



ST. HELENA

CHAPTER 139

PETROLEUM ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

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Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

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CHAPTER 139

PETROLEUM ORDINANCE

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CHAPTER 139

PETROLEUM ORDINANCE

(Ordinance 7 of 1966, Legal Notices 12 of 1966 and 4 of 1967 and Ordinance 6 of 2016)

AN ORDINANCE TO REGULATE THE IMPORTATION, STORAGE AND HANDLING OF PETROLEUM.

Commencement

[1 January 1967]

Short title

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

Interpretation

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

“**Committee**” means a Council Committee;

“**dangerous petroleum**” means petroleum having a flash point which is less than seventy-three degrees Fahrenheit as ascertained in the manner set forth in Part (ii) of the Second Schedule to the Petroleum (Consolidation) Act, 1928 U.K.;

“**licensed building**” means a building in respect of which a licence to store petroleum therein has been granted under the provisions of this Ordinance;

This e-version of the text is not authoritative for use in court.

“ordinary petroleum” means petroleum other than dangerous petroleum;

“petroleum” means any kind of mineral oil, and any oil product or by-product made or obtained from petroleum, asphalt, coal, schist, shale, peat or lignite, or made from any petroliferous or bituminous substance:

Provided that the Governor may by order exclude from this definition such products of petroleum as he may deem expedient;²

“prescribed” means prescribed by regulations made by the Governor in Council in accordance with the provisions of section 16 of this Ordinance.

Import and export of petroleum

3. No person shall import or export petroleum except under and in accordance with the provisions of this Ordinance and of any regulations made thereunder:

Provided that petroleum contained on board any vessel or aircraft is properly constructed bunkers and receptacles and used solely as the propelling power of such vessel or aircraft shall not be deemed to have been imported or exported contrary to the provisions of this Ordinance.

Vessels carrying petroleum to comply with Harbour Master’s directions

4.³ **(1)** Every vessel carrying a cargo consisting wholly or in part of petroleum and entering or being in any port of St Helena shall conform to such directions in respect of the place at which it is to be anchored, loaded or discharged as may be issued generally for all such vessels or specially for any such vessel by the Harbour Master.

(2) If any such craft is anchored, loaded or discharged at any place in contravention of any such directions the owner and master of such vessel shall each be guilty of an offence.

Particulars of petroleum to be noticed before landing

5. (1) The consignee of any petroleum on board any vessel arriving in St. Helena shall within six hours of the arrival of such vessel furnish the Harbour Master with the following particulars—

- (a)* the quantity of such petroleum;
- (b)* what quantity, if any, of such petroleum is dangerous petroleum;
- (c)* the brands and marks of such petroleum.

(2) Any person importing into St. Helena any petroleum in contravention of this section shall be guilty of an offence.

² By L.N. 12/1966 such of the following products which have a flash point higher than 150 degrees Fahrenheit are excluded from the definition—

- bituminous tars;
- lubricating grease and oils;
- medicinal paraffin and other medical preparations derived from petroleum;
- paraffin waxes (including boot and shoe polishes, furniture polish, floor polish, candles);
- petroleum jellies (including vaseline, brilliantine)

³ Section 4 amended by Ord. 6 of 2016

Landing of petroleum

6. (1) All petroleum imported into St. Helena shall be landed under the supervision of a Customs Officer and shall, within such time as the Harbour Master may direct, be removed by the importer from the wharf and shall be stored in a licensed building or in a specially licensed tank or in a bulk storage installation approved by the Governor.

(2) Any person contravening the provisions of this section shall be guilty of an offence.

Smoking, etc. prohibited

7. Any person who smokes or has any naked light within thirty feet of any place where petroleum is being landed shall be guilty of an offence.

Licence to store petroleum

8. (1)⁴ The Council Committee may in accordance with the prescribed regulations issue a licence for any building to be used for the storage of petroleum.

(2) The Governor may in his discretion issue a special licence for any tank to be used for the storage of petroleum.

(3) Any person to whom a licence shall be granted under the provisions of subsections (1) and (2) who shall store petroleum otherwise than in accordance with the terms of such licence shall be guilty of an offence.

Storage of petroleum

9. (1) Save as expressly provided in subsection (2) all petroleum shall be stored in a licensed building or in a specially licensed tank.

