



TURKS AND CAICOS ISLANDS

CHAPTER 151

PETROLEUM ORDINANCE

Revised Edition
showing the law as at 15 May 1998

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

PETROLEUM ORDINANCE

Ordinance 12 of 1980 .. in force 10 April 1981 (G.N. 64/1981)

No Subsidiary Legislation has been made under this Ordinance

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CHAPTER 151

PETROLEUM ORDINANCE

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CHAPTER 151

PETROLEUM ORDINANCE

(Ordinance 12 of 1980)

AN ORDINANCE TO CONTROL THE IMPORTATION, DISTRIBUTION
AND USE OF PETROLEUM AND FOR OTHER RELATED MATTERS.

[10 April 1981]

Commencement

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

Short title

2. For the purposes of this Ordinance, the expression—

Interpretation

“Fuel Officer” means the person appointed as such under section 3;

“petroleum” includes aviation fuel, gasolene, avgas, avtur, distillate kerosene, oil made from petroleum (but excluding any oil ordinarily used for lubricating purposes), methylated spirits and such other substances as may be prescribed;

“licence” means a licence issued under the provisions of this Ordinance.

3. The Governor may appoint a Fuel Officer who shall—

Appointment and
functions of Fuel
Officer

(a) be responsible for the issue of licences to be issued in accordance with regulations to be made for the purpose under this Ordinance to persons wishing to import retail or wholesale or otherwise deal in petroleum;

(b) be responsible for allocating the available supplies of petroleum in times of shortage;

(c) prescribe the hours during which petroleum may be sold or dealt with in any way;

(d) prescribe the size and capacity of containers which may be used by purchasers of petroleum;

(e) collect fees and royalties in accordance with regulations made for this purpose;

(f) carry out such further duties as may be assigned to him by regulations made under the provisions of this Ordinance.

Powers of Fuel
Officer

4. The Fuel Officer shall have such powers for the purpose of carrying out his duties as may be prescribed by regulations made under the provisions of this Ordinance including the power to appoint others to act in his name.

Licensing of
buildings for
storage

5. The Fuel Officer may issue to any person applying therefor a licence authorising him to use any premises, building, tank 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 of petroleum that may be stored within such building, tank or other erection.

Penalties

6. (1) Any person who—

- (a) sells, whether retail or wholesale or otherwise deals in petroleum without a licence so to do; or
- (b) receives, buys or otherwise acquires petroleum from a person who is not the holder of a licence to sell, whether retail or wholesale, or otherwise deals in petroleum; or
- (c) possesses petroleum acquired other than through a licensed dealer; or
- (d) contravenes any term of a licence issued by the Fuel Officer,

shall be guilty of an offence and on conviction by the Supreme Court shall be liable to a fine of \$100,000 or four years imprisonment or to both such fine and imprisonment.

(2) For the purposes of this section a person shall be deemed to be in possession of petroleum if it is stored on his property or on property which is under his control.

Forfeiture of
petroleum

7. If any petroleum is imported, kept, offered or exposed for sale contrary to this Ordinance or the conditions of any licence issued under this Ordinance the same shall be liable to be seized by the Fuel Officer or any member of the police force, and, upon proof of such importation, keeping or offering or exposing for sale, may be adjudged to be forfeited and shall be dealt with as the Governor may direct.

Forfeiture of
containers

8. (1) All petroleum found to be kept contrary to this Ordinance and the regulations under the same and all vessels or other receptacles in which the same is kept shall be immediately seized by the person finding the same, who shall with all convenient speed remove such petroleum and the vessels and other receptacles in which it is contained to a warehouse or licensed building, and such person may detain such petroleum and such vessels and

other receptacles until it is adjudged whether the same shall be forfeited.

(2) If there is stored in any place a greater quantity of petroleum than the quantity permitted by licence issued under this Ordinance to be kept in such place the whole of the petroleum may be forfeited and the person using such place or the licensee shall be liable to a fine of \$10,000.

9. All prosecutions and proceedings for offences, forfeitures and penalties under this Ordinance may be instituted by the Attorney General, the Fuel Officer or any member of the police force.

Prosecutions

10. (1) The Governor may make regulations for the purpose of carrying into effect the provisions of this Ordinance and for prescribing anything which is required to be prescribed, and in particular with relation to—

Regulations

- (a) the importation, receiving, delivery and removal from one place to another place of petroleum;
- (b) the conditions upon which the persons for whom and the premises for which any licence under this Ordinance may be issued;
- (c) the general management and regulation of warehouses, premises and licensed buildings 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 or premises, 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, in which petroleum may be stored or transported, 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 collection or payment of fees and royalties.

(2) Any person committing a breach of any regulation not otherwise within section 6 shall be liable on summary conviction to a penalty of \$1,000.

Appeals

11. Any person aggrieved by any decision taken or made by the Fuel Officer under the powers given to him under this Ordinance or the regulations made or to be made hereunder shall have the right of appeal against any such decision to the Governor who shall hear and determine such appeal within twenty-eight days of the notice of such appeal.

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