

**ST HELENA**

**REVISED EDITION OF THE LAWS, 2017**

**INFRASTRUCTURE & PUBLIC UTILITIES**

**PETROLEUM ORDINANCE, 1966<sup>1</sup>**

*Ordinance 7 of 1966  
In force 1 January 1967*

*Amended by L.N. 12/1966 and L.N. 4/1967 and Ordinances 6 of 2016 and 14 of 2017*

*Subsidiary legislation:*

**PETROLEUM REGULATIONS, 1978**

*Legal Notice 7 of 1978 (in force 1 January 1979)*

*Amended by L.N. 21/1987, L.N. 16/1994, L.N. 10/1998, L.N. 26/2009, L.N. 24/2017 (w.e.f. 31 December 2017)*

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**PETROLEUM ORDINANCE, 1966**

**ARRANGEMENT OF SECTIONS**

1. Short title
2. Interpretation
3. Import and export of petroleum
4. Vessels carrying petroleum to comply with Harbour Master's directions
5. Particulars of petroleum to be notified before landing
6. Landing of petroleum
7. Smoking, etc. prohibited
8. Licence to store petroleum
9. Storage of petroleum
10. Licence to deal in or sell petroleum
11. Inspection of storage places
12. Search
13. Forfeiture of petroleum
14. Penalty
15. Forfeiture of licence
16. Governor in Council may make regulations
17. Application of Ordinance to inflammable substances other than petroleum

AN ORDINANCE to regulate the importation, storage and handling of petroleum.

**Short title**

1. This Ordinance may be cited as the Petroleum Ordinance, 1966.

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 30 June 2022.

## Interpretation

2. (1) In this Ordinance, unless the context otherwise requires—
- “**Committee**” means a Council Committee;
- “**dangerous petroleum**”, subject to subsection (2), means petroleum having a flash point which is less than 73 degrees Fahrenheit as ascertained in the manner set out Part (ii) of the Second Schedule to the Petroleum (Consolidation) Act, 1928 U.K.;<sup>2</sup>
- “**Harbour Master**” has the same meaning as in the Ports Ordinance, 2016;
- “**licensed building**” means a building in respect of which a licence to store petroleum in it has been granted under this Ordinance;
- “**ordinary petroleum**” means petroleum other than dangerous petroleum;
- “**petroleum**”<sup>3</sup> 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;
- “**regulations**” means regulations made by the Governor in Council under section 16.

(2) The Governor may by order exclude from the definition of “**dangerous petroleum**” any products of petroleum the Governor considers expedient.

## Import and export of petroleum

3. (1) Subject to subsection (2), no person may import or export petroleum except under and in accordance with this Ordinance and any regulations made under it.

(2) Petroleum contained on board any vessel or aircraft in properly constructed bunkers and receptacles and used solely as the propelling power of the vessel or aircraft is not deemed to have been imported or exported contrary to this Ordinance.

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<sup>2</sup> *The 1928 Act was repealed by the Petroleum (Consolidation) Regulations 2014 (S.I. 2014/1637) made under the Health and Safety at Work, etc. Act, 1974. The definition of ‘petrol’ in regulation 2 of those regulations is:*

“petrol” means petroleum or a mixture of petroleum with one or more substances which—

(a) is liquid or viscous at a temperature of 15°C and a pressure of 101.325 kPa (1013.25 mb); and

(b) when tested in accordance with Part A.9 of the Annex to Council Regulation (EC) No 440/2008<sup>(5)</sup> (laying down the test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals REACH), has a flash point (as defined in that Part) of less than 21°C;

<sup>3</sup> *By L.N. 12/1966 any of the following products that have a flash point higher than 150 degrees Fahrenheit are excluded from the definition of “petroleum”:*

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) A person who imports into St Helena any petroleum in contravention of this section commits an offence.

Penalty: As provided in section 14.

### **Vessels carrying petroleum to comply with Harbour Master's directions**

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

(2) If any vessel as mentioned in subsection (1) is anchored, loaded or discharged at any place in contravention of any directions given under that subsection the owner and master of the vessel each commits an offence.

Penalty: As provided in section 14.

### **Particulars of petroleum to be notified before landing**

5. (1) The consignee of any petroleum on board any vessel arriving in St Helena must within 6 hours of the arrival of the vessel notify to the Harbour Master the following particulars—

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

(2) A person who imports into St Helena any petroleum in contravention of this section commits an offence.

Penalty: As provided in section 14.

### **Landing of petroleum**

6. (1) All petroleum imported into St Helena must be –
- (a) landed under the supervision of a Customs Officer;
  - (b) removed by the importer from the wharf within a time the Harbour Master directs; and
  - (c) stored in a licensed building or in a specially licensed tank or in a bulk storage installation approved by the Governor.

(2) A person who contravenes subsection (1) commits an offence.

