

LAWS OF SOLOMON ISLANDS

[1996 EDITION]

CHAPTER 81

PETROLEUM

**AN ACT RELATING TO THE CARRIAGE AND STORAGE OF
PETROLEUM**

[18th May 1939]

3 of 1939

12 of 1940

8 of 1965

11 of 1970

LN 46A of 1978

Short title

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

Interpretation

2. 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;

Cap. 121

"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.

Import and export at appointed places

8 of 1965, Sched

LN 46A of 1978

3. 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.

Restriction on import and export of petroleum

4.—(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.

Notice of arrival

5. 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.

Anchorage of vessels carrying petroleum

6. 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.

Storage

LN 46A of 1978

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

Powers of entry and inspection

11 of 1970

LN 46A of 1978

8.—(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 dollars.

(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.

Power to lay pipes, etc

LN 46A of 1978

9. 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.

Rules

LN 46A of 1978

10.—(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 dollars 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.

Penalty

11. 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 dollars.

CHAPTER 81 PETROLEUM

Subsidiary Legislation

THE PETROLEUM RULES (Section 10)

Rules dated
31-5-1939
9-4-1941
LN 36/1974
LN 61/1976
LN 73/1978

Title

1. These Rules may be cited as the Petroleum Rules.

Interpretation

2. In these Rules unless the context otherwise requires—

"flash-point" means the degree of temperature at which petroleum gives off an inflammable vapour upon being tested by the Abel close test apparatus;

"protected works" includes buildings in which persons dwell or assemble, docks, wharves, timber-yards, public roads and any other place not forming part of an installation which the Minister may by order declare as protected works, but does not include the time-keeper's or administrative office of an installation.

PART I
RULES TO BE OBSERVED UPON OR IN RESPECT OF ALL VESSELS
CARRYING PETROLEUM

General precautions

3. All due precautions, whether prescribed or not, for the prevention of accidents by fire or explosion shall be taken, and no act shall be performed or permitted which tends to cause fire or explosion and is not reasonably necessary.

Duty of master, etc.

4. The master, owner, and agent of a vessel shall each be responsible for the due performance and observance of all rules applying to such vessel, and in no case shall the responsibility of one relieve the other or others of his or their responsibility.

Escape of oil

5. No petroleum or ballast water or water mixed with any petroleum shall be permitted to escape from or be discharged from any vessel into any inland or tidal water, and no liquid of any kind shall be discharged into any inland or tidal water from bilges, tanks, or other spaces which have contained any petroleum unless such tanks or spaces have been cleaned of petroleum, or such liquid has been freed from petroleum by means of a separating apparatus.

Strong retainers required

LN 36/1974

6. No petroleum shall be conveyed, loaded, or unloaded on, into or from any vessel in tanks or packages unless such petroleum is contained in packages from which the petroleum cannot escape in the form of liquid or vapour.

Motor cars, motor boats, etc.

7.—(1) No person shall ship or send in any vessel, any motor-driven vehicle, machine or boat using dangerous petroleum, unless the tanks and all engine connections thereof are empty and free from such liquid and vapour.

(2) No such vehicle, machine or boat shall, when in any vessel, have stored, placed or packed therein any dangerous petroleum, whether enclosed in a separate container or otherwise.

(3) No master shall knowingly receive or carry on board his vessel any motor-driven vehicle, machine or boat, in respect of which the requirements of this rule have not been complied with.

(4) This rule shall not apply to motor-driven launches or boats which form part of the equipment of the vessel; but no dangerous petroleum shall be carried or allowed to remain in any such launch or boat when on board, or swung outboard in the davits of the vessel, otherwise than in closed and air-tight tanks or containers which are in good order and free from leaks.

Loading of petroleum on passenger vessels

8.—(1) No vessel shall, at the same time as she is carrying passengers, carry any dangerous or ordinary petroleum except on deck and away from passengers.

(2) No vessel shall, at the same time as she is carrying passengers, carry more than eight gallons of dangerous or ordinary petroleum, if carried by case, or twenty gallons, if carried by drum, for each ton net register, provided that where a vessel carries such petroleum partly by case and partly by drum, the maximum amount of such petroleum shall not exceed the amount allowed if such petroleum were carried only by drum. This rule does not apply to petroleum carried solely for the purpose of fuelling such vessel.

