

CHAPTER 116 - Petroleum Act

Commencement Date: 8/31/1948

An Act of Parliament to make provision for restricting and regulating the importation, transport and storage of petroleum

Short title

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

Interpretation

2. In this Act, except where the context otherwise requires—

"petroleum" includes any inflammable liquid made from petroleum, coal, schist, shale, peat or any other bituminous substance or from any product of petroleum.

Importation, transport, storage, etc., of petroleum to be in accordance with rules.

3. Petroleum shall not be imported, unloaded, landed, loaded, transhipped, transported or kept save in accordance with rules made under this Act.

Power to make rules

L.N.343/1956, L.N.173/1960

4. The Minister may make rules—

(a) defining the kind of petroleum to which the rules shall apply, and dividing petroleum into classes or categories and making different provisions with regard to such classes or categories;

(b) restricting and regulating the importation, landing, loading, shipping, transport and storage of petroleum; and prescribing a system of licensing for the purposes aforesaid, the manner in which application for any such licence shall be made, the authorities which may grant the same, the fees which may be charged therefor and any other matters incidental thereto;

(c) providing for notice to be given by the owner or master of any ship entering a port with petroleum, and for ascertaining the quantity and description of any petroleum on board any such ship;

(d) determining the places at which, and the conditions on and subject to which, petroleum may be imported, unloaded, landed, stored, loaded or transhipped;

(e) providing for the delivery to such officer as may be specified of samples of petroleum landed or intended to be landed and for the testing of such samples;

(f) providing for the nature and situation of the premises in respect of which licences to possess petroleum may be granted, the inspection of premises so licensed and the taking of samples and the testing of petroleum found thereon;

(g) regulating the description and construction of vehicles to be used in the conveyance of petroleum by road;

- (h) prohibiting or restricting the carriage of goods and passengers in vehicles carrying petroleum;
- (i) prescribing the quantity of petroleum which may be conveyed at any one time or in any one vehicle;
- (j) prescribing the precautions to be observed in the conveyance of petroleum by road, in the manner of packing and the mode and time of transit and in the loading and unloading of vehicles used for such conveyance;
- (k) prescribing apparatus for testing petroleum, the tests to be applied and the manner in which tests are to be made;
- (l) fixing fees for the sampling and testing of petroleum;
- (m) appointing officers for the testing and examination of petroleum and prescribing their powers and duties;
- (n) generally for the better carrying out of the purposes of this Act.

Penalty for keeping petroleum in contravention of rules.

5. The occupier of any premises in which petroleum is kept in contravention of any rules made under this Act shall be guilty of an offence and liable to a fine not exceeding five hundred shillings for every day on which the contravention occurs or continues, and the court before whom any person is convicted under this section may order that the petroleum in respect of which the contravention occurs and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court may think fit.

Penalty for contravening conditions of licence

6. If any person to whom any licence is granted under any rules made under this Act contravenes any of the conditions of such licence, he shall be guilty of an offence and liable to a fine not exceeding five hundred shillings for every day on which the contravention occurs or continues.

Penalty for contravening rules as to transport

7. If any person contravenes any of the provisions of any rules made under this Act relating to the transport of petroleum, he shall be guilty of an offence and liable to a fine not exceeding four hundred shillings for every day on which the offence occurs or continues, and the court before whom any person is convicted under this section may order that the petroleum in respect of which the offence was committed and any vessel in which it is contained be forfeited or otherwise dealt with in such manner as the court may think fit.

Penalty for contravening rules as to petroleum in ships

8. In the event of the contravention of any rules made under this Act relating to the precautions to be observed with respect to ships carrying petroleum within a port, the owner and the master of the ship in or in relation to which the contravention occurs and, except in the case of a contravention in respect of the mooring of a ship, the owner of any petroleum in respect of which the contravention occurs shall be guilty of an offence and liable to a fine not exceeding one thousand shillings for every day upon which the offence occurs or continues:

Provided that it shall be a good defence in proceedings for any such offence to prove—

(i) if the proceedings are against the owner or the master of a ship for an offence in respect of the unloading, loading, landing or transshipment of petroleum, that all reasonable means were taken by the master to prevent the commission of the offence, and that the offence was not caused or facilitated by any act or neglect on the part of the owner or of any person engaged or employed by the owner or master; and

(ii) if the proceedings are against the owner of petroleum for an offence in respect of the loading, unloading or landing thereof, or in respect of any failure to observe precautions required to be observed with respect to ships carrying petroleum whilst in harbour, that the offence was not caused or facilitated by any act or neglect on his part or on the part of any person engaged or employed by him.

Penalty for failing to give notice to port authorities

9. The owner or master of any ship carrying a cargo, any part of which consists of petroleum, who fails to give such notice to the port authorities, upon entering a port, as may be required by rules made under this Act shall be guilty of an offence and liable to a fine not exceeding two thousand shillings.

General penalty

10. Any person who contravenes any of the provisions of any rules made under this Act for which no penalty is especially provided shall be guilty of an offence and liable to a fine not exceeding five hundred shillings.