(2) The provisions of subsection (1) shall not apply to petroleum kept and stored—

- (a) in supply pumps, in accordance with the prescribed regulations;
- (b) in the fuel tank of any internal combustion engine, including motor vehicles;
- (c) in garages and service stations, in accordance with the prescribed regulations;
- (d) in sealed tins or in stoppered bottles or in lamps for private use, where the quantity so kept does not exceed eight imperial gallons of dangerous petroleum or forty-five imperial gallons of ordinary petroleum;
- (e) for sale other than in supply pumps, where the quantity of petroleum kept does not exceed fifty imperial gallons of dangerous petroleum and two hundred and fifty imperial gallons of ordinary petroleum and such petroleum is kept in accordance with the prescribed regulations;
- (f) in drums or tanks for industrial use, where the quantity so kept does not exceed three hundred imperial gallons of ordinary petroleum;
- (g) in any bulk storage installation approved by the Governor⁵ and in accordance with the prescribed regulations;
- (h) in receptacles for transport, in accordance with the prescribed regulations;
- (i) in any place approved by the Council Committee which is not less than half a mile from any building.

⁴ Section 8(1) amended by L.N. 4/1967

⁵ St Helena Power Station (Parcel 77 Rupert's Valley) approved by Gazette Notice No. 42 of 13 April 2015

(3) The owner of any petroleum or any person storing petroleum which is stored otherwise than in accordance with the provisions of this section shall be guilty of an offence.

Licence to deal in or sell petroleum

10. (1) The Council Committee may grant a licence to any person to deal in or sell petroleum in accordance with the prescribed regulations.

(2) Any person—

(a) dealing in or selling petroleum who shall not be the holder of a licence issued under the provisions of subsection (1); or

(b) who, being the holder of a licence issued under the provisions of subsection (1), deals in or sells petroleum otherwise than in accordance with the terms of such licence,

shall be guilty of an offence.

(3) This section shall not apply to any person who deals in or sells petroleum so long as any petroleum kept for sale is kept in separate glass, earthenware or metal vessels, securely stoppered and containing not more than one pint each, and the aggregate amount kept would not if the contents of the vessels were in bulk exceed three imperial gallons.

Inspection of storage places

11. It shall be lawful for any police officer at all reasonable times and without notice to enter any place in which petroleum is kept or stored for the purpose of ascertaining whether the provisions of this Ordinance and the regulations made thereunder are being complied with.

Search

12. (1) A justice of the peace may, on reasonable cause assigned upon oath, issue a warrant under his hand for the searching in the day time any place in which petroleum is suspected to be kept contrary to the provisions of this Ordinance or of any regulations made thereunder.

(2) A sample not exceeding twenty-six fluid ounces of any petroleum or other liquid found in such place may be taken by the person executing the search.

Forfeiture of petroleum

13. The whole or any part of any petroleum kept or stored in contravention of the provisions of this Ordinance or of any regulations made thereunder may be seized by any police officer and upon complaint being made before the Magistrates' Court may be adjudged by such court to be forfeited to the Crown.

Penalty

14.⁶ Any person who commits an offence against this Ordinance shall be liable on conviction to a fine not exceeding £50,000 or to imprisonment for a term not exceeding six months.

⁶ Section 14 amended by Ord. 6 of 2016

Forfeiture of licence

15. If any person to whom a licence has been granted under the provisions of this Ordinance or of any regulations made thereunder shall be convicted of an offence against this Ordinance, such licence shall upon such conviction become void.

Governor in Council may make regulations

- 16.**⁷ The Governor in Council may make regulations—
- (a) with respect to the tests to be applied to petroleum to ascertain its flashing point and the methods of applying the same;
 - (b) to regulate the licensing and management of places for storing petroleum;
 - (c) to regulate the discharging and landing of petroleum;
 - (d) to regulate the transport of petroleum;
 - (e) to determine the receptacles in which petroleum may be carried or transported, and the quantity that may be contained in such receptacles;
 - (f) to determine the construction and materials of any place in which petroleum may be stored;
 - (g) to regulate the method by which petroleum may be stored in any place;
 - (h) to determine the materials and appliances to be used for preventing or extinguishing fires;
 - (i) to make provision for the protection of premises adjacent to places licensed for the storage of petroleum;
 - (j) prescribing the forms to be used and the fees to be charged in respect of any licenses issued under the provisions of this Ordinance;
 - (k) prescribing penalties not exceeding a fine of £50,000 or imprisonment for a period not exceeding six months for any breach of such regulations;
 - (l) generally, for carrying out the provisions of this Ordinance.

Application of Ordinance to inflammable substances other than petroleum

17. (1) The Governor in Council may by order declare that this Ordinance or any part thereof shall apply to such other inflammable liquid or substance as may be specified in such order, subject to any modification specified therein.

(2) Where any order relating to any liquid or substance is in force under this section, the provisions of this Ordinance thereby applied shall have effect as if such liquid or substance were included in the definition of “petroleum” in section 2 of this Ordinance, but subject to such modifications, if any, as may be provided by the order.