Fires and lights in oil tanks prohibited

9. No fires or lights (other than approved electric filament lamps or approved self-contained electric lamps) shall be permitted in the oil tanks of any vessel. In this rule "approved" means approved by the British Board of Trade or the American Bureau of Standards.

Smoking

10. No person shall smoke in or on the vessel during the loading or unloading of petroleum.

Locomotives not permitted within fifty feet

11. No locomotive on which steam is generated by combustion in open fires shall be permitted on any railway track within fifty feet of any vessel carrying dangerous petroleum.

Prompt discharge

12. No vessel carrying petroleum as cargo shall be berthed alongside any wharf unless such vessel is ready to discharge and to continue to discharge such petroleum and arrangements have been made by the consignee immediately to receive such petroleum.

Officer to be in charge

13. A responsible officer of the vessel shall be on duty day and night to give effect to these Rules.

Chipping, scraping or hammering prohibited

LN 36/1974

14. Iron or steel hammers or other instruments capable of causing a spark shall not be used for the purpose of opening or closing hatches or tank lids of a vessel carrying, loading or unloading dangerous petroleum. Chipping, scraping or hammering of iron or steel on the vessel is prohibited when any hold which contains or has recently contained dangerous petroleum is open, or while there is any dangerous petroleum on deck.

Watchman at gangway

15. A watchman shall be stationed at each gangway leading on to the vessel to prevent smoking, to prevent unauthorised access to the vessel, and to warn every person that petroleum is being loaded or unloaded by the vessel.

Display of notices

16. Notices, warning the crew and all persons on board or coming on board the vessel that smoking or any practice likely to cause fire is prohibited, shall be displayed in conspicuous positions on the vessel and on the gangways of such vessel.

Ventilation of stowage spaces

17. Proper and efficient ventilation for the place of stowage shall be provided and, when required, outlet ventilators passing through the deck and terminating just below such deck and inlet ventilators extending to the bottom of the holds from above the upper deck shall be fixed. All outlet and inlet ventilators shall be covered with wire gauze.

Ventilation of holds before unloading

18. All holds containing dangerous petroleum in packages shall be thoroughly ventilated before, and during, the time such dangerous petroleum is being unloaded.

Ventilation of holds after unloading

19. All holds from which dangerous petroleum in packages has been unloaded shall be thoroughly ventilated, and no fire or unauthorised light shall be permitted at or near a hold which recently contained dangerous petroleum until such hold has been thoroughly ventilated and made free from inflammable vapour.

Stowage

20. All petroleum loaded on the vessel shall be properly and securely stowed.

Marking of packages

21. All dangerous petroleum and ordinary petroleum in packages shall be properly marked or branded to indicate the nature of the petroleum, and all dangerous petroleum shall be marked "Highly Inflammable".

Engineer to be in charge

22. In addition to having a responsible officer on duty as required by these Rules, a crew to assist such officer and a competent member of the engine room staff shall be on duty at all times when dangerous petroleum is on board to be available in case of emergency to operate the fire pumps or other fire extinguishing appliances.

Safety gauzes on opening to tanks

23. Wire gauze shall be fitted over all openings of tanks that contain, or have recently contained, petroleum in bulk, except during inspection or when samples or ullage measurements are being taken.

Pipes, hoses, etc., to be free from leakage

24. Pipes, hoses, pumps and other appliances used for the transferring of petroleum in bulk shall be maintained free from leakage and gastight, and, on the completion of loading or unloading, all gear shall be thoroughly freed from petroleum and the hoses disconnected from the shore pipe lines.

Loading or unloading in bulk

25. The following precautions in the loading or unloading of dangerous petroleum or ordinary petroleum in bulk shall be taken—

(a) hoses, constructed to be resistant to petroleum and maintained in good order, shall be used for connecting from vessel to shore installation;

(b) a non-return valve shall be placed immediately behind the connection between hose and shore installation pipe, or at the shore end of the installation pipe;

(c) when pumping ceases temporarily the valves on the vessel and on the shore pipe shall be closed;

(d) on completion of the loading or unloading, pipe lines under any wharf shall be thoroughly cleared of petroleum by flushing with water and shall be kept full of water;

(e) all openings in the tanks shall be closed and made gastight immediately on completion of loading or unloading.

