

**LAWS OF THE GILBERT ISLANDS
REVISED EDITION 1977**

CHAPTER 69

PETROLEUM

ARRANGEMENT OF SECTIONS

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SCHEDULE

4 of 1965
8 of 1971
3 of 1972
(Cap. 42 of
1973)
L.N. 16/74

An Ordinance to regulate the importation, storage and sale of petroleum and to provide for matters relating and incidental thereto

L.N. 50/68

Commencement: 1st September 1968

PART I

PRELIMINARY

Short title

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

2. (1) In this Ordinance, unless the context otherwise requires—

“the Chief Customs Officer” bears the meaning ascribed to that term by section 2 of the Customs Ordinance; Interpretation
Cap. 22

“dangerous petroleum” means petroleum having a flash point which is less than 73 degrees Fahrenheit as prescribed in section 13;

“flash point” means, in relation to petroleum, the temperature at which it gives off inflammable vapour;

“harbour master” means, in respect of any port, the person for the time being appointed as harbour master thereof under section 5 of the Harbours Ordinance; Cap. 40

“the Inspector” means the Inspector of Petroleum appointed under subsection (2);

“licensed building” means any building, tank with pipelines or other erection in respect of which the Inspector has issued a licence for the storage of petroleum under section 6 (2);

“motor conveyance” means any vehicle, vessel or aircraft for the conveyance of human beings, animals or goods, by land, water or air, in which petroleum is used to generate the motive power;

“ordinary petroleum” means petroleum other than dangerous petroleum;

“petroleum” means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid), containing liquid hydrocarbon;

“port” bears the meaning ascribed to that term by section 2 of the Customs Ordinance;

“proper officer” bears the meaning ascribed to that term by section 2 of the Customs Ordinance;

“warehouse” means any place or building provided by the Minister for the storage of petroleum under section 6 (1).

(2) The Minister may by notice appoint a person whom he considers to be suitably qualified to be the Inspector of Petroleum for the purposes of this Ordinance.

(3) The Minister may by notice declare that the provisions of this Ordinance relating to petroleum shall apply to such other inflammable liquid or substance as may be specified in such notice subject to any modifications as may be prescribed therein, and any such notice may be varied or revoked by any subsequent notice.

PART II

IMPORTATION

Mooring,
loading and
discharging
of craft with
petroleum on
board

3. (1) The master of any craft with a cargo consisting wholly or in part of petroleum, shall from the time such craft enters any port in the Gilbert Islands, or from the time any petroleum is placed on board of such craft until it goes out to sea or until the petroleum is removed from on board, conform to such directions in respect of the place at which it is to be moored, loaded or discharged as may be issued generally for all such craft or specially for any such craft by the harbour master, Chief Customs Officer or other proper officer of the port.

(2) If any such craft is moored, loaded or discharged at any place in contravention of any such directions, the owner and master of such craft shall each be liable to a fine of \$100; and the harbour master, Chief Customs Officer or other officer as aforesaid may cause such craft to be removed at the expense of the owner or master thereof to such place as may be in conformity with such directions, and all expenses incurred in such removal may be sued for and recovered by the harbour master, Chief Customs Officer or other officer against such owner or master.

(3) This section shall not apply to petroleum contained in the supply tanks or bunkers of craft the motive power of which is obtained from petroleum.

Removal of
petroleum
after landing

4. (1) All petroleum imported shall, on being landed, be removed immediately by the importer from the wharf and shall be stored in a warehouse or licensed building:

Provided however that nothing in this section shall apply to—

- (a) petroleum landed for immediate transit from the port of arrival to other places in the Gilbert Islands;
- (b) petroleum which is immediately upon landing transferred to another vessel; or
- (c) any ordinary petroleum which the Chief Customs Officer has exempted in writing from the provisions of this section during the period specified by him in such exemption.

(2) Any person contravening any of the provisions of this section shall be liable to a fine of \$200.

