

REPRINT

PETROLEUM ACT (CAP. 81)

As in force at: 1 October 2009

STATUS: CURRENT

For details see Endnotes

AN ACT RELATING TO THE CARRIAGE AND STORAGE OF PETROLEUM

PETROLEUM ACT (CAP. 81)

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PETROLEUM ACT (Cap. 81)

As in force at: 1 October 2009

1 Short title

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

2 Interpretation

In this Act and in any Rules made thereunder unless the context otherwise requires:

“dangerous petroleum” means petroleum having a flash-point below seventy-three degrees Fahrenheit;

“flash-point” means the degree of temperature at which petroleum gives off an inflammable vapour upon being tested by such tests as may be prescribed by Rules made under this Act;

“fuel oil” means petroleum which has a flash-point of not less than one hundred and fifty degrees Fahrenheit and not less than ninety per cent distilling below three hundred degrees Centigrade;

“Officer of Customs” means the Comptroller of Customs and Excise or any person appointed to be an Officer of Customs and Excise under the *Customs and Excise Act*;

“ordinary petroleum” means petroleum having a flash-point of not less than seventy-three degrees Fahrenheit but less than one hundred and fifty degrees Fahrenheit and not less than ninety per cent distilling below three hundred degrees Centigrade;

“package” means any case, barrel, drum, tank or container of whatever nature having a capacity of less than ninety gallons;

“petroleum” means any oil, liquid or spirit derived wholly or in part from any petroleum, shale, coal, peat, bitumen or similar substance, but does not include any oil ordinarily used for lubricating purposes or having a flash-point above two hundred degrees Fahrenheit.

3 Import and export at appointed places

No petroleum shall be imported or exported except at or from a place declared to be a port of entry under the *Customs Act*, or at such other place or places as may be appointed for that purpose by the Minister by notice.

4 Restriction on import and export of petroleum

- (1) No person shall import or export petroleum except under and in accordance with this Act or any Rules made thereunder.
- (2) No petroleum contained on board any vessel in properly constructed bunkers or receptacles, and used solely as the propelling power of such vessel, shall be deemed to have been imported or exported contrary to this Act.

5 Notice of arrival

The master of any vessel carrying petroleum as cargo or the agent of such vessel shall, on or before the arrival of such vessel, notify an Officer of Customs accordingly and supply all such information as may be required by the Officer of Customs in respect of such petroleum.

6 Anchorage of vessels carrying petroleum

Any vessel having petroleum on board as cargo, whether it is intended to be discharged or transhipped or is merely passing through a port or has been loaded in the port, shall, on being so ordered by an Officer of Customs, proceed to such anchorage as the Officer of Customs shall direct whether within or without the limits of such port.

7 Storage

No person shall store or keep within Solomon Islands petroleum except under and in accordance with this Act or any Rules made thereunder.

8 Powers of entry and inspection

- (1) Any police officer of or above the rank of Inspector or other person

duly appointed by the Minister shall, for the purposes of this Act, have power to:

- (a) enter, inspect and examine between the hours of seven in the forenoon and six in the afternoon, any premises, other than a dwelling-house, in which he has reasonable cause to believe petroleum is stored or kept;
 - (b) take samples of any petroleum stored or kept in such premises;
 - (c) seize or detain any petroleum which he may suspect of being stored or kept in such premises contrary to the provisions of this Act;
 - (d) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act or any Rules made thereunder are complied with.
- (2) If any person refuses to permit any such officer or other person duly appointed to enter or inspect any premises, or hinders or obstructs any such officer or other person in the execution of his duty under this Act, or refuses to allow any such officer or other person to take samples in pursuance of this section or to give him facilities for the purpose, he shall be liable on summary conviction to a fine of twenty penalty units.
- (3) Where a person is convicted of an offence against the provisions of this Act; the Court may order any petroleum seized and detained to be forfeited and to be sold or otherwise disposed of, or, in its discretion, to be returned to the person appearing to be entitled to it.

9 Power to lay pipes, etc.

Notwithstanding any rights or powers vested in any person or persons or body of persons whether incorporated or unincorporated, the Minister may, subject to such conditions as he shall think fit to impose, grant permission to any person or persons or company erecting a tank or magazine for the storage of petroleum, for the purpose of the conveyance of petroleum to and from such tank or magazine, to enter upon, open and break up the surface of any land belonging to any private owner or owners, and to open up any sewers, drains or tunnels within or under such privately owned land,

and to lay down, place and maintain under such privately owned land, pipes, conduits, service pipes and other works, and from time to time to repair, alter or remove the same, and to do all other acts which may from time to time be necessary for the conveyance of such petroleum as aforesaid; such person or persons or company doing as little damage as may be in the execution of the powers hereby granted, restoring as far as possible the land affected to its former state and making compensation for any damage which may be done in the execution of such powers.

10 Rules

- (1) The Minister may make rules for all or any of the following purposes:
 - (a) regulating the transport of petroleum whether by land or water;
 - (b) regulating the discharging and loading of petroleum from vessels to the shore or wharves and vice versa;
 - (c) prescribing the quantity or mode of storage of petroleum and the receptacles in which petroleum may be carried in any vessel, cart, truck or other vehicle and the quantities to be contained in such receptacles;
 - (d) providing for the examination and testing of petroleum and prescribing the tests to be applied to ascertain its flash-point and the method of applying the same;
 - (e) prescribing the quantity of petroleum which may be stored or kept in unlicensed premises and the manner of storing or keeping such petroleum;
 - (f) providing for the licensing of places in which petroleum is stored;
 - (g) prescribing the rules to be observed in any place where petroleum is kept, stored, used or conveyed whether licensed or not;
 - (h) prescribing the making of packages containing petroleum;
 - (i) prescribing licence fees and penalties not exceeding a fine of

one hundred penalty units for the breach of any such rules;

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

- (2) The power to make rules under this section with respect to petroleum includes the power to make rules with respect to any particular class of petroleum.

11 Penalty

Any person who acts in contravention of or fails to comply with the provisions of this Act shall be guilty of an offence and where no special penalty is provided shall be liable on summary conviction to a fine of two hundred penalty units.

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 81 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

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LIST OF LEGISLATION

Petroleum Act (Cap. 81)

<i>Constituent legislation:</i>	3 of 1939 (Commenced 18 May 1939)
	12 of 1940
	8 of 1965
	11 of 1970
	LN 46A of 1978

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

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LIST OF AMENDMENTS

s 8	amd by Act No. 14 of 2009
s 10	amd by Act No. 14 of 2009
s 11	amd by Act No. 14 of 2009