⁷ Section 16 amended by Ord. 6 of 2016

PETROLEUM REGULATIONS

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PETROLEUM REGULATIONS – SECTION 16

(Legal Notices 7 of 1978, 21 of 1987, 16 of 1994, 10 of 1998 and 26 of 2009)

Short title

1. These regulations may be cited as the Petroleum Regulations.

Definitions

2. In these regulations—
“Council Committee”⁸ ...
“paraffin” means paraffin oil as a product of petroleum being within the definition of “petroleum” contained in the Petroleum Ordinance;
“petroleum” means dangerous petroleum as defined in the Petroleum Ordinance;
“pump” where the context so indicates, includes the storage tank and all necessary fittings, pipes and hoses associated therewith;

⁸ Definition of “Council Committee” revoked by L.N. 26 of 2009

“**suitable container**” means, for the storage of petroleum, other than in pumps, a container made of metal, or of a plastic sold specifically for the storage of petroleum, which is not liable to break or fracture with impact. (The definition does not include bottles or containers made of fragile material, and these are specifically forbidden for the sale or storage of petroleum, but may be used for the sale or storage of paraffin.) All containers used for containing petroleum shall be fitted with air tight caps.

PART I
STORAGE OF PETROLEUM IN LICENSED BUILDINGS

Licensing of buildings for storage of petroleum

3. No building shall be licensed for the storage of petroleum unless—
- (a) the position thereof shall have been approved by the Chief of Police⁹; and
 - (b) the Civil Engineer or such other officer as the Governor may appoint shall have certified that such building is constructed in accordance with the provisions of regulation 4.

Construction of licensed buildings

4. (1) A building licensed for the storage of petroleum shall be constructed of non-inflammable material and shall have door-ways and other openings built up to a height of 60 cm above the level of the ground, or the floor sunk to a depth of 60 cm below the level of the ground, or a masonry wall or an embankment or both not less than 60 cm high around it:

Provided that the provisions of this subsection shall not apply to the Petroleum Store at West Rocks, Jamestown.

(2) There shall be exhibited on every such building so as to be visible from every side thereof a permanent notice or notices bearing the words “Danger Petroleum”.

Distance from other buildings

5. No building shall be licensed for the storage of petroleum unless such building is not less than 9 metres from the nearest building not being a building licensed for the storage of petroleum.

Storage of petroleum

6. All petroleum in a building licensed for the storage of petroleum shall be stored in accordance with such instructions, if any, as may be given by the Chief of Police¹⁰.

Leaking containers

7. Any containers in a building licensed for the storage of petroleum found to be in a leaking condition shall be dealt with in accordance with the instructions of the Chief of Police¹¹.

⁹ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

¹⁰ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

¹¹ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

Smoking and naked lights, etc prohibited

8. No person in a building licensed for the storage of petroleum shall—
- (a) smoke or have any naked light therein;
 - (b) have on or about his person any matches or implements for producing flame or fire;
 - (c) bring into such building any artificial light of any description except a light incapable of igniting any inflammable vapour outside of the lamp itself.

Fire precautions

9. In every building licensed for the storage of petroleum there shall be maintained to the satisfaction of the Chief of Police¹² an adequate supply of sand in suitable receptacles to be used in case of fire, or some effective type of foam extinguisher.

PART II

SALE OF PETROLEUM FROM PUMPS

Pumps to be licensed

10. No pump shall be used for the sale of petroleum unless such pump is licensed in accordance with these regulations by the Council Committee.

Fixed pumps: siting and construction to be approved

11. No fixed pump shall be licensed unless—
- (a) the position of such pump shall have been approved by the Chief of Police¹³; and
 - (b) the Civil Engineer or such other officer as the Governor may appoint shall have certified that such pump is constructed in accordance with the provisions of regulation 12.

Construction and capacity of fixed pumps

12.¹⁴ (1) Fixed supply pumps and the storage tanks to be used in connection therewith shall be constructed to a design and of a suitable material approved by the Civil Engineer and shall be fitted with hoses and couplings in good condition and without leaks. The air inlet shall be so arranged that the blast or explosion of any flame which may issue therefrom shall not impinge upon any part of the pump or tank or upon any inflammable substance.

(2) The storage tank in connection with any fixed supply pump shall be of a capacity not exceeding 13,500 litres and shall be embedded in such a way that the top thereof is at no part thereof less than 60 cms below the level of the surrounding ground:

Provided that where the capacity of the storage tank does not exceed 450 litres such tank may be placed in any building in the construction of which no inflammable material is used and which is approved by the Civil Engineer.