Conditions of
keeping pet-
roleum

5. (1) Except as otherwise provided in this Ordinance, no person shall keep—

- (a) dangerous petroleum in any quantity exceeding 1 gallon;

(b) ordinary petroleum in any quantity exceeding 100 gallons; in any place other than a warehouse or licensed building:

Provided that the Inspector may authorise any fit and proper person in writing to keep for sale in any store, shop or other building and in such place as may be approved by him, ordinary petroleum in any quantity not exceeding 1500 gallons.

(2) Any person who keeps dangerous petroleum or ordinary petroleum otherwise than in accordance with the provisions of this section, and the occupier of any premises wherein such petroleum is so kept, shall be liable on summary conviction to a fine of \$400 and the petroleum shall be forfeited.

(3) This section shall not apply to—

(a) petroleum for the time being contained in the tank of any motor conveyance;

(b) petroleum being transported in accordance with the provisions of this Ordinance; or

(c) methylated spirits in any quantity not exceeding 4 gallons kept by a chemist or pharmacist.

PART III

STORAGE

6. (1) Government warehouses for the storage of petroleum and of dangerous petroleum may be provided from time to time by the Government and every such warehouse shall be under the charge of the Chief Customs Officer or such other officer as the Minister may from time to time appoint.

Petroleum
warehouses
and licensed
buildings

(2) The Inspector may issue to any person applying therefor a licence authorising him to use any building, tank with pipelines, or other erection for the storage of petroleum, and such licence shall specify the time it shall remain in force, and the maximum quantity and kind or kinds of petroleum that may be stored within such building, tank or other erection; and the Inspector may at any time renew such licence.

(3) The Inspector may for any cause which he may deem sufficient refuse to issue a licence, or revoke or suspend any licence already issued.

(4) No licence shall be transferred without the previous consent in writing of the Inspector.

(5) A licensed building shall be under the charge of the licensee, who will be held responsible for the carrying out in relation thereto of the provisions of this Ordinance and the regulations made thereunder.

(6) For every original licence so issued a fee of \$4 shall be paid.

Marking and
packing of
petroleum

7. (1) Each lot of dangerous petroleum or ordinary petroleum stored in a warehouse or licensed building shall be stored separately, and shall have a distinguishing mark and be so packed that an account may be taken of the same as often as may be deemed necessary or expedient.

(2) The owner of petroleum in a warehouse, or his agent, shall have free access to the warehouse during such hours as the warehouse may be open for the receipt or delivery of petroleum, to examine and inspect the same, and subject to any regulations made under section 25, to take all necessary precautions for preventing leakage and waste.

Hours of
delivery

8. (1) Petroleum shall not be received into or delivered from any licensed building except between the hours of 6 o'clock in the forenoon and 6 o'clock in the afternoon, except with the permission of the person in charge of the nearest police station:

Provided that this subsection shall not apply to petroleum required for the *bona fide* locomotion of vehicles and delivered by means of a sealed pipeline, so controlled that it is unnecessary to open the enclosure in which the storage receptacles are situated.

(2) If any petroleum is received or delivered contrary to this section, the licensee of such building shall be liable to a fine of \$200.

Prohibition
of naked
light, etc., or
smoking in
any ware-
house or
licensed
building

9. (1) No lighted candle, lamp, lantern or naked light of any kind, no match, no article of an explosive or highly inflammable nature, other than petroleum, shall under any pretence or for any purpose whatsoever be taken into or dangerously near any licensed building, warehouse, or vehicle used for the hawking of petroleum; and no wire as a fixture or as a wandering lead used as a conductor for electricity shall be so taken into any licensed building or warehouse.

(2) No person shall under any circumstances smoke in or dangerously near any licensed building, warehouse, or vehicle used for the hawking of petroleum.

(3) Any person contravening any of the provisions of this section shall be liable to a fine of \$200 or to imprisonment for 6 months.

10. (1) No person shall use any machine for the manufacture of gas from petroleum or any machine, other than a motor conveyance, which uses petroleum as fuel, in any dwellinghouse, factory, warehouse, shop, store, shed, garage or other building without having first obtained a licence to do so from the Inspector; and no such licence shall be granted unless the Inspector is satisfied that the use of the machine to which it relates is unattended with material risk or danger and that the building in which such machine is used is so situated and constructed as to be consistent with public safety.