Penalty: As provided in section 14.

### **Smoking, etc. prohibited**

7. A person who smokes or has any naked light within 30 feet of any place where petroleum is being landed commits an offence.

Penalty: As provided in section 14.

### **Licence to store petroleum**

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

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

**(3)** It is an offence for a person to whom a licence is granted under subsection (1) or (2) to store petroleum otherwise than in accordance with the terms of the licence.  
Penalty: As provided in section 14.

### **Storage of petroleum**

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

- (2)** Subsection (1) does not apply to petroleum kept and stored—
- (a)* in supply pumps, in accordance with the regulations;
  - (b)* in the fuel tank of any internal combustion engine, including motor vehicles;
  - (c)* in garages and service stations, in accordance with the regulations;
  - (d)* in sealed tins or in stoppered bottles or in lamps for private use, if the quantity so kept does not exceed 8 imperial gallons of dangerous petroleum or 45 imperial gallons of ordinary petroleum;
  - (e)* for sale other than in supply pumps, if the quantity of petroleum kept does not exceed 50 imperial gallons of dangerous petroleum and 250 imperial gallons of ordinary petroleum and the petroleum is kept in accordance with the regulations;
  - (f)* in drums or tanks for industrial use, if the quantity so kept does not exceed 300 imperial gallons of ordinary petroleum;
  - (g)* in any bulk storage installation approved by the Governor<sup>4</sup> and in accordance with the regulations;
  - (h)* in receptacles for transport, in accordance with the regulations;
  - (i)* in any place approved by the Council Committee which is not less than half a mile from any building.

**(3)** It is an offence for the owner of any petroleum or any person storing petroleum to store it otherwise than in accordance with this section.  
Penalty: As provided in section 14.

### **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 regulations.

- (2)** It is an offence for a person—
- (a)* who deals in or sells petroleum to do so when not being the holder of a licence issued under subsection (1); or
  - (b)* who, being the holder of a licence issued under subsection (1), deals in or sells

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<sup>4</sup> *St Helena Power Station (Parcel 77 Rupert's Valley) approved by Gazette Notice No. 42 of 13 April 2015 and St Helena Government Bulk Fuel Installation operated by Solomon and Company (St Helena) PLC (Parcels RV0031, RV0037, RV0047 and RV0082 Rupert's Valley) approved as bulk storage installation by Gazette Notice No. 159 of 30 June 2022*

petroleum otherwise than in accordance with the terms of the licence.

Penalty: As provided in section 14.

(3) Subsection (1) does 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 3 imperial gallons.

### **Inspection of storage places**

11. Any police officer may at all reasonable times and without notice enter any place in which petroleum is kept or stored for the purpose of ascertaining whether this Ordinance and regulations made under it are being complied with.

### **Search**

12. (1) A Justice of the Peace may, on reasonable cause shown on oath, issue a warrant under his or her hand for the searching in the day time of any place in which petroleum is suspected to be kept contrary to this Ordinance or any regulations.

(2) A sample not exceeding 26 fluid ounces of any petroleum or other liquid found in a place searched pursuant to a warrant under subsection (1) 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 this Ordinance or of any regulations may be seized by any police officer and upon complaint being made before the Magistrates' Court may be adjudged by the court to be forfeited to the Crown.

### **Penalty**

14. A person who commits an offence against this Ordinance is liable on conviction to a fine of £50,000 or to imprisonment for 6 months, or both.

### **Forfeiture of licence**

15. A licence granted to a person under this Ordinance or any regulations made under it becomes void if that person is convicted of an offence under this Ordinance or the regulations.

### **Governor in Council may make regulations**

16. 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 tests;
  - (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 regulate the receptacles in which petroleum may be carried or transported, and

- the quantity that may be contained in such receptacles;
- (f) to regulate 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 regulate 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 this Ordinance;
- (k) prescribing penalties not exceeding a fine of £50,000 or imprisonment for a period not exceeding 6 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 of it applies to any other inflammable liquid or substance specified in the order, subject to any modification specified in it.

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

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## **PETROLEUM ORDINANCE, 1966**

### **PETROLEUM REGULATIONS, 1978**

(Section 16)

#### TABLE OF CONTENTS

1. Citation
2. Definitions

#### PART I

#### STORAGE OF PETROLEUM IN LICENSED BUILDINGS

3. Licensing of buildings for storage of petroleum
4. Construction of licensed buildings
5. Distance from other buildings
6. Storage of petroleum
7. Leaking containers
8. Smoking and naked lights, etc prohibited
9. Fire precautions

#### PART II

#### SALE OF PETROLEUM FROM PUMPS

10. Pumps to be licensed
11. Fixed pumps: siting and construction to be approved
12. Construction and capacity of fixed pumps
13. Moveable pumps: construction and storage
14. Siting of moveable pumps
15. Supply pumps to be insured
16. Fire precautions