Moveable pumps: construction and storage

¹² Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

¹³ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

¹⁴ Regulation 12 amended by L.N. 21/1987

13. Moveable supply pumps, the tanks of which shall not exceed a capacity of 450 litres, shall be constructed to a design and of a suitable material approved by the Civil Engineer and shall be fitted with hoses and couplings in good condition and without leaks and may have glass measures. The air inlet shall be so arranged that the blast or explosion of any flame which may issue therefrom shall not impinge upon any part of the pump or tank or upon any inflammable substance.

Siting of moveable pumps

14. (1) Moveable supply pumps may be placed only in—
- (a) such position on the pavement or side-walk that they may be clearly seen by the public and the person in charge thereof; and
 - (b) such place or places as may be approved by the Chief of Police¹⁵.
- (2) Moveable supply pumps when not in use shall be stored in a place approved by the Chief of Police.

Supply pumps to be insured

15. No person shall sell petroleum from a fixed or moveable supply pump unless there is in force in relation to such pump a policy of public liability insurance for an amount of not less than £10,000.

Fire precautions

16. In the vicinity of every supply pump licensed for the storage of petroleum there shall be maintained to the satisfaction of the Chief of Police¹⁶ an adequate supply of sand in suitable receptacles to be used in case of fire, or some effective type of foam extinguisher.

PART III

STORAGE OF PETROLEUM IN GARAGES AND SERVICE STATIONS

Maximum quantity of petroleum that may be stored

17. A quantity of petroleum not exceeding 520 litres, exclusive of petroleum in the fuel tanks of motor vehicles, may be kept in a garage or service station in accordance with this Part of these regulations:

Provided that nothing in this regulation shall be deemed to prevent the storage of petroleum in a pump licensed under the provisions of Part II of these regulations.

Method of storing

18. All petroleum in garages and service stations, other than petroleum in the fuel tanks of motor vehicles, shall be kept in sound containers which shall be kept in a non-inflammable chamber fitted with a non-inflammable door, such chamber and door to be constructed to the satisfaction of the Civil Engineer in a place approved by him.

Storing of containers

¹⁵ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

¹⁶ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

19. All containers used for containing petroleum, whether containing petroleum or not, shall be kept in the chamber provided for in regulation 18.

Leaking containers

20. Any container in any garage or service station containing petroleum found to be in a leaking or damaged condition shall be immediately removed from the garage or service station to a place of safety in the open air.

Fire precautions

21. In every garage or service station in which petroleum is stored otherwise than in the fuel tanks of motor vehicles there shall be maintained to the satisfaction of the Chief of Police¹⁷ an adequate quantity of sand in suitable receptacles to be used in case of fire, or some efficient type of foam extinguisher.

Saving for private garages

22. Notwithstanding anything contained in regulations 17, 18 and 19, there may be kept in a private garage in addition to the petroleum in the fuel tank of any motor vehicle therein a quantity of petroleum not exceeding 36 litres, provided such petroleum is kept in a suitable container or containers.

PART IV

STORAGE OF PETROLEUM KEPT FOR SALE OTHERWISE THAN IN PUMPS, GARAGES OR SERVICE STATIONS

Maximum quantity of petroleum that may be stored

23. A quantity of petroleum not exceeding 250 litres may be kept for sale in accordance with this Part of these regulations.

Method of storing

24. (1) All petroleum kept for sale shall be stored in suitable containers.

(2) Where the quantity of petroleum kept for sale exceeds 90 litres it shall be kept and stored in a non-inflammable chamber fitted with a non-inflammable door, such chamber and door to be constructed to the satisfaction of the Civil Engineer or such other officer as the Governor may appoint, in a place approved by him.

(3) Subregulation (2) shall not apply to petroleum kept and stored outside the limits of Jamestown if such petroleum is kept and stored in a place not less than 6 metres from the nearest building, road or public footpath.

Leaking or damaged container

25. Any container found to be in a leaking or damaged condition shall be immediately removed to a place of safety in the open air.

¹⁷ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

Fire precautions

26. There shall be maintained to the satisfaction of the Chief of Police¹⁸ in the vicinity of any petroleum stored for sale an adequate quantity of sand in suitable receptacles to be used in case of fire, or some efficient type of foam extinguisher.

PART V TRANSPORT OF PETROLEUM

Method of transport

27. Petroleum, other than petroleum in the fuel tank of a motor vehicle, shall not be transported save in suitable containers approved by the Civil Engineer, and shall not be carried in the same compartment at the same time as any passenger is carried therein.