Repairs or alterations to tanks

26. Such measures as are necessary shall be taken to free the tanks from inflammable vapours before any repairs or alterations are made to tanks or tank vessels in which petroleum is or has been conveyed, involving such operations as welding, cutting, boring, soldering or hammering which may produce heat or be liable to cause the ignition of inflammable vapours.

No smoking or matches within fifty feet

27. When petroleum is upon any wharf or in any place within fifty feet thereof, no person shall smoke or have in his possession or under his control any fire, or means of ignition, or light other than an approved safety lamp, within fifty feet of such petroleum.

PART II
RULES WITH REGARD TO THE STORAGE AND HANDLING OF
PETROLEUM

Maximum quantity on unlicensed premises

28. No person shall keep or store on unlicensed premises more than the following quantities of petroleum—

(a) in houses and buildings for domestic use only—

(i) dangerous petroleum in bottles or tins — 8 gallons;

(ii) ordinary petroleum in bottles or tins — 8 gallons;

(b) in garages or outhouses not less than 10 feet from a protected work—

(i) dangerous petroleum — 20 gallons;

(ii) ordinary petroleum — 20 gallons;

(iii) fuel oil — 44 gallons;

(c) in the open air and not less than 25 feet from a protected work in drums or barrels—fuel oil—up to 5,000 gallons;

(d) on a plantation or estate exceeding 10 acres, for private use and not less than 40 feet from a public road or land boundary—

(i) dangerous petroleum—500 gallons;

(ii) ordinary petroleum—500 gallons;

Maximum quantity on licensed premises

29. No person shall keep or store on licensed premises more than the following quantities of petroleum—

(a) in packages not exceeding 90 gallons—

(i) in fireproof compartment inside another building—200 gallons;

(ii) in a shed or outhouse not less than 10 feet from a protected work of fireproof construction, including an iron building with timber frames—
200 gallons;

(iii) in a shed not less than 25 feet from another building, boundary wall or protected work—unlimited;

(b) in underground tanks—

(i) under another building with top of tank below floor level—1,000 gallons;

(ii) under another building with top of tank below all floor levels within 20 feet—5,000 gallons;

(iii) in open air 10 feet from a protected work or boundary with top of tank below all floor levels within 25 feet—unlimited;

(c) in above-ground tanks—

(i) in tank 10 feet from boundary or a protected work—12,000 gallons;

(ii) in tank 15 feet from boundary or a protected work—12,000–24,000 gallons;

(iii) in tank 20 feet from boundary or a protected work—24,000–30,000 gallons;

(iv) in tank 25 feet from boundary or a protected work—unlimited.

Magazines

30.—(1) Magazines if inside another building or designed to store more than 200 gallons must be provided with a fireproof well 3 feet deep or be surrounded by a wall or embankment 2 feet high.

(2) Magazines shall be provided with adequate ventilation.

(3) A clear space of at least 3 feet shall separate storage sheds.

Underground tanks

31.—(1) All underground tanks shall be provided with a vent pipe not less than 1 inch diameter protected by gauze of 28 or smaller mesh.

(2) The end of this vent shall be 10 feet above ground and not less than 3 feet from any window, door or other opening.

(3) All underground tanks shall have at least 12 inches of cover and be provided with secure gastight fittings.

(4) All underground tanks if under another building shall be covered with reinforced concrete not less than 4 inches thick.

Above-ground tanks

32.—(1) The distance between above-ground tanks shall not be less than the following
—

Capacity

Up to 18,000 gallons...3 feet.

18,000–24,000 gallons...5 feet.

24,000–75,000 gallons...10 feet.

75,000–100,000 gallons...15 feet.

100,000–250,000 gallons...30 feet.

Unlimited.....50 feet.