### PART III

#### STORAGE OF PETROLEUM IN GARAGES AND SERVICE STATIONS

17. Maximum quantity of petroleum that may be stored
18. Method of storing
19. Storing of containers
20. Leaking containers
21. Fire precautions
22. Saving for private garages

### PART IV

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

23. Maximum quantity of petroleum that may be stored
24. Method of storing
25. Leaking or damaged container
26. Fire precautions

### PART V

#### TRANSPORT OF PETROLEUM

27. Method of transport
28. Construction of containers
29. Tank waggons and trailers
30. Precautions against interference by unauthorised persons
31. Responsible person to be in charge
32. Transference of petroleum to other receptacles, etc

### PART VI

#### LICENCES TO DEAL IN OR SELL PETROLEUM

33. Council Committee may grant licences
34. Premises to comply with regulations

### PART VII PARAFFIN

35. Application of previous regulation to paraffin
36. Separate storage of paraffin

### PART VIII

## MISCELLANEOUS

37. Licences and fee payable
38. No fee for Government licence
39. Offences
40. Appeal

**Citation**

1. These regulations may be cited as the Petroleum Regulations, 1978.

**Definitions**

2. (1) In these Regulations—  
**“paraffin”** means paraffin oil as a product of petroleum as defined in the Ordinance;  
**“petroleum”** means dangerous petroleum as defined in the Ordinance;  
**“pump”**, where the context so indicates, includes the storage tank and all necessary fittings, pipes and hoses associated with the storage tank;  
**“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.

(2) The definition of **“suitable container”** in subsection (1) does not include bottles or containers made of fragile material. Such containers must not be used for the sale or storage of petroleum, but may be used for the sale or storage of paraffin.

- (3) All containers used for containing petroleum must be fitted with air tight caps.

**PART I**  
**STORAGE OF PETROLEUM IN LICENSED BUILDINGS**

**Licensing of buildings for storage of petroleum**

3. A building must not be licensed for the storage of petroleum unless—
  - (a) the position of the building has been approved by the Director of Police; and
  - (b) the Civil Engineer or another officer appointed by the Governor has certified that the building is constructed in accordance with regulation 4.

**Construction of licensed buildings**

4. (1) A building licensed for the storage of petroleum must be constructed of non-inflammable material and have doorways and other openings built up to a height of 60 cm above the level of the ground, or have 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.

- (1A) Subsection does not apply to the Petroleum Store at West Rocks, Jamestown.

(2) There must be exhibited on every building licensed for the storage of petroleum, so as to be visible from every side of it, a permanent notice or notices bearing the words

“Danger - Petroleum”.

### **Distance from other buildings**

5. No building may be licensed for the storage of petroleum unless it is at least 9 metres from the nearest building that is not a building licensed for the storage of petroleum.

### **Storage of petroleum**

6. All petroleum in a building licensed for the storage of petroleum must be stored in accordance with any instructions given by the Director of Police.

### **Leaking containers**

7. Any containers in a building licensed for the storage of petroleum that are found to be in a leaking condition must be dealt with in accordance with the instructions of the Director of Police.

### **Smoking and naked lights, etc prohibited**

8. A person in a building licensed for the storage of petroleum must not—
- (a) smoke or have any naked light in the building;
  - (b) have on or about his or her person any matches or implements for producing flame or fire;
  - (c) bring into the 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, an adequate supply of sand in suitable receptacles to be used in case of fire, or some effective type of foam extinguisher, must be maintained to the satisfaction of the Director of Police.

## **PART II SALE OF PETROLEUM FROM PUMPS**

### **Pumps to be licensed**

10. A pump must not be used for the sale of petroleum unless it is licensed in accordance with these Regulations by the Council Committee.

### **Fixed pumps: siting and construction to be approved**

11. A fixed pump must not be licensed unless—
- (a) the position of the pump has been approved by the Director of Police; and
  - (b) the Civil Engineer or another officer appointed by the Governor has certified that the pump is constructed in accordance with regulation 12.

### **Construction and capacity of fixed pumps**

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

**(2)** Subject to sub-regulation (3), the storage tank in connection with any fixed supply pump must be of a capacity not exceeding 13,500 litres and be embedded in such a way that the top of it is at no part of it less than 60 cms below the level of the surrounding ground.

**(3)** If the capacity of the storage tank does not exceed 450 litres the 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**

**13. (1)** Moveable supply pumps must -

- (a)* be constructed to a design and be of a suitable material approved by the Civil Engineer; and
- (b)* be fitted with hoses and couplings in good condition and without leaks.

**(2)** Moveable supply tanks -

- (a)* must not exceed a capacity of 450 litres;
- (b)* may have glass measures.