Use of petroleum in certain machines to be licensed

(2) Every licence issued under subsection (1) shall contain a full description of the machine to which it relates and of the building in which the use of such machine is permitted, and shall be in force during such times as may be specified therein.

(3) There may be annexed to any licence issued under the provisions of subsection (1), any conditions as to the time of use of the machine, the mode or manner in which the petroleum it uses for the manufacture of gas or as fuel is to be stored, and any other matters which the Inspector may think necessary for diminishing the risk from explosion or fire, and the building in which such use is so licensed shall be subject to similar control and inspection as any licensed building under this Ordinance.

(4) Any licensee who violates any condition of a licence issued under this section may have his licence forfeited, and shall be liable to a fine of \$200:

Provided that in any proceedings hereunder in computing the quantity of petroleum which the licensee is authorised by the licence to have and use upon his premises, the quantity contained in the machine in respect of which the licence is granted shall be excluded from the computation, unless the quantity of petroleum contained in any such machine exceeds the limit specified in the licence.

PART IV

HAWKING

11. (1) Any person who is licensed in pursuance of section 6 (2) may, subject to the provisions of this Ordinance and any laws for the time being in force with respect to hawkers and pedlars, hawk such petroleum by himself or his servants.

Permission to hawk petroleum

(2) The petroleum shall be stored in the licensed building between the hours of 6 o'clock in the afternoon of one day and 6 o'clock in the forenoon of the following day and also when the petroleum is not in the course of being hawked.

(3) Any person contravening any of the provisions of this section shall be liable to a fine of \$200.

PART V

TESTING OF PETROLEUM

Persons authorised to test petroleum

12. The Inspector may from time to time, by notice, appoint fit and proper persons as authorised to test petroleum and may at any time revoke any such appointment.

Mode of determining temperature

13. The temperature at which petroleum gives off inflammable vapour shall, for the purposes of this Ordinance, be ascertained by testing with the apparatus known as the Abel close test apparatus or by such other manner as may from time to time be prescribed by the Minister.

Procuring of samples for testing

14. As soon as the Chief Customs Officer ascertains, either from the ship's manifest or in any other manner, that any vessel entering any port in the Gilbert Islands is laden or partly laden with petroleum for importation, he shall cause not less than 3 samples to be taken of each brand or quality of such petroleum, and shall transmit such samples to a person authorised to test petroleum in order that the same may be tested:

Provided that the Inspector may by notice exempt from the provisions of this section any particular vessel, or any vessels generally, entering any port in the Islands.

Testing and certifying of samples

15. Within 24 hours (Sundays and public holidays excepted) of the receipt of such samples, the person authorised shall test the same, and shall certify in duplicate to the Chief Customs Officer, in the form contained in the Schedule, whether the samples so tested by him consist of dangerous petroleum or ordinary petroleum, as the case may be.

Schedule

Effect of certificate as to kind of petroleum

16. The Chief Customs Officer shall when requested to do so, forward 1 copy of the certificate to the owner of the petroleum from which the samples have been taken, and such petroleum shall be considered to all intents and purposes to be dangerous petroleum or ordinary petroleum, as the case may be, unless a

certificate to the contrary is obtained later or the contrary is proved in any legal proceedings.

17. (1) The officer in charge of a petroleum warehouse may cause samples to be taken of any petroleum kept in such warehouse, and any officer of customs or police officer or any other person appointed for that purpose by the Inspector may at any reasonable time during the day enter any other premises and inspect and take samples of any petroleum kept on such premises or offered or exposed for sale therein and submit such samples to a person authorised to test petroleum.

Testing and certifying of petroleum in warehouse or licensed building

(2) Where a sample of petroleum is taken under this section, the person taking the sample shall then and there divide it into 3 parts and place each part in a separate receptacle marked and sealed.

(3) He shall then deliver or cause to be delivered 1 of such receptacles to the owner of the petroleum and another to a person authorised to test petroleum and shall keep the third for future comparison and production in court, if necessary.