(2) All above-ground tanks shall be surrounded by a bund of brick, stone, concrete or earth forming an enclosure capable of holding a volume of petroleum 5 per cent greater than the capacity of the tank or tanks.

(3) All above-ground tanks shall be adequately ventilated with screened ventilation of 28 mesh.

General

LN 36/1974

33.—(1) No magazine shall be within 50 feet of a locomotive, foundry, forge or other fire.

(2) Precautions shall be taken to prevent the escape of petroleum into any drain, creek or outlet to the sea, stream or river.

(3) No smoking shall be allowed within 50 feet of any tank.

Pipe line

34.—(1) All pumping mains and pipes connected with tanks shall be furnished with a means of stopping flow from such tanks in the event of any injury to the pipe lines.

(2) Pumping mains from wharves or vessels shall be kept filled with water when not in use, except where used exclusively for pumping fuel oil.

Pumps for petroleum

LN 36/1974

35.—(1) The position of every pump shall be approved by the Director of Public Works.

(2) No petroleum shall be allowed to remain in the "visible container" of the pump.

- (3) A fire extinguisher shall be kept on the premises where the pump is situated.
- (4) The engine of the motor vehicle being served shall not be left running.
- (5) No flame shall be brought within 10 feet during the process of delivery.

Tank waggons

- 36.—(1) No tank waggon shall exceed 750 gallons capacity.
- (2) Every tank waggon shall be provided with a 2-gallon fire extinguisher.
 - (3) No delivery shall be made except by stout hose having a liquid and gastight connection to the container into which delivery is made.
 - (4) The engine shall be stopped during filling and emptying operations.
 - (5) An electrical discharge line of 3/8" chain shall be provided touching the ground for 12 inches.
 - (6) No lights or smoking shall be allowed within 30 feet of any tank waggon.
 - (7) Every tank waggon shall be conspicuously marked "Danger Highly Inflammable" to an approved design.

Marking

37. Every bottle containing dangerous petroleum in quantity less than one gallon shall be conspicuously labelled or marked with the words "Danger Highly Inflammable".

Issue of licence

- 38.—(1) Every applicant for a licence shall specify—
- (a) description, quantity and manner of storage;
 - (b) name and locality of premises; and
 - (c) quantity to be kept in each tank or magazine.
- (2) In any case where the quantity exceeds 5,000 gallons—
- (a) a plan shall be furnished showing all premises within 100 feet; and
 - (b) all required particulars shall be furnished.
- (3) The form of licence shall be as in the Schedule hereto.
- (4) (a) A licence for any quantity not exceeding 5,000 gallons may be issued by a Provincial Secretary.

(b) A licence for any quantity exceeding 5,000 gallons shall be issued by the Permanent Secretary of the Ministry of Works and Public Utilities or any officer authorised by him in writing so to do.

(5) The fee for a licence shall be as follows:—

LN 61/1976

tank or magazine with capacity of 200 gallons or under	\$6.00
tank or magazine with capacity of more than 200 gallons and not more than 1,000 gallons	\$12.00
tank or magazine with capacity of more than 1,000 gallons and not more than 100,000 gallons	\$30.00
tank or magazine with capacity of more than 100,000 gallons	\$100.00

Provided that where there is more than one tank the fee payable shall be calculated on the aggregate capacity of such tanks and, for the purposes of this proviso, the expression 'tank' includes a magazine.

Penalty

39. Any person who acts in contravention of or fails to comply with any of the provisions of these Rules shall be guilty of an offence and shall be liable on summary conviction to a penalty of one hundred dollars.

SCHEDULE

THE PETROLEUM RULES

Licence to Possess Petroleum

(Rule 38)

No. Fee

Licence is hereby granted to for the storage in the premises described below, of gallons petroleum, subject to the conditions prescribed by the Petroleum Rules.

This licence shall expire on the 31st December next following the date of issue hereof, and may be renewed on application being made for this purpose not less than fifteen days previous to the date of expiry.

Description of premises above referred to—

, 19 .

Date of issue.

Licensing Officer.

This licence is issued subject to the provisions of the Petroleum Rules, of which the holder admits cognisance.