**(3)** The air inlet must be so arranged that the blast or explosion of any flame which might issue from it does 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)* a position on the pavement or sidewalk where they can be clearly seen by the public and the person in charge of the pump; and
- (b)* a place or places approved by the Director of Police.

**(2)** Moveable supply pumps when not in use must be stored in a place approved by the Director of Police.

### **Supply pumps to be insured**

**15.** A person must not sell petroleum from a fixed or moveable supply pump unless there is in force in relation to the 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 must be maintained to the satisfaction of the Director of Police 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.** (1) 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:

(2) This regulation does not prevent the storage of petroleum in a pump licensed under 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, must be kept in sound containers which must be kept in a non-inflammable chamber fitted with a non-inflammable door. The chamber and door must be constructed to the satisfaction of the Civil Engineer in a place approved by him or her.

**Storing of containers**

**19.** All containers used for containing petroleum, whether containing petroleum or not, must 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 must 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 must be maintained to the satisfaction of the Director of Police 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 regulation 17, 18 or 19, there may be kept in a private garage in addition to the petroleum in the fuel tank of any motor vehicle in the garage 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 must be stored in suitable containers.

**(2)** If the quantity of petroleum kept for sale exceeds 90 litres it must be kept and stored in a non-inflammable chamber fitted with a non-inflammable door. The chamber and door must be constructed to the satisfaction of the Civil Engineer or another officer appointed by the Governor, in a place approved by the Civil Engineer or that officer.

**(3)** Sub-regulation (2) does not apply to petroleum kept and stored outside the limits of Jamestown if the 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 must be immediately removed to a place of safety in the open air.

### **Fire precautions**

**26.** An adequate quantity of sand, in suitable receptacles to be used in case of fire, or some efficient type of foam extinguisher, must be maintained to the satisfaction of the Director of Police in the vicinity of any petroleum stored for sale.

## **PART V TRANSPORT OF PETROLEUM**

### **Method of transport**

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

### **Construction of containers**

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

**(2)** Receptacles must 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 must be approved by the Civil Engineer or another officer appointed by the Governor.

### **Precautions against interference by unauthorised persons**

**30.** All due precautions must be taken to prevent any unauthorised person below the age of 15 years from having access to any receptacle, tank waggon or tank trailer that contains or has contained petroleum or to the contents of any such receptacle, tank waggon or tank trailer.

### **Responsible person to be in charge**

**31.** Petroleum while being transported must be in the charge of a person not below the age of 15 years and such person must take all necessary precautions to prevent the petroleum from ignition.

### **Transference of petroleum to other receptacles, etc**

**32. (1)** The transference of petroleum from any receptacle, tank waggon or tank trailer to any other receptacle, tank or container must be conducted with every reasonable precaution against the ignition, explosion or spilling of the petroleum.

**(2)** No fire, flame, naked light or artificial light, other than a light incapable of igniting any inflammable vapour outside the lamp itself, may be brought within dangerous proximity during a transference 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 its discretion.

### **Premises to comply with regulations**

**34.** Before granting a licence to deal in or sell petroleum, the Council Committee must be satisfied that the applicant has made adequate provision on the premises on which petroleum is to be sold to enable the applicant 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. (1)** This Part applies to the storage and sale of paraffin, and the -regulations

listed in sub-regulation (2) concerning petroleum apply equally to paraffin, as if paraffin had been specified in them instead of petroleum.

- (2) The regulations which apply to paraffin are:  
Regulations 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 26, 33 and 34.

### **Separate storage of paraffin**

36. Paraffin must not be stored in the same compartment of any building with petrol, and reasonable measures must 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. (1) 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.

- (2) Every licence:
- (a) is granted only in accordance with these Regulations;
  - (b) is subject to the observance of any special conditions; and
  - (c) unless previously revoked or surrendered, expires on the 31st of December next following the date on which it was issued.

### **No fee for Government licence**

38. No fee is to 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 must 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. A person, other than a person performing a function under these Regulations, who contravenes or fails to comply with these Regulations or any instruction lawfully given under them commits an offence.

Penalty: A fine of £100 or imprisonment for 6 months, or both.

### **Appeal**

41. Any person aggrieved by the grant or refusal of a licence by the Council Committee may appeal within 14 days of such grant or refusal to the Governor in Council and the decision of the Governor in Council on the appeal is final.

**SCHEDULE 1**  
(Regulation 37)

**TYPES OF LICENCES AND FEES**

<u>Item No.</u>	<u>Type of licence</u>	<u>Fee for licence</u>
1	To store petroleum	£20
2	To sell petroleum from a fixed pump	£60
3	To sell petroleum from a moveable pump	£20
4	To deal in and sell paraffin; for each premises where paraffin is dealt in and sold	£20

**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:  
31st December next following date of issue of Licence.

Signed for the Council Committee

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