Construction of containers

28. (1) Receptacles used for the conveyance of over 18 litres of petroleum shall be of gas tight tinned or galvanised sheet iron or steel or of a design and material approved by the Civil Engineer containing each not more than 450 litres and fitted with well made filling holes and well fitted screw plugs or fitted with screw cap or under-cap.

(2) Receptacles shall be so substantially constructed and secure as not to be liable under circumstances of grave negligence or extraordinary accident to be broken or become defective, leaky or insecure.

Tank waggons and trailers

29. Tank waggons and tank trailers for the conveyance of petroleum shall be approved by the Civil Engineer or such other Officer as the Governor may appoint.

Precautions against interference by unauthorised persons

30. All due precautions shall be taken to prevent any unauthorised person, or persons, below the age of fifteen years, having access to any receptacle, tank waggon or tank trailer that contains or has contained petroleum or to the contents of such receptacle, tank waggon or tank trailer.

Responsible person to be in charge

31. Petroleum while being transported shall be in the charge of a person not below the age of fifteen years and such person shall take all necessary precautions to prevent such petroleum from ignition.

Transference of petroleum to other receptacles, etc

32. The transference of petroleum from any receptacle, tank waggon or tank trailer to any other receptacle, tank or container shall be conducted with every reasonable precaution

¹⁸ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Police

against the ignition, explosion or spilling of such petroleum; and no fire, flame, naked light or artificial light, other than a light incapable of igniting any inflammable vapour outside the lamp itself, shall be brought within dangerous proximity during the operation.

PART VI
LICENCES TO DEAL IN OR SELL PETROLEUM

Council Committee may grant licences

33. A licence to deal in or sell petroleum may be granted by the Council Committee at their discretion.

Premises to comply with regulations

34. Before granting a licence to deal in or sell petroleum, the Council Committee shall be satisfied that the applicant has made adequate provision on the premises on which petroleum is to be sold to enable him to comply with the provisions of these regulations governing the storage of the petroleum kept for sale.

PART VII
PARAFFIN

Application of previous regulation to paraffin

35. This Part of the regulations applies to the storage and sale of paraffin, and the following regulations concerning petroleum shall apply equally to paraffin, as if paraffin had therein been specified instead of petroleum. The regulations which apply to paraffin are:

Numbers 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 26, 33 and 34.

Separate storage of paraffin

36. Paraffin shall not be stored in the same compartment of any building with petrol, and reasonable measures shall be taken to ensure that petrol cannot be issued on sale instead of paraffin and vice versa.

PART VIII
MISCELLANEOUS

Licences, and fee payable

37. The various licences which may be issued at the discretion of the Council Committee are listed in Schedule 1, together with the fee payable in each case. Every licence shall be granted only in accordance with the provisions of these regulations, and be subject to the observance of any special conditions and shall, unless previously revoked or surrendered, expire on the 31st day of December next following the date on which it was issued.

No fee for government

38. No fee shall be charged for any licence granted to any department of the Government of St. Helena or of Her Majesty's Government in the United Kingdom.

Form of licences

39. Licences shall be issued in the multi-purpose form set out in Schedule 2, suitably modified to suit the circumstances of issue (e.g. multiple licences, various premises etc.).

Offences

40. Any person who contravenes or fails to comply with the provisions of these regulations or any instruction lawfully given thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding £100 or to imprisonment not exceeding six months.

Appeal

41. Any person aggrieved by the grant or refusal of a licence by the Council Committee may appeal within fourteen days of such grant or refusal to the Governor in Council and the decision of the Governor in Council thereon shall be final.

SCHEDULE 1

(Regulation 37)

TYPES OF LICENCES AND FEES

COLUMN 1 Item No.	COLUMN 2 Type of licence	COLUMN 3 Fee for licence
1	To store petroleum—	£5.50
2	To sell petroleum from a fixed pump—	£33
3	To sell petroleum from a moveable pump—	£2.20
4	To deal in and sell paraffin—for each premises where paraffin is dealt in and sold—	£1.10

SCHEDULE 2*(Regulation 39)*

PETROLEUM REGULATIONS

Form of Licence

1. Name of Licensee—
2. Address of Licensee—
3. Type of Licence
(delete where inapplicable)—
 - (a) to store petroleum;
 - (b) to sell petroleum from a fixed pump;
 - (c) to sell petroleum from a moveable pump;
 - (d) to deal in and sell paraffin.
4. Address or addresses to which Licence applies (except in respect of a Licence to sell petroleum from a moveable pump)—
5. Date of issue of Licence—
6. Date of expiry of Licence— The 31 December next following date of issue of Licence.

Signed for the Public Works and Services
Committee.