(4) On receipt of any such receptacle the person authorised shall test the petroleum in the receptacle and shall certify in duplicate in the form in the Schedule whether such petroleum is dangerous petroleum or ordinary petroleum; and the officer in charge of the warehouse or other person as aforesaid shall forward 1 copy of the certificate to the owner of the petroleum or the licensee of the building from which such samples have been taken, and such petroleum shall be considered to all intents and purposes to be dangerous petroleum or ordinary petroleum, as the case may be.

Schedule

18. (1) In any proceedings under this Ordinance a certificate in the form of the Schedule purporting to be signed by any person authorised to test petroleum shall be receivable as *prima facie* evidence of any matter or thing therein stated.

Certificate to be evidence Schedule

(2) If the person who has tested the petroleum is called as a witness in any such proceedings, the party calling him shall unless the court otherwise expressly orders, be liable to pay all costs occasioned by his having been so called.

(3) In any such proceedings the part of the petroleum retained by the person who took the samples shall be produced in court.

PART VI

MISCELLANEOUS PROVISIONS

Seizure of petroleum kept in contravention of the Ordinance

19. If any petroleum is imported, kept, used, offered or exposed for sale contrary to the provisions of this Ordinance or the conditions of any licence issued under this Ordinance, the same shall be liable to be seized by any officer of customs, or police officer and, upon proof of such importation, keeping, use or offering or exposing for sale, may be adjudged to be forfeited.

Issuing of warrant for searching house, etc., in which petroleum is suspected to be unlawfully kept

20. (1) Any magistrate or justice of the peace on reasonable cause being assigned upon oath before him may issue a warrant under his hand for searching in the day time any house, storehouse, warehouse, shop, cellar, yard, wharf, or other place in which petroleum is suspected to be kept contrary to this Ordinance.

(2) All petroleum found to be kept contrary to this Ordinance, and also the vessels or other receptacles in which the same is kept, shall be immediately seized by the person finding the same, who, unless the Minister shall otherwise direct, shall with all convenient speed after the seizure remove such petroleum and the vessels and other receptacles in which it is contained to a warehouse or licensed building, and may detain such petroleum and such vessels and other receptacles until it is adjudged whether the same shall be forfeited:

Provided that proceedings for forfeiture shall be commenced within 7 days after the seizure.

(3) Any person so seizing or detaining petroleum, vessels or receptacles shall not be liable to any action for such seizure or detention, or for any loss or damage which may be occasioned thereby otherwise than through his wilful act or neglect.

Forfeiture of petroleum where quantity in excess is kept

21. If there is stored in any place a greater quantity of petroleum than the quantity permitted by this Ordinance or by any licence issued under this Ordinance to be kept in such place, the whole of the petroleum in such place may be forfeited, and the person occupying or using such place or the licensee, if the place be a licensed building, shall be liable to a fine of \$200.

Disposal of forfeited petroleum

22. Any petroleum forfeited under this Ordinance, together with the vessels or other receptacles containing the same, shall be dealt with as the Minister may direct.

23. Every person who assaults, molests, or obstructs any person acting under this Ordinance, shall be liable to a fine of \$50.

Penalty for assault on persons acting under this Ordinance

24. All prosecutions and proceedings for offences, forfeitures and penalties under this Ordinance or any regulations made thereunder, may be instituted by the Inspector, any harbour master, officer of customs, police officer, or other person appointed by the Inspector under this Ordinance.

Procedure

25. (1) The Minister may make regulations for any of the purposes of this Ordinance, and in particular with relation to—

Power to make regulations

- (a) the importation, landing, discharge, receiving, depositing, transportation, guarding, delivery, hawking and removing from one place to any other place of petroleum;
- (b) the conditions upon which the persons to whom and the premises for which any licence under this Ordinance may be issued;
- (c) the general management and regulation of warehouses and licensed buildings and oil engines, and the duties and conduct of any person or persons in charge thereof or employed in connection therewith;
- (d) the kind and quantity of petroleum that may be kept in any licensed building; specifications for and the nature of the buildings in which petroleum may be stored and the surroundings and situation of the premises on which such buildings stand, and the nature, size and capacity of the receptacles, including tanks with pipelines, which petroleum may be stored or transported in, and the due and proper inspection of all buildings, premises and receptacles;
- (e) the sale of petroleum, whether by wholesale or retail, including the quantity or amount permitted to be sold, the packages in which it shall be contained and the persons to whom it may be sold;
- (f) the examination and testing of petroleum and the tests to be applied to ascertain the temperature at which it gives off inflammable vapour and the methods of applying such tests;
- (g) the prevention of the escape or discharge of petroleum, or water mixed with any petroleum, from any vessel into inland or tidal water;
- (h) the conditions to be observed upon, or in respect of, vessels or vehicles carrying petroleum.

