relevant permit fee	
8.	Failure to comply with regulation 50 or	Regulation 52	\$1000	

	51 (first offence only). Any further contravention of this provision shall not be considered as a ticketable offence.			
I, the undersigned Chief Fuels Inspector/ fuel Inspector of the [name of Ministry] responsible for the regulation of dangerous substances, have reason to believe that _____ <i>Name of Person</i> has committed the following ticketable offence detailed in the second column with the respective fixed penalty in the fourth column- _____ the facts being that _____ _____ _____ (Provide a summary of the facts of offence and the provision contravened) Time and place at which offence committed: _____ _____ The offence carries a fixed penalty of \$ _____				
The person to whom this ticket is served - (a) may pay the fixed penalty up to twenty-eight days after being served; (b) may attend the summary court requesting a trial and entering a plea of “not guilty” up to twenty-eight days after being served; or (c) upon non-payment or non-attendance under (a) and (b) shall attend the summary court on the date stated on this ticket.				

Criminal proceedings shall not commence until thirty-eight days after being served with this ticket.

BACK OF TICKET

PLEASE READ CAREFULLY

1. PAYMENT

You may discharge liability to conviction by delivering a copy of this ticket and the total amount of the penalty set out in this ticket to the Office at the address indicated below prior to the ____ day of _____, 20__, being twenty-eight days after the service of this ticket.

Payments by check or money order are to be made payable to the general revenue of the Islands. *Please print the ticket number on the front of the check or money order.*

2. PLEA OF NOT GUILTY

If you wish to plead not guilty, notify the summary court in George Town or, where served on Cayman Brac or Little Cayman, the summary court at Cayman Brac WITHIN 28 DAYS of being served with this ticket. The Clerk will advise you of the date to return to the summary court.

3. FAILURE TO PAY

Consequent on your failure to pay the fixed penalty specified in paragraph 1 or to enter a plea under paragraph 2, you are summoned to appear in the Summary Court at George Town or, where served on Cayman Brac or Little Cayman, at Cayman Brac at 10:00 a.m. on the ____ day of _____, 20...

If you fail to appear, the magistrate may issue a warrant of arrest to compel your attendance. The date of the hearing shall be no less than thirty-eight days after the service of the ticket.

NOTICE

This ticket may be used as evidence of the Chief Fuels Inspector or the Board

Submit or send payment to: The Office, George Town, Grand Cayman or at the District Administration Office in Cayman Brac or Little Cayman.

Hours of operation (George Town and Cayman Brac): 8:30 am - 4:00 pm

(Little Cayman): 9:00 am - 4:00 pm

Made by the Cabinet this 3rd day of February, 2017.

Kim Bullings

Clerk of the Cabinet.