

CHAPTER 149

THE PETROLEUM ACT.

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CHAPTER 149

THE PETROLEUM ACT.

Commencement: 5 December, 1957.

An Act to make provision for restricting and regulating the import, transport and storage of petroleum.

1. Interpretation and application.

(1) In this Act, unless 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.

(2) The Minister may by statutory instrument apply to any substance any of the provisions of this Act specified in the instrument with such modifications, if any, as may seem to the Minister to be desirable having regard to the nature of the substance to which the instrument relates.

(3) When a statutory instrument has been made in respect of any substance under subsection (2), the provisions of this Act applied by the instrument shall, subject to such modifications, if any, as may be provided in the instrument, have effect as if the substance were included in the definition of “petroleum”.

2. Import, transport, storage, etc.

Petroleum shall not be imported, unloaded, landed, loaded, transhipped, transported or kept except in accordance with the provisions of rules made under this Act.

3. Rules.

- (1) 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) prohibiting or regulating the use of petroleum of any class or category in connection with any specified trade, process or

- business and the possession of such petroleum by any person engaged in such trade, process or business;
- (c) 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 licence, the fees which may be charged for it and any other matters incidental thereto;
 - (d) 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;
 - (e) determining the places at which, and the conditions on and subject to which, petroleum may be imported, unloaded, landed, loaded, stored or transhipped;
 - (f) 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 the samples;
 - (g) 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 on the premises;
 - (h) regulating the description and construction of vehicles to be used in the conveyance of petroleum by road; (i) prohibiting or restricting the carriage of goods and passengers in vehicles carrying petroleum; (j) prescribing the quantity of petroleum which may be conveyed at any one time or in any one vehicle; (k) prescribing the precautions to be observed in the conveyance of petroleum by road, the manner of packing and the mode and time of transit, and in the loading and unloading of vehicles used for such conveyance; (l) prescribing apparatus for testing petroleum, the tests to be applied and the manner in which tests are to be made; (m) fixing fees for the sampling and testing of petroleum; (n) appointing officers for the testing and examination of petroleum and prescribing their powers and duties; (o) providing for inquiries into the circumstances of accidents endangering or causing damage to property or endangering or causing injury or death to persons and for the giving of notice of all such accidents; and

(p) generally for better carrying out the purposes of this Act.

(2) All rules made under this section shall be laid on the table of Parliament as soon as may be after they have been made, and, if a resolution is passed by Parliament within ninety days of their so being laid that the rules or any of them be annulled, the rules or rule, as the case may be, shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or to the making of any new rule.

4. Petroleum not to be kept in contravention of rules.

The occupier of any premises in which petroleum is kept in contravention of any rules made under this Act commits an offence and is liable on conviction 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 so convicted 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.

5. Contravention of conditions of licence.

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

6. Contravention of rules relating to transport.

If any person contravenes any provision of any rules made under this Act relating to the transport of petroleum, he or she commits an offence and is liable on conviction to a fine not exceeding four hundred shillings for every day on which the offence occurs or continues, and the court before which 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.

7. Contravention of rules in respect of ships.

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 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 commits an offence and is liable on conviction to a fine not exceeding one thousand shillings for every day upon which the offence occurs or continues; but it shall be a good defence in proceedings for any such offence to prove—

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

8. Failure to give notice to port authorities.

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, commits an offence and is liable on conviction to a fine not exceeding two thousand shillings.

9. General penalty.

Any person who contravenes any provision of any rules made under this Act for which no penalty is especially provided commits an offence and is liable on conviction to a fine not exceeding five hundred shillings.

History: Cap. 97.