(2) There may be annexed to the breach of any regulation a penalty not exceeding \$200.

SCHEDULE
(Sections 15, 17 and 18)

CERTIFICATE OF TEST OF PETROLEUM

I hereby certify that I have tested the samples marked Nos.
forwarded to me to be tested at on the day
of 19....., and that such samples consist of
do not consist
dangerous petroleum
ordinary petroleum within the meaning of the Petroleum Ordinance.

Dated this day of 19.....
(Signed)

Person authorised to test
Petroleum under section 12
of the Petroleum Ordinance

[Subsidiary]

SUBSIDIARY LEGISLATION

Exemptions from testing under the proviso to section 14

L.N. 51/68

All vessels except those entering the port of Tarawa are exempt from the provisions of section 14.

Regulations under section 25

- (1) Petroleum (Rationing) Regulations.
- (2) Petroleum (Control of Storage) Regulations.

L.N. 41/74

(1) PETROLEUM (RATIONING) REGULATIONS

Citation

1. These Regulations may be cited as the Petroleum (Rationing) Regulations.

Application

2. These Regulations shall apply—
- (a) to such island or other place as the Minister may by notice designate;
 - (b) to all sales of petroleum whether by wholesale or retail.

Ration permits

3. (1) The Minister may issue numbered permits (hereinafter referred to as ration permits) in such form as he may determine to any person authorising that person to buy petroleum.

(2) Before issuing a ration permit the Minister may require such information and the production of such documents as he thinks fit.

(3) A ration permit may contain such terms and be issued subject to such conditions as the Minister thinks fit and without prejudice to the generality of the foregoing may contain the terms that petroleum shall be bought and delivery thereof taken under the ration permit only—

- (a) in such quantity as may be specified during each such period of time as may be specified;

[Subsidiary]

- (b) from such premises as may be specified.
- (4) The Minister may at any time revoke a ration permit.
4. (1) No petroleum shall be sold unless—
- (a) at the time of delivery of the petroleum to the buyer, the buyer produces to the seller a ration permit authorising the buyer to buy petroleum; and
- (b) the petroleum is bought and delivery thereof taken in accordance with the terms of the ration permit produced under sub-paragraph (a) and with the conditions subject to which that permit was issued; and
- (c) before the petroleum leaves the possession of the seller the seller marks the ration permit produced under sub-paragraph (a) in such a way as clearly to indicate the quantity of petroleum sold and the date of the transaction.
- (2) Where petroleum is sold in contravention of this regulation both the seller and the buyer of the petroleum shall be liable to a fine of \$100.
- (3) In this regulation "the buyer" and "the seller" include the servants and agents of the buyer and seller respectively.
5. (1) Every person who sells petroleum shall keep a record of each sale in such form as the Minister may require clearly indicating the quantity of petroleum sold, the date of the transaction and the number of the ration permit produced under regulation 4 (1) (a) for the purpose of the sale.
- (2) Any person who contravenes these Regulations shall be liable to a fine of \$100.
6. In any proceedings for an offence under these Regulations the court shall presume—
- (a) that any allegation that a substance was petroleum is true; and
- (b) where delivery of any petroleum is proved to the satisfaction of the court that the delivery took place in pursuance of a sale, unless the contrary is proved.
7. Without prejudice to the provisions of the Penal Code or of any other law any person who wilfully and with intent to defraud destroys, alters, mutilates or falsifies any ration permit or record required to be kept by regulation 5 (1) or who wilfully and with intent to defraud makes or concurs in making any false entry in or omits or alters or concurs in omitting or altering any material particular from or in any such permit or record shall be liable to a fine of \$100.
8. The Minister may delegate by writing to any person or to the person for the time being holding any office he may specify, whether such office is a public office or not, the exercise of any power conferred on him by these Regulations.

Restrictions
on sale of
petroleumRecord of
sales to be
kept

Presumptions

Fraudulent
falsification
of ration
permits etc.
Cap. 67Delegation of
Minister's
powers

NOTE. The Petroleum (Rationing) Regulations were applied to the areas of authority of the Betio Town Council and of the Te Inainano Urban Council by L.N. 5/74. The application was suspended by L.N. 9/74, re-applied by L.N. 29/75 and again suspended by L.N. 33/75.

(2) PETROLEUM (CONTROL OF STORAGE) REGULATIONS

L.N. 23/75

1. These Regulations may be cited as the Petroleum (Control of Storage) Regulations.

Citation

[Subsidiary]

Storage of petroleum in certain containers forbidden

2. (1) No person shall without a written licence granted to him by the Inspector of Petroleum store any petroleum except in a metal container or a plastic container if the capacity of the plastic container is not less than 15 litres.

(2) A licence granted under this regulation may be granted subject to such conditions as the Inspector of Petroleum may determine which shall be written on the licence.

(3) Any person who contravenes this regulation or any condition written on a licence granted to him under this regulation shall be liable to a fine of \$100 and the court may order the forfeiture of any petroleum in respect of which the contravention took place.

(4) In any proceedings for an offence under this regulation the court shall presume the truthfulness of any allegation in the charge or information that a substance was petroleum unless the contrary is proved.

(5) This regulation shall apply to such islands or other places as the Minister may by notice designate for the purposes of this regulation.

L.N. 28/75

NOTE. Certain powers conferred on the Minister by this Ordinance and by the Petroleum (Rationing) Regulations have been delegated to the Secretary to the Ministry of Works and Public Utilities.

CAP.39 – PURE FOOD
(Cap.84 of 1977)

Pure Food Ordinance

Section 11 (1977, S.11)

Omit from subsection (1) “or at the rate of payment prescribed”.

Omit subsection (3).

Section 14 (1977, S.14)

Omit “The Director of Medical Services”, substitute “subject to section 99 of the Constitution, the Secretary”.

Section 29 (1977, S.29)

Omit “the Governor in Council”, substitute “the Beretitenti, acting in accordance with the advice of the Cabinet.”.

CAP.42 – PETROLEUM
(Cap.69 of 1977)

Petroleum Ordinance

Section 2 (1977, S.2)

Omit from subsection (2) “the Governor”, substitute “subject to section 99 of the Constitution, the Minister”.

Omit from subsection (3) “the Governor in Council may by notice”, substitute “the regulations may”.

Omit from subsection (3) “in such notice”, substitute “in the regulations”.

Omit from subsection (3) “, and any such notice may be varied or revoked by any subsequent notice”.

Section 6 (1977, S.6)

Omit from subsection (1) “the Government of the Colony”, substitute “the Government”.

Section 12 (1977, S.12)

Omit “the Inspector”, substitute “subject to section 99 of the Constitution, the Inspector”.

Section 13 (1977, S.13)

Omit "by the Governor in Council".

Section 14 (1977, S.14)

Omit "shall cause", substitute "shall, after payment or tender of adequate compensation, cause".

Section 17 (1977, S.17)

Omit from subsection (1) "may cause", substitute "may, after payment or tender of adequate compensation, cause".

Section 25 (1977, S.25)

Omit from subsection (1) "the Governor in Council", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

CAP.43 – IMPORTATION OF ANIMALS
(CAP.43 OF 1977)

A. Importation of Animals Ordinance

Section 3 (1977, S.3)

Omit from subsection (1) "the Governor in Council", substitute "the Beretitenti, acting in accordance with the advice of the Cabinet,".

Section 4 (1977, S.4)

Omit "the Chief Secretary", substitute "subject to section 99 of the Constitution, the Minister".

Section 6 (1977, S.6)

Omit "the Governor, acting in his discretion," substitute "the Minister".

B. Importation of Animals Regulations

Second Schedule (1977, Schedule 2)

Omit from Form 1 "the Statutory Declarations Act 1835", substitute "the Statutory Declarations Act, 1835